

CASE 014-AT-21

SUPPLEMENTAL MEMORANDUM #3

October 5, 2021

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance to establish beekeeping requirements as summarized in the full legal advertisement and summarized as follows:

1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honey bee”, “nucleus colony” and other related terms.
2. Add footnotes 29 to Section 5.2 Table of Authorized Principal Uses.
3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses.
4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new requirements for beekeeping.
5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to establish beekeeping in the R-1, R-2, and R-3 Districts.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

STATUS

Based on input received over the course of this case, the Zoning Administrator proposes numerous revisions to the text amendment. Attachment G is the revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated October 14, 2021, with the proposed revised text amendment included at the end. Changes are shown as follows:

*[Revisions for August 26, 2021 ZBA](#) **[Revisions for October 14, 2021 ZBA](#)

Highlights of the proposed revisions include:

Ordinance Section	Summary proposed change
Section 5.2, Footnotes 29 & 30	Allowing beekeeping in the R-1, R-2, and R-3 DISTRICTS and on lots with single or two-family dwellings in the R-4 DISTRICT
Section 7.8 A.	No limit on the number of non-resident employees for a beekeeping Home Occupation
Section 7.8 A.	Empty beehives may remain outdoors so long as they are upright and maintained
Section 7.8 D.1.	Four beehives, rather than three, allowed on a lot with a lot area of no more than 10,000 square feet, and one additional beehive and one additional nucleus colony allowed for each additional 2,500 square feet of lot area
Section 7.8 D.3.	Nucleus colony shall be moved, disposed of, or combined with an authorized colony within 45 days, rather than 30 days, after the date it is acquired except that any nucleus colony may be kept between August 15 and April 15 to mitigate winter bee losses
Section 7.8 E.	Less restrictive yard and separation requirements

Section 7.8 F.1.	Fencing enclosure required for more than two beehives, rather than for all beehives, and fencing may be waived by neighbors.
Section 7.8 F.1.	The fence may be replaced with a flyway barrier per Section 7.8 F.2. when the flyway barrier can serve the same purpose as a fence
Section 7.8 F.2.	Less restrictive flyway barrier requirements
Section 7.8 F.3.	Two continuous sources of water required for more than two beehives; up to two beehives require only one continuous source of water
Section 9.3.1 G.6.	Removed \$33 registration for the beekeeping home occupation

Attachment B is a summary of the meeting between Lesley Deem and P&Z Staff on August 24, 2021.

Attachment C is the email received from Rachel Coventry received August 26, 2021 that was distributed at the ZBA meeting that night.

Attachments D through F are ordinances and policies that were considered when making revisions to the original amendment.

The draft minutes from the August 26th ZBA meeting are available online at:
http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php.

ATTACHMENTS

- A Legal advertisement
- B Notes from P&Z Staff meeting with Lesley Deem on August 24, 2021
- C Email and photos from Rachel Coventry received August 26, 2021
- D Springfield, Illinois Hobby Beekeeping Ordinance (2012)
- E Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities (2019)
- F Bee a Good Neighbor Policy by Deborah Klughers, Certified Master Beekeeper dated November 18, 2019
- G Illinois Beekeeping Best Management Practices by Illinois State Beekeepers Association dated March 2018
- H Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated October 14, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021 and revised September 28, 2021

LEGAL PUBLICATION: WEDNESDAY, JULY 14, 2021**CASE: 014-AT-21****NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 014-AT-21

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, July 29, 2021 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honey bee”, “nucleus colony” and other related terms.
2. Add footnote 29 to Section 5.2 Table of Authorized Principal Uses for “AGRICULTURE” for the R-1, R-2, and R-3 Districts, that indicates that beekeeping shall be authorized per the requirements of Section 7.8.
3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses for “AGRICULTURE” for the R-4 and R-5 Districts, that indicates that beekeeping is not an authorized USE in the R-4 and R-5 DISTRICTS.
4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new requirements including but not limited to the following:
 - A. Beekeeping shall be authorized only as a home occupation and subject to the requirements of Section 7.1.1 except where the requirements of this Section are in addition to or exceed the requirements of Section 7.1.1, and shall be authorized by a Zoning Use Permit in accordance with Section 9.1.2 of the Zoning Ordinance prior to establishment.
 - B. All beekeeping shall be in compliance with the State of Illinois Bees and Apiaries Act and all beehives and/ or nucleus colony shall be registered with the Illinois Department of Agriculture.
 - C. Beekeeping shall be in compliance with the Champaign County Nuisance Ordinance.
 - D. Add a limit on the number of beehives that may be kept on a lot based on the area of the lot as follows:
 - (1) On a lot with no more than 10,000 square feet of area there shall be no more than three beehives and for each additional 10,000 square feet of lot area there may be one additional beehive; and

- (2) One nucleus colony shall be allowed for each authorized beehive provided that the nucleus colony is moved or combined with an authorized colony within 30 days; and
 - (3) Allow temporary housing of one swarm of honey bees for no more than 3 months from the date acquired, subject to notifying the Zoning Administrator.
- E. Add a minimum required separation between any beehive and/or nucleus colony and a lot line of 10 feet and 30 feet to any street right of way, improved alley, or access easement, and 30 feet to any structure on any adjacent lot.
- F. Add requirements for management practices as follows:
- (1) Add a requirement that any beehive and/or nucleus colony on any lot with 40,000 square feet or less lot area to be enclosed by a four-foot high fence or wall with a self-latching gate.
 - (2) Add a requirement for a minimum six-foot high flyway barrier for any beehive and/or nucleus colony located less than 16 feet from a lot line and require the flyway barrier to extend a minimum of 10 feet on each side of the beehive and/or nucleus colony.
 - (3) Add a requirement for a minimum of two sources of water to be continuously available in the apiary when honey bees are active outside a beehive. Each required water source shall be no further from a beehive or nucleus colony than one-half the distance to any other possible water source on any adjacent lot and shall allow honey bee access to water by landing on a hard surface.
- G. Add a requirement that any BEEKEEPING that exceeds any of the standards in paragraphs 7.8 D. through F. may be authorized by SPECIAL USE Permit.
5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to establish beekeeping in the R-1, R-2, and R-3 Districts.

All persons interested are invited to attend said hearing and be heard. Please wear a mask if you are not vaccinated. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JULY 14, 2021, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Notes from 8/24/21 meeting between P&Z staff and Lesley Deem

John Hall and Susan Burgstrom met with Lesley Deem at the Brookens Administrative Center on the afternoon of 8/24/21 and discussed the following parts of Case 014-AT-21:

- Section 7.8D. Number of beehives allowed. There was general agreement that the testimony to date indicated that allowing four to five hives per 10,000 SF lot would be more consistent with beekeeper practice than the proposed limit of three hives per 10,000 SF lot although Lesley Deem would prefer six hives per 10,000 SF lot. There was also general agreement that it was logical to allow additional hives on larger lots at a density similar to whatever is allowed on a 10,000 SF lot.
- Section 7.8E.1., the minimum separation to lot line. Lesley Deem said that the separation from “adjoining improved alley” concerned some beekeepers whose beekeeping lots bordered such alleys. Staff said that the 10 feet from all other lot lines could be reduced to 5 feet.
- Section 7.8E.2., minimum separation to structures. Lesley Deem thought that the proposed 30 feet minimum separation would be difficult to achieve on a narrow lot.
- Section 7.8F1., Fencing. There was general agreement that a four feet tall fence is not necessary and a shorter less expensive type of fence should suffice.
- Section 7.8F.2, Flyway barrier. The following were discussed:
 1. The flyway barrier could be waived if the land on the other side of the lot line is in an Agriculture zoning district.
 2. The differences between the original proposed flyway barrier and the flyway barrier used at the UI Pollinarium. Lesley Deem said that the flyway barrier used at the Pollinarium is much smaller (only four feet wide) than the proposed flyway barrier.
 3. If dense vegetation is used for the flyway barrier, 4 feet tall vegetation is quite expensive to plant in the beginning to establish the flyway barrier and a temporary fence could be used until the vegetation attains a four feet height.

RECEIVED

AUG 26 2021

To: Champaign County Zoning Board

From: Rachel Coventry

Questions for the board:

CHAMPAIGN CO. P & Z DEPARTMENT

1. Homeowner Association Covenants—could this issue not be remedied with a HOA covenant that would subject the homeowners in those neighborhoods to their own covenants, conditions, and restrictions that would allow the residents to rest knowing restrictions are in place?
2. If a complaint is received and the beekeeper nearest to the source is found NOT to be in violation then what? It sounds like enforcement of this ordinance would create a tremendous headache for Champaign County zoning. What level of county resources do you plan to allocate in order to determine where the offending bees come from? Are your people trained to track bees? To determine if they are observing domesticated bees rather than native bees? All of these issues—bee poop, bees in bird baths, stings, etc. will likely still occur whether domesticated beehives are regulated or not.
3. You asked at the last hearing for a solution outside of an ordinance and it sounds like Leslie Deem with the U of I pollinarium regularly helps with such issues. Also, the bee inspector assisted with the removal of the bees from the property in question. Would it not be wise to list them as resources on your page instead of establishing an ordinance to restrict an essential insect responsible for pollination of essential crops and for the production of honey?

My name is Rachel Coventry and I have been the beekeeper at Curtis Orchard for 10 years. Prior to that I was trained in beekeeping while in the Peace Corps in South America. I worked exclusively with Africanized honey bees. While they seemed quicker to sting me while I was working with them, I can tell you they are not the murderous “killer” bees that the media has portrayed them. The other good news is that they have not established a stronghold in this area. In South America the bees don’t overwinter south of 34 degrees S latitudes which roughly corresponds to Atlanta, GA. Most Africanized honey bees are found in the Southwestern US.

Source:

<https://extension.uga.edu/publications/detail.html?number=B1290&title=Africanized%20Honey%20Bees>

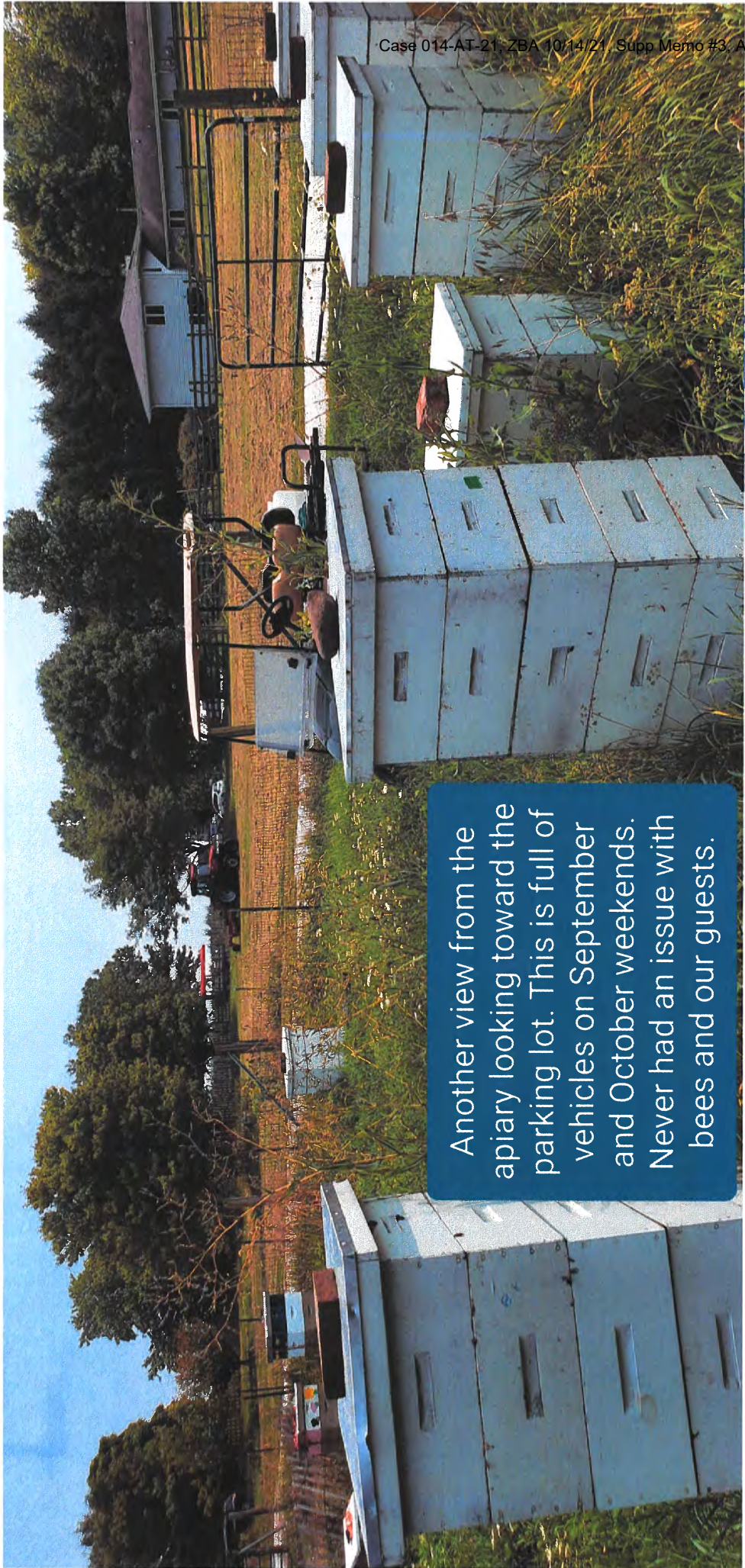
I currently maintain 13 hives at Curtis Orchard. The University of Illinois owns six of these and Maggie Wachter owns 4 of them. We have kept these hives in the same location within our parking lot and next to a driveway and walking path for the past 10 years. Hundreds of vehicles park near the hives and people regularly walk past as I am actively beekeeping. I have not experienced an issue and bystanders have not been stung. Over the years we have had hundreds of thousands of visitors and rarely have our guests been stung by any insect—I can remember maybe 6 stings in the last 10 years. I do provide 2 water sources near my hives, but don’t often see them drinking from it. One would assume they would be drawn to the cider and sodas that people drink throughout the property, but native species of bees are the ones drawn to these food sources. I’m thankful we are zoned agriculture since honeybees are essential to our business for their honey and the pollination services they perform. I would also like to mention that both my father and husband who work full-time on the property experience substantial reactions to bee stings. They take precautions to avoid stings, but realize that stings

are an inevitable part of life as there are many insects that sting and will sting whether we keep bees on the property or not.

Lastly, I live in a neighborhood that would fall under the new restrictions. I live within a quarter mile of the 23 hives I mentioned. I also have a pool. My pool is surrounded by flowers. In fact, I have many flowers throughout my yard because I want to attract all pollinators. While I see a honeybee occasionally, they are no more abundant than the frogs, crickets, flies, and other insects I find in my pool. Furthermore, there are at least 5 other pools within the same 1/8-1/2 mile of the 23 hives and I have not received complaints about bees in those pools either.

In closing, I do feel for the plight of Barney Bryson and the other neighbors who have had unpleasant experiences with honeybees, if indeed they are dealing with domesticated honeybees. I would encourage him and his neighbors to pursue his desire for restricting beekeeping with his HOA rather than pursuing this dragnet approach. A broad ordinance such as this will have far-ranging negative consequences at a time when the general population finally recognizes the essential work provided by pollinators, their declining numbers and the many threats they face. Who among us has not read the warnings from scientists about the decline of pollinators and the threat to our food supply? My recommendation for people who wish to avoid interactions with insects would be not to plant flowers that attract honeybees and stinging insects and if you put out a bird bath, recognize that you are providing water for many thirsty insects in addition to birds. I could get mad at the 2 frogs I pull regularly from my pool, but I know that to them it's just a big pond. How can I blame nature for doing what comes naturally? I also don't blame my next door neighbor who has a water feature that breeds these frogs, and how do I know for certain that banning my neighbors water feature would lead to no frogs in my pool.

This ordinance seeks to regulate an essential part of our ecosystem over a wide area. It would be unenforceable and would require resources we don't really have to make questionable and challengeable determinations as to when a violation has occurred and by whom. It has also been poorly and vindictively conceived because there is no proof that it would even remedy the problem it is supposed to address.



Another view from the apiary looking toward the parking lot. This is full of vehicles on September and October weekends. Never had an issue with bees and our guests.

RECEIVED

AUG 26 2021

CHAMPAIGN CO P & Z DEPARTMENT



water source 1 of 2.
bees use it but not all so
bees will continue to visit
other available sources

RECEIVED

AUG 26 2021

CHAMPAIGN COUNTY DEPARTMENT



walking path

apiary near neighborhood, driveway, parking lot, and walking path. Have not experienced issues.

RECEIVED

AUG 26 2021

CHAMPAIGN CO. P & Z DEPARTMENT

AN ORDINANCE AMENDING CHAPTER 91 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, BY ADDING SECTION 91.26 PERTAINING TO BEEKEEPING IN THE CITY OF SPRINGFIELD, ILLINOIS

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, Chapter 91 sets forth provisions for animal control; and

WHEREAS, the City Council has determined that honeybees can be maintained without causing a nuisance if the bees are properly and carefully managed; and

WHEREAS, the regulation of beekeeping in the City of Springfield is in the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1: That the City Council hereby amends Chapter 91 of the 1988 City of Springfield Code of Ordinances, as amended, to add the following section:

CHAPTER 91. ANIMAL CONTROL

§ 91.26. Beekeeping.

(a) For purposes of this section, the term "honey bees" shall mean bees of any stage of the type customarily raised for honey domestically; such bees are known as apis mellifera species.

(b) No person shall maintain any colony of honey bees, including honey bees, comb, honey, pollen and brood, anywhere in the city without complying with the following requirements:

(1) It shall be the duty of any person keeping honey bees on property in the city to maintain each colony so as not to create a public nuisance.

(2) Honey bee colonies shall, in addition, be maintained in the following condition:

(i) All honey bee hives shall be registered with the State Department of Agriculture as required by state law.

(ii) Colonies shall be maintained in movable-frame or similar hives.

(iii) Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging ten feet or more from the hive.

(iv) Lots having less than 10,000 square feet shall not have more than four hives.

(v) Hives shall not be located within five feet of any property line, public street, sidewalk, or alley except when situated behind a solid or filled-slat chain link fence or hedge four feet in height parallel to property line; such fence shall be within three feet of the hive and shall extend at least four feet beyond the hive in all directions or shall completely enclose the hives.

(3) Any other nest or colony of stinging insects, such as yellow jackets, hornets, other varieties of bees, and wasps, including Vespidae, in trees, buildings, underground, or in any other space, diseased colony of honey bees, or any colony of honey bees not maintained in compliance with this ordinance, constitutes a public nuisance. The existence of a nest of wild bees of any type, not cultivated by any person and whose honey is not harvested by any person, shall not constitute a violation of this ordinance, unless such nest is in such location as to present a threat of stinging to any person on any public street, sidewalk, mall, park or other public place, or to any person in any parking lot, sidewalk or other place open to the public in a shopping center or other privately owned property open to the public, or to any person on adjacent private property.

Section 2: The provisions of this ordinance are severable, and if any sentence, section or other part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

Section 3: That the City Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 3: That this ordinance shall become effective immediately upon passage and recording by the City Clerk.

PASSED: _____, 2012

SIGNED: _____, 2012

RECORDED: _____, 2012

Mayor J. Michael Houston

ATTEST: _____
City Clerk Cecilia K. Tumulty

Approved as to legal sufficiency:

**Requested by: Alderman Doris Turner
Alderman Cory Jobe**

Mark K. Hill 1 5/31/12

Office of Corporation Counsel / Date

ORDINANCE FACT SHEET

REQUEST FORM NO:

DATE OF 1ST READING: June 1, 2012

OFFICE REQUESTING: Aldermen Turner & Jobe

CONTACT PERSON: Joe Davis

PHONE NUMBER: 789-2151

EMERGENCY PASSAGE: No [X] Yes [] If yes, explain justification.

[Empty box for emergency justification]

TYPE OF ORDINANCE: Amend City Code

FISCAL IMPACT:

(If amending a previous ordinance, please attach a copy of the previous ordinance)

SUGGESTED TITLE:

AN ORDINANCE AMENDING CHAPTER 91 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, PERTAINING TO KEEKEEPING IN THE CITY OF SPRINGFIELD, ILLINOIS

Please list supporting documentation (i.e., contract, agreement, change order, bid book, etc.)

[Empty lines for supporting documentation]

CONTRACTOR / VENDOR NAME:

VENDOR NO:

CONTRACT TERM:

CONTRACT #

Change in Scope

Yes []

No []

CONTRACT AMOUNT:

(Original amount if change order)

Change Order #

Additional Amount

Method of Purchase (check one)

Previous Ord #'s

[] Low Bid

[] Other:

Is Purchasing Agent approval required? No [] Yes []

[] Low Bid Meeting Specs

[] Exception:

Is Purchasing Agent approval attached? No [] Yes []

[] Low Evaluated Bid

Code Provision:

Accounting information (if more than four accounts, please attach list)

REVENUE

Table with 6 columns: Fund, Agency, Org, Activity, Source, Amount. Rows 1-4.

EXPENDITURE

Table with 6 columns: Fund, Agency, Org, Activity, Object, Amount. Rows 1-4.

FUNDS CHECK BY:

Date:

DIRECTOR / SUPERVISOR SIGNATURE

Date:

CITY PURCHASING AGENT:

Date:

COMMENTS

Chapter 91 sets forth provisions for animal control and the City Council has determined that honeybees can be maintained without causing a nuisance if the bees are properly and carefull managed. This ordinance will add provisions to Chapter 91 regarding beekeeping.

SIGN OFF:

(Mayor's Signature)

(Director of OBM)

8214

MODEL ORDINANCE FOR THE KEEPING OF HONEY BEES IN PENNSYLVANIA MUNICIPALITIES



In joint consultation, the PA State Beekeepers Association, the Penn State Center for Pollinator Research and the PA Apiary Advisory Board have developed and endorsed this Model Ordinance for Beekeeping in Pennsylvania Municipalities

NOTE: This model ordinance for beekeeping provides a framework for regulating beekeeping and should only be adopted after a legal review by the municipality. Like any model ordinance, it should be reconciled with all existing ordinances that are affected by its adoption as well as tailored to an individual community's needs and concerns. This ordinance has been adopted in several municipalities and it is encouraged to seek guidance from the participating organizations for further information and assistance.

Please contact the Pennsylvania State Beekeepers Association (PSBA) with any questions or concerns. The PSBA is available and willing to attend meetings and hearings to work with municipalities in creating an ideal ordinance for their community based on this model ordinance.

Please keep in mind that the Right to Farm Act and the ACRE Law may have some influence on what can or cannot be enacted and/or enforced.

MODEL ORDINANCE LANGUAGE/Framework

I. Section 1. Intent

It is recognized that Honey bees are beneficial to humankind and to Pennsylvania in particular by providing both home garden and agricultural pollination services as well as furnishing honey, beeswax, and other useful products.

The purpose of this ordinance is to establish certain requirements for beekeeping within residentially zoned municipality.

II. 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 clearly indicates another meaning:

A. APIARY

Any place where one or more colonies of bees are kept at a single location.

B. AFRICANIZED HONEY BEE

Hybrids of the African Honey bee (Apis mellifera scutellata) with various European Honey bees that are aggressive compared to the European subspecies.

C. BEEKEEPER

A person who owns or has charge of one or more colonies of honey bees.

D. BEE

Any stage of the honey bee (Apis mellifera)

E. BEE DISEASE

Disease such as American Foulbrood or other actionable disease as determined by the Department of Agriculture

F. COLONY

An aggregate of honey bees consisting of workers, drones and a queen

G. HIVE

A receptacle or container, that includes modern moveable frames or combs, in which an active colony inhabits and exceeds a volume volume of 50 liters (i.e. a single standard Langstroth 9 5/8" deep body with 10 frames plus one additional hive body).

H. DEPARTMENT

Refers to the Pennsylvania Department of Agriculture, Bureau of Plant Industry

I. NUCLEUS COLONY

A hive that does not exceed the volume of 50 Liters (i.e. a single 10 frame standard 9 5/8" deep body or less)

J. HONEY BEE

All life stages, of the common domestic honeybee, *Apis mellifera* species ("European" honey bee).

K. FLYWAY BARRIER

A wall, fence, vegetation, hedge or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

III. Section 3. Standards of Practice

Honey bee apiaries are permitted [by right, by conditional use, by special exception] as an accessory use in [list residential zones] when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended) and subject to the following regulations:

A. Registration, Certification and Permits

1. No beekeepers may own or maintain an apiary within the municipality without first registering and maintaining a current permit for all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
2. A beekeeper owning or maintaining an apiary in the municipality shall promptly notify the Code Enforcement Officer or appropriate office without unnecessary delay, and in no event longer than 72 hours, if the Department revokes said apiary registration or if said registration has lapsed.
3. No beekeeper shall own or maintain an apiary within the municipality without first obtaining a registration permit from the municipality. An application for a one time registration permit shall be made in writing and upon supplied form or in such format as established by the municipality. The application shall be accompanied by a lot plan that includes the size of the lot, the location and number of hives, the location of the water source, the distance of the hives from any property lines, and, if required, the location of any flyway barriers. The issuance of a permit shall not obviate the necessity for compliance with all other municipal ordinances.

NOTE: No permit or fee is recommended, however, if a permit is required it is suggested that there be no fee or the fee does not exceed the amount or terms of the Department's Apiary registration fee.

4. The application for a municipal permit shall also be accompanied by written evidence that the applicant has completed a beekeeping educational course/program with a minimum of 8 hours of instructions or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club or a certified Master Beekeeper.

NOTE: there are no "certified" beekeeping classes

5. Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the municipality as part of the beekeeping registration application.

IV. Section 4. Location and Colony Density

Placement of an apiary on a residential property should conform to the following regulations so as to minimize and eliminate any possible concerns to adjoining neighbors:

A. Hive Location and Density

1. Location of hives must comply with the following criteria:

a) Hives shall not be located within 10 feet of any side or rear property line unless a flyway barrier is in place or the hive(s) are located at least 10 feet above grade

b) Hives shall not be located within a front yard.

c) Hives shall not be located within 50 feet of a pre-existing swimming pool or a pre-existing kenneled animal.

d) Apiaries are not permitted within 10 feet any buildings located on adjacent properties.

B. Maximum Number of Hives.

1. For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives.

a) *Exceptions:*

A beekeeper may exceed these regulations under the following conditions:

- (1) As part of normal honey bee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to 45 days between April 15 and August 15th, two nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
- (2) For each allowed hive, a single nucleus hive may be kept from August 16th to April 14th to allow a beekeeper to mitigate winter bee losses
- (3) Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of section 4b and shall not exceed the number of hives active at the time of the ordinance and shall be confirmed by the pre-existing apiary registration of the location as reported by the Department.

C. *Hive Density*

1. Consider reasonable hive densities for given locations. Factors influencing hive density in an area may include: human density, quality and quantity of plants, and number of bee hives already present. Beekeepers and educational venues with a beekeeping component may have varying numbers of colonies in an area depending on many factors including: normal agricultural operations, pollination and other contractual requirements, queen bee and/or nucleus colony production, honey production and educational needs.
2. The PA Apiary Advisory Board strongly recommends seeking expert advice from the Pennsylvania State Beekeepers Association, The Penn State Center for Pollination Research, The Pennsylvania Department of Agriculture, local beekeeping associations, universities and colleges with an apiary program in order to determine optimal hive densities. The Pennsylvania Pollinator Protection Plan is also a great resource and can be found at:

<https://ento.psu.edu/pollinators/pollin-spotlight-items/the-pennsylvania-pollinator-protection-plan-p4>

V. Section 5. Zoning

Apiaries may be located in any zoning district.

A. Hive Type, Orientation and Maintenance

1. All beekeepers shall comply with rules and regulations set forth by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended
2. All beekeepers, shall, to the best of their ability, maintain their colonies per the **Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania** as provided and amended by the Pennsylvania Apiary Advisory Board.
3. To the extent possible, hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least the six feet at the property line. The use of barriers may be employed to redirect the bees flight pathway and establish bee flight pathways above six feet. Should the flight path not be able to be obtained as described above, then a "flyway barrier" shall be placed at least six feet in height, shall be placed along side of the hive(s) that contains the entrance to the hive(s), shall be located within five feet of the hive(s) and shall extend at least two feet on either side of the hive(s). A "flyway barrier" shall consist of a fence, vegetation, hedge, or a combination thereof. No flyway barrier is required for hive(s) that are located greater than 10 feet from property lines or on porches, balconies or roof tops that are at least 10 feet above grade except on adjacent properties where such porch, balcony or roof is located less than 10 feet from a property line.

a) *Exceptions to Flyway Barrier*

- (1) A flyway barrier is not required if the property adjoining the apiary lot line is:
 - (a) *Undeveloped, or*
 - (b) *Zoned agricultural, industrial or is outside municipal limits, or*
 - (c) *Is a state game lands, state park, national forest, state forest, natural park, or conservation area and has no pre-existing human or horse trails located within 25 of the property line.*

4. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties between April 1- Nov 1

5. All beekeepers shall ensure that no bee comb or other materials that attract honey bees are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall be properly maintained in a sealed container or placed within a building or other bee proof enclosure, so long as bees are kept on the property.

VI. Section 6. Inspection

If an inspection is required as a result of a nuisance complaint, the designated municipal code enforcement officer will inspect the property only and not the bee hives. It is recommended that the state or local beekeeping organization be contacted to assist in understanding how the complaint arose and to what extent it is actually caused by the honey bees/beekeeper (i.e “bee” stings are often caused by yellow jackets, hornets and wasps and mistakenly blamed on honey bees because the honey bee colonies can be seen unlike many other aggressive stinging insects). A notice of 48 hours shall be given to the beekeeper prior to any inspection.

VII. Section 7. Nuisance

It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or purposefully interfere with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:

A. The use of receptacles for honey bees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended

B. Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health, and welfare of the general public.

This model ordinance is the result of proven beekeeping practices in Pennsylvania with hives in dense urban areas such as Pittsburgh and Philadelphia to the rural counties of central and northern Pennsylvania. These ordinances as written allow for beekeeping for the majority of residents who desire to pursue this rewarding hobby.

85% of all beekeepers in Pennsylvania maintain less than 10 colonies on their property.

The PA Apiary Advisory Board strongly recommends seeking expert advice from the Pennsylvania State Beekeepers Association, The Penn State Center for Pollination Research, The Pennsylvania Department of Agriculture, local beekeeping associations, universities and colleges with an apiary program in order to determine optimal hive densities. The Pennsylvania Pollinator Protection Plan is also a great resource and can be found at:

<https://ento.psu.edu/pollinators/pollin-spotlight-items/the-pennsylvania-pollinator-protection-plan-p4>

Important Links:

PA State Beekeepers Association

www.pastatebeekeepers.org

PA Department of Agriculture. Bureau of Plant Industry

https://www.agriculture.pa.gov/Plants_Land_Water/PlantIndustry/Entomology/Apiary/Pages/default.aspx

PA Pollinator Protection Plan

<https://ento.psu.edu/pollinators/pollin-spotlight-items/the-pennsylvania-pollinator-protection-plan-p4>

Penn State Center for Pollinator Research

<https://ento.psu.edu/pollinators>

BEE A GOOD NEIGHBOR!

Beekeepers should strive to avoid neighborhood and community conflict by implementing beekeeping practices that help to prevent honey bees from becoming a real (or imagined) threat to others.

The following are suggested practices for bee-ing a good neighbor when keeping honey bees. In order to "keep" honey bees you must be able to get to them. Place your hives in a location where you have easy year round access. If you cannot get to your bees, small issues can become big problems, leading to neighbor conflict and/or unhealthy bees. Remember that you will (hopefully) be harvesting honey, which is heavy, as well as lugging containers of food and other supplies to the bees, so easy access to your hives is important.

Before you decide on a location to place your hives, find out if there are animals such as livestock, horses, domestic pets, or animals that are chained up and in close proximity to where you want to place the beehives. Honey bees do not usually bother other animals, but chained up animals cannot escape if they are frightened, harassed, or attacked by the bees. Either place the hives in a different location or arrange to unchain the animal(s). For areas with heavy foot traffic, place something a few feet in front of the hives (tall bushes, fencing, statue...) to direct the bee line up and over where the people walk. A small fence surrounding the bee hives is also a good way to keep people a safe distance from the bee hives. Placing signs around the apiary alert people that there are honey bees in the vicinity and to stay away from the area is always a good idea. Safety first is bee-ing a good neighbor.

Four or fewer colonies of honey bees are recommended for each one-quarter acre of land. Too many honey bee colonies in one area could cause each colony to not have adequate forage. Check the surrounding area and find out what will be available for the honey bees to forage upon, and plan accordingly. Place the hives ten feet or more from the lot line. If your set back is more than ten feet, use the set back distance whenever possible.

Face the entrance of the hive away from the lot line. If the hive is within 10 feet from the lot-line and must face the lot line, place something tall (fence, tall bushes, a statue) a few feet in front of the hive so as to direct the beeline up, rather than out. Good neighbors mind their bee-lines!

Try to place hives in an inconspicuous area, or screen them with a fence or bushes. (Out of sight out of mind!) Screening can also act as a wind break, which is helpful for cold wind and wind blown rain. Keep in mind that a wind break is not adequate defense against very heavy winds, falling trees, or animals knocking a hive over. For this reason, strap each colony with a ratchet strap to hold it together in case it gets tipped over. Use two straps for added safety. Imagine the buzz that a tipped over colony of honey bees could cause in the neighborhood?!

Placing the hives in a location most suitable to honey bees will help keep them happy and healthy. Wet bees are dead bees, so be sure to choose a dry area on your property to place your hives. Also, do not place your hives in a low lying area of your property. Water can collect there and harm honey bees. It is often colder and damper in low lying areas, and you may have to move them in case of flooding, so it's best to avoid low lying areas.

A wind block is a good idea, especially in especially very windy areas or to help alleviate wind blown rain and cold winter wind. Also, try to put the hives in a location where they will receive early morning sun and late day shade. The early morning sun gets the bees up and out to work early, while the late day shade is mainly for the beekeeper. Afternoon shade makes working your hives on a hot summer day easier and

more enjoyable, but full sun tends to be better for the bees in terms of pests, disease, and increased honey production. Depending on what part of the country you live in, you may not have the option (or need) for shade.

Colony health is important not only to the honey bees you manage, but to other honey bees in the neighborhood. Be a good neighbor to other colonies in your community by keeping your honey bees free of pests and disease. Pests and pathogens can spread to other colonies, making fellow beekeepers and neighboring colonies unhappy and unhealthy. Check colony health regularly for signs of pests, disease, and treat accordingly. Do not leave old comb or other hive products outside. These items can draw in pests or other honey bees, and instigate robbing, which could kill the attacked colony or cause them to become defensive. Mind your beeswax and keep a tidy apiary.

Open the hive to inspect the colony on warm, sunny days, when most foragers are out foraging! Try to avoid inspections in the early morning, late afternoon, during cold weather (below 65° F), in rain, or overcast conditions, as more honey bees are in the hive at these times, and they can also be more defensive at these times. Make sure you have all the equipment you need before you open the hive. This makes inspections faster and more efficient, and with less open time. This can minimize stress on the colony, and your neighbors!

Before you begin your inspection, take a peek over to the neighbor's yard to make sure they are not outside, or hosting a party. If the neighbors are hosting a party or are out doing yard work, decide if the colony can wait for an inspection, or if you must open the hive immediately. Choosing another time to inspect the colony may be better than risking bothering the neighbors. Remember, your idea of honey bees "bothering" people may be very different than what your neighbor, or one of their friends or family perceives as bothering. A little courtesy goes long way to bee-ing a good neighbor.

Honey bees need water for many hive activities, including cooling the hive and diluting honey for consumption by the bees. In the summer, a colony can consume about a gallon of water per hive, per day. If water isn't readily available, they will find it. Sometimes a neighbor's birdbath, swimming pool, or even a garden hose can become a water source for bees, which can make some people upset. In order to alleviate this, make sure all hives in your apiary have a constant supply of water.

You can put out a few shallow containers with some rocks and shells in the bottom, and with beeswax or corks floating on top. One drop of vanilla extract can help the bees find the water. Once they do, they will keep going back to the same spot. For this reason, leave the water in one spot and refill it often. The bees will collect water from the sources you provide rather than the neighbors kiddy-pool or garden hose and will be good neighbors!

After extracting honey, the practice of placing wet supers outside for bees to clean may help the bees who clean them up, but it could interfere with neighboring or weak colonies, and cause them to become defensive. They can get robbed or even killed! Also, neighbors can become alarmed by lots of bee activity. Instead, place wet supers inside your hive(s) for a day or so, and let the bees clean it out in the comfort of their own hive. Simply place the wet super(s) on top of the hive and add inner/outer covers as usual. Be sure to remove these cleaned out supers after a few days unless you are in a strong nectar flow. After the supers are clean and dry, you can easily store them for future nectar flows. By placing wet supers inside your colonies rather than in the open, weaker colonies are spared robbing, honey bees don't exhibit defensive behavior and neighbors will not get upset about increased honey bee activity.

Advance planning is very good beekeeping practice. Stay ahead of colony growth and by looking for swarm indicators during inspections, especially in the spring. But remember, honey bees can swarm at

almost any time of the year. A bee's goal in life is not to make more bees, or tons of honey, it is to make more colonies. Bees do this by swarming, which is instinctual, but manageable. A swarm is a colony giving birth to a new honeybee colony. As beautiful as this is, it can be alarming to those who do not know about swarms or honeybees in general.

Practice swarm prevention as a way to help alleviate any conflict that a honeybee swarm may cause. Preventing swarms also keeps the bees you manage in your apiary, and alive! In many states it is legal to kill honey bee swarms. Most swarms do not make it on their own due to extermination by humans, not locating a suitable home, lack of forage, or winter kill. Save the bees and avoid neighbor conflict by practicing anti-swarm management techniques. Always put a bait hive in every one of your apiaries in order to catch your own swarms, or someone else's, before they become a problem. Place bait boxes throughout your community to catch even more swarms and help avoid community conflict.

A little crowding in the brood nest is fine, but an overly congested brood nest is not. Add honey supers if they seem crowded, or when 6-7 frames in the upper most box are drawn and covered in bees. If the brood nest is overly congested, backfilled with nectar, or has swarm cells, you can use the Demaree method of swarm control, split the colony, or add drawn comb or foundation in the brood nest and add more room above the brood nest. Be a good neighbor and keep your bees from swarming.

Some colonies can be split for desirable genetic traits such as gentleness, good honey yield, a prolific queen, and local adaptation, rather than just for swarm control. In addition, if you find the temperament of a colony to be overly defensive, you should requeen to introduce a more gentle variety of honeybee. Gentle bees keep neighbors happy!

And last, to sweeten the deal, give some honey or other products of the hive to your neighbors! Not only does this make them smile, but you can explain some of your beekeeping activities and answer any questions they have about honey bees and beekeeping. You never know, they may become a beekeeper one day. I believe we should have thousands of people with a few beehives each, rather than a few people with thousands of beehives. This helps spread the love of honey bees and beekeeping as well as the ecological servicing that they provide.

By Deborah Klughers
Certified Master Beekeeper
November 18, 2019

Illinois Beekeeping Best Management Practices

Illinois State Beekeepers Association

March 2018

INTRODUCTION

Beekeeping has become increasingly popular. Responsible management is therefore necessary. Under the Illinois Bees and Apiaries Act, the Illinois Department of Agriculture (IDoA) inspects honeybee colonies as a service to the beekeeping industry. The purpose of the inspections is to determine the general health of honeybee colonies. During the course of an inspection, IDoA Apiary Inspectors closely examine beehives to detect diseases and pests and to provide advice on needed treatments. Inspections are provided by the Illinois Department of Agriculture. To access more information concerning the Illinois Bees and Apiary Program, go to <https://www2.illinois.gov/sites/agr/Insects/Bees/Pages/default.aspx>

The Act also **requires** beekeepers to register their colonies with the IDoA. Registration is as simple as completing a brief one-page form and mailing it to the Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, IL 62794-9281. A registration certificate is provided to beekeepers who register with the IDOA. There is also no charge for registering honeybee colonies with the IDoA. To download or open a PDF version of the registration form, go to the Beekeeper Registration Form link on the Bees and Apiary Program webpage link listed above or go to the below link to directly access the form. <https://www2.illinois.gov/sites/agr/Insects/Bees/Documents/beekeep.pdf>

BEST PRACTICES

Education

The first and most critical step in responsible beekeeping is education. All beekeepers should have a basic understanding of honeybee biology and basic beekeeping methods. The Illinois State Beekeepers Association (ISBA) also encourages all beekeepers to join the ISBA as well as a local association affiliated with ISBA. We strongly suggest that new beekeepers take a beginning beekeeping course and read several different beekeeping guides. Many local associations offer honeybee classes and/or will mentor beekeepers. Beekeepers should stay informed of recommended changes in beekeeping practices, threats to honeybee health and government regulations.

Colony Temperament/Queens

A colony's temperament is determined by its queen's characteristics. Any colony exhibiting unusually defensive behavior (stinging or attempting to sting without provocation) or an excessive swarming tendency should be requeened as soon as possible.

Beekeepers should evaluate their queens on a regular basis for performance and hive gentleness. Only queens of European origin should be used. Queens should only be obtained from the most reliable sources.

Illinois Beekeeping Best Management Practices

Illinois State Beekeepers Association

March 2018

Hive Placement

Beekeepers should comply with all homeowner association and local ordinances and regulations pertaining to beekeeping. Correct placement of hives is a very important consideration for responsible beekeeping. In urban and suburban settings, hives should be placed in a quiet area of the lot and not directly against a neighboring property unless a fence or dense plant barrier of four feet or higher forms the property boundary. Hives should be kept as far away as possible from roads, sidewalks and rights of way. Flight paths into the hive should remain within the owner's lot. Barriers, including fencing, hedges and shrubs more than four feet high may be used to redirect the bees' flight pattern.

Beekeepers are encouraged to post signs to alert neighbors and passersby to the presence of their hives; generally, it is best to place such signs so that they are only in view when the public would otherwise be able to view the hives.

Hive Management

Beekeepers should take into account that weather conditions influence bee behavior and should perform hive manipulations as quickly as possible with minimum disturbance to the bees.

Water Source

Beekeepers should ensure bees have access to water before locating them in their yard. Bees prefer a sunny place with surface moisture, for example wet sand or gravel or the edge of a birdbath. In very hot weather, bees require a large amount of water to maintain temperature and humidity within the hive.

Swarming

Swarming is natural honeybee behavior. Two primary causes of swarming are congestion and poor ventilation in the hive. To avoid these conditions, beekeepers should consider:

- Brood chamber manipulation
- Colony division
- Addition of supers for brood rearing and honey storage
- Replacement of old or failing queens

These and other swarm management practices are explained in detail in most good beekeeping textbooks.

Robbing Behavior

When nectar is scarce, honeybees may rob honey from other hives which makes them appear more defensive. Under such conditions, beekeepers should work hives for only short periods of time. Exposed honey outdoors often encourages robbing. All empty hive equipment should be removed or securely sealed. Areas used for honey extraction should be bee-proofed to prevent robbing situations.

Disease Control

There are a number of honeybee diseases and pests which cause concern for beekeepers. American Foulbrood is extremely contagious; beekeepers should be very cautious about mixing hive equipment and purchasing used equipment for this reason. It is incumbent on beekeepers to manage all disease and pests, including parasitic mites, to ensure colony health and honey quality.

Illinois Beekeeping Best Management Practices

Illinois State Beekeepers Association

March 2018

Aggressive Colonies

Any beekeeper who witnesses unusually defensive behavior should take the following steps:

- Contact the Illinois Department of Agriculture Apiary Inspector for your area <https://www2.illinois.gov/sites/agr/Insects/Bees/Pages/IDA-Apiary-Inspectors.aspx> or the IDoA's Apiary Inspection Supervisor at 217/782-6297.
- Requeen immediately with certified European stock
- Monitor requeened hive for continued defensiveness

Summary

Treating all honey bees with respect is a fundamental pillar of beekeeping as honey bees are indispensable and important to the human food supply.

DISCLAIMER

This document is and always will be a work in progress, intended for regular update and revision. It offers guidelines for responsible beekeeping in the State of Illinois but is not intended to provide legal advice.

DRAFT REVISED 10/14/21

014-AT-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{October 14, 2021}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

- 1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honey bee”, “nucleus colony” and other related terms.**
- 2. Add footnote 29 to Section 5.2 Table of Authorized Principal Uses for “AGRICULTURE” for the R-1, R-2, and R-3 Districts, that indicates that beekeeping shall be authorized per the requirements of Section 7.8.**
- 3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses for “AGRICULTURE” for the R-4 and R-5 Districts, that indicates that beekeeping is not an authorized USE in the R-4 and R-5 DISTRICTS.**
- 4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new requirements including but not limited to the following:**
 - A. Beekeeping shall be authorized only as a home occupation and shall be authorized by a Zoning Use Permit.**
 - B. All beekeeping shall be in compliance with the State of Illinois Bees and Apiaries Act and all beehives and/ or nucleus colony shall be registered with the Illinois Department of Agriculture**
 - C. Beekeeping shall be in compliance with the Champaign County Nuisance Ordinance.**
 - D. Add a limit on the number of beehives that may be kept on a lot based on the area of the lot as follows:**
 - (1) On a lot with no more than 10,000 square feet of area there shall be no more than three beehives and for each additional 10,000 square feet of lot area there may be one additional beehive; and**
 - (2) One nucleus colony shall be allowed for each authorized beehive provided that the nucleus colony is moved or combined with an authorized colony within 30 days; and**

(3) Allow temporary housing of one swarm of honey bees for no more than 3 months from the date acquired, subject to notifying the Zoning Administrator.

E. Add a minimum required separation between any beehive and/or nucleus colony and a lot line of 10 feet and 30 feet to any street right of way, improved alley, or access easement, and 30 feet to any structure on any adjacent lot.

F. Add requirements for management practices as follows:

(1) Add a requirement that any beehive and/or nucleus colony on any lot with 40,000 square feet or less lot area to be enclosed by a four-foot high fence or wall with a self-latching gate.

(2) Add a requirement for a minimum six-foot high flyway barrier for any beehive and/ or nucleus colony located less than 16 feet from a lot line and require the flyway barrier to extend a minimum of 10 feet on each side of the beehive and/ or nucleus colony.

(3) Add a requirement for a minimum of two sources of water to be continuously available in the apiary when honey bees are active outside a beehive. Each required water source shall be no further from a beehive or nucleus colony than one-half the distance to any other possible water source on any adjacent lot and shall allow honey bee access to water by landing on a hard surface.

G. Add a requirement that any BEEKEEPING that exceeds any of the standards in paragraphs 7.8 D. through F. may be authorized by SPECIAL USE Permit.

5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to establish beekeeping in the R-1, R-2, and R-3 Districts.

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*Revisions for August 26, 2021 ZBA ****Revisions for October 14, 2021 ZBA**

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2021, August 26, 2021, and October 14, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for the keeping of honey bees in residential areas.
 - A. Regarding the process used to create the draft amendment:
 - (1) The Zoning Administrator received and sought out model ordinances and other community ordinances that regulate beekeeping. The following ordinances were compared and used as a basis for developing the proposed amendment:
 - a. Minnesota Hobby Beekeepers Model Ordinance (2018);
 - b. Ohio State Beekeepers Association Model Ordinance (2018);
 - c. Village of St. Charles, Illinois;
 - d. Village of Whitewater, Wisconsin; and
 - e. Lake County, Illinois.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal

- (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 5.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 6.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 will *NOT IMPEDE* the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment seeks to address complaints that improperly maintained bee colonies have created safety concerns from some neighbors in residential districts in the county.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- (1) A summary of comments and petitions regarding the proposed ordinance amendment can be found in Attachment C to Preliminary Memo #1 dated July 20, 2021.

(2) The following is a summary of comments received since complaints were first received about honey bees:

- a. The following is a summary of testimony received at the July 5, 2018 Environment and Land Use Committee meeting, as shown in the approved minutes:

- (1) Neighbors in the Prairie View Subdivision northeast of Urbana complained about issues with bees.

- b. The following is a summary of testimony received at the October 8, 2020 Environment and Land Use Committee meeting, as shown in the approved minutes:

- (1) Diane Koch, Prairie View Subdivision, spoke on a problem with honeybees in the neighborhood due to several hives kept by a neighbor. She can't provide water for the birds without fear of getting stung. There are 50- 60 bees at a time in the bird bath and they take over the hummingbird and regular bird feeders. She is also concerned about her neighbors and the possibility of bee stings. Would like the bees to be relocated into a country setting instead of a neighborhood setting.

- (2) Barney Bryson, Prairie View Subdivision, talked about the excessive number of bees in their neighborhood due to the number of beehives kept by a neighbor. Also has a concern about the IL State Bee Association pursuing legislation relieving beekeepers of any liability of damage to property or injury to people. It's House Bill 2223. Health issues with bee stings are a concern. He has also gone to the

Urbana City Council and they stated that they would support anything that the county did.

- c. The following is a summary of testimony received at the November 5, 2020 Environment and Land Use Committee meeting, as shown in the approved minutes:
- (1) Sara (no last name) spoke in favor of residents being able to keep bees. Not even sure why this is even being discussed. She doesn't keep bees but thinks people should be able to.
 - (2) Annette Donnelly asked why we are trying to legislate pollinators. Thinks it egregious. Wonders what the county has against bees.
 - (3) Rachel Coventry, Curtis Orchard – her argument against regulation is it's impossible to know where the bees came from. Aren't we trying to encourage pollinators? Seems crazy to try to put in an ordinance for bees.
 - (4) Jason Bartell, Rantoul, Attorney/CPA and Beekeeper. Seems like this is a 2-party dispute and should not put rules on the entire county. Thinks the proposed ordinance is a step backwards and not forwards. This area is already regulated by the Illinois Department of Agriculture. Currently they are required to register the hive and GPS coordinates. Required to submit to hive inspections at any time. Environmental changes are happening rapidly, so practices will always be changing. Encouraged the committee to vote No.
 - (5) Steve Halfar stated that keeping bees is labor intensive and there are a lot of hurdles and difficulties in keeping bees. This ordinance would make it more difficult for beekeepers and would discourage people from keeping bees. He encourages the committee to vote no.
 - (6) Maggie Wachter, Master Beekeeper certified by University of Florida, Teaches Beekeeping at Parkland for last 8 years – In Illinois bees have particular problems as there aren't enough places for them to forage. They don't thrive the way they do in other states as there just aren't enough flowers. Be aware of the need to encourage people to keep bees. She's never had a problem with neighbors. Don't develop a policy based on one incident or disgruntled person.
 - (7) Tom Dillavou stated that by passing an ordinance we may be discouraging future beekeepers.
 - (8) N. E. Davis wanted to echo Mr. Bartell and the others. Maybe an issue for an HOA to handle.
 - (9) Robert and Bonnie Switzer are not beekeepers but have a neighbor who is. Proposed ordinance would make it more difficult for him to continue keeping bees. They have never had any problems. They have

a birdbath and have had no problems with bees gathering there. Encouraged the committee to not enact such an ordinance.

- (10) Ryan Shosted has been a beekeeper for almost 10 years. He has never had any complaints or problems. The consequence of having an ordinance would be fewer beehives in the county. Does this as a hobbyist and feels that an ordinance would prevent him, and others, from performing what is essentially a service to the community.
- (11) John Trefzger said there are over 400 species of bees in Illinois. They are only aggressive if you are getting into their honey or brood. That's when they get protective. In disagreement with having an ordinance.
- (12) Randy Graham encouraged the committee to vote no. We need to be encouraging of beekeepers. It seems ironic that this county, home of the U of I, a premiere land-grant university world renowned for ag research and part of that research has to do with pollinators, it would seem strange that we would propose this kind of legislation. We rely on pollinators for crop production. It would suppress the fostering of healthy bee populations.
- (13) Bryan Miller, Co-President of local bee club and Central Regional Director of the Illinois State Beekeepers Association. They will be keeping tabs on this issue to see how it goes. They mapped the honeybee genome at the U of I. They are doing amazing work with bees at the U of I. Disagreed with the need to have an ordinance.
- (14) Cole L. does beekeeping with his children; it's a family activity. An ordinance would clearly go against that. Would be hard to tell his kids they could no longer do this activity. He's against any ordinance that's against bees.

d. The following is a summary of communications received prior to the April 8, 2021 Environment and Land Use Committee meeting:

- (1) In a letter dated March 26, 2021 and received March 29, 2021, Barney Bryson, 2102 Barnes St, Urbana (Prairie View Subdivision), requested action in order for a growing number of people to be able to enjoy their property, in peace, and avoid damage to their homes, vehicles, and health.
- (2) In a letter dated March 23, 2021 and received with Barney Bryson's letter on March 29, 2021, Kenneth Mills, formerly of 2004 Barnes St, Urbana (Prairie View Subdivision), stated that his property values were negatively impacted by the bees next door, and his family and friends were stung in their yard.
- (3) In a letter dated March 27, 2021 and received March 30, 2021, Diane Koch, 2006 Burwell St, Urbana (Prairie View Subdivision), said that bees were again causing problems in her yard by infiltrating her bird

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baths and bird feeder. She requested that the bees be maintained by their keeper.

- (4) In a letter dated April 3, 2021 and received April 5, 2021, Robert and Joan Mathis, 2004 Burwell St, Urbana (Prairie View Subdivision), said that they have had problems with bees swarming their hummingbird feeders and bird baths. They have had visitors leave their property due to the bees, and have had neighbors get stung. The bees left yellow streaks on their cars, which is difficult to remove. They asked that beekeeping be kept in rural rather than residential areas.
- (5) In a letter dated April 5, 2021 and received April 6, 2021, Derald and Patsy Seeds, 2005 Barnes St, Urbana (Prairie View Subdivision), said that their great-grandchildren have been stung while swimming and playing in their yard. They have been bothered by the bees when they try to eat outside, and cannot fill their birdbath due to the bees. They have had the bees stain their cars, house and garage doors, which does not come off easily. They asked that their neighbor's beekeeping be limited and done in a non-residential area.
- (6) A petition signed by residents of Prairie View Subdivision and the Mary Lou Drive neighborhood to the east was received on March 29, 2021, asking the Champaign County Zoning Administrator and ELUC to amend the Zoning Ordinance pertaining to beekeeping on residential properties.
- e. The following is a summary of testimony received at the April 8, 2021 Environment and Land Use Committee meeting, as shown in the approved minutes:
- (1) Mr. Thorsland read the letter from Sue Stimson into the record regarding the bee situation in Prairie View Subdivision. She is a friend of Mr. Bryson and has been stung by the bees multiple times while at his home. She has had so many bee stings she is now having bigger reactions and it is recommended she have an Epi-Pen. She has a heart issue, so an Epi-Pen is not an option. Retirement plans they had have needed to be changed because the neighbor can't take care of her bees properly.
- (2) Derald Seeds sent in a letter regarding the bee issue in their neighborhood and just wanted to be sure it was received and would appreciate any help from the committee.
- (3) Barney Bryson sent in information on the bee issue. It's been brought to his attention that other neighborhoods close by are now being affected by the bees. The beekeeper not properly caring for the bees is having a damaging effect on their neighbors. He restated all the issues they are having with the bees.

- (4) Diane Koch spoke to the bee issue. She has had issues with the bees around her bird feeders and bird baths.
- (5) Joan Mathis sent a letter regarding the bee issue. She wanted to restate that they have lived there for 31 years and had not had a problem until after the beekeeper moved in. Feels that they are a residential area and not agricultural and the beehives are agricultural.
- f. The following is a summary of testimony received at the May 6, 2021 Environment and Land Use Committee meeting, as shown in the approved minutes:
- (1) Derald Seeds spoke to the bee issue. He sent Mr. Hall a picture today showing the mess the bees make on windshields and cars. It's hard to clean off; you have to use Windex with alcohol to get it off. He took his grandkids for a walk and the bees were terrible, so there is still an issue. The neighborhood would like to get it to a manageable level.
- (2) Barney Bryson appreciates that the effort is being made to move this on to the ZBA. He had a question about the ordinance that would be better asked and answered at the ZBA. He had no further comments tonight.
- g. The following is a summary of communications received prior to the July 29, 2021 ZBA public hearing for this case:
- (1) In an email received June 9, 2021, Leslie Revo opposed regulations against beekeeping in Champaign County.
- (2) In an email received June 23, 2021, Leslie McClintock opposed regulations against beekeeping in Champaign County because they would make it difficult and expensive for everyday people to participate in beekeeping. She said we need to support beekeeping and pollinators in our county, and the board should listen to the advice of knowledgeable entomologists before deciding.
- (3) In an email received June 24, 2021, Cassi Pearson opposed regulations against beekeeping in Champaign County because bees are important to our ecosystem.
- (4) In an email received June 24, 2021, Diane Kiddoo opposed requiring fencing with self-closing gates around be hives, saying it will make it difficult for the average home beekeeper to have colonies in their yards. She said that education and understanding will take the fear out of beekeeping.
- (5) In an email received July 1, 2021, Angela Arnott opposed regulations against beekeeping in Champaign County because bees are responsible for pollinating many of the crops grown in central Illinois. She offered resources regarding the importance of honeybees and the role beekeeping provides.

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- (6) In an email received July 1, 2021, Christopher Arnott opposed regulations against beekeeping in Champaign County because he believes the county should be as pollinator-friendly as possible.
- (7) In an email received July 2, 2021, Barbra Bleier opposed regulations against beekeeping in Champaign County because she feels that bees are a necessary part of their neighborhood ecosystem.
- (8) In an email received July 6, 2021, Stephen Dolan opposed regulations against beekeeping in Champaign County.
- (9) In an email received July 12, 2021, Benjamin Clegg opposed regulations against beekeeping in Champaign County because backyard beekeeping is a safe venture with important benefits and services to the rest of the community.
- (10) In an email received July 14, 2021, Annette Donnelly opposed regulations against beekeeping in Champaign County. She said that inhibiting site selection and mandating costly fencing would restrict beekeeping for all. She said that honeybees forage in a 3 mile radius from their hive, and that their ability to travel far for forage makes it challenging, if not impossible, to legislate.
- (11) In an email received July 15, 2021, Kate Kelly provided a list of sources on bee colony collapse and on methods for repelling honeybees from swimming pools. She thinks that the solution being offered to this problem seems worse than the problem.
- (12) In an email received July 15, 2021, Chris Harmon asked several questions about the proposed ordinance amendment. He asked how the changes would help increase the honeybee population, and how the changes would improve the pollination of crops.
- (13) In an email received July 15, 2021, Kate Kelly encouraged the County to support beekeeping in Champaign County because colony collapse disorder threatens our food production here and globally. She feels that regulating beekeepers to placate a neighbor with a swimming pool does not make sense. She feels that fencing would not be an effective answer because bees fly.
- (14) In an email received July 16, 2021, Chris Graham said that the amendment would make beekeeping more difficult and opposed its passage.
- (15) In an email received July 16, 2021, Dixie Jackson opposed regulations against beekeeping in Champaign County because hives pose no threat to neighbors, and we need more hives, not fewer to support healthy bee-pollinated crops, prairie restoration, and pollinator gardens.

- (16) In a letter received July 16, 2021, Charles Ledford opposed regulations against beekeeping in Champaign County because they are unnecessary and costly when beekeeping is already expensive. He said that the amendment is a classic example of government overreach, and the neighbors who are fighting over a few colonies need to find a way to settle their dispute without involving all other residents of Champaign County. He also submitted a change.org online petition to protect the pollinators that was signed by over 700 people.
- (17) In an email received July 19, 2021, Bill Studley said that the restrictions in the proposed amendment seem to be designed to discourage the establishment of small apiaries and the introduction of interested individuals to an activity that benefits many.
- (18) In an email received July 19, 2021, Lucas Shaffer opposed regulations against beekeeping. He said that there are wild honey bees in town, in trees, buildings and many other places, and we need more urban beekeeping now more than ever.
- (19) In a letter received July 19, 2021, Bruce Pea opposed regulations against beekeeping in Champaign County because he feels they will effectively eliminate hobbyist beekeeping in unincorporated Champaign County.
- (20) In a letter received July 19, 2021, Chris Mackey doubted the authenticity of the letter from Kenneth Mills that suggested Mr. Mills had an issue with bees, and said they never had any concerns about or problems with the bees at Rena Jones's home.
- (21) In a letter received July 19, 2021, Rena Wilson-Jones supported other beekeepers and provided context for the bee complaints and her responses. She said that she no longer manages honeybees in the defined zoning district described in the proposal, and therefore she will not be directly impacted by the decision since she took corrective action over two years ago. She said that since honey bees fly a foraging distance of at least a 1-2 mile radius (8,000 acres) from their hive, any of these unwanted visits to the neighborhood could be from surrounding colonies. She said she believes the proposed restrictions are unnecessary, and they would discourage current and future beekeepers.
- (22) A petition signed by 561 residents from various parts of the country opposed any amendment to the Champaign County Zoning Ordinance that would further regulate the keeping of honeybees anywhere in Champaign County.

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- h. The following is a summary of testimony received at the July 29, 2021 ZBA public hearing for this case:
- (1) Barney Bryson (Prairie View Subdivision) expressed support for the proposed beekeeping restrictions. He and visitors to his property have been stung, and bees have made his swimming pool unusable. He has had issues with bee frass on his cars, house, and windows. He said the onus should be on the beekeeper to sustainably maintain their hives so they don't cause a problem for neighbors.
 - (2) Bryan Miller is a beekeeper and said the Board had some bad information about bees and beekeeping, and said they should have just asked some of the beekeepers questions before proposing the amendment.
 - (3) Maggie Wachter is a master beekeeper and said that the residents of Champaign County have a long legacy of agriculture and encouraging and promoting their bees is part of their legacy as agriculture workers and human beings. She said that if there are regulations that are going to affect the beekeepers, then beekeepers should have integrated input.
 - (4) Annette Donnelly is a beekeeper and requested that the Board deny the restrictions to beekeeping and pollinators in Champaign County.
 - (5) Sara Brown expressed her support for Rena Wilson-Jones as a beekeeper and is against any restrictions on beekeeping.
 - (6) Joan Mathis is a neighbor who has had issues with bees in Prairie View Subdivision. She said that bees have been a nuisance when they have tried to sit on their front porch. She said that she has had bees in the birdbaths and hummingbird feeders. She said that they go to the bathroom on their cars, windows, siding on their house, and it dries like cement; it doesn't wash off nice, they have to scrub every spot. She said that she feels like beekeeping is not agriculture in the residential area and wants help with the problems created by bees in her neighborhood.
 - (7) Diane Koch is a neighbor who has had issues with bees in Prairie View Subdivision. She said that her situation is that she loves flowers and birds, so she has birdbaths and birdfeeder areas throughout her yard. She said that she is grateful that this year, for the first time in three years, the population of bees in her yard has been normal. She said that she doesn't have a hundred or more dead bees floating on top of her birdbaths, and she is not exaggerating. She said that she likes to sit out on her deck in the morning and have breakfast, but she can't do that; this season she can, but other seasons no. She said that she has been stung multiple times, because she works in her yard a lot, and so far, she has no allergies, thank goodness. She hopes for a good resolution for the neighborhood.

- (8) Ryan Shosted is a beekeeper and spoke on behalf of the Central Eastern Illinois Beekeeping Association (CEIBA). He is opposed to restrictions on beekeeping and wanted the beekeepers to have more input in the development of the proposed amendment.
- (9) Lesley Deem is the Director and teacher at the Pollinatarium on campus. She provided information on positive and negative aspects of the proposed amendment, and wanted the beekeepers to have more input in the development of the proposed amendment.
- (10) Christine Graham is a beekeeper and said she believes Champaign County should be proactive for bees and their beekeepers, not suppressive. She said it seems to her that this conflict between individuals has been resolved, and perhaps we need to think about not how to write a restrictive amendment.
- (11) Ben Clegg is a novice beekeeper and made observations about the development of the proposed amendment. He expressed concern that If the area affected by the proposed amendment is so small, what is the County actually trying to do with the amendment. He said that beekeeping is really hard especially in Illinois because the winter survival rate for bees can be as low as 50%. He said the proposed amendment only allows three hives, and that could be nearly a complete loss in one winter.
- (12) Robert Meyer is a beekeeper and professor at Parkland College in the Business and Agricultural Division. He has been a member of the Central Eastern Illinois Beekeeping Association (CEIBA) for 45 years.
- a. He wanted to point out is that there are about 500,000 acres of farmland in Champaign County, with about half of it being beans and half of it corn. He said if there are bees around, they increase the yield by about two bushels per acre, so if you think of beans being \$14 per bushel, you increase that by two bushels an acre, you've made the farmer \$28 richer. He said he did some math, it is almost \$10 million more in revenue that comes to the farmers that then gets spent on farm equipment and cars in town, and when someone buys a car, that makes a job for a salesman who can then buy groceries, so it trickles down to more than \$10 million. He said he tells them all of this because he is hoping that the rules they'll pass will encourage beekeeping rather than discourage it.
- b. He is going to guess that there are over 1,000 hives in Champaign County. He said around 500 are kept by beekeepers and another 500 are wild hives where they're in a tree or something. He said if you have a 1,000 hives, and each hive has 50,000 bees, you have maybe 50,000,000 bees flying around, so things are going to happen where occasionally, people are going to get stung or there's going to be bees in the

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birdbath or whatever. He thinks having a bunch of hives in a residential neighborhood is too much, and when CEIBA knows about this, they are going to address it. As far as he knows, no one in these subdivisions has more than ten hives in one place.

i. The following is a summary of testimony received at the August 26, 2021 ZBA public hearing for this case:

(1) Derald Seeds said that they have been in the Prairie View Subdivision neighborhood for about 40 years and they never had any problems with bees in the neighborhood until about six years ago. He said that family and friends have been stung. He said they have had problems with bee frass on their vehicles that does not come off easily, and their birdbaths covered with bees. He contacted Rena and Drew Jones about the problems, and they made suggestions, but the problems persist. He said that they are not against bees, and asked that the Board help limit the bees.

(2) Charles Ledford is a beekeeper. He said it is an expensive hobby; he thinks his expenses at that time were about 2,600 dollars for the year after setting up five new colonies. He said some might not be able to afford additional expenses for keeping bees, referring to the proposed permit fee. He said that they are here for a very limited purpose to attempt to solve a problem between a very small group of individuals. He said he thinks they all know that the amendment to the Zoning Ordinance will not solve this problem. He said the bees are probably going to continue going exactly where they have been going to get their water and this amendment will not change that. He said the amendment is written in a way that addresses problems that don't exist. He said the proposed requirement for supplying water could be stagnant water, which is a breeding ground for mosquitos, which brings Zika or West Nile. He said he has a strong view that the solution to this personal problem is not writing amendments to zoning laws, then amending something else, and having language that addresses problems that haven't even been talked about. He said that the local beekeeping association should come up with a set of best practices. He said that he thinks members would agree to following those best practices.

(3) Lisa Romero said that she has been keeping bees for seven years and she has nine hives in eight locations throughout Champaign, Savoy, and Bondville. She said that all of her other hives are on properties of homeowners who have requested that she puts a hive in their yard to help pollinators. She said that six of these hives are on properties with children, six of them are in neighborhoods, and five hives are within five feet of property lines. She said when she sets up a hive, she not only looks for a spot that works for the bees, but first and foremost a spot that will enable the bees to coexist with people. She said in every case, she requires that the homeowners speak with their neighbors to

get approval. She said that she, the homeowners, and their neighbors have been very successful at identifying a location and a setup that enables the bees to live symbiotically with humans. She said that she doesn't believe that the proposed guidelines do as good of a job at doing that, and in some cases would fall short of that. She said she doesn't know of any beekeeper that would put a hive in a location that was not agreed to by homeowners and neighbors. She said this proposal focuses on one specific beekeeper in one specific neighborhood and a complaint arising from this situation. She said she has issues with the guidelines, because they are not only unnecessary for the rest of the beekeepers, but they will also negatively impact them and their efforts to benefit pollinators.

- (4) Amanda Morgan said that the proposed requirements would be an extra financial burden, and some parts are not quite realistic, for example, keeping a nucleus colony for one month. She said she ordered a hive box to house a swarm they caught, and it took 2.5 months to arrive. She said her experience with bees and her neighbors is drastically different than what she is hearing from neighbors in Prairie View Subdivision. She said that she thinks that almost all beekeepers follow these best practices out of their love of what they do, it is a hobby that they enjoy. She said that it is something that is quite a financial investment for them, so they don't want to mess this up. She said that she does agree that best practices could be determined, and she would be more than happy to follow them. She thinks that the regulations proposed in the ordinance are very contradictory to what beekeeping is about.
- (5) Roger Faulkner said that he understands how important the pollinators are, and without pollinators the human race would be wiped out in as little as four years. He said that it is so important that they maintain as many hives as possible. He said that he thinks people would be surprised just how many hives that are around even without the beekeepers that are wild. He said the proposed ordinance wouldn't reduce the things that the Board is proposing to solve.
- (6) Rena Wilson-Jones said the passing of this amendment would be misdirected since she already moved her hives several years ago, it would negatively impact her fellow beekeepers and cause unnecessary burdens for the county. She said the established registration system through the Illinois Department of Agriculture works, so it seems the County's involvement is unwarranted. She said that the Board has heard from many that honeybees are such a vital component to their ecosystem. She said to have backyard beekeepers imposed with these restrictions will severely handicap their endeavors. She said with such dramatically declining bee populations due to several factors, such as disease, lack of forage, environmental chemicals, etc., they need to foster and encourage managed bee activities. She said that she no longer manages honeybees in the

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defined Zoning District described in the proposed amendment, and therefore she will not directly be impacted by the decision since she took corrective action two years ago. She gave her perspective on the personal situation as a beekeeper in Prairie View Subdivision, the efforts she made to move her bees in response to complaints, and how she has tried to use best management practices and be a good neighbor. She said she does not believe these proposed amendment restrictions are necessary and they will unduly discourage much needed current and future beekeepers.

(7) Joan Mathis has lived in the Prairie View Subdivision since 1988. She said that she is not against Ms. Rena Wilson-Jones and Mr. Drew Jones, who were neighbors on good terms for a long time up until they had this heavy bee problem. She said she has had problems with bee frass and stings. She said that she wants this to be solved in some way, they need sensible restrictions. She said that she admires the beekeepers that want to do this, and she admires the fact that they need beekeepers, but this has been a very difficult thing in their neighborhood.

(8) Barney Bryson gave his perspective on the problem between himself and his beekeeper neighbor, Rena Wilson-Jones. He defended his position that Ms. Jones had too many bees, and that the State Apiarist had confirmed she had 54 beehives, not 27, on her property at one time. He provided data on temperatures in February and pictures of bees he took at that time showing frass on his windshield and there were bees on his deck when he was sitting outside. He said the only thing the Board can do is regulate it, because the self-regulation is not working.

(9) Chris Graham said that the beekeepers are not here to simply defend Ms. Rena Wilson-Jones; she for one wants to see an optimal solution to the issue that has so detrimentally affected this neighborhood. She said she is here in hopes of being able to participate in finding a realistic and logical solution to a problem that involves a very small area in the county but has entire repercussions of the entire county. She clarified misconceptions about bees based on her beekeeping experience. She said that Ms. Lesley Deem is a teacher of beekeeping classes, Ms. Maggie Watcher is a master beekeeper, and Mr. Bryan Miller and Ms. Rena Wilson-Jones are longtime beekeepers, and she is sure there are others. She said that they would help create a solution or an amendment that would benefit all beekeepers. She suggested that the Board utilize their knowledge and expertise to brainstorm to find the best solution for all involved. She said that the State of Illinois Department of Agriculture also has apiary inspectors to help beekeepers with multiple bee problems, advice, and to handle complaints.

(10) Lesley Deem said that she runs the University of Illinois's Pollinarium or Pollination Learning Center at the south end of the Arboretum on campus. She said that she is trying to help mitigate things, answer questions, give information about bee behavior, and in the way things kind of work. She said that the beekeepers are hoping that the ordinance does not pass, and if it does pass, then the beekeepers appreciate that the Board and Staff are willing to listen and work with them. She said that if the ordinance is passed, it is not going to change the current situation. She said that she doesn't know how to help the neighbors who will be upset if the ordinance passes and things still remain exactly as they are. She said that there are hives that are across the road, there are hives on Perkins Road, and so there are other hives that are involved within flight distance of the neighborhood. She said that these were not all there when the homeowners moved in, so the numbers are never going to go back down to what they were used to be when they first moved in. She explained the State of Illinois registration form for hives, and how it can include multiple hive location for one beekeeper. She asked for clarification on what abatement would mean in the proposed Nuisance Ordinance amendment. She briefed the Board on her meeting with P&Z Staff on August 24, 2021.

(11) Kacey Nelson said that he lives in the R-3 District in Champaign County, and been a beekeeper for over seven years. He said that he is disappointed in the proposed amendment and he has not needed an ordinance to achieve his beekeeping without bothering neighbors for four years on a small residential lot when he lived in central Champaign. He said the proposed amendment would negatively affect and deter existing and aspiring beekeepers. He said that there are better ways to address issues than through amending with an ordinance, that is why he requests the amendment to not be enacted.

j. The following testimony from beekeepers is classified by sections in the proposed amendment; some of it may have been mentioned under public comments in parts a. through h. above:

(1) Regarding the number of beehives allowed:

a. In an email received July 16, 2021, Dixie Jackson said that hives pose no threat to neighbors, and we need more hives, not fewer to support healthy bee-pollinated crops, prairie restoration, and pollinator gardens.

b. In a letter received July 19, 2021, Bruce Pea said that putting a limit on the number of hives would affect a beekeeper's ability to help the community by removing swarms. He said that he has had up to four hives at one time on his property on Elm Street in Champaign.

c. At the July 29, 2021 ZBA meeting, several beekeepers commented how they don't want to overcrowd the bees, and

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that they manage their bees on different lots. They did not want a limit on the number of hives, and they thought their own expertise and judgment was sufficient to determine how many hives they were comfortable with on any give property.

- d. Bryan Miller testified on July 29, 2021 that he has 30 hives in Champaign and Urbana, with three to seven hives at each location. He said he thinks that four hives would be a good average, and he would be comfortable putting five hives on a 10,000 square feet lot.
- e. Maggie Wachter testified on July 29, 2021 that she has previously kept eight hives at her house on West Illinois Street behind a fence right next to Leal School and the bees never bothered anyone.
- f. Lesley Deem asked in her testimony on July 29, 2021, why doesn't the proposed amendment allow an additional three hives if a lot has an additional 10,000 square feet of lot area?
- g. At the August 26, 2021 ZBA meeting, Derald Seeds, a neighbor in Prairie View Subdivision, testified that he would like to limit the number of hives allowed on a property in residential areas.
- h. At the August 26, 2021 ZBA meeting, Roger Faulkner testified that he understands how important the pollinators are, and without pollinators the human race would be wiped out in as little as four years. He said that it is so important that they maintain as many hives as possible. He said that he thinks people would be surprised just how many hives that are around even without the beekeepers that are wild.
- i. A limited review of beekeeping ordinances found the following limits on the number of hives per property:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) recommends 2 colonies (beehives) on a lot of one-half acre or less and an additional 2 colonies per additional one quarter acre of lot area up to 8 colonies on one acre to 5 acres and no limit on 5 acres or more, and also one nucleus colony per beehive.
 - (2) The Ohio State Beekeepers Association Model Ordinance recommends 2 colonies (beehives) on 7,000 square feet or less and one additional colony per each additional 3,000 square feet, and also one nucleus colony per beehive.

- (3) The Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities recommends a limit of two hives for 2,000 square feet of lot area and an additional two hives for each additional 2,000 square feet of lot area, which would total 10 hives on 10,000 square feet of lot area, and also two nucleus colonies per beehive.
- (4) The Village of St. Charles IL allows no more than 2 beehives per property.
- (5) Whitewater, WI allows no more than three colonies (beehives) per property, and also one nucleus colony.
- (6) Lake County, IL allows two beehives on 10,000 square feet or less and one additional beehive for each additional 10,000 square feet, and also one nucleus colony per beehive.
- (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* to have no more than four colonies per each quarter acre of land.
- (8) As originally proposed, the amendment limit was three beehives on 10,000 square feet or less lot area, with one additional beehive for each additional 10,000 square feet of lot area, and also one nucleus colony per beehive. The Zoning Administrator revised the limit to four beehives on 10,000 square feet or less lot area and one additional beehive for each additional 2,500 square feet of lot area.
- (2) Regarding a swarm being allowed for no more than 3 months:
- a. In a letter received July 19, 2021, Bruce Pea said that if he already has the maximum number of beehives allowed by this proposed amendment and is fortunate enough to capture a swarm of free honey bees, according to the proposed amendment, instead of providing a safe and well managed home for these honey bees, he to get rid of them within 90 days of acquiring them. He said this adds cost to beekeeping because if he can't keep a free swarm, then he has to buy bees, which can cost more than \$100 for a packet.
- b. At the August 26, 2021 ZBA meeting, Amanda Morgan testified that it took 2.5 months to get a new hive box for a swarm they caught, so the limit on rehoming a swarm seems unreasonable.

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- c. A limited review of beekeeping ordinances found the following limits on the keeping of swarm colonies:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) recommends allowing a swarm colony for no more than 6 months in addition to other authorized beehives.
 - (2) The Ohio State Beekeepers Association Model Ordinance recommends allowing a swarm colony for no more than 30 days in addition to other authorized beehives.
 - (3) The Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities contains no standards for a swarm colony.
 - (4) St. Charles, IL has no standards for a swarm colony.
 - (5) Whitewater, WI allows a swarm colony for no more than 30 days in addition to other authorized beehives.
 - (6) Lake County, IL has no standards for a swarm colony.
 - (7) The American Beekeeping Federation in their *Bee A Good Neighbor* has no standards for a swarm colony.
 - (8) The proposed amendment allows a swarm colony for no more than 30 days.
- (3) Regarding proposed 30 feet separation between the hive and property line or principal structure on a neighboring lot:
- a. In a letter received July 19, 2021, Bruce Pea said that complying with all the proposed setbacks will pretty much guarantee the beehive being placed in a less than ideal location. Placing a beehive in a less than ideal location is bad husbandry, poor management, and puts fragile colonies under additional stress that will affect production, is unnecessary and most certainly not healthy for the bees.
 - b. At the July 29, 2021 ZBA meeting, Ryan Shosted said to transgress the property line or to have a particular distance from the property line, he doesn't know what the distance from the property line is going to do.
 - c. At the July 29, 2021 ZBA meeting, Lesley Deem said you can back a hive up close to the property line. She said it is not necessarily the closeness to the property line, but where the flight path is for your set of bees.

- d. A limited review of beekeeping ordinances found the following requirements and recommendations for separation to principal structures on adjacent lots:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) has no required separation.
 - (2) The Ohio State Beekeepers Association Model Ordinance has no required separation.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* requires a 10 feet separation to any building on adjacent property.
 - (4) St. Charles, IL has no requirement for a minimum separation to a building on adjacent property.
 - (5) Whitewater, WI requires a 30 feet separation to any principal structure on adjacent property.
 - (6) Lake County, IL requires a 30 feet separation to any habitable principal structure on adjacent property.
 - (7) The American Beekeeping Federation in their *Bee A Good Neighbor* has no recommended separation to a structure on adjacent property, but just a recommended separation to a property line.
 - (8) As originally proposed, the amendment required a 30 feet separation to any structure on adjacent property other than a garage or shed. The Zoning Administrator revised the amendment to require only 10 feet to any structure on an adjacent property except that no minimum separation is required when the bee opening to a BEEHIVE and/or NUCLEUS COLONY faces away from the lot line of that subject adjacent LOT.
- (4) Regarding a 4-foot high fence surrounding the beehives:
- a. In an email received June 24, 2021, Diane Kiddoo opposed requiring fencing with self-closing gates around be hives, saying it will make it difficult for the average home beekeeper to have colonies in their yards.
 - b. In an email received July 14, 2021, Annette Donnelly said that the fencing requirement would be expensive.
 - c. In an email received July 15, 2021, Kate Kelly feels that the proposed fencing would not be an effective answer because bees fly.

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- d. In an email received July 16, 2021, Chris Graham said a fence will not stop bees.
- e. In a letter received July 16, 2021, Charles Ledford said that he estimates one new hive costs an established beekeeper \$700, not including startup tools and equipment. He said that adding the proposed 4-foot fence for his three hives would cost between \$2,100 and \$3,000, and fencing his other four hives would more than double this cost.
- f. In a letter received July 19, 2021, Bruce Pea said that the proposed fencing would mean he will most likely have to place his beehives in a less than ideal location, and that will be an added expense.
- g. At the July 29, 2021 ZBA meeting, Maggie Wachter, master beekeeper, said that the discussion of a fence requirement is another example of incomplete beekeeping knowledge because many hives swarm and live in the wild often in trees; wild bees live around them everywhere. She also said that under different circumstances she advises differently, but in town she advises beekeepers to put up a six-foot privacy fence around the area where they keep their bees; so that they fly up and over the trees and back down.
- h. At the July 29, 2021 ZBA meeting, Lesley Deem, Director and teacher at the Pollinarium, said at the Pollinarium, they put a six-foot fence, only four-foot wide, and when the bees come out of their pipe, that forces them up and over the walking and driving path. She said having the fence directly in the flight path is the most important thing in the rules here; having the extra ten feet really doesn't help things a lot.
- i. At the July 29, 2021 ZBA meeting, Robert Meyer, beekeeper, said he looked into the cost of a fence they're talking about, and came up with \$2,600 for a 10 feet by 10 feet cyclone fence that would cover three hives. He said that he is not making enough to put a \$2,600 fence around his bees; he's not even sure he wants to pay the \$33 fee to register his hive.
- j. At the August 26, 2021 ZBA meeting, Lesley Deem testified that she had met with P&Z Staff and mentioned that regarding ten feet on each side of a beehive for the fence, the ordinance really doesn't need that either, they could have a smaller distance. She said that if the beekeeper wants them to fly over something, then they should put a six-foot fence in front of the flyway path to put the bees up and over a sidewalk or a road for example.

- k. A limited review of beekeeping ordinances found the following requirements and/or recommendations for fencing of apiaries in residential districts:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) does not require fencing.
 - (2) The Ohio State Beekeepers Association Model Ordinance does not require fencing.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* does not require fencing.
 - (4) St. Charles, IL has no required fencing.
 - (5) Whitewater, WI has no required fencing.
 - (6) Lake County, IL requires hives on lots less than 40,000 square feet in area to be enclosed by a four-foot high fence, wall, or hedge.
 - (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* to use a small fence to keep people a safe distance from beehives.
 - (8) As originally proposed, the amendment required the apiary to have a four feet tall fence with a self-latching gate. The Zoning Administrator revised the amendment to require fencing only for apiaries with more than two beehives and the required height was reduced to only three feet in height. The fencing material was clarified to be poultry netting or equivalent and the gate was not required to be self-latching. A waiver of fencing was also added provided that owners of all bordering lots sign a waiver releasing the fencing requirement and submit the waiver to the Zoning Administrator.
- (5) Regarding the 6-foot high flyway barrier if a hive is located less than 16 feet from a property line:
- a. In a letter received July 19, 2021, Bruce Pea said that the proposed flyway barrier would mean he will most likely have to place his beehives in a less than ideal location, and that will be an added expense.
 - b. At the August 26, 2021 ZBA meeting, Lesley Deem testified that she had met with P&Z Staff and mentioned how she thinks a flyway path is more important than the distance from the property line, so in her opinion a hive can back right up to

the property line, but usually she wants working and walking room behind the beehive. She said that four or five feet from the property line for her is fine, but it is where the beekeeper directs the flyway path that makes a bigger difference.

- c. A limited review of beekeeping ordinances found the following requirements and/or recommendations for flyway barriers for apiaries in residential districts:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) requires a flyway barrier for any beehive within 25 feet of a property line. The flyway barrier must be at least six-feet in height and extend 10 feet parallel to the lot line in either direction from the hive.
 - (2) The Ohio State Beekeepers Association Model Ordinance requires a flyway barrier for any beehive within 25 feet of a property line except that no flyway barrier is required if the adjoining land is undeveloped or zoned agriculture. The flyway barrier must be at least six-feet in height and extend 10 feet parallel to the lot line in either direction from the hive.
 - (3) The Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities requires a flyway barrier for any beehive that is closer than 10 feet to a lot line except that no flyway barrier is required if the adjoining land is undeveloped or zoned agriculture or industrial. The flyway barrier must be at least six-feet in height and shall be placed within five feet of the entrance to the hive and shall extend at least two feet on either side of the hive. A flyway barrier may be a fence, vegetation, hedge, or some combination thereof.
 - (4) St. Charles, IL has no required flyway barrier.
 - (5) Whitewater, WI requires a flyway barrier for any beehive that is within 30 feet of a property line. The flyway barrier must be at least six-feet in height and must extend at least ten feet on either side of beehive. The flyway barrier may be a solid or closely slatted fence (no more than three inches between slats), wall, dense line of vegetation, or some combination thereof.
 - (6) Lake County, IL requires a flyway barrier for beehives on lots less than 40,000 square feet in area when the bee opening to the beehive is oriented to an exterior property line. The flyway barrier shall be a six-foot high solid barrier of fence, wall, or dense shrub.

- (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* that something tall should be placed a few feet in front of a hive that is within 10 feet of and facing a property line so as to direct the beeline up.
- (8) As originally proposed, the amendment required a flyway barrier for any beehive located less than 16 feet from a lot line and the flyway barrier must be six-feet high and extend at least 10 feet on either side of the beehive and shall be a fence, wall, or dense vegetation. The Zoning Administrator revised the amendment to only require that the flyway barrier extend two feet past either side of the beehive (or nucleus colony) if located within 5 to 6 feet of the beehive opening. If it is not located in front of the beehive opening, the flyway barrier shall be located parallel to the nearest lot line for a distance of 8 feet on either side of the centerline of the beehive or nucleus colony, and no flyway barrier shall be required when the lot line borders land in the AG-1, AG-2, or CR DISTRICTS.
- (6) Regarding a minimum of two water sources:
- a. In a letter received July 19, 2021, Bruce Pea said that the proposed water sources would mean that he has to go and measure separation distance in his neighbor's yard, and he will be compelled to document to show that his water sources are in compliance with the proposed amendment's regulations.
- b. At the August 26, 2021 ZBA meeting, Charles Ledford testified that the water sources that are stagnant promote mosquito-borne illnesses such as West Nile and Zika, so the proposed ordinance would create a new problem.
- c. A limited review of beekeeping ordinances found the following requirements and/or recommendations for water sources for apiaries in residential districts:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) requires a convenient source of water so long as colonies remain active and outside the hive.
- (2) The Ohio State Beekeepers Association Model Ordinance requires a convenient source of water so long as colonies remain active and outside the hive, and the water source must be closer than a neighboring source of water where honey bees could become a nuisance.

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- (3) The Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities requires that a supply of fresh water be maintained readily accessible to all bee colonies on the site from April 1 to November 1.
- (4) St. Charles, IL requires a convenient source of water within ten feet of the beehive and requires the water to be maintained so as not to become stagnant.
- (5) Whitewater, WI requires two water sources to be continually filled with water when bees are active outside and at least one of the water sources shall be located within 20 feet of the beehives.
- (6) Lake County, IL requires a supply of water to be continuously available on the property and closer than water sources on any adjoining parcel. The water source shall allow bees access to water by landing on a hard surface. The water requirement is in effect from April 1 to November 30 or when temperatures exceed 55 degrees for three consecutive days.
- (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* that apiaries be provided with a constant supply of fresh water.
- (8) As originally proposed, the amendment required the apiary to have two sources of water to be continuously available in an apiary from April 1 to November 30 and all days in which temperatures exceed 55 degrees for three consecutive days, and to be located no further from a beehive than one-half the distance to any other possible water source on any adjacent lot. The type of water source to be provided shall be noted on the site plan. The Zoning Administrator revised the amendment to require two sources of water only in an apiary with more than two beehives; required that no water source be allowed to become stagnant or to become a breeding place for mosquitoes, and clarified that “continuously available” means that the water source shall not be allowed to run dry during daylight hours, but automatic refill using a connected water line or hose is not required.
- (7) Regarding the \$33 registration fee per property:
- a. In a letter received July 19, 2021, Bruce Pea said that the fee is another level of bureaucracy and expense to keep his bees.

- b. At the July 29, 2021 ZBA meeting, Robert Meyer, beekeeper, said that beekeeping is expensive, and the proposed restrictions would add costs. He said he's not even sure he wants to pay the \$33 fee to register his hive.
- c. At the August 26, 2021 ZBA meeting, Charles Ledford reviewed his expenses as a beekeeping hobbyist, and said that there are some people who might not be able to afford the \$33 registration fee.
- d. A limited review of beekeeping ordinances found the following requirements and/or recommendations for permit fees for apiaries in residential districts:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) does not require any fee.
 - (2) The Ohio State Beekeepers Association Model Ordinance does not require any fee.
 - (3) The Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities does not require any fee.
 - (4) St. Charles, IL has no required fee.
 - (5) Whitewater, WI has no required fee.
 - (6) Lake County, IL requires beehives in residential districts to be registered, but does not require a fee.
 - (7) The American Beekeeping Federation in their *Bee A Good Neighbor* does not mention fees for establishing an apiary.
 - (8) As originally proposed, the amendment required a \$33 fee for the permit for an apiary. The Zoning Administrator revised the amendment to not require a fee to make it similar to other Neighborhood Home Occupations.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:

- A. A classification which allows beekeeping on residential properties while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2021, August 26, 2021, and October 14, 2021,** the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1 through 10.

2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).

 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

DOCUMENTS OF RECORD

1. Legal advertisement for Case 014-AT-21
2. Preliminary Memorandum for Case 014-AT-21, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated September 28, 2020
 - C ELUC Memorandum dated April 26, 2021
 - D Public comments regarding problems with honey bees from the April 8, 2021 ELUC meeting
 - E Public handouts and a petition requesting adoption of a honey bee amendment from the April 8, 2021 ELUC meeting
 - F Public comments received between the May 6, 2021 ELUC meeting and July 19, 2021
 - G Example of petition sheets received the week of July 15, 2021
(full signature pages of petitions can be found on ZBA meetings website)
 - H Maps of Proposed Regulated Beekeeping Areas in unincorporated Champaign County created by P&Z Staff on July 12, 2021
 - I Land Resource Management Plan (LRMP) Goals & Objectives *(available on ZBA meetings website)*
 - J Proposed Nuisance Ordinance amendment *(not subject to revision or approval by ZBA)*
 - K Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated July 29, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021
3. Supplemental Memorandum #1 for Case 014-AT-21 dated July 29, 2021, with attachments:
 - A Legal advertisement
 - B Email from Chris Harmon received July 28, 2021
 - C News Gazette article dated July 29, 2021
 - D PowerPoint slides created by P&Z Staff for ZBA presentation dated July 29, 2021
4. Testimony sheets received during July 29, 2021 ZBA meeting
5. Email from Barney Bryson received July 30, 2021
6. Email from Barney Bryson received August 18, 2021
7. Supplemental Memorandum #2 for Case 014-AT-21 dated August 19, 2021, with attachments:
 - A Legal advertisement
 - B Email from Barney Bryson received July 30, 2021
 - C Email from Barney Bryson received August 18, 2021
 - D *510 ILCS 20 Bees and Apiaries Act*
 - E Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated August 26, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021
8. Supplemental Memorandum #3 for Case 014-AT-21 dated October 5, 2021, with attachments:
 - A Legal advertisement
 - B Notes from P&Z Staff meeting with Lesley Deem on August 24, 2021
 - C Email and photos from Rachel Coventry received August 26, 2021
 - D Springfield, Illinois Hobby Beekeeping Ordinance (2012)
 - E Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities (2019)

- F** Bee a Good Neighbor Policy by Deborah Klughers, Certified Master Beekeeper dated November 18, 2019
- G** Illinois Beekeeping Best Management Practices by Illinois State Beekeepers Association dated March 2018
- H** Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated October 14, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021 and revised September 28, 2021

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 014-AT-21** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PROPOSED AMENDMENT REVISED 09/27/21**1. Add the following to Section 3. Definitions:**

APIARY: The assembly of one or more COLONIES of HONEY BEES at a single location.

BEEHIVE: The receptacle or box inhabited by a COLONY of HONEY BEES that is manufactured for that purpose.

BEEKEEPER: A person who owns or has charge of one or more COLONIES of HONEY BEES.

BEEKEEPING: The keeping, raising, and management of one or more COLONIES of HONEY BEES.

COLONY: A BEEHIVE and its equipment, the HONEY BEES, honey combs and honey, and the brood.

HONEY BEE: All life stages and castes of the common domestic honey bee, *apis mellifera* species.

NUCLEUS COLONY: A small quantity of bees with a queen housed in a smaller than usual BEEHIVE box kept for a particular purpose such as queen management or pest management. A NUCLEUS COLONY shall not exceed one standard nine and five-eighths-inch deep ten-frame BEEHIVE body with no supers attached.

SWARM: A group of HONEY BEES, usually calm and with a queen, that have left a hive to find a new home.

2. Add footnote 29 to Section 5.2 Table of Authorized Principal Uses and indicate footnote 29 for "AGRICULTURE" for the R-1, R-2, R-3, and R-4 Districts, as follows:

29. BEEKEEPING in the R-1, R-2, and R-3 DISTRICTS and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT shall be authorized per the requirements of Section 7.8.

3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses and indicate footnote 30 for "AGRICULTURE" for the R-4 and R-5 Districts, as follows:

30. BEEKEEPING is not an authorized USE in the R-4 DISTRICT on LOTS with MULTI-FAMILY DWELLINGS and in the R-5 DISTRICTS.

4. Add Section 7.8 as follows:**7.8 BEEKEEPING in the R-1, R-2, R-3, and R-4 DISTRICTS**

- A. In the R-1, R-2, and R-3 Residential DISTRICTS and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT, BEEKEEPING shall be authorized only as a HOME OCCUPATION and subject to the requirements of Section 7.1.1 except where the requirements of this Section are in addition to or exceed the requirements of Section 7.1.1, and shall be authorized

by a Zoning Use Permit in accordance with Section 9.1.2 of the Zoning Ordinance prior to establishment. The following exceptions are made to the requirements in Section 7.1.1:

1. The limitations on non-resident, non-family employees in Section 7.1.1A. notwithstanding, there are no limits on the number of employees that may be present or on the hours that employees may be present on the APIARY LOT.
2. The requirements of Section 7.1.1B. notwithstanding, BEEKEEPING activities may be conducted outdoors on the APIARY LOT.
3. Smoking used to calm HONEY BEES during APIARY activities shall not constitute a violation of Section 7.1.1G.
4. The requirements of Section 7.1.1J. notwithstanding, empty BEEHIVES may remain outdoors so long as upright and maintained.

- B. All BEEKEEPING shall be in compliance with the State of Illinois Bees and Apiaries Act (510 ILCS 20/1 et. seq.) and all BEEHIVES and/ or NUCLEUS COLONY shall be registered with the Illinois Department of Agriculture as follows:
1. A copy of the original Illinois Department of Agriculture Registration Certificate shall be provided to the Zoning Administrator prior to the issuance of the Zoning Compliance Certificate.
 2. The BEEKEEPER shall provide the Zoning Administrator with any changes or revisions to the Illinois Department of Agriculture Registration Certificate.
- C. BEEKEEPING shall be in compliance with the *Champaign County Nuisance Ordinance*.
- D. Number of BEEHIVES allowed.
1. On a LOT with a LOT AREA of no more than 10,000 square feet, ~~three~~ four BEEHIVES shall be allowed. One NUCLEUS COLONY shall also be allowed for each authorized BEEHIVE. ~~Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 30 days after the date it is acquired.~~
 2. One additional BEEHIVE and one additional NUCLEUS COLONY shall be allowed for each additional ~~10,000~~ 2,500 square feet of LOT AREA. ~~Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 30 days after the date it is acquired.~~
 3. Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 45 days after the date it is acquired except that any NUCLEUS COLONY may be kept between August 15 and April 15 to mitigate winter bee losses.
 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 may temporarily house the SWARM on the APIARY LOT in compliance with the standards set out in this ordinance and the Nuisance Ordinance for no more than 3 months from the date acquired, in addition to the other COLONIES allowed under this ordinance. One such SWARM may be housed at a given time on the APIARY LOT. The BEEKEEPER shall provide notice to the

ZONING ADMINISTRATOR when the SWARM is temporarily established on the APIARY LOT and when the SWARM has been relocated to another location from the APIARY LOT.

- E. Location of BEEHIVE and/or NUCLEUS COLONY on the LOT.
1. Minimum separation to LOT LINE.
 - a. Minimum separation to FRONT YARD. A BEEHIVE and/or NUCLEUS COLONY shall be located ~~a minimum of 30 feet~~ from any STREET RIGHT-OF-WAY no less distance than the actual FRONT YARD of the PRINCIPAL STRUCTURE but in no case shall the BEEHIVE and/or NUCLEUS COLONY be required to be more than 25 feet from any STREET RIGHT-OF-WAY, adjoining improved ALLEY, or easement for purposes of ingress or egress and
 - b. Minimum separation SIDE and REAR YARDS. SIDE and REAR YARDS shall be a minimum of ~~10 5~~ feet ~~from all other LOT LINES~~ except only a three feet separation is needed to any SIDE or REAR LOT LINE for a BEEHIVE and/or NUCLEUS COLONY with a bee opening that faces away from that LOT LINE. The location of the bee opening needs to be indicated on the site plan.
 2. Minimum separation to **PRINCIPAL** STRUCTURE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of ~~30~~ 10 feet from any existing PRINCIPAL STRUCTURE on any adjacent LOT and any ACCESSORY STRUCTURE on any adjacent LOT such as a patio, gazebo, deck, swimming pools, or permanently affixed play equipment, but not including garages or sheds. This minimum separation shall not be required when the bee opening to a BEEHIVE and/or NUCLEUS COLONY faces away from the lot line of that subject adjacent LOT. The location of the bee opening needs to be indicated on the site plan.
 3. All proposed BEEHIVES and NUCLEUS COLONIES shall be indicated on the site plan for the Zoning Use Permit Application with dimensions to all LOT LINES and the location of the bee opening in each BEEHIVE and/or NUCLEUS COLONY shall also be indicated on the site plan.
 4. BEEHIVES may be replaced or changed over time without requiring a new Zoning Use Permit.
- F. Management practices
1. Fencing.
 - a. On a LOT with 40,000 square feet or less of LOT AREA, any BEEHIVE or NUCLEUS COLONY in an APIARY with more than two BEEHIVES shall be enclosed within ~~a four feet high fence or wall with a self-latching gate a three-foot high welded wire or poultry netting fence, or equivalent, supported by steel or wood posts at not more than four feet on center spacing. If the top of the fence is supported by a nominal 2 x 4 board, the posts may be as much as eight feet on center. The fence must have a three-foot high gate that can be latched on the BEEHIVE side of the gate. The requirement for fencing will forever be waived if owners of all bordering LOTS sign a waiver releasing the fencing requirement and submit the waiver to the ZONING ADMINISTRATOR. Bordering LOTS shall not include lots separated by a STREET RIGHT OF WAY or ALLEY.~~

- b. The fence shall be at least three feet from any BEEHIVE or NUCLEUS COLONY.
- c. The fence may be replaced with a flyway barrier per Section 7.8 F.2. when the flyway barrier can serve the same purpose as a fence.
- d. Any required fencing shall be indicated on the site plan for the Zoning Use Permit Application.
2. Flyway barrier.
- a. When any BEEHIVE or NUCLEUS COLONY is located less than ~~16~~ 25 feet from a LOT LINE, there shall be a six-foot high flyway barrier (fence, wall, or dense vegetation) that is a minimum of 67% solid so as to discourage bee flight through the fence or wall or dense vegetation) as follows:
- (1) No flyway barrier shall be required when the lot line borders land in the AG-1, AG-2, or CR DISTRICTS.
- (2) If the flyway barrier is located in front of the bee opening to the BEEHIVE or NUCLEUS COLONY and is located within 5 to 6 feet of the BEEHIVE or NUCLEUS COLONY, the flyway barrier need only extend two feet past either side of the BEEHIVE or NUCLEUS COLONY.
- (3) If the flyway barrier is not located in front of the bee opening to the BEEHIVE or NUCLEUS COLONY per Section 7.8F.2.a.(2), the flyway barrier shall be located parallel to the nearest LOT LINE for a distance of 8 feet on either side of the centerline of the BEEHIVE or NUCLEUS COLONY.
- b. If dense vegetation is used, the initial planting may be only 4 feet in HEIGHT or a temporary solid fence or wall that is a minimum of 67% solid shall be used until the planting attains 4 feet in height.
- c. Any required flyway barrier shall be indicated on the site plan for the Zoning Use Permit Application and the location of the bee opening in each BEEHIVE or NUCLEUS COLONY shall also be indicated on the site plan.
3. Water ~~supply~~ source.
- a. Minimum required.
- (1) An APIARY with no more than two BEEHIVES shall have a source of water continuously available to the APIARY.
- (2) Two sources of water shall be continuously available ~~to the~~ in an APIARY with more than two BEEHIVES.
- (3) Continuously available means that the water source shall not be allowed to run dry during daylight hours but automatic refill using a connected water line or hose is not required.

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- (4) Any required source of water shall be located no further from a BEEHIVE or NUCLEUS COLONY than one-half the distance to any other ~~possible-visible~~ water source on any adjacent LOT at the time of permitting.
- b. Water sources shall be continuously available from April 1 to November 30 and all days in which temperatures exceed 55 degrees for three consecutive days.
- c. Each water source shall be designed to allow HONEY BEES to access water by landing on a hard surface.
- d. Water sources shall not be allowed to become stagnant or to become a breeding place for mosquitoes.
- e. All required water sources shall be indicated on the site plan for the Zoning Use Permit Application. The type of water source including the type of hard surface to be provided shall be noted on the site plan.
- f. Water sources may be replaced or changed over time without requiring a new Zoning Use Permit but any required water sources shall be equivalent to the water sources indicated on the original approved site plan.
- G. Any BEEKEEPING that exceeds any of the standards in paragraphs 7.8D. through 7.8F. may be authorized by SPECIAL USE Permit.

4. Add Section 9.3.1 G.6. adding Zoning Use Permit fee as follows:

- 6. Change of Use to establish BEEKEEPING in the R-1, R-2, R-3, or R-4 DISTRICT.....~~\$33~~ No fee