



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Marcus Ricci, AICP, Planner II

DATE: February 4, 2022

SUBJECT: **CCZBA-014-AT-21:** Amend the Champaign County Zoning Ordinance to establish beekeeping requirements.

Introduction

The Champaign County Zoning Administrator (“Zoning Administrator”) requests a text amendment to the Champaign County Zoning Ordinance (“Ordinance”) to allow “Residential Beekeeping” as a permitted or special use in the R-1 Single Family Residence, R-2 Single Family Residence, or R-3 Two Family Residence Zoning Districts.

The proposed text amendment is of interest to the City of Urbana because it may affect zoning and land development decisions within the City’s one-and-a-half mile extraterritorial jurisdiction (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area, and it is important that there be consistency between these two jurisdictions where regulations may overlap. Land uses in the county affect the City of Urbana in several ways, including:

- They can potentially conflict with adjacent land uses in the City;
- Unincorporated portions of the county adjacent to the City will likely be annexed into the City at some time, and the uses existing on the land would be incorporated as part of that annexation; and
- Development patterns of areas annexed into the City will affect the City’s ability to grow according to the shared vision provided in the City’s Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to ensure compatibility with City ordinances. It is the Plan Commission’s responsibility to review the proposed amendment to determine how it may affect the City, and to recommend to City Council whether or not to protest the proposed text amendment. Under state law, a municipal protest of the proposed amendment would require a three-quarters super-majority of votes to approve the request at the County Board; otherwise, a simple majority would be required.

Staff believes that the proposed text amendment does not directly affect the use of land or affect the City’s ability to manage growth and development, and recommends no protest of the proposed text amendment.

Background

County Timeline

The Champaign County Environmental Land Use Committee (ELUC) heard initial complaints about honey bees in the Prairieview Subdivision at its July 15, 2018, meeting. It received more complaints at its October 8, 2020, meeting, which led County staff to research and draft a zoning text amendment. The draft amendment was opposed by citizens at the November 5, 2020, ELUC meeting, and ELUC did not send it for a public hearing at the Champaign County Zoning Board of Appeals (CCZBA). ELUC heard complaints again at its April 8, 2021, meeting and reviewed a petition from 561 persons supporting adoption of an amendment for beekeeping. At its May 6, 2021, meeting, ELUC reviewed the earlier draft amendment and authorized it for a public hearing at the CCZBA.

On July 20, 2021, Champaign County Department of Planning and Zoning (CCDPZ) staff issued its Preliminary Memo with draft amendment language and its Findings of Facts (excerpted in part of Exhibit A).¹ Supplemental Memoranda were issued on July 29, August 19, October 5, October 14, and November 23, 2021, with additional public comments and revisions to the proposed amendment.

At its July 29, 2021, meeting, the CCZBA opened a public hearing on the text amendment. Due to the amount of public input and board discussion, the hearing was continued to August 26, then to October 14, then to December 2, 2021. **At the final meeting, the CCZBA voted 6-0 to forward the case to the County Board with a Preliminary Recommendation for Denial.**²

On December 27, 2021, CCDPZ Zoning Administrator John Hall issued a memo to ELUC with the Final Findings of Facts (part of January 6, 2022, ELUC Agenda Packet, part of Exhibit A).

At its January 6, 2022, meeting, ELUC passed a motion to receive and place the recommended denial on file for the required 30-day review and comment period. ELUC will close the comment period and issue its Final Recommendation at its February 10, 2022, meeting.

The case could be heard by the Champaign County Board at its February 24, 2022, meeting, at the earliest.

Draft Amendment

Through the course of the public hearing and comment process, the proposed text amendment was revised several times to address input and concerns of citizens and board members. The full text of the final version, excerpted from the January 6, 2022, ELUC agenda is included as part of Exhibit A. A marked-up version, excerpted from Supplemental Memo #5, shows the revision progress of the amendment. The legal publication for the initial July 29, 2021, public hearing of the CCZBA summarized the *original* proposed zoning amendment as follows (**bolded** text for convenience):

Amend the Champaign County Zoning Ordinance as follows:

1. Amend Section 3.0 **Definitions** by adding a definition or “apiary”, “beekeeping”, “honey bee”, “nucleus colony” and other related terms.

¹ Full versions of all CCZBA documents can be found at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php.

² See “Proposed Amendment’s Benefits to County” section below on page 4 for a selection of reasons given by CCZBA members for recommending denial.

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-feet high **fence or wall** with a self-latching gate.
 - 2) Add a requirement for a minimum six-feet 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.

Proposed Amendment's Benefits to County

The proposed amendment would allow a use that is currently not permitted by the Champaign County Zoning Ordinance. According to CCDPZ staff, there is currently no use similar to the proposed Residential Beekeeping use in Section 5.2 Table of Authorized Uses, requiring an amendment to allow the proposed use. The Champaign County Land Resource Management Plan (LRMP) was adopted by the County Board on April 22, 2010, and is currently the only guidance for amendments to the ordinance. CCDPZ staff determined that the proposed text amendment “will not impede” achievement of LRMP Goals 1 through 10. The proposed text amendment “will improve” the ordinance itself because it will “help achieve” the purpose of the ordinance and “improve” the text of the ordinance.

The proposed amendment is matched with a proposed Nuisance Ordinance amendment which requires existing nonconforming beekeeping enterprises to bring their colony into compliance if CCDPZ staff confirm a valid nuisance complaint. Attachment H of the Preliminary Memo (part of Exhibit A) shows areas where beekeeping would be regulated. Within the City’s ETJ, beekeeping would be permitted by the County in the green areas and prohibited in the red areas (Figure 1.)

The Findings of Fact list specific justifications from two CCZBA board members for recommending denial of the proposed text amendment. Here is a selection of those that city staff find most relevant:

- Bees can fly over 12 miles.
- Beekeeping is agriculture and the subdivision in question has a covenant prohibiting agriculture, so it has an adequate legal remedy.
- This ordinance is an infringement on the Right to Farm legislation which was first enacted in 1981 in Illinois.
- According to Mr. Hall, this subdivision’s problem with bees is the only incident in his tenure as head of the Zoning Department in an urban area and, in one board member’s opinion, to extend these rules to the entire county is not warranted.
- To another board member, it doesn’t make sense to have a very small portion of the residential areas have one rule and not the same rule for the other residential areas.

Discussion

County Zoning

The intent of the County’s R-1, R-2, and R-3 residential zoning districts is to provide areas for single family dwellings (all districts) and two family detached dwellings (R-3 only), set on lots (R-1) or medium sized building lots (R-2 and R-3) and is intended for application in mainly non-urban and developing areas where community facilities exist or can be made readily available.

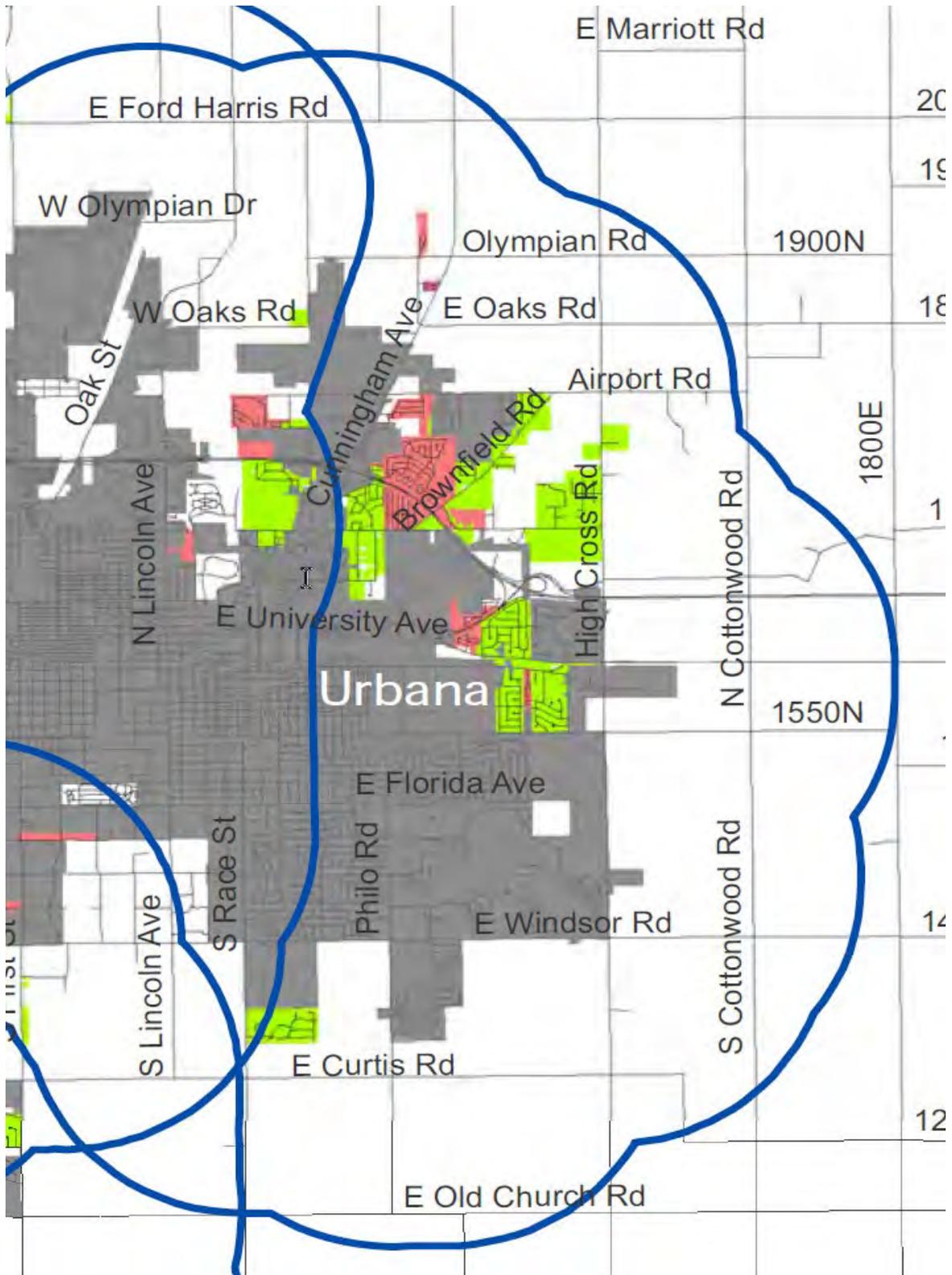


Figure 1. Residential Beekeeping Permitted Areas (green) and Prohibited Areas (red) in Urbana ETJ
 - Champaign County Department of Planning & Zoning

The intent of the County’s Home Occupation zoning is to allow activities conducted for gain by members of the immediate family residing on the premises, as an accessory use conducted entirely within the dwelling unit or accessory building. The proposed amendment would add Residential Beekeeping to the list of uses permitted as a Home Occupation in the R-1, R-2 and R-3 districts.

County land within the City’s ETJ is dominated by agricultural (81%) zoning, with small areas zoned residential (8%) and conservation (7%), and little business (2%), and industrial (3%) zoning (Exhibit B). The proposed amendment applies only to R-1, R-2, and R-3 zoning districts, or approximately 5.8% of the total land in the ETJ.

City Zoning

City staff reviewed the proposed text amendment to identify potential land use conflicts within the City and ETJ, and found that it would not affect its ability to plan or manage future development.

The City does not regulate beekeeping through the Urbana Zoning Ordinance: it does not list it as a specific use in Table V-1 Table of Uses nor does it specifically include it in the definitions of Cropping Agriculture or General Agriculture. The City also does not regulate beekeeping through the City Code: Chapter 4 – Animals and Fowl defines “Animal” as any vertebrate species, which would exclude honey bees. Nuisance code (Chapter 11 – Health and Sanitation, Article IV) might apply to a situation where the magnitude or manner of a residential beekeeping activity creates “a menace, threat, and/or hazard to the general health and safety of the public.” (Section 11-41). If the proposed amendment were approved, residential beekeeping could be sited in County R-1/R-2/R-3-zoned land and later annexed into the City, with automatic conversion to identical City zoning.

Implications for Development Within the City’s ETJ

Within the City’s municipal boundaries, the proposed amendment does not significantly affect the use of land, nor does it affect the City’s ability to manage growth and development. If residential beekeeping was undertaken within the ETJ, it must still comply with the proposed required management practices and the strict limits on the number of beehives on each lot. As such, **staff does not anticipate a negative effect on the City’s ability to plan or manage growth or development.**

Although the Champaign County Zoning Board of Appeals has recommended denial of the proposed zoning amendment, city staff do not believe the concerns expressed warrant a protest by the City, which would then require a super-majority by the County Board to approve the amendment.

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its ETJ for consistency with the City’s comprehensive plan. Therefore, Champaign County’s proposed text amendment should be reviewed for consistency with the City of Urbana’s 2005 Comprehensive Plan, which includes the following pertinent goals and objectives:

Goal 4.0 **Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.**

Objective 4.1 Encourage a variety of land uses to meet the needs of a diverse community.

Goal 17.0 **Minimize incompatible land uses.**

Objectives 17.1 Establish logical locations for land use types and mixes, minimizing potentially

incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objectives 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

The proposed County zoning ordinance text amendment is generally consistent with these City goals and objectives: encourage a variety of land uses while minimizing the effects of potentially incompatible land uses through design controls.

Summary of Staff Findings

1. The Champaign County Zoning Administrator requests a text amendment to the Champaign County Zoning Ordinance to allow Residential Beekeeping in the R-1, R-2, and R-3 Single and Two Family Residence Zoning Districts as permitted or special uses.
2. The proposed text amendment is generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promotes a variety of compatible land uses.
3. The proposed text amendment would not negatively affect land uses or the ability of the City to manage growth and development of land currently within the City's ETJ.

Options

The Plan Commission has the following options in CCZBA Case No. 014-AT-21, a request to amend the Champaign County Zoning Ordinance to allow Residential Beekeeping in the R-1, R-2, and R-3 Single and Two Family Residence Zoning Districts:

- a. Forward the plan case to the City Council with a recommendation to **protest the proposed amendment**; or
- b. Forward the plan case to the City Council with a recommendation to **protest the proposed amendment, contingent upon specific provisions to be identified**; or
- c. Forward the plan case to the City Council with a recommendation to **not protest the proposed amendment**.

Staff Recommendation

Based upon the findings above, staff recommends that the Plan Commission forward the case to the City Council with a recommendation to **not protest the proposed amendment**.

Attachments: Exhibit A: Champaign County Department of Planning & Zoning Documents:

- Excerpt of Preliminary Memo (dated July 20, 2021), pp. 1-5
- Excerpt of ELUC Agenda Packet (dated January 6, 2022), pp. 6-28

Exhibit B: City Zoning and County Beekeeping Districts: R1, R2, R3

cc: John Hall, Director, Champaign County Planning and Zoning
Susan Burgstrom, Planner, Champaign County Planning and Zoning.

Exhibit A: County Materials: Preliminary Memorandum

Champaign County
Department of

**PLANNING &
ZONING**

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1776 E. Washington Street
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(217) 384-3708
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CASE 014-AT-21 *PRELIMINARY MEMORANDUM* July 20, 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

BACKGROUND

The Environment and Land Use Committee heard complaints about honey bees in residential subdivisions at the April 8, 2021, meeting and asked to review a proposed honey bee amendment at the May 6, 2021 meeting. ELUC approved consideration of the proposed text amendment at that meeting.

Any zoning approval must be based on a similar land use as listed in Section 5.2 Table of Authorized Uses in the Champaign County Zoning Ordinance, but there is no similar land use in Section 5.2.

Numerous comments have been received, which can be found in Attachments D, E and F. A petition signed by 561 people was received the week of July 12th; an example set of those sheets can be found in Attachment G, and all signature sheets can be found on the ZBA meetings website: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php.

Attachment H includes two maps prepared by P&Z Staff that illustrate the residential zoning districts in Champaign County where beekeeping would be regulated.

ELUC MEETINGS LEADING TO THE PROPOSED AMENDMENT

The following is a timeline of the ELUC meetings that led to this amendment:

- The Environment and Land Use Committee (ELUC) heard complaints about honey bees in the Prairieview Subdivision at their July 5, 2018, meeting. The Zoning Administrator was later told that all bees had been moved out of the Prairieview Subdivision.
- ELUC heard complaints about honey bees in the Prairieview Subdivision again at their October 8, 2020 meeting, and reviewed selected honey bee ordinances and relevant Illinois Administrative Code rules. Attachment B is the memorandum dated September 28, 2020. The Zoning Administrator confirmed to ELUC that he had been told there were no honey bees being kept in the Prairieview Subdivision.
- A draft amendment was reviewed by ELUC at their November 5, 2020 meeting, where 14 citizens spoke against the proposed amendment and the Committee decided not to send the amendment for a public hearing at the Zoning Board of Appeals.
- The Committee heard complaints about honey bees in the Prairieview Subdivision again at their April 8, 2021 meeting, and reviewed a petition supporting the adoption of a Zoning Ordinance amendment for beekeeping signed by residents of both the Prairieview Subdivision and two residents on Mary Lou Drive, not in the Prairieview Subdivision. Attachment D includes the comments from this meeting. Attachment E includes the petition.
- The Committee reviewed the same draft amendment again at their May 6, 2021 meeting, and authorized the amendment to go to a public hearing. Attachment C is the memorandum dated April 26, 2020. The Zoning Administrator confirmed to ELUC that he had been told there were no honey bees being kept in the Prairieview Subdivision.

PROPOSED AMENDMENT AS IT RELATES TO THE NUISANCE ORDINANCE

The proposed amendment to the Zoning Ordinance goes hand in hand with a proposed amendment to the Nuisance Ordinance. The Nuisance Ordinance amendment does not require ZBA recommendation and only requires one hearing before ELUC. The proposed Nuisance Ordinance amendment means that nonconformities (existing beekeeping enterprises) will need to bring their colony into compliance if the P&Z Department confirms a valid nuisance complaint. The proposed amendment to the Nuisance Ordinance can be found in Attachment J, but is not subject to revision or approval by the ZBA.

APPROVAL PROCESS

At minimum, the proposed amendment (at the end of Attachment K) will be discussed at the July 29, 2021 and August 12, 2021 ZBA meetings in order to provide municipalities and interested parties time to provide comments. The earliest that a recommendation from the ZBA would come back to ELUC is September 9, 2021, and the earliest that the County Board could adopt the amendment would be October 21, 2021.

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

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

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **September 28, 2020**

RE: **Illinois Bees and Apiaries Act and Selected County and Municipal Honeybee Ordinances**

Champaign County
Department of



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1776 E. Washington Street
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BACKGROUND

Neighbors in the Prairieview Subdivision Northeast of Urbana are again having problems with honeybees in their subdivision. The Committee previously received complaints about honeybees in this subdivision in 2018 and 2019.

Beekeeping is typically considered an agricultural activity although it is not explicitly indicated as such in the county zoning enabling act (55 ILCS 5/5-12001). State law in Illinois prohibits zoning regulation of agriculture for anything other than setback from streets. However, the Champaign County State’s Attorney’s Office has determined that Champaign County may adopt regulations for beekeeping on properties in residential districts on which agriculture is not a principal use.

As background for possible draft amendments to both the Zoning Ordinance and the Nuisance Ordinance which should be available for review at the November meeting, this memorandum includes as attachments a copy of the Administrative Rules implementing the Bees and Apiaries Act (8 IAC 60), to illustrate the role of the Illinois Department of Agriculture, and several selected municipal and county beekeeping ordinances, most of which were provided by Mr. Barney Bryson, a resident in the Prairieview Subdivision. Neither Champaign nor Urbana have beekeeping regulations.

ATTACHMENTS

- A Administrative Rules implementing the Bees and Apiaries Act (8 IAC 60)
- B Model Beekeeping Ordinance prepared by the Minnesota Hobby Beekeepers Association. February 22, 2007.
- C Village of St. Charles, Illinois Beekeeping zoning regulations
- D Municipality of Whitewater, Wisconsin Backyard Beekeeping zoning regulations
- E Sec. 151.133 (R) Beekeeping and apiaries excerpted from the Lake County, Illinois Unified Development Ordinance

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **April 26, 2021**

RE: **Authorization for Public Hearing on Proposed Zoning Ordinance Text Amendment to Add Requirements for Beekeeping in Residential Districts**

Champaign County
Department of



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1776 E. Washington Street
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BACKGROUND

The Committee heard complaints about honeybees in residential subdivisions at the April 8, 2021, meeting and asked to review a proposed honeybee amendment at the May 6, 2021 meeting. The attached amendment is the same amendment as was previously reviewed by the Committee at the 11/05/20 meeting.

ZONING ORDINANCE TEXT AMENDMENT TIMELINE

Text amendments to the Zoning Ordinance require a public hearing before the Champaign County Zoning Board of Appeals (CCZBA). The end result of such a public hearing is a recommendation to ELUC and then ELUC must make a recommendation to the County Board.

At this time, a public hearing on the proposed amendment would open at the CCBZA on July 15, 2021. The earliest that a recommendation from the CCZBA would likely come back to ELUC is September 9, 2021, and the earliest that the County Board could adopt the amendment would be November 18, 2021.

ATTACHMENTS

- A ELUC Memorandum dated 10/23/20 with Attachments:
 - A Comparison of Selected Beekeeping Ordinances
 - B Ohio State Beekeepers Model Beekeeping Ordinance
 - C Draft Beekeeping Amendment to the Champaign County Zoning Ordinance
 - D Draft Beekeeping Amendment to the Champaign County Nuisance Ordinance

TO: **Environment and Land Use Committee**
FROM: **John Hall, Zoning Administrator**
DATE: **October 23, 2020**
RE: **Authorization for Public Hearing on Proposed Zoning Ordinance Text Amendment to Add Requirements for Beekeeping in Residential Districts**

Champaign County
Department of

**PLANNING &
ZONING**

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BACKGROUND

Proposed amendments to add “beekeeping” to both the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance are attached.

Attachment A compares the proposed amendments to the selected beekeeping ordinances that were included in the 9//28/20 memo and reviewed by the Committee at their October 8, 2020 meeting. Note that another model beekeeping ordinance by the Ohio State Beekeepers Association has been included for comparison.

ZONING ORDINANCE TEXT AMENDMENT TIMELINE

Text amendments to the Zoning Ordinance require a public hearing before the Champaign County Zoning Board of Appeals (CCZBA). The end result of such a public hearing is a recommendation to ELUC and then ELUC must make a recommendation to the County Board.

At this time a public hearing on the proposed amendment could open at the CCBZA in January 2021. A recommendation from the CCZBA would likely not come back to ELUC until March 2021 at the earliest and in that case the earliest that the County Board could adopt the amendment would be April 2021.

NUISANCE ORDINANCE AMENDMENT

An amendment to the Champaign County Nuisance Ordinance requires a recommendation from ELUC prior to County Board adoption. It is recommended that the Nuisance Ordinance amendment be considered by ELUC in parallel with the CCZBA recommendation.

ATTACHMENTS

- A Comparison of Selected Beekeeping Ordinances
- B Ohio State Beekeepers Model Beekeeping Ordinance
- C Draft Beekeeping Amendment to the Champaign County Zoning Ordinance
- D Draft Beekeeping Amendment to the Champaign County Nuisance Ordinance

*This is the original proposed ordinance from the April 26, 2021 ELUC memo.
The revised proposed amendment is at the end of Attachment K.*

Attachment C. Draft Beekeeping Amendment to the Champaign County Zoning Ordinance

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 23 to Section 5.2 Table of Authorized Principal Uses and indicate footnote 23 for “AGRICULTURE” for the R-1, R-2, and R-3 Districts, as follows:

23. BEEKEEPING in the R-1, R-2, and R-3 DISTRICTS shall be authorized per the requirements of Section 7.8.

3. Add footnote 24 to Section 5.2 Table of Authorized Principal Uses and indicate footnote 24 for “AGRICULTURE” for the R-4 and R-5 Districts, as follows:

24. BEEKEEPING is not an authorized USE in the R-4 and R-5 DISTRICTS.

*This is the original proposed ordinance from the April 26, 2021 ELUC memo.
The revised proposed amendment is at the end of Attachment K.*

Attachment C. Draft Beekeeping Amendment to the Champaign County Zoning Ordinance (continued)

4. Add Section 7.8 as follows:

7.8 BEEKEEPING in the R-1, R-2, and R-3 DISTRICTS

- A. In the R-1, R-2, and R-3 Residential Districts, BEEKEEPING shall be authorized only as an ACCESSORY USE conducted by a member or members of the immediate FAMILY, residing on the premises, 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 (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 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. For each additional 10,000 square feet of LOT AREA one additional BEEHIVE and one additional NUCLEUS COLONY shall be allowed. Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 30 days after the date it is acquired.
 - 3. 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.

*This is the original proposed ordinance from the April 26, 2021 ELUC memo.
The revised proposed amendment is at the end of Attachment K.*

**Attachment C. Draft Beekeeping Amendment to the Champaign County Zoning Ordinance
(continued)**

- E. Location of BEEHIVE and/or NUCLEUS COLONY on the LOT.
1. Minimum separation to LOT LINE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of 30 feet from any STREET RIGHT-OF-WAY, adjoining improved ALLEY, or easement for purposes of ingress or egress and a minimum of 10 feet from all other LOT LINES.
 2. Minimum separation to PRINCIPAL STRUCTURE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of 30 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.
 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.
 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 shall be enclosed within a four-foot high fence or wall with a self-latching gate.
 - b. The fence shall be at least three feet from any BEEHIVE or NUCLEUS COLONY.
 - c. 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 feet from a LOT LINE there shall be a six-foot high flyway barrier (fence, wall, or dense vegetation) that shall extend a minimum of 10 feet on each side of the BEEHIVE or NUCLEUS COLONY entrance.
 - b. If dense vegetation is used the initial planting may be only 4 feet in HEIGHT.
 - c. Any required flyway barrier shall be indicated on the site plan for the Zoning Use Permit Application.

*This is the original proposed ordinance from the April 26, 2021 ELUC memo.
The revised proposed amendment is at the end of Attachment K.*

**Attachment C. Draft Beekeeping Amendment to the Champaign County Zoning Ordinance
(continued)**

- 3. Water supply.
 - a. Two sources of water shall be continuously available to the APIARY and shall be located no further from a BEEHIVE or NUCLEUS COLONY than one-half the distance to any other possible water source on any adjacent LOT.
 - 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. 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.
 - e. 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.

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, or R-3 District.....\$33

*This is the original proposed ordinance from the April 26, 2021 ELUC memo.
The revised proposed amendment is at the end of Attachment K.*

Attachment D. Beekeeping Amendment to the Champaign County Nuisance Ordinance

Add new defined terms in Section 2.0 as follows:

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: An aggregate of HONEY BEES consisting principally of worker HONEY BEES, but having, when perfect, one queen HONEY BEE and at times drones, brood, combs, and honey.

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

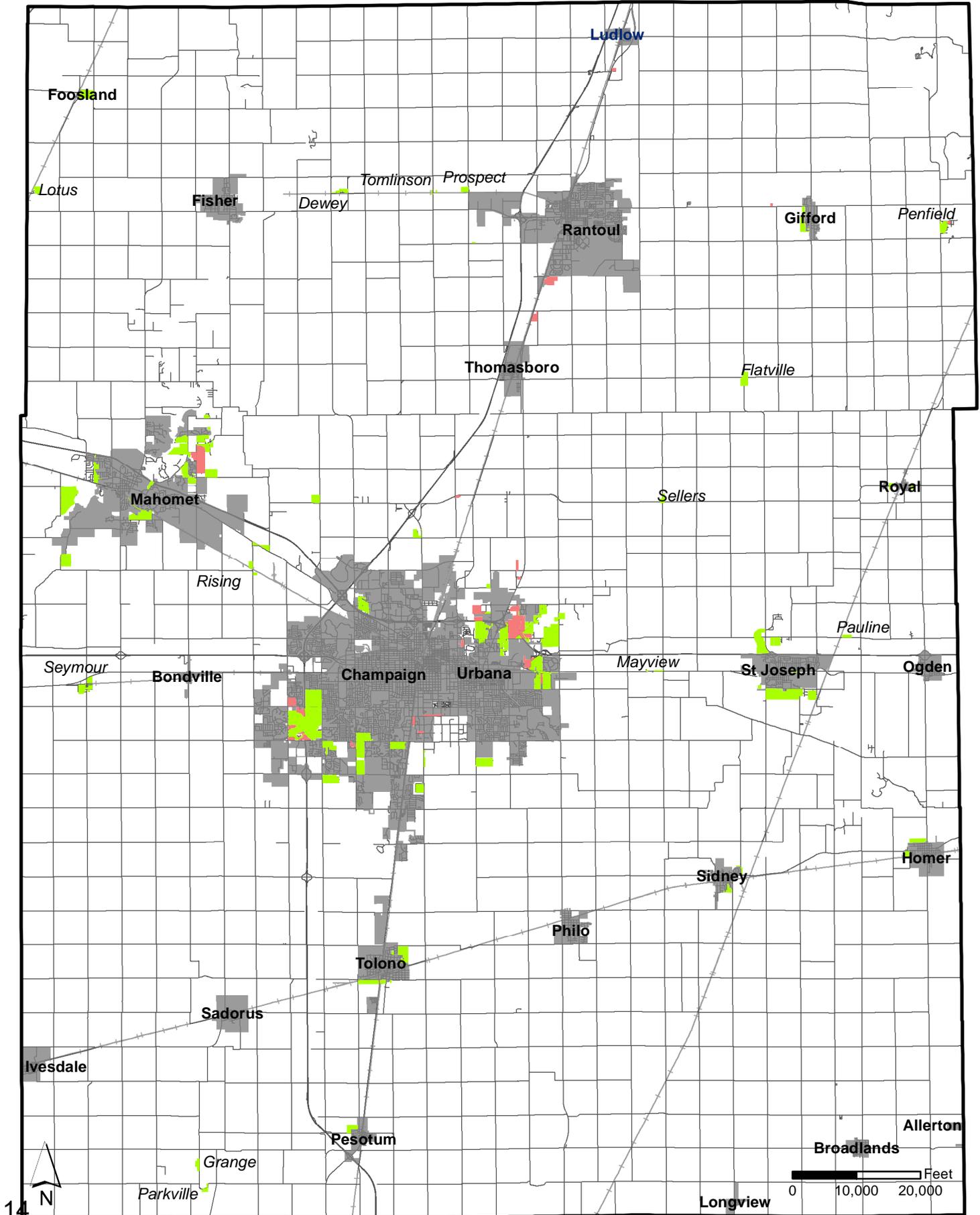
Add new Section 3.2O. as follows:

- O. BEEKEEPING in the R-1, R-2, and R-3 Zoning Districts as defined in the Champaign County Zoning Ordinance and as mapped on the Champaign County Zoning Map and that is conducted as follows:
 - 1. BEEKEEPING that does not conform to Section 7.8 of the Champaign County Zoning Ordinance.
 - 2. BEEKEEPING with any wax comb or syrup for feeding HONEY BEES or other material that might encourage robbing by other HONEY BEES left open on the lot. Such materials shall be stored in a sealed insect-proof container or placed within an insect-proof building.
 - 3. BEEKEEPING which opens or disturbs HONEY BEE COLONIES when neighbors or general public are participating in outside activities or using machinery within 150 feet.
 - 4. BEEHIVES left outside on a property without regular husbandry by a BEEKEEPER.

Exhibit A: County Materials: ELUC Memorandum
Proposed Regulated Beekeeping Areas in Unincorporated Champaign County

Case 014-AT-21
July 29, 2021

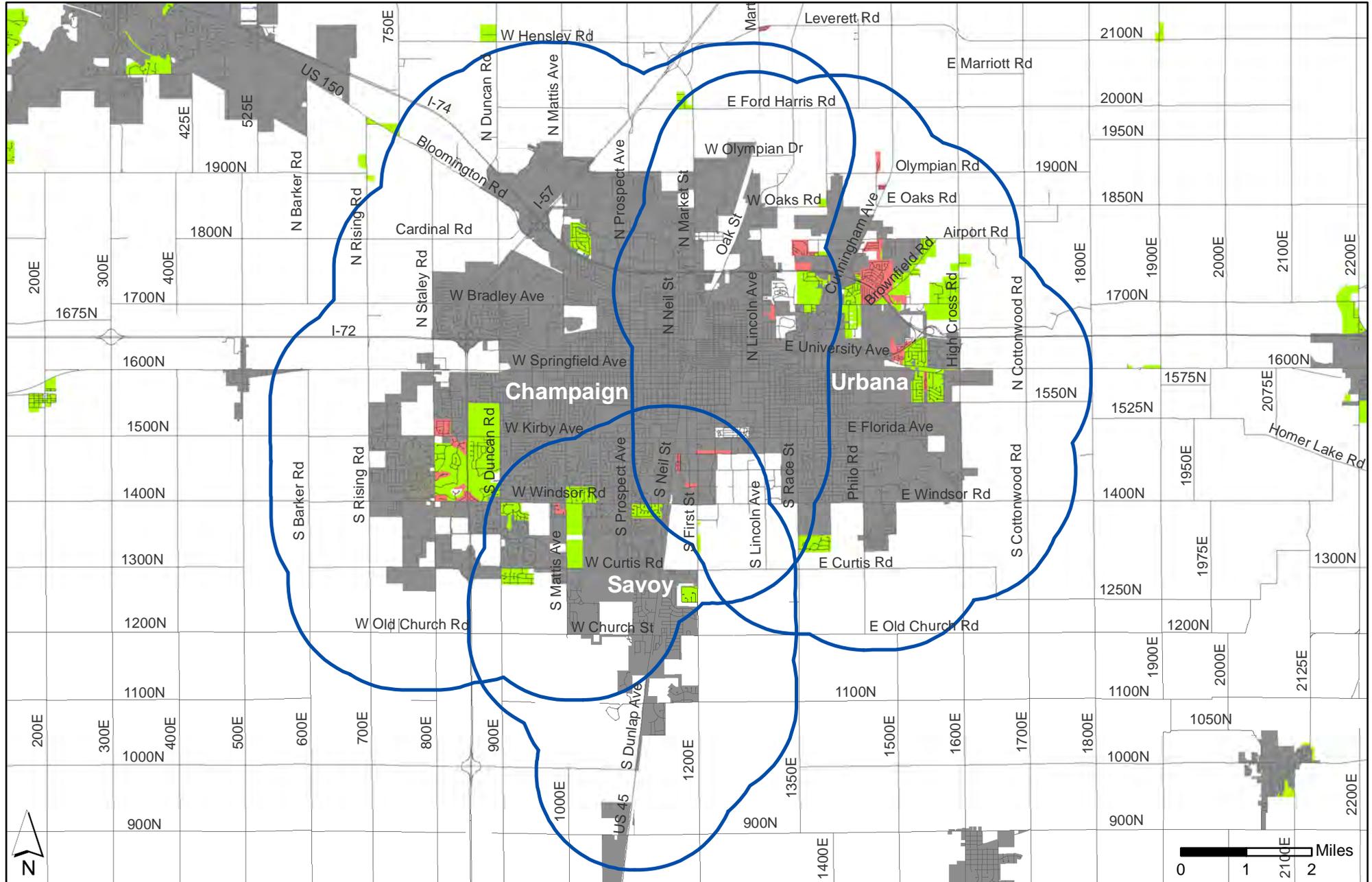
Restricted beekeeping area (R-1, R-2, R-3 Districts) 4,262 acres (0.72%) of unincorporated area
Prohibited beekeeping area (R-4, R-5 Districts) 820 acres (0.14%) of unincorporated area



Proposed Regulated Beekeeping Areas in 1.5 mile ETJ of Champaign, Urbana & Savoy

Case 014-AT-21

July 29, 2021



Regulated beekeeping area (R-1, R-2, R-3 Districts)
 Prohibited beekeeping area (R-4, R-5 Districts)
 Municipal Boundary
 1.5 mile extraterritorial jurisdiction of C-U-S

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

Exhibit A County Materials: ELUC Agenda Packet



CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE AGENDA

County of Champaign, Urbana, Illinois

Thursday, January 6, 2022 - 6:30 p.m.

Shields-Carter Meeting Room

Brookens Administrative Center, 1776 E. Washington St., Urbana

Committee Members:

Eric Thorsland – Chair

Kyle Patterson

Aaron Esry – Vice-Chair

Jacob Paul

Stephanie Fortado

Chris Stohr

Mary King

Pursuant to the Governor’s Executive Order establishing a pandemic disaster in the State of Illinois that covers the County of Champaign, and the County Executive’s determination that holding this meeting in person is not prudent at this time due to health concerns with rising numbers of COVID-19 cases and hospitalizations being reported in the county, this meeting will be held remotely via zoom. Public comment also will be taken remotely. The public may watch the meeting live or via recording on the County’s [YouTube Channel](#).

Agenda

Page #

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda/Addendum
- IV. Approval of Minutes
 - A. December 9, 2021 – Regular Meeting 1 - 5
- V. Public Participation
 - *Being accepted remotely through Zoom – for instructions go to:
http://www.co.champaign.il.us/CountyBoard/ELUC/2022/220106_Meeting/220106_Zoom_Instructions.pdf
- VI. Communications
- VII. New Business: Items to be Approved by ELUC
 - A. Direction Regarding Proposed Zoning Ordinance Text Amendment to Revise Certain Zoning Ordinance Requirements for Wind Farms 6 - 14
- VIII. New Business: Items to Receive & Plan on File by ELUC to Allow a 30-Day Review Period
 - A. **Zoning Case 014-AT-21.** Amend the Champaign County Zoning Ordinance to establish beekeeping requirements as summarized in the full legal advertisement and summarized as follow: 15 - 26
 - 1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honeybee”, “nucleus colony” and other related terms.
 - 2. Add footnote 29 to Section 5.2 Table of Authorized Principal Uses.
 - 3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses.

All meetings are at Brookens Administrative Center – 1776 E Washington Street in Urbana – unless otherwise noted. To enter Brookens after 4:30 p.m., enter at the north (rear) entrance located off Lierman Avenue. Champaign County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities. Please contact Administrative Services, 217-384-3776, as soon as possible but no later than 48 hours before the scheduled meeting.

Exhibit A: County Materials: ELUC Agenda Packet

CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE (ELUC)
January 6, 2022 Agenda

4. Add new Section 7.8 Beekeeping in the R-1, R-2 and R-3 Districts, with new Requirements for beekeeping.

IX. Other Business

A. Monthly Reports

1. November 2021

27 - 39

X. Chair's Report

XI. Designation of Items to be Placed on the Consent Agenda

XII. Adjournment

Champaign County
Department of

**PLANNING &
ZONING**

Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **December 27, 2021**

RE: **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, and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT 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 DISTRICT on LOTS with MULTI-FAMILY DWELLINGS and R-5 DISTRICT.**
- 4. Add new Section 7.8 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, 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, with the following exceptions 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 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 four beehives and for each additional 2,500 square feet of lot area there may be one additional beehive; and**
 - (2) One nucleus colony shall be allowed for each authorized beehive; and**
 - (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) 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 5 feet and no more than 25 feet to any street right of way, improved alley, or access easement, and 10 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 in an apiary with more than two beehives to be enclosed by a three-foot high fence or wall.**
 - (2) Add a requirement for a minimum six-foot high flyway barrier for any beehive and/ or nucleus colony located less than 25 feet from a lot line and require the flyway barrier to extend a two feet past either side if the barrier is located in front of the bee opening, and if not located in front of the opening to the beehive, eight feet on either 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 if an apiary has more than two beehives, and one water source if two or fewer beehives. 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.**

STATUS

At the December 2, 2021 public hearing, the Zoning Board of Appeals voted 6-0 to forward Case 014-AT-21 with a RECOMMENDATION FOR DENIAL. A significant amount of public input was received for these cases, including emails, letters, a local petition, a change.org petition, and testimony during the public meetings held on July 29, 2021, August 26, 2021, October 14, 2021, and December 2, 2021.

The approved Summary Finding of Fact dated December 2, 2021 can be found in Attachment B. The proposed amendment as revised on October 14, 2021, which was recommended for denial, can be found in Attachment C. A summary of testimony and comments received can be found under Item 16.E. Case 014-AT-21 memoranda including all comments received and minutes from the meetings can be found on the ZBA meetings website at:

http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php.

At the December 2, 2021 meeting, two Board members provided specific reasons why the proposed amendment should be denied; these comments can be found under Item 18 of the approved Findings of Fact dated December 2, 2021.

NEXT STEPS

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation, and then make a final recommendation to the County Board at the next regularly scheduled Committee meeting (February 10, 2022, in this instance). The delay in a final recommendation is intended to give municipalities and townships with plan commissions time to provide comments or protests.

ATTACHMENTS

- A Legal advertisement dated July 14, 2021 (*amendment has since been revised*)
- B Approved Summary Finding of Fact for Case 014-AT-21 dated December 2, 2021
- C Proposed amendment as revised October 14, 2021 (recommended for denial)

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, October 14, 2021, and December 2, 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).

3. Members of the Board provided justification for recommending denial of the text amendment. (see Item 18).
 - A. Marilyn Lee listed the following reasons:
 - (1) It was established at the first meeting that bees can fly over 12 miles.
 - (2) Bees are important to agriculture as well as urban gardens and flowers.
 - (3) The subdivision in question has a covenant prohibiting agriculture.
 - (4) It is established that beekeeping is agriculture.
 - (5) Legally speaking, in her opinion, the subdivision in question has an adequate legal remedy.
 - (6) This ordinance is adding unnecessary governmental regulation.
 - (7) The subdivision's adequate legal remedy is available in the future as well as now presently.
 - (8) This ordinance is an infringement on the Right to Farm legislation which was first enacted in 1981 in Illinois.
 - (9) Pursuant to Mr. Hall, this subdivision's problem with bees is the only incident in his tenure as head of the Zoning Department in an urban area.
 - (10) To extend these rules to the entire county, in her opinion, is not warranted.

 - B. Larry Wood made the following comments:
 - (1) The incident that we've had up at Prairieview Subdivision probably negatively affected some people, but unfortunately, beyond the one individual that had a lot of extra beehives on their property, he thinks that issue has been resolved.

- (2) It doesn't make sense to him to have a very small portion of the residential areas in the county have one rule and not the same rule for the other residential areas. This is more of a community-wide issue and you really ought to get the community together to make a decision about how all residences are treated equally.
- (3) There are best practices already in place that can deal with those issues.
- (4) He said that the bees don't care about arbitrary limits that humans create; they are going to go wherever there is food and water.
- (5) He said that he knows up in the Prairieview area, there are lots of colonies that are within a couple of miles of that area, and we don't really know whether that problem was created by all the bees that were there on one property – there is no way to prove that.
- (6) He said he doesn't agree with passing something like this that doesn't cover all residential areas; he thinks if we want to deal with it, we need to deal with it on a broader issue for the community, and the County needs to sit down and talk to municipalities here and decide on a common rule, if they are going to make any rules at all.
- (7) The guidance from the beekeepers association would be a good thing to follow; it's their experience, and it's their experience to know from a community perspective that the beehives ought to be placed where the bees have access to food and water, and that should be the common denominator for where you place beehives.
- (8) He said this one particular incident in Prairieview is the only incident he's aware of where we've had a potential nuisance problem from bees.
- (9) He said he lives out in the country, he's surrounded by woods and has a huge garden; he's not a beekeeper, but he has feral colonies around on his property, and all the insects are around, not just bees. He said every year he gets stung several times, but he's never been stung by a bee; it's been a wasp or a Yellow Jacket.
- (10) He said that he doesn't see a need to create a zoning issue for just a small portion of the residences in this county and not having a similar rule if we are going to have a rule at all for all of the residences.

PROPOSED AMENDMENT REVISED OCTOBER 14, 2021**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 DISTRICT.

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, four BEEHIVES shall be allowed. One NUCLEUS COLONY shall also be allowed for each authorized BEEHIVE.
 2. One additional BEEHIVE and one additional NUCLEUS COLONY shall be allowed for each additional 2,500 square feet of LOT AREA.
 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 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.
 - b. Minimum separation SIDE and REAR YARDS. SIDE and REAR YARDS shall be a minimum of 5 feet 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 STRUCTURE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of 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 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.

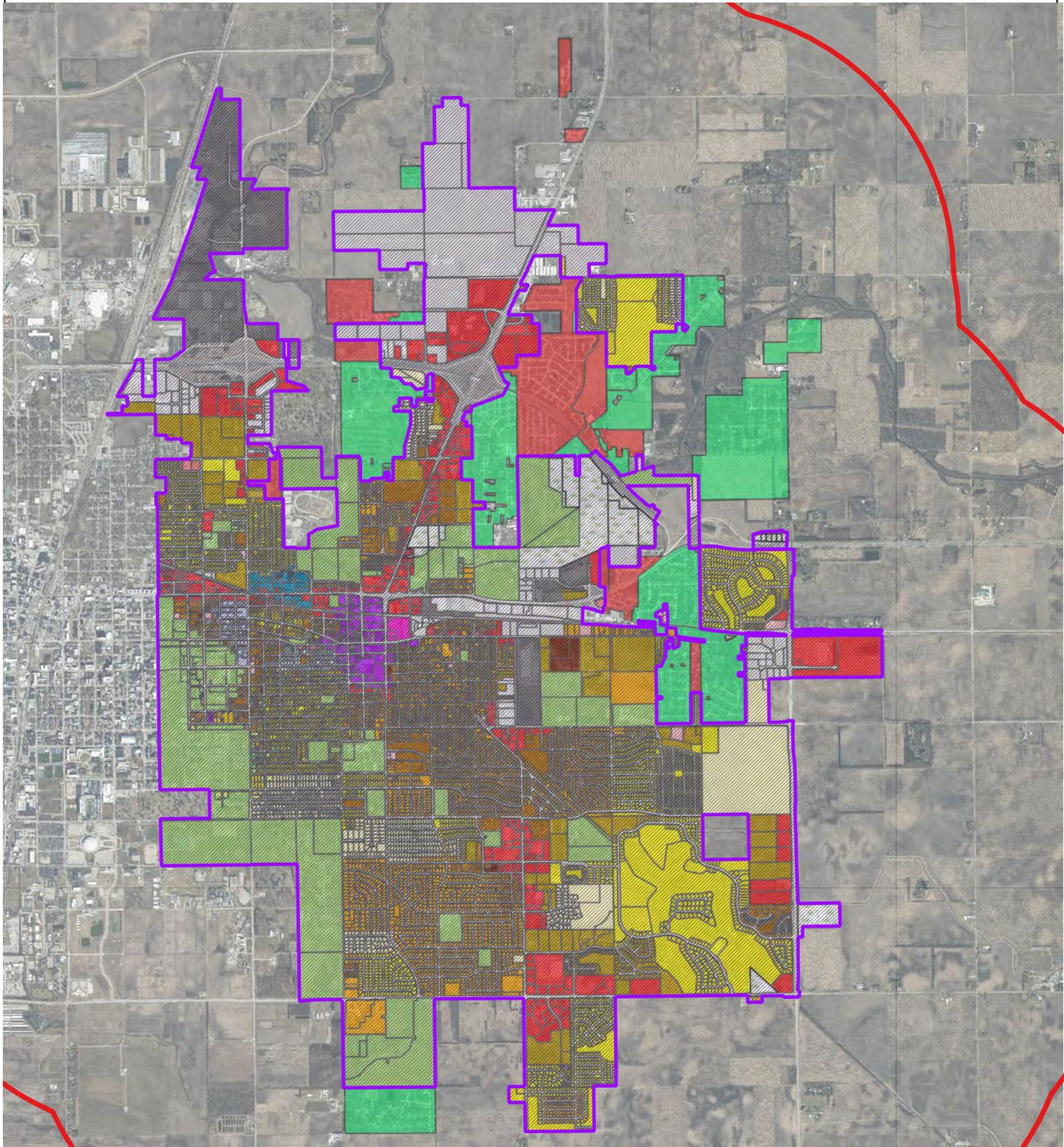
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- d. Any required fencing shall be indicated on the site plan for the Zoning Use Permit Application.
2. Flyway barrier.
- a. When any BEEHIVE or NUCLEUS COLONY is located less than 25 feet from a LOT LINE, there shall be a six-foot high flyway barrier (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 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 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.
- (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 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.

5. 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..... No fee

Exhibit B: City Zoning and County Beekeeping Districts: R1, R2, R3



Case No.: CCZBA-014-AT-21
 Subject: Residential Beekeeping
 Location: Champaign County
 Petitioners: Champaign County
 Zoning Administrator



City Zoning		IN-1	County Beekeeping Zoning	
AG	B-1	B-3	B-4	CRE
R-1	R-2	R-3	R-4	R-5
County R-1	County R-2	County R-3	County R-4	County R-5