

Case ZON 09-27

Attachment 2 of 2: Addition of SECTION 115.

All text below is a proposed addition to the Franklin County Zoning Resolution.

SECTION 115 – REGULATION OF AGRICULTURE

115.02 – APPLICABILITY

- a) Pursuant to Ohio Revised Code Section 303.21, Section 115 applies to lots that meet the criteria outlined in Section 110.011(b) above.

115.04 - REGULATION OF APIARIES

115.042 – Purpose and Intent

- a) The purpose of this section is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- b) The following findings are hereby made in relation to apiaries and honey bees:
 - 1) Honey bees are beneficial to humans and to Ohio in particular, by providing agricultural fruit and vegetable pollination services in tandem with home garden vegetable and fruit production and by furnishing honey, beeswax and other useful products.
 - 2) Ohio is among the leading states in honey production and honey bee assisted agricultural products throughout the United States and the world.
 - 3) Domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics which are desirable to foster and maintain.
 - 4) Gentle strains of honey bees can be maintained within populated areas in reasonable densities to fill the ecological niche and exclude unwanted and undesirable races of bees, without causing a nuisance if the honey bees are properly located, carefully managed and maintained.

115.044 - Establishment and Applicability

- a) No person shall engage in apiculture without a certificate of zoning compliance that specifically identifies apiculture.

- b) Notwithstanding compliance with the various requirements of this section, a beekeeper shall be prohibited from keeping in any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

115.046 - Development Standards

- a) **Allowed densities** – It shall be unlawful to keep more than the following number of colonies on any tract of land, based upon the size or configuration of the tract on which the apiary is situated:
- 1) one quarter acre or less – two (2) colonies
 - 2) more than one-quarter acre but less than one-half acre – four(4) colonies
 - 3) more than one-half acre – six (6) colonies
- b) **Yards and Location on Lot** – Any structure used for apiculture shall comply with the following yard and setback requirements:
- 1) Be located in a side or rear yard
 - 2) Be located at least 10 feet from any property line, subject to the requirements of subsection (e) below
 - 3) In the absence of a principal structure must be located behind the building line as defined SECTION 504 – BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY
 - 4) If the total area of structures used for apiculture does not exceed 65 square feet, the structures are not considered accessory buildings. Otherwise, all structures used for apiculture are accessory buildings and must comply with SECTION 512 – ACCESSORY BUILDINGS
- c) **Hive Registration** – All honey bee colonies shall be registered with the Ohio Department of Agriculture. Operators (beekeepers) granted a certificate of zoning compliance to operate an apiary must maintain a valid annual apiary registration. Beekeepers must comply with the Ohio Apiary Law.
- d) **Hive Type** - All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.
- e) **Fencing of Flyways** - In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Any fence shall comply with SECTION 501 – FENCE REQUIREMENTS and the following:
- 1) Height: six (6) feet in height
 - 2) Materials: consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line
 - 3) Location: extends 10 feet beyond the colony in each direction
- f) **Water** - Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees are less likely to congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause

human, bird or domestic pet contact.

- g) **Queens** – Beekeepers are strongly encouraged to maintain all colonies with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, beekeepers are encouraged to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarmling characteristics.

115.048 – Certificate of Zoning Compliance Required

No one shall engage in apiculture without a zoning certificate as provided for in SECTION 705.02 – CERTIFICATE OF ZONING COMPLIANCE and this subsection.

- a) **Information required** – In addition to the requirements of Section 705.022, applicants seeking to engage in apiculture must provide the following on the site plan or in accompanying documentation in conjunction with an application for a zoning certificate:
- 1) A copy of a current, valid apiary registration from the Ohio Department of Agriculture
 - 2) Hive type
 - 3) Location of hives
 - 4) Location of and manner of fencing of flyways, if required under Section 115.046(b)
 - 5) Location of nearby water
 - 6) A copy of a signed, written agreement under Section 115.048(b), if applicable
 - 7) Any other relevant information related to the operation of the apiary, if requested by the Administrative Officer
- b) **Operation** – It shall be presumed for purposes of this Section 115.04 that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be changed by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.
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Amendment to SECTION 720 - DEFINITIONS

All text below is a proposed addition to the Franklin County Zoning Resolution.

APIARIST – see BEEKEEPER.

APIARY - the assembly of one or more colonies of bees at a single location.

APICULTURE – the cultivation of bees for purposes of producing honey, pollination services, queen breeding programs, or other products of the hive.

BEEKEEPER - a person who owns or has charge of one or more colonies of bees.

BEEKEEPING EQUIPMENT - anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY - Colony or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and drones, including brood, combs, honey and the receptacle inhabited by the bees.

HIVE – See COLONY

HONEY BEE - all life stages of the common domestic honey bee, *Apis mellifera* species.