



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	November 28, 2017
Subject:	Beekeeping Zoning Petition
Recommendation:	The Planning Board recommends ADOPTION with proposed amendments to the petition (attached).

To the Honorable, the City Council,

The Board held a public hearing to discuss this petition on October 3, 2017. At that hearing, Community Development Department (CDD) staff and a representative from the Cambridge Public Health Department (CPHD) presented an overview of the city's urban agriculture initiatives as well as the specific zoning provisions proposed to allow beekeeping in Cambridge, and one member of the public spoke about the proposal. The Board continued the public hearing on November 14, 2017, in order to review draft regulations by the CPHD prior to making a recommendation.

The Board supports the proposal to allow beekeeping as an accessory use throughout the city, subject to permitting by the CPHD. The Board's view is that the zoning requirements for beekeeping should be limited, because most aspects of beekeeping are more appropriately regulated by the CPHD.

After review of the draft CPHD regulations, the Board recommends the attached amended version of the zoning petition, which removes requirements that are otherwise addressed through the CPHD regulations and permitting process.

Respectfully submitted for the Planning Board,

H Theodore Cohen, Chair.

Amendments to Article 4.000 – Use Regulations

Add the following paragraph “o.” to Section 4.21, Accessory Uses:

- o. Beekeeping, conducted in conformance with the Standards for Urban Agriculture set forth in Article 23.000 of this Zoning Ordinance and all other applicable laws, rules, and regulations, shall be considered an allowed accessory use when conducted on the lot of and in conjunction with one of the following principal uses: residential (all uses listed in Section 4.31, including transient accommodations), institutional (all uses listed in Section 4.33), office and laboratory (all uses listed in Section 4.34), store for retail sale of merchandise (Section 4.35 a.), place for the manufacturing, assembly, or packaging of consumer goods (Section 4.35 b.), and light industry (all uses listed in Section 4.37).

Amendments to Article 2.000 – Definitions

Amend the definition of “Open Space, Private” to read as follows (additions shown in underline):

Open Space, Private. The part or parts of a lot or structure which are reserved for the use of occupants of a building which is used wholly, or in part, for residential purposes. This space shall have minimum dimensions as prescribed in the Ordinance, shall exclude parking areas, driveways and walkways, and shall be open and unobstructed to the sky. Trees, plantings, arbors, fences, flagpoles, sculpture, fountains and recreational and drying apparatus and similar objects shall not be considered obstructions when located within a private open space. Objects or structures intended exclusively for bicycle parking, designed and located in accordance with Section 6.100, which may be uncovered, partially covered or fully enclosed, shall not be considered obstructions provided that such objects or structures are not used for motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21. Beehives and apiaries conforming to the Standards for Urban Agriculture in Article 23.000 of this Zoning Ordinance shall not be considered obstructions provided that they are no more than six (6) feet in height. To the extent permitted in this Ordinance, balconies and roof areas may also be considered as private open space.

Amendments to Article 5.000 – Dimensional Standards

Amend Section 5.23 to read as follows (additions shown in underline, deletions in ~~strikethrough~~):

- 5.23** *Height Exceptions.* The provisions of this Ordinance governing the height of buildings and structures in all districts shall generally not apply to the following elements:
- (a) chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy;
 - (b) ~~to~~ domes, towers, or spires above buildings if such features are not used for human occupancy and occupy less than ten (10) percent of the lot area;
 - (c) ~~to~~ wireless or broadcasting towers and other like unenclosed structures which occupy less than ten (10) percent of the lot area;
 - (d) ~~to~~ Wind Turbines, subject to the requirements and limitations set forth in Section 22.70; ~~and~~
 - (e) ~~to~~ elements of a Solar Energy System, as defined in Section 22.60 of this Zoning Ordinance, that would ordinarily be located on a rooftop where they would have direct exposure to sunlight; and
 - (f) beehives and apiaries extending no more than six (6) feet above a rooftop, in accordance with the Standards for Urban Agriculture in Article 23.000 of this Zoning Ordinance.

Amend Section 5.24.1 to read as follows (additions shown in underline):

- 5.24.1** Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Objects or structures intended exclusively for bicycle parking meeting the requirements of Article 6.000, which may be uncovered, partially covered or fully enclosed, shall not be considered obstructions provided that such objects or structures are not used for motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21. Beehives and apiaries conforming to the Standards for Urban Agriculture in Article 23.000 of this Zoning Ordinance shall not be considered obstructions provided that they are no more than six (6) feet in height. In addition, objects or equipment located in a required yard that are necessary for or appurtenant to a Public Bicycle-Sharing Station shall not be considered obstructions. Open or lattice enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

Create New Article 23.000 – Standards for Urban Agriculture

23.10 Intent

It is the intent of this Article 23.000 to provide standards for Urban Agriculture that will improve residents' access to healthy, locally-produced food and other agricultural products, allow additional opportunities for economic development and social service, promote sustainability and ecological stewardship, advance public knowledge of agricultural practices, maintain public health and safety, and mitigate potential conflicts between agricultural and other urban land uses.

23.20 Urban Agriculture Definitions

Apiary. A location or structure on a lot containing one or more beehives and associated beekeeping equipment.

Bee. Any life stage of the common domestic honey bee, *Apis mellifera*.

Bee Colony. An aggregate of worker bees, drones, a single queen, and brood living together as one social unit.

Beekeeping. The housing of one or more bee colonies on a lot for the purpose of collecting products including honey, beeswax, propolis, pollen, and royal jelly, and/or to support the ecological benefits of pollination.

Beehive. A structure intended for the housing of one Bee Colony.

~~**Beehive Flyway.** The location and direction in which bees fly when exiting a hive.~~

~~**Beehive Flyway Barrier.** A solid wall, fence, or other barrier provided for the purpose of causing bees to fly on an upward trajectory or in an opposing direction from the Beehive Flyway.~~

~~**Swarm.** A bee colony or partial bee colony in search of shelter.~~

23.30 General Standards for Urban Agriculture

23.31 Activities controlled by this Article shall be conducted in accordance with all applicable federal, state and local laws, rules and regulations, including those related to water use and discharge.

23.32 Activities controlled by this Article shall be conducted in accordance with all City of Cambridge Ordinances, including the Noise Control Ordinance (Cambridge Municipal Ordinance 8.16.010).

23.33 Activities controlled by this Article shall be conducted in accordance with all applicable regulations of the Cambridge Public Health Department.

23.40 Standards for Beekeeping

23.41 General Standards.

- a. Beekeeping is allowed as an accessory use pursuant to Article 4.000 of this Zoning Ordinance, according to the standards herein.
- b. A permit must be obtained from the Cambridge Public Health Department for all keeping of bee colonies, and permit-holders must be in compliance with all local public health regulations and state public health laws pertaining to beekeeping.

~~23.42 Number of Beehives.~~

- ~~a. No more than two (2) beehives are allowed on a lot unless permitted by the Cambridge Public Health Department.~~
- ~~b. The maximum number of beehives may be increased to no more than four (4) on a temporary basis, for no more than twenty (20) days, for the purpose of rescuing a swarm or to accommodate the division of a bee colony into multiple bee colonies.~~

~~23.43 Apiary Placement.~~

- ~~a. An apiary must be located at least five (5) feet from any property line, or may be closer to the property line if there is a solid fence or wall separating the apiary from an abutting property. Upon written approval of an abutter, the Cambridge Public Health Department may waive the five-foot setback with no solid fence or wall. Flyway barriers may extend into the five-foot setback.~~
- ~~b. An apiary may be located on an elevated surface such as a porch, balcony, deck, or rooftop, provided that it conforms to the standards set forth herein and is set back at least six (6) feet from the parapet, or may be closer to a parapet if it contains a protective barrier such as a railing, fence, or wall.~~

23.42 Beehive and Apiary Size.

- a. A free-standing beehive shall be no greater than twenty (20) cubic feet in volume. A beehive that is attached to or contained within a building may be greater in volume, provided that no portion of the beehive greater than twenty (20) feet in volume may project beyond the principal wall plane of the building.
- b. The maximum height of a beehive or ~~other~~ apiary ~~structure~~ shall be six (6) feet from grade, or from an elevated surface if located atop such a surface. This height does not include any flyway barrier. Limitation shall not apply to fences or other structures intended to separate a beehive or apiary from adjacent uses, which shall remain subject to other applicable provisions of this Zoning Ordinance.

~~23.45 Flyway Control.~~

- ~~a. No beehive flyway may be oriented toward any of the following positions, unless a beehive flyway barrier is provided to ensure that bees fly in an opposing direction from such positions:~~

- ~~i. An entry door, functioning window, or private outdoor space such as a deck, porch, or balcony located within ten (10) feet of the beehive, whether of a building on an adjoining lot, or of a dwelling unit located on the same lot as the beehive, unless the occupant of the dwelling unit grants permission.~~
 - ~~ii. A public street, park, school grounds, walkway, or bikeway located within ten (10) feet of the beehive.~~
 - ~~iii. An access point to a shared porch, balcony, or rooftop on which a beehive is located within five (5) feet of such access point.~~
- ~~b. Where provided, a beehive flyway barrier shall be located within three (3) feet of the entrance to the beehive flyway, and shall extend at least one (1) foot above the height of the beehive and at least two (2) feet in width on either side of the beehive.~~

23.43 Warning Signage.

- a. Where any beehive is located within ten (10) feet of a public street, park, school grounds, walkway, or bikeway, a sign legible from the public way indicating that a beehive is present nearby shall be maintained so that it is readable from the public way.
- b. Where any beehive is located on a shared porch, balcony, or rooftop, a sign indicating that a beehive is present shall be located at the entrance to such area.