



Legislation Text

File #: DC-O-0050-24, **Version:** 1

ORDINANCE

ZONING PETITION T-1-24 (B) PROPOSED TEXT AMENDMENTS TO THE DUPAGE COUNTY ZONING ORDINANCE RELATIVE TO BEEKEEPING

WHEREAS, a public hearing was held on May 14, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-1-24 (b) proposed text amendments to the DuPage County Zoning Ordinance relative to beekeeping, presented on May 14, 2024, and attached hereto as Exhibit A, and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested text amendment presented at the above hearing and at the recommendation meeting held on June 6, 2024 does find as follows:

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the last several months, County Board members have requested staff to research various land use topics that are of importance to their constituents. Staff has completed its research and developed several proposed amendments to the County Zoning Ordinance that would address the concerns of the County Board members relative to the following:
 - Beekeeping as part of a 4-H Project
2. That the Zoning Board of Appeals finds that on Tuesday April 16, 2024, the Development Committee voted to request staff to have the proposed text amendment considered at public hearing before the Zoning Board of Appeals.
3. Furthermore, that the Zoning Board of Appeals finds that they have concerns regarding native bee and non-native honeybee species, and that they do not have sufficient information regarding the impact of non-native honeybee species on native bee species. Therefore, the Zoning Board of Appeals made a motion of “no recommendation” regarding the subject text amendments for beekeeping.

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on June 6, 2024, made a motion of “no recommendation” regarding the following text amendments:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-1-24 (b) proposed text amendments to the DuPage County Zoning Ordinance relative to beekeeping, presented on May 14, 2024, and attached hereto as Exhibit A:

ZBA VOTE (No Recommendation): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on August 6, 2024, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to approve the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-1-24 (b) proposed text amendments to the DuPage County Zoning Ordinance relative to beekeeping, presented on May 14, 2024, and attached hereto as Exhibit A:

Development Committee VOTE (to Approve): 4 Ayes, 1 Nays, 1 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following text amendment be granted:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-1-24 (b) proposed text amendments to the DuPage County Zoning Ordinance relative to beekeeping, presented on May 14, 2024, and attached hereto as Exhibit A; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; and DuPage County Division of Transportation.

Enacted and approved this 27th day of August, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

EXHIBIT A:

Add to ARTICLE III. RULES AND DEFINITIONS, Section 37-302: DEFINITIONS to include the following:

BEE KEEPING:

APIARY: A place where one or more bee colonies are kept.

BEE: Any stage of the common domestic honeybee, Apis mellifera species.

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, including, but not limited to, hive bodies, supers, frames, top and bottom boards, and extractors.

COLONY (COLONIES): A hive and its equipment and appurtenance, including bees, comb, honey, pollen, and brood.

HIVE: A structure intended for the housing of a bee colony.

HOBBY BEEKEEPING: The keeping of bees subject to the restrictions set forth in this chapter.

NUCLEUS COLONY: A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose

Amend Sections: 37-701.1; 37-702.1; 37-703.1; 37-704.1 PERMITTED USES:

4-H projects **accessory to the principal use of the property:**

1. May be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area **(the 4-H minimum lot area shall not be required for 4-H bee keeping projects)**. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') feet from any side or rear lot line.

2. **4-H projects for bee keeping and bee colonies maintained as a hobby by a resident of the same property, and which is not for commercial purposes, are permitted subject to the following terms and conditions:**
 - a. **A permit issued by the County Building and Zoning Department is required to keep bees on a property.**
 - b. **The permit application requirements shall include:**
 - (1) **A site plan showing that all buildings and structures used for bee keeping shall be set back not less than twenty-five feet (25') from all property lines and shall be located behind the front wall of the home.**
 - (2) **Provide a copy the local Illinois Cooperative Extension 4-H program certification for the 4-H project.**
 - (3) **Provide a certified copy of the State of Illinois Department of Agriculture registration form as required by the Illinois Bees and Apiaries Act (510 ILCS 20/I et seq.) as amended from time to time, and comply with all applicable regulations of said Department as may be amended from time to time.**
 - (4) **Provide documentation showing that all bees shall be of the common domestic honeybees of the *Apis Mellifera* species.**
 - (5) **Provide documentation showing that all colonies will be kept in inspectable-type hives, with removable combs, which shall be kept in sound, usable, and sanitary condition.**
 - (6) **Provide documentation showing that all beehives shall be kept within one or more contiguous beehive structure(s) with a combined area not exceeding 8 square feet and 6 feet in height.**
 - (7) **Lots containing less than 40,000 sq. ft. of land shall not have more than two colonies. Lots exceeding 40,000 square feet of lot area shall have a maximum of four colonies.**
 - (8) **In any instance where a bee colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from a stock bred for gentleness and non-swarmling characteristics.**

END