

PUBLICATION OF:

ORDINANCE NO. 24-057

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 154 (ZONING)
OF THE MUNICIPAL CODE PERTAINING TO APIARIES**

CASE NO. Z2406-01

ADOPTED: JULY 23, 2024

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND DIRECTION OF
THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG ON**

JULY 24, 2024

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WHEREAS, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, on July 10, 2024, the Schaumburg Zoning Board of Appeals (“ZBA”) held a public hearing on the Proposed Code Amendments pursuant to notice thereof given in the manner required by law, and, after considering all of the testimony and evidence presented at the public hearing, recommended approval of the Proposed Code Amendments amending various sections of the Schaumburg Zoning Code; and

WHEREAS, the President and Board of Trustees of the Village of Schaumburg have duly considered the Findings and Recommendation of the ZBA, and all of the materials, facts and circumstances affecting the Proposed Code Amendments; and

WHEREAS, pursuant to the authority granted under Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.), the President and Board of Trustees of the Village of Schaumburg approve the Proposed Code Amendments to the Village Code set forth below, and find that amending the Village Code to adopt such Proposed Code Amendments is in the best interest of the Village;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:

SECTION ONE: The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION TWO: Title 15, Chapter 154, Section 154.90.20 of the Schaumburg Village Code shall be stricken in its entirety.

SECTION THREE: Title 15, Chapter 154, Section 154.72 of the Schaumburg Village Code is hereby added to the Village Code, to read in its entirety as follows:

“§ 154.72 APIARIES.

The intent of these standards is to establish safe and effective practices related to the keeping of bees for hobby purposes to benefit the environment.

- (A) Accessory Use. The keeping of honey bees, of the European species *Apis mellifera*, is considered an accessory use to a principal use. No owner of any property shall allow other persons, not residing on such property, to maintain bee colonies on such property except when

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used in conjunction with an education curriculum at a school. In addition to the standards included in this section, the keeping of honey bees shall be allowed as special or permitted uses as stipulated in Chapter 154.

(B) General Standards:

- (1) **Hive Type:** All bee colonies must be kept in a hive with removable combs which shall be kept in good repair and usable condition.
- (2) **Colony Density:**
 - a. Two (2) full beehives (hives) and two (2) "nucleus hives" shall be permitted on lots up to and including a minimum lot area of ten thousand (10,000) square feet of area, and one (1) beehive and one (1) nucleus hive shall be permitted for each additional ten thousand (10,000) square feet. There shall be no limit on the number of hives kept on parcels with an area of two hundred thousand (200,000) square feet or more.
 - b. **Maximum Number of Colonies:** Not more than five (5) honey bee colonies may be kept on any lot or parcel.
 - c. Two (2) apiary sites may not exist within six hundred feet (600') of each other.
- (3) **Minimum Yard Setback Requirements:** The following minimum yards shall be required and maintained:
 - a. **Residential**
 1. **Rear Yard Only:** Apiaries shall be located in the rear yard only.
 2. **Interior Side Yards:** Apiaries shall be located a minimum of five feet (5') from the abutting interior lot line.
 3. **Rear Yard:** Apiaries shall be located a minimum of five feet (5') from the abutting rear yard lot line.
 4. **Right-of-Way:** Apiaries shall be located a minimum of fifteen feet (15') from a property line that abuts a street right-of-way, private road or alley.
 5. **Rooftops or Balconies:** Apiaries shall not be permitted on balconies.
 - b. **Non-Residential**
 1. Apiaries shall be permitted in all properties zoned B-3 - Planned Office Business and in all properties zoned M-1 – Manufacturing and M-P – Planned Manufacturing.
 2. **Rear or Side Yard Only:** Apiaries shall be located in the rear or side yard, or on the rooftop.

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3. Interior Side Yards: Apiaries shall be located a minimum of ten feet (10') from the abutting interior lot line.
4. Rear Yard: Apiaries shall be located a minimum of ten feet (10') from the abutting rear yard lot line.
5. Right-of-Way: Apiaries shall be located a minimum of fifteen feet (15') from a property line that abuts a street right-of-way, private road or alley.
6. Apiaries shall be located a minimum of twenty five (25') feet from a public building entrance or public pedestrian walkway.
7. Apiaries shall be prohibited on retail properties.
8. Additional landscaping that will provide a food source for the bees may be required.

(4) Flyway barrier:

If any colony is situated within twenty feet (20') of any property line, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier, which directs the honey bees upwards as they exit the beehive. The flyway barrier may consist of a solid wall, fence, dense vegetation, or combination thereof; that completely encloses the apiary, or forms an effective barrier, so that the bees are forced to fly at an elevation of at least six feet (6') above ground level when crossing the property line in the vicinity of the apiary. Any such flyway barrier shall be constructed in compliance with applicable village ordinances.

- (5) Signage: A sign, or signs, identifying the presence of beehives on the property shall be posted so as to be reasonably visible within close proximity of the apiary. The sign shall be conspicuous and weatherproof, measuring at least ten inches (10") by one foot (1'), located on all lot lines facing abutting properties, and within ten feet (10') of the beehive or apiary. The sign shall contain the statement "State Registered Beehive(s) on Property", or similar language that makes it clear that bees are on the premises. The sign must be visible and easily read from outside the property.
- (6) Maintenance: Beekeepers shall keep all beekeeping equipment in good condition and secure unused equipment from weather, potential theft, vandalism or occupancy by migratory colonies.
 - a. Components. Beekeepers shall ensure that no bee comb, wax or other materials are left upon the grounds of the beehive or apiary site. Beekeepers shall promptly store or dispose of any bee comb, wax or other materials which have been removed from the beehive in a sealed container or within a building or other bee-proof enclosure.
 - b. Water. Beekeepers shall ensure that a continuously available source of water is located within the parcel, provided that it is closer than water sources on any

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adjoining parcel. The water source shall be available at all times during the beehive's active months, March through November. The water source must be maintained by changing the water at least once a week so as not to create a breeding site for mosquitoes.

- c. Colony Maintenance. Beekeepers shall monitor and maintain their colony or colonies so as not to become a nuisance. Colonies must be monitored at least twice a month from March 1st to November 30th.

(7) Beehive By-Products:

- a. Honey, beeswax and other by products from the beehives that may be sold from time to time.

(8) Application Requirements:

- a. A scaled site plan of the proposed apiary showing placement of the beehive(s), the flyway barrier and compliance with all applicable requirements;
- b. A certificate of insurance from property owner's insurance company verifying that beekeeping is covered by the insurance policy covering the property on which the apiary will be located;
- c. Certificate of completion or similar documentation, from a beekeeping training course. Beekeepers are required to stay current and demonstrate their knowledge of colony health and management;
- d. State Registration. Beekeeper must, within thirty (30) days of installation of a colony into a beehive, submit proof of registration of the colonies with the Illinois Department of Agriculture or as otherwise required by the State of Illinois. State registration must be maintained for the life of the beehive.
- e. Illinois Bees and Apiaries Act. All beekeepers shall be in compliance with the Illinois Bees and Apiaries Act.

- (9) Removal: Any honey bee colony not residing in a hive structure intended for beekeeping, or any swarm of honey bees or colony residing in a hive which, by virtue of its condition, has been abandoned by the beekeeper, is unlawful, and shall be removed from the village limits by the property owner upon receipt of written notice from the village.”

SECTION FOUR: Title 15, Appendix A of the Schaumburg Village Code is hereby amended, to read in its entirety as follows:

APPENDIX A: SUMMARY OF PERMITTED AND SPECIAL USES

[...]

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BUSINESS DISTRICTS
(P - Permitted uses) (S - Special uses)

USE	ZONING CODE REFERENCE	B2	B3	B4	B5	USE TYPE EXAMPLES
Residential						
Multiple-family dwellings in the Woodfield Hub Overlay District		S	S	S		
<u>Agriculture</u>						
<u>Apiaries</u>			P			
Miscellaneous Uses within a Regional Shopping Center Building						
Auditoriums and Theaters					P	
Daycare Centers					P	
Restaurants					P	

[...]

MANUFACTURING DISTRICTS
(P - Permitted uses) (S - Special uses)

[...]

USES	M-P	M-1
Residential		
Dwellings for watchmen and their families, when located on-premises where they are employed in such capacity	P	P

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<u>Agriculture</u>		
<u>Apiaries</u>	<u>P</u>	<u>P</u>
Miscellaneous		
Crematories		S
Hazardous material and waste	S	S

SECTION FIVE: To the extent necessary, all tables of contents, indexes, headings, section and subsection numbering/lettering, and internal references or cross-references to sections that need to be amended or deleted within the Schaumburg Village Code, as amended, as a consequence of the above Code Amendments, shall be amended by the Village's codifier so as to be consistent with the terms of the Ordinance.

SECTION SIX: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION SEVEN: That this Ordinance shall be in full force and effect, after passage, approval and publication as required by law.


AYES: (6) Trustee Patel, Clar, Sullivan, Dunham, Madej, Bieschke

NAYS: (0) None

ABSENT: (0) None

ADOPTED this _____ 23rd _____ day of _____ July, 2024.

ATTEST:



Village President



Village Clerk