



City of Cambridge

Executive Department

LOUIS A. DePASQUALE
City Manager

LISA C. PETERSON
Deputy City Manager

August 7, 2017

To the Honorable, the City Council:

Please find attached a response to Awaiting Report Item Number 17-8, regarding a report on the Urban Agriculture Ordinance, received from Assistant City Manager for Community Development Iram Farooq, Chief Public Health Officer Claude Jacob and City Solicitor Nancy Glowa.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)





CITY OF CAMBRIDGE

 Community Development Department

IRAM FAROOQ
*Assistant City Manager for
Community Development*
Sandra Clarke
*Deputy Director
Chief of Administration*

To: Louis A. DePasquale, City Manager
 From: Iram Farooq, Assistant City Manager for Community Development
 Claude-Alix Jacob, Chief Public Health Officer, CPHD
 Nancy E. Glowa, City Solicitor
 Re: Proposed Urban Agriculture Zoning Amendment on Beekeeping
 Date: July 27, 2017

Introduction

Attached is a proposed amendment to the Zoning Ordinance that would permit beekeeping as an allowed accessory use in Cambridge, subject to permitting through the Cambridge Public Health Department (CPHD). This zoning amendment is a component of the broader Urban Agriculture initiative being developed by CDD and CPHD in partnership with the Urban Agriculture Task Force of the Food and Fitness Policy Council.

The proposed zoning amendment would apply in concert with a Beekeeping public health regulation, which will be promulgated by the Cambridge Commissioner of Public Health in the fall following a public hearing on the proposed Beekeeping regulation.

Content of Policy

This zoning amendment and corresponding public health regulation are intended to allow for limited beekeeping activities in the City. The proposed zoning covers land use considerations, establishing beekeeping as an allowed accessory use and applying dimensional standards for structures associated with this use. The content of the zoning amendment was developed with input from City staff, residents, beekeepers, and other experts. The associated public health regulation will cover permitting, notice to abutters, maintenance, sanitation and safe operation of beekeeping. The regulation will provide for notice to abutters when an application for any Beekeeping permit has been sought and a public hearing process will be made available prior to the issuance of a Beekeeping permit on request. The public health regulations are being developed with input from state and local health officials, epidemiologists and medical/veterinary experts, and local stakeholders.

Upcoming Timeline

The action requested of the City Council is to accept the proposed language as a zoning petition and to refer it to the Planning Board and Ordinance Committee for public hearings. The substance of the petition will be discussed through the hearing process, and may be revised by the City Council prior to adoption.

During the City's Council's deliberation of the zoning petition, a revised draft public health regulation will be produced and made available in advance of a

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public hearing to be held by CPHD later this month or in September (earlier drafts are currently available on CPHD's website).

Staff will continue to work on other components of the broader Urban Agriculture initiative in partnership with the Urban Agriculture Task Force.

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.

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- 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.
- 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.
- 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.

23.44 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.

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.

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- 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.

23.46 Warning Signage.

- a. Where any beehive is located within ten (10) feet of a public street, park, school grounds, walkway, or bikeway, a sign 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.