

**ORDINANCE NUMBER 1400**

**Final Publication Number 3459. First Publication in the Chronicle on October 26, 2017.**

**City of Cambridge**

**In the Year Two Thousand and Seventeen**

**AN ORDINANCE**

***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):*

- 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) 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) wireless or broadcasting towers and other like unenclosed structures which occupy less than ten (10) percent of the lot area;
  - (d) Wind Turbines, subject to the requirements and limitations set forth in Section 22.70;
  - (e) 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, minor deletions not shown):*

- 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.

### **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** 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 apiary shall be six (6) feet from grade, or from an elevated surface if located atop such a surface. This height 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.

**23.43** 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.

In City Council December 18, 2017.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 9; Nays 0; Absent 0; Present 0.

Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez  
City Clerk