SECTION 115 –REGULATION OF AGRICULTURE

115.02 - APPLICABILITY

a) Pursuant to Ohio Revised Code Section 519.21, Section 115 applies to lots that meet the criteria outlined in Section 110.011(b) above.

115.04 - REGULATION OF APIARIES

115.42 – Purpose and Intent

a) The purpose of this section is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

b) The following findings are hereby made in relation to apiaries and honey bees:

1) Honey bees are beneficial to humans and to Ohio in particular, by providing agricultural fruit and vegetable pollination services in tandem with home garden vegetable and fruit production and by furnishing honey, beeswax and other useful products.

2) Ohio is among the leading states in honey production and honey bee assisted agricultural products throughout the United States and the world.

3) Domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics which are desirable to foster and maintain.

4) Gentle strains of honey bees can be maintained within populated areas in reasonable densities to fill the ecological niche and exclude unwanted and undesirable races of bees, without causing a nuisance if the honey bees are properly located, carefully managed and maintained.

115.44 - Establishment and Applicability

a) No person shall engage in apiculture without a certificate of zoning compliance that specifically identifies apiculture.
b) Notwithstanding compliance with the various requirements of this section, a beekeeper shall be prohibited from keeping in any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

115.46 - Development Standards

a) **Allowed densities** – It shall be unlawful to keep more than the following number of colonies on any tract of land, based upon the size or configuration of the tract on which the apiary is situated:
   1) one quarter acre or less – two (2) colonies
   2) more than one-quarter acre but less than one-half acre – four(4) colonies
   3) more than one-half acre – six (6) colonies

b) **Yards and Location on Lot** – Any structure used for apiculture shall comply with the following yard and setback requirements:
   1) Be located in a side or rear yard
   2) Be located at least 10 feet from any property line, subject to the requirements of subsection (e) below
   3) In the absence of a principal structure must be located behind the building line as defined SECTION 504 – BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY
   4) If the total area of structures used for apiculture does not exceed 65 square feet, the structures are not considered accessory buildings. Otherwise, all structures used for apiculture are accessory buildings and must comply with SECTION 512 – ACCESSORY BUILDINGS

c) **Hive Registration** – All honey bee colonies shall be registered with the Ohio Department of Agriculture.

d) **Hive Type** - All honey bee colonies shall be kept in Langstroth-type or top bee hives.

e) **Fencing of Flyways** - In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Any fence shall comply with SECTION 501 – FENCE REQUIREMENTS and the following:
   1) Height: six (6) feet in height
   2) Materials: consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line
   3) Location: extends 10 feet beyond the colony in each direction

f) **Water** - Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees are less likely to congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

115.48 – Certificate of Zoning Compliance Required

No one shall engage in apiculture without a zoning certificate as provided for in SECTION 705.02 – CERTIFICATE OF ZONING COMPLIANCE and this subsection.

a) **Information required** – In addition to the requirements of Section 705.022, applicants seeking to engage in apiculture must provide the following on the site plan or in accompanying documentation:
   1) A copy of a current, valid apiary registration from the Ohio Department of Agriculture
   2) Hive type
   3) Location of hives
   4) Location of and manner of fencing of flyways, if required under Section 115.046(b)
   5) Location of nearby water
   6) A copy of a signed, written agreement under Section 115.048(b), if applicable
   7) Any other relevant information related to the operation of the apiary, if requested by the Administrative Officer

b) **Operation** – It shall be presumed for purposes of this Section 115.04 that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be changed by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

115.06 – COMMUNITY GARDENS

115.62 – Purpose and Intent

a) Pursuant to Ohio Revised Code Section 519.21, Section 115 applies to lots that meet the criteria outlined in Section 110.011(b) above.

b) The purpose of this section is to establish certain requirements of sound practices for establishment and operation of community gardens, which are intended to provide an opportunity for citizens to grow food, ornamental crops, and other plants in a shared environment while providing adequate protections to participants and the surrounding area.

c) The following findings are hereby made in relation to community gardens:
   1) Community gardens are beneficial to Blendon Township residents, by providing nutritious food at affordable costs, encouraging self-reliance, stimulating social interaction and community engagement, creating income-generating opportunitiesand economic development, and preserving green space.

   2) Economically challenged areas of Blendon Township lack access to fresh produce, and community gardens provide the opportunity for residents in these areas to access healthy, affordable food choices.

   3) Community gardens provide physical, emotional and mental health benefits toresidents who engage in community gardening.

4) Recent studies indicate a correlation between community gardens and reduced crime, increased neighborhood pride and desirability, and increased property values.

115.64 – Establishment and Applicability

a) Community gardens are a permitted use in the following zones: residential, multifamily, commercial, mixed-use, open space, industrial, institutional and vacant land, subject to the following regulations.

b) Community gardens shall consist of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users, as defined in SECTION 720 – DEFINITIONS.

c) Notwithstanding compliance with the various requirements of this section, the operator of a community garden shall maintain the property in productive use during the growing season.

d) At the end of each growing season annual vegetation shall be cut down to a height of not more than 6 inches above ground level.

115.66 – Development Standards

a) **Water Supply** – The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

b) **Location and Building Coverage** – Any structure used in conjunction with a community garden shall comply with the following requirements:
   1) Be located at least 10 feet from any property line.
   2) In the absence of a principal structure, structures must be located behind the building line as defined in SECTION 504 – BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY, or as defined by any applicable planned district or overlay district.
   3) If the total area of structures used in conjunction with a community garden does not exceed 65 square feet, the structures are not considered accessory buildings. Otherwise, all structures used for community gardens are accessory buildings and must comply with SECTION 512 – ACCESSORY BUILDINGS.
   4) No building or structures shall be permitted on the site except as permitted above. The following are not considered structures for the purposes of this section, provided they do not exceed a reasonable size: benches, bike racks, cold-frames, hoop houses, raised/accessible planting beds, compost or waste bins, picnic tables, garden art, rain barrel systems, and children's play areas.

c) **Soil Testing** – Prior to establishing a community garden, site operators shall obtain soil testing for, at minimum, total heavy metals: lead, cadmium, chromium, nickel, zinc, and copper. For sites containing soils not suitable for gardening, site operators shall use raised planting beds with suitable soils for gardening.

d) **Gardening Chemicals and Integrated Pest Management** – Community gardens are encouraged to adopt Integrated Pest Management (IPM) principles, as defined in SECTION 720 – DEFINITIONS, and to avoid the use of synthetic fertilizers and pesticides. Community gardens are encouraged to use a minimal amount of synthetic fertilizers and/or pesticides if necessary.

e) **Operating procedures** – Site users must have an established set of operating rules addressing the following:
   a) Governance structure of the garden
   b) Hours of operation
   c) Maintenance and security requirements and responsibilities
   d) Identification of a garden coordinator to perform the coordinating role for the management of the community gardens
   e) Any assignment of garden plots to be done in a fair and impartial manner according to the operating rules established for that garden.
   f) The name, telephone number and email address of the garden coordinator and a copy of the operating rules shall be kept on file with the Blendon Township Economic Development and Planning Department.

f) **Offsite drainage** – The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.

g) **Sales** – There shall be no retail sales on site, except as permitted for produce grown on the site. On-site farm markets shall comply with SECTION 110.01 – AGRICULTURE.

h) **Signage** – All signs shall comply with SECTION 541 – SIGN AND BILLBOARD REGULATIONS.

i) **Fences** – All fences shall comply with SECTION 501 – FENCE REQUIREMENTS.

115.68 – Certificate of Zoning Compliance Required

No operator shall establish or operate a community garden without a zoning certificate as provided for in SECTION 705.02 – CERTIFICATE OF ZONING COMPLIANCE and this subsection.

a) **Information required** – In addition to the requirements of Section 705.022, applicants seeking to engage in community gardening must provide the following on the site plan or in accompanying documentation in conjunction with an application for a zoning certificate:
   1) Method of water supply
   2) Documentation of soil testing, including laboratory report, unless raised planting beds are used
   3) Operating procedures detailing all requirements in 115.066(g)
   4) The name, telephone number and email address of the garden coordinator
   5) Location of any proposed structure
   6) Location of any proposed fence

7) Explanation of method to control water runoff
8) Explanation of information provided to minimize fertilizer use
9) A copy of a signed, written agreement under Section 115.068(b), if applicable
10) Any other relevant information requested by the township related to the operation of the community garden, if requested by the Administrative Officer

b) **Operation** – It shall be presumed for purposes of this Section 115.06 that the operator of the community garden is the person or persons who own or otherwise have the present right of possession and control of the tract upon which the community garden is situated. The presumption may be changed by a written agreement authorizing another person to maintain the community garden upon the tract setting forth the name, address, and telephone number of the other person who is acting as the operator.