

**AVALON BOROUGH
ORDINANCE NO. 1371**

AN ORDINANCE AMENDING THE AVALON-BELLEVUE-BEN AVON JOINT ZONING ORDINANCE TO REGULATE THE ACTIVITIES OF RAISING CHICKENS AND BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS

WHEREAS, the Avalon-Bellevue-Ben Avon Joint Zoning Ordinance (“Joint Zoning Ordinance”), Article IV, § 2000-409(A), regulates accessory uses available in Residential Zoning Districts; and

WHEREAS, the Borough Council wishes to amend Article IV, § 2000-409(A) to more specifically regulate the activities of raising chickens and beekeeping; and

WHEREAS, the Avalon-Bellevue-Ben Avon Joint Planning Commission, pursuant to the provisions of the Joint Zoning Ordinance, has reviewed the following amendment and made a recommendation to the Councils of the Boroughs of Avalon, Bellevue and Ben Avon regarding the same; and

WHEREAS, The Councils of the Boroughs of Avalon, Bellevue and Ben Avon did hold a public hearing on the 27th day of June, 2017, after giving due public notice; and

WHEREAS, the Allegheny County Economic Development has had the opportunity to review the proposed amendment.

NOW, THEREFORE BE IT ORDAINED by the Council of the Borough of [Avalon, Bellevue or Ben Avon], pursuant to the authority conferred by 1984 Pa. Laws 164 codified at 74 Pa. Cons. Stat. §§ 5912, *et seq.*, and the Pennsylvania Municipalities Planning Code, that the Joint Zoning Ordinance be amended as follows:

- I. The Joint Zoning Ordinance, Article III, Definitions, § 2000-300(B), Definitions, is hereby amended to add the following defined terms:

Apiary – A place where Beehives are kept.

Beehive – A moveable-frame enclosure for the housing of Honeybees. All hives shall consist of moveable frames and combs, unless exempted by the Pennsylvania Department of Agriculture as an educational exhibit. Consistent with industry standards, a “Langstroth Hive” refers to any vertically modular beehive that accepts frames that are locally referred to as “Langstroth” frames, and a “Top Bar Hive” refers to a single-store frameless beehive in which the comb hangs from removable bars.

Beekeeping – The use of the premises for owning and/or breeding Honeybees.

Coop - An enclosed building for housing chickens in which nesting box(es) and roost(s) are provided.

Honeybee – All life stages of the common domestic honeybee *Apis mellifera* species. This term does not include any hybrid of the African Honeybee (*Apis mellifera scutellata*) with any European honeybee, also known as an “Africanized Honeybee.”

Run - A fenced area attached to a chicken coop allowing for outside room for chickens to move around and forage.

II. The Joint Zoning Ordinance, Article IV, § 2000-409, Accessory Buildings, Structures, Uses and Events, is hereby amended to read as follows:

§ 2000-409. Accessory Buildings, Structures, Uses and Events.

A. Accessory buildings, structures, uses and events permitted within Residential Zoning Districts of the Tri-Borough Communities include:

...

(13) On a lot of under eighty thousand (80,000) square feet in area, the keeping of chickens, when only for the private non-commercial use of the occupants of the dwelling on the same lot, provided that all of the following criteria are met:

- a. The principal permitted use of the lot is for a single-family dwelling.
- b. No roosters are permitted.
- c. Up to three (3) chickens are permitted on lots having a minimum of two-thousand (2,000) square feet in size. For every additional two-thousand (2,000) square feet of property, the owner or resident is permitted one (1) additional chicken, with no other livestock for lots under eighty thousand (80,000) square feet and to a maximum of six (6) chickens.
- d. Chickens shall be provided both a coop and a run.
- e. Any coop or any structure for manure storage shall not be located in the front yard of a lot.
- f. The following setbacks apply to any structure in which chickens are housed or any structure for manure storage:
 - Side yard – 12 feet
 - Rear yard – 20 feet
- g. All coops shall be at least six (6) square feet in size, and at least an additional two (2) square feet in size for each chicken over one (1) chicken.

- h. All runs shall be at least ten (10) square feet in size, and at least an additional ten (10) square feet in size shall be provided for each chicken over one (1) chicken.
- i. The chicken coop shall be constructed of solid material, vermin and predator proof, water tight, and easy to clean.
- j. The chicken coop shall have adequate ventilation.
- k. The run in which chickens have access to must be entirely surrounded by vermin and predator proof fencing such that chickens are not free to roam off of the lot. The chicken coop may be movable.
- l. The chicken coop and run may be moveable.
- m. Chickens shall be provided access to feed and clean water at all times, and waste must be disposed of properly, either through composting or in an enclosed container.
- n. Chickens shall be kept for personal use only. The selling of chickens, eggs or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
- o. Butchering of chickens is prohibited.
- p. The raising of chickens pursuant to this Section shall not be permitted in Ben Avon Borough.
- q. Raising of chickens pursuant to this Ordinance shall be subject to and compliant with any other rules, regulations, or best practices established by the Pennsylvania Department of Agriculture.

(14) On a lot having a minimum of two thousand (2,000) square feet in size, for the use of the occupants of the dwelling on the same lot, Beekeeping, provided that all of the following criteria are met:

- a. The property owner may keep up to two (2) Beehives. For every additional three thousand (3,000) square feet of property, the property owner is permitted to keep up to two (2) additional Beehives; however, the total number of Beehives kept on the property shall not exceed fifteen (15).
- b. Beehives shall not be located in the front yard of a property, and shall be set back at least twenty (20) feet from any property line.
- c. Beehives shall consist of moveable frames and combs, unless exempted by the Pennsylvania Department of Agriculture.
- d. A Beehive may not exceed:
 - a. Five (5) feet in height measured from the bottom of the Beehive to the top of the Beehive, for a Langstroth Beehive type; or
 - b. Four thousand four-hundred seventy-eight and one-half (4,478.5) cubic inches in volume, for a Top Bar Beehive.
- e. Beehive entrances shall be placed in such a direction that the Honeybees first fly across the property on which the Beehive is located.

- f. A “flyway barrier” of at least six (6) feet in height shall be provided at all places on the property line that are within twenty (20) feet of a Beehive. The “flyway barrier” shall consist of a solid fence or wall, dense vegetation or combination thereof. No “flyway barrier” is required for Beehives that are located on porches or balconies at least ten (10) feet above grade, except where such porch or balcony is located less than five feet from a property line.
- g. Beehives shall be registered with the Pennsylvania Department of Agriculture and shall comply with all rules and Best Practices adopted thereby.
- h. A consistent source of water shall be provided at the Apiary, unless it occurs naturally within three hundred (300) yards of the property on which the Apiary is located. The water may be “sweetened” with mineral salt or chlorine to enhance its attractiveness so as to discourage Honeybee visitation at swimming pools, hose bibs, animal watering sources, bird baths or where people congregate.
- i. Apiaries shall be managed and kept in a clean and orderly manner and appearance to prevent a nuisance.
- j. Tenants shall have the express, written consent of the property owner to keep any Beehive on the property.

- III. This Ordinance repeals any inconsistent prior ordinances or portion thereof to the extent of such inconsistency.
- IV. This Ordinance shall be effective upon recordation in the Borough ordinance book, or upon the thirtieth day after passage by the Council, whichever comes first, provided further, the foregoing notwithstanding, that this amendment will not be effective until such time as it has also been approved by all of the Boroughs participating in the Joint Zoning Ordinance.
- V. The provisions of this Ordinance are severable. Should any part of this Ordinance be invalidated by a court of law, it is the intention of the Council that the remainder of the Ordinance be in full force and effect.

DULY ORDAINED AND ENACTED at a public meeting of the Council of the Borough of Avalon, this 15th day of August, 2017.

ATTEST:


 Lorraine Makotuna
 Borough Secretary

BOROUGH OF AVALON

By: 
 Council President

APPROVED:

Bugilde Quakso 8/15/17
Mayor Date

This Ordinance recorded in the Borough Ordinance book on August 15, 2017
by the undersigned.

Lorraine Mahatuna
Borough Secretary