

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 9, 2020
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. December 12, 2019 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase I
2. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase I

F. ADJOURNMENT

ITEM SUMMARY

DATE: 1/9/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: December 12, 2019 Meeting Minutes

ATTACHMENTS:

	Description	Type
	December 12, 2019 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	1/2/2020 - 2:18 PM
Policy	Coleman, Chris	Approved	1/3/2020 - 1:05 PM
Publication Management	Daniel, Martha	Approved	1/3/2020 - 1:43 PM
Policy Secretary	Secretary, Policy	Approved	1/3/2020 - 2:18 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 12, 2019
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:15 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair

Rich Krapf

Tim O'Connor

Absent:

Jack Haldeman

Staff:

Christy Parrish, Zoning Administrator

Tammy Rosario, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Community Development Assistant

C. MINUTES

1. August 8, 2019 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the August 8, 2019, meeting minutes.

The motion passed 3-0.

2. November 14, 2019 Meeting Minutes

Mr. Krapf made a motion to Approve the November 14, 2019, meeting minutes.

The motion passed 1-0-2, with Ms. Leverenz and Mr. Tim O'Connor abstaining as they were not present at the November 14, 2019 meeting.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

Ms. Christy Parrish presented draft Ordinances for amendments to the Zoning Ordinance and Chapter 13 of the County Code for inoperative vehicles and oversized vehicles. She stated that the definition for inoperative vehicles would be separated into two subsections in the Zoning Ordinance. She stated that the first subsection would be consistent with the current Ordinance. She stated that the second subsection defines inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display an inspection decal that is valid for more than 60 days. She stated that this definition applies to properties that are less than two acres in size and are zoned for

agricultural, residential, and commercial purposes. She stated that the County could issue civil fines of \$100 for vehicles found to be inoperative in the first subsection. She stated that vehicles found to be inoperative in the second subsection can be towed by the County or be ordered to be removed by a Court.

Ms. Leverenz asked if the first subsection would be the default.

Ms. Parrish stated that the first subsection would not apply to properties that are zoned for agricultural uses. She stated that an agricultural property with more than five inoperative vehicles would be considered an automobile graveyard. She stated that automobile graveyards need to have an approved Special Use Permit or remove inoperative vehicles from the property so that there are five or less.

Mr. Tim O'Connor asked if the definition for inoperative vehicles would be used to determine if a property is an automobile graveyard.

Ms. Parrish confirmed. She stated that any vehicle that has farm tags or antique tags issued by the Department of Motor Vehicles would be considered operable by the County. She stated that the County cannot issue citations for inoperative vehicles that are screened from view or are otherwise not visible from the right-of-way.

Ms. Leverenz asked if inoperative vehicles could be cited if they were visible areas that have higher elevations than the property in question.

Ms. Parrish stated that the Zoning Division would work with the County Attorney's Office on special situations to determine if a citation can be issued. She stated that properties can have one inoperative vehicle that is screened by a car cover. She stated that the second subsection of the proposed Ordinance would create flexibility for citing inoperative vehicles on properties that are less than two acres in size.

Ms. Parrish stated that the second part of the Ordinance amendment was regarding oversized vehicles. She stated that discussions at prior Policy Committee meetings focused on how to define commercial vehicles. She stated that as a result of the discussion, staff was directed to draft the proposed Ordinance to define oversized vehicles instead of commercial vehicles. She stated that staff used Ordinances from Prince William County as a base to draft the proposed language. She stated that the proposed Ordinance amendment for Chapter 13 of the County Code included recreation vehicles (RVs) in the definition at the request of the Police Department. She stated that the regulations for oversized vehicles in Chapter 13 only applies to vehicles parked in rights-of-way. She stated that the scope of the initiating resolution did not include adding RVs in the definition for oversized vehicles in the Zoning Ordinance. She stated that the proposed amendment to the Zoning Ordinance noted that the regulation would not supersede any other Ordinance in the County Code.

Ms. Leverenz stated that the second line of the proposed Ordinance should be punctuated with commas.

Ms. Parrish stated that edits would be made to the second line to use commas. She stated that she would confirm the proposed language with the County Attorney's Office.

Ms. Leverenz asked why the proposed definition for inoperative vehicles states "The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor."

Ms. Parrish stated that the language was part of the Code of Virginia.

Ms. Leverenz asked if it would make sense to state that the first subsection applies to properties that are two acres or larger.

Ms. Parrish stated that adding a size limitation to the first subsection would remove the flexibility for how inoperative vehicles are enforced. She stated that the first subsection could apply to lots that are less than two acres and zoned for residential or commercial purposes.

Mr. O'Connor stated that he had concerns about RVs parked in front yards.

Ms. Parrish stated that regulating RVs on private property would be outside of the scope of the Initiating Resolution. She stated that RVs could be discussed with the Board of Supervisors (BOS) to get further direction.

Mr. Krapf stated that he was concerned that regulating RVs could have unintended results.

Ms. Parrish stated that RVs could not be occupied when parked on residential properties.

Ms. Leverenz stated that homeowners associations often have covenants that prohibit parking RVs within their neighborhood.

Mr. O'Connor asked how trailers would be regulated under the proposed Ordinance.

Ms. Parrish stated that the proposed Ordinance in Chapter 13 would not allow trailers to be parked in the rights-of-way unless they were temporarily parked for work or service taking place on a property.

Mr. O'Connor stated that many citizens have concerns about trailers parked on neighborhood streets. He stated that trailers parked on streets can impact public safety.

Ms. Leverenz asked if a homeowner who is in the process of loading a moving truck would be affected by the proposed Ordinance.

Ms. Parrish stated that the proposed amendments allow temporary parking for work or services actively taking place on a property.

Mr. O'Connor stated that the proposed Ordinance for Chapter 13 had an exemption for "utility generators located on trailers and being used to power network facilities during a loss of commercial power." He asked how power network facilities are defined.

Ms. Parrish stated that the intent of the language is to allow generators to be operated when there are power outages. She stated that the language is intended to avoid unintentional consequences in emergency events where there is a power outage.

Mr. Krapf made a motion to recommend approval of the draft Ordinances.

The motion passed 3-0.

2. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

Mr. Thomas Wyson stated that at its August 13, 2019 meeting, the BOS adopted an initiating resolution directing staff to explore the impacts of amending the Zoning Ordinance to remove storage and warehousing as a permitted use or make it a specially permitted use in the Mixed Use (MU) Zoning District. He stated that the intent of the MU District is to promote multi-use master planned communities. He stated that there are existing MU developments that include

storage and warehousing as part of their commercial components. He stated that the Liberty Ridge community includes self-storage as the principal commercial use. He stated that the BOS and Planning Commission had concerns about self-storage that was part of a proposal for the Forest Heights neighborhood. He stated that a few of these concerns were that self-storage facilities may have a negative visual impact and do not fulfill the intent of the MU District. He stated that staff finds that the warehouse, storage, and distribution centers use does not fully fulfill the intent of the MU District. He stated that staff found that it could be possible for a well-designed warehouse or storage facility to serve as a component of an MU development's commercial uses or as a support use for other commercial uses in a development. He stated that staff recommends amending the Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District. He stated that if the Policy Committee approves of the proposed changes, the Ordinance would be heard at the January 8, 2020, Planning Commission meeting.

Ms. Leverenz asked if an RV storage facility would fall under the warehouse, storage, and distribution center use.

Mr. Wysong stated that an RV storage facility could be considered a storage use. He stated that he could discuss that with the Zoning Administrator to confirm how RV storage facilities would be classified.

Ms. Leverenz stated that RV storage facilities could be an appropriate use within the MU District.

Mr. Krapf stated that making warehouse, storage, and distribution centers a specially permitted use in the MU District would avoid potential impacts on existing storage facilities in MU developments.

Mr. O'Connor asked if self-storage facilities fall under the warehouse, storage, and distribution use.

Mr. Wysong confirmed.

Mr. Krapf made a motion to recommend approval of the proposed Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District.

The motion passed 3-0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 4:50 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 1/9/2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator/Senior Planner

SUBJECT: Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase I

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Survey of Local Ordinances	Backup Material
☐	Best Management Practices - Chapter 319 of the Virginia Administrative Code	Backup Material
☐	Beekeeping - Chapter 44 of the Code of Virginia	Backup Material
☐	Map of A-1, General Agricultural and R-8, Rural Residential Properties	Backup Material
☐	Virginia's Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators (provided by citizen)	Backup Material
☐	Beekeeper Pollinator Protection Best Management Practices (provided by citizen)	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	1/2/2020 - 2:25 PM
Policy	Coleman, Chris	Approved	1/3/2020 - 1:06 PM
Publication Management	Daniel, Martha	Approved	1/3/2020 - 1:47 PM
Policy Secretary	Secretary, Policy	Approved	1/3/2020 - 2:18 PM

MEMORANDUM

DATE: January 9, 2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator
W. Scott Whyte, Senior Landscape Planner II

SUBJECT: ORD-19-0010, Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase I

Overview

At its October 8, 2019 meeting, the Board of Supervisors adopted an Initiating Resolution to address beekeeping in residential and agricultural districts. The keeping of bees is already currently permitted in agricultural districts (A-1, General Agricultural District and R-8, Rural Residential District) under the General Agricultural use. Therefore, for the purpose of this discussion, staff will be investigating beekeeping in residential districts.

Pollinators contribute substantially to the economy. According to the Presidential Memorandum titled “Creating a Federal Strategy to Promote the Health of Honey Bees and other Pollinators” dated June 20, 2014, honey bee pollination adds more than \$15 billion in value to agricultural crops each year in the United States. There are also a number of valuable non-food products produced by the honey bee, such as beeswax used in cleaning and beauty supplies. Over the past few decades, there has been a significant loss of pollinators, which include honey bees.

At the state level, there have been several initiatives to support beekeeping in the Commonwealth. On March 30, 2012, the Virginia General Assembly created the Beehive Grant Program to assist individuals who desire to keep bees. Individuals who are interested in this program are required to register with the Virginia Department of Agriculture. On August 31, 2016, the Virginia Department of Agriculture and Consumer Services adopted Best Management Practices (BMPs) for the Operation of Apiaries in Order to Limit Operator Liability. These BMPs are voluntary, except that those seeking certain liability protections provided for under State Code must comply with the BMPs. Staff has included information from the BMPs in the research section below, and in Column “O” in Attachment No. 1.

Research

Staff has conducted research on other localities regarding the keeping of bees (Attachment No. 1). In terms of the use of beekeeping in general, all localities surveyed allowed beekeeping accessory to residential uses. Some localities such as the Cities of Hampton and Williamsburg do not address beekeeping in their Ordinances; due to the nature of the Ordinances, this allows the use to occur.

A majority of the localities surveyed require minimum distances from property lines, public or private rights-of-way, and dwellings or structures. Distances range from 3-20 feet. BMPs suggest a minimum of 10 feet from any property line.

Some localities surveyed have requirements as to when a barrier is required. Distances vary from 10-35 feet of a property line. According to the BMPs, a barrier should be installed when hives are located within 40 feet of a property line. The BMPs also indicate that barriers should be of sufficient density, length, and height to establish bee flyways (route regularly used by bees) six feet or higher above ground. Some localities state that barriers should consist of fencing, structures, vegetation, or a combination of any.

Beehives need a water source. BMPs suggest water sources should be within 50 feet or less of the hive or less than one-half the distance to the nearest unnatural source of whatever is closest. Most localities surveyed generally mirror this language.

BMPs suggest limiting the number of colonies based on acreage. For every increase incrementally by a one quarter acre, the number of colonies can be increased to a maximum of six colonies per acre. However, if all colonies are placed at least 200 feet from all property lines, there is no limit on the number of colonies a property owner or operator can have. About half of the localities researched have limits on the number of colonies based on lot size. Two localities have requirements similar to the BMPs, and three based the number on additional square footage of lot size.

Some other items in the BMPs or in other localities' Ordinances that are noteworthy are requirements that owners or operators follow certain maintenance standards (keep equipment in good working order, securing equipment so as to not attract swarms, wax comb maintenance, etc.) and post signs or notify neighbors.

Options

If the Policy Committee agrees with a recommendation to allow beekeeping in residential zoning districts, staff has identified two possible routes:

- 1) The Policy Committee could decide that performance standards would not be necessary, but would encourage all beekeepers to voluntarily follow the BMPs that were adopted by the State of Virginia.
- 2) At the direction of the Policy Committee, staff could develop performance standards in the Special Regulations section of the Zoning Ordinance similar to the format for the chicken keeping standards. These could include but not limited to, lot area requirements, distances from dwelling and/or property lines, distances when barriers would be required, and other items discussed above.

For either of the two options above, staff could prepare an analysis for the next meeting regarding which residential districts in the County the Committee may wish to consider amending to allow this use. Finally, staff could also prepare an analysis on options for how to allow the use, in terms of issuing permits, operating on a complaint basis, or other options.

Recommendation

Staff looks forward to the Committee's input on these discussion items and recommendations.

TC/WSW/md
Ord19-10BeesRD1-mem

Attachments:

1. Survey of Local Ordinances
2. Best Management Practices - Chapter 319 of the Virginia Administrative Code
3. Beekeeping - Chapter 44 of the Code of Virginia
4. Map of A-1, General Agriculture and R-8, Rural Residential Properties
5. Virginia's Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators (provided by citizen)
6. Beekeeper Pollinator Protection Best Management Practices (provided by citizen)

[illegible]

Virginia Administrative Code

Title 2. Agriculture

Agency 5. Department of Agriculture and Consumer Services

Chapter 319. Best Management Practices for the Operation of Apiaries in Order to Limit Operator Liability

2VAC5-319-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Apiary" means any place where one or more colonies of bees are kept.

"Apiary operator" means a person who operates an apiary and seeks to limit his liability for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances as provided for in § 3.2-4411.1 of the Code of Virginia.

"Bee" means the honey bee, *Apis mellifera* and genetic variations thereof, at any living stage and may include other hymenopterous insects that depend on pollen and nectar for food.

"Bee equipment" means hives; hive parts, including frames, supers, covers, and bottom boards; and beekeeping apparel.

"Colony" means a queenright assemblage of social bees capable of reproducing.

"Comb" means a mass of six-sided cells used by honey bees in which brood is reared and honey and pollen are stored.

"Disease" means departure from a sound state of health of bees characterized by visible symptoms including American foulbrood and any other diseases, insects, mites, or bee pests.

"Division" means to separate a bee colony into two or more hives.

"EHB" mean European honey bees.

"Foundation" means a template, base, or midrib used for the production of straight, movable comb in a frame.

"Frame" means a wooden or plastic form, usually consisting of four sides, designed to hold comb spaced between 1/4 inch and 3/8 inch apart and to allow for removal of the frame without damage to the comb.

"Hive" means a box, skep, barrel, log gum, or other container used as a domicile for bees.

"Split" means a division of a bee colony for the purposes of increasing the number of hives.

"Swarm" or "swarming" means a form of propagation of bees in which all or a portion of a colony, usually containing at least one queen, departs from its original hive to establish a new colony.

Statutory Authority

§ 3.2-4411.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

2VAC5-319-20. Limitation of liability.

A. An apiary operator operating in conformance with § 3.2-4411.1 of the Code of Virginia and this chapter shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances. This limitation of liability does not apply to intentional tortious conduct or acts or omissions constituting gross negligence or negligence.

B. A person is not required to comply with the provisions of this chapter unless he seeks to limit his liability as provided for in § 3.2-4411.1 of the Code of Virginia.

Statutory Authority

§ 3.2-4411.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

2VAC5-319-25. Best management practices.

An apiary operator shall comply with local, state, and federal ordinances, regulations, and laws pertaining to beekeeping. This section shall apply to an apiary operator keeping any honey bee, *Apis mellifera* and genetic variations thereof, at any living stage, or other hymenopterous insect that depends on pollen and nectar for food.

Statutory Authority

§ 3.2-4411.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

2VAC5-319-30. Best management practices for the keeping of honey bees.

A. For the purpose of this section, "bee" means the honey bee, *Apis mellifera* and genetic variations thereof, at any living stage, and does not mean other hymenopterous insects that depend on pollen and nectar for food.

B. An apiary operator shall maintain a healthy populous colony of bees by:

1. Removing or securely sealing any empty bee equipment in an apiary. For the purpose of this subdivision, "empty" means without bees but containing comb or other materials attractive to bees and does not include equipment in use as a bait hive for capturing a swarm;

2. Removing all colonies in a state of decline, combining such colonies with other colonies, or taking other action to establish a healthy populous condition in such colonies;
3. Repairing or replacing damaged or defective hive boxes, frames, and other bee equipment;
4. Replacing frames containing old comb with new or cleaned frames containing foundation such that all comb in a hive is replaced every five to seven years;
5. Feeding or maintaining an adequate amount of honey and pollen in a hive for brood production during the growing season;
6. Preventing disturbance or injury to bee colony or hive by vertebrate pests; and
7. Managing the colony to address any disease or pest infestation or remove all disease or pest-infested hives that may be detrimental to the health of other colonies in the vicinity of the apiary. An apiary operator shall inspect hives for disease at least once every three months.

C. For the purposes of this subsection, (i) "full hive" means a hive consisting of a minimum of two eight-frame deep hive boxes for a Langstroth-style hive, or a hive of equivalent capacity, that has movable frames with combs, and (ii) "nucleus hive" means a hive with less capacity than a full hive. A full hive should enter the winter with a minimum of 60 pounds of honey and the equivalent of four frames of pollen stores. A nucleus hive should enter the winter with a minimum of 30 pounds of honey and the equivalent of two frames of pollen stores.

D. An apiary operator shall practice proper management and control techniques to reduce the likelihood of swarming.

E. An apiary operator shall maintain all colonies at least 10 feet away from property lines to prevent an individual from impeding normal bee flight activity from a hive. An apiary operator shall place all colonies that are less than 40 feet from a property line behind a barrier that is no less than six feet in height and is located between the colony and the property line or elevate the hive entrance no less than six feet above the property line. Barriers should be of sufficient density, length, and height to establish bee flyways six feet or higher above ground level.

F. When an apiary is located in an area in which the apiary operator should reasonably expect that the bees may rely on a nearby unnatural source of water, the apiary operator shall maintain a water source within 50 feet of a colony or less than one-half the distance to the nearest unnatural source of water, whichever is closest. An unnatural source of water includes a swimming pool, bird bath, and pet or livestock watering receptacle.

G. An apiary operator shall avoid opening or disturbing a colony when the apiary operator has knowledge that another person is participating in outside non-beekeeping activities or using machinery within 150 feet of the apiary.

H. An apiary operator shall only maintain a colony with EHB or EHB hybrid stock and shall:

1. Purchase queens, packaged bees, nucleus colonies, or established hives from suppliers

providing EHB stock, or obtain a queen and bees from a local supplier or raise queens from stock owned by the apiary operator, provided the origin and EHB status of the mother queen is known;

2. Not obtain queens or bees from suppliers within 100 miles from known Africanized honey bee populations;

3. Introduce queens from healthy stock when making divisions or splits of established colonies;

4. Replace queens in all captured or trapped swarms within 45 days of capturing or trapping swarms;

5. Replace queens in all colonies every two years to minimize swarming behavior; and

6. Mark the thorax or clip a wing of the queens in a manner that allows the age of the queens to be determined prior to their introduction to splits, swarms, or colonies.

I. An apiary operator shall limit the number of colonies that he places in his apiary as follows:

1. If the property on which the apiary is located is 1/4 acre or smaller, the apiary shall not have more than two colonies. The apiary operator may increase the number of colonies up to four colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.

2. If the property on which the apiary is located is more than 1/4 acre, but less than 1/2 acre, the apiary shall not have more than four colonies. The apiary operator may increase the number of colonies up to eight colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.

3. If the property on which the apiary is located is 1/2 acre or more, but less than one acre, the apiary shall not have more than six colonies. The apiary operator may increase the number of colonies up to 12 colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.

4. If the property on which the apiary is located is one acre or more, the apiary shall not have more than six colonies per acre. The apiary operator may increase the number of colonies up to 12 colonies per acre for not more than 60 consecutive days for the purpose of queen mating and swarm control.

5. If all colonies are placed at least 200 feet from all property lines, there is no limit on the number of colonies that an apiary operator may place in his apiary.

Statutory Authority

§ 3.2-4411.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

Code of Virginia

Title 3.2. Agriculture, Animal Care, and Food

Chapter 44. Beekeeping

§ 3.2-4400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Apiary" means any place where one or more colonies of bees are kept.

"Appliance" means any apparatus, tool, machine, or other device used in the handling and manipulating of bees, honey, wax, hives, and hive parts and shall include containers used in transporting, processing, storing, or merchandising bees and bee products.

"Bee" means the honeybee, *Apis mellifera* and genetic variations thereof, at any living stage; and may include other hymenopterous insects that depend on pollen and nectar for food.

"Bee diseases" means departures from a sound state of health of bees characterized by visible symptoms including American foulbrood and any other diseases, insects, mites, or bee pests.

"Bee equipment" means hives and hive parts including frames, supers, covers, bottom boards, and beekeeping apparel.

"Brood comb" means the assemblage of cells containing any living stage of bees at any time prior to their emergence as adults.

"Certificate of health" means a state-of-origin document prepared and signed by the State Apiarist or other authorized person declaring the bees, bee equipment, appliances, apiaries, and honey houses to be free of bee diseases.

"Colony" means a queenright assemblage of social bees capable of reproducing.

"Combless package" means a shipping container for transporting bees or queens.

"Entry permit" means a state-of-destination document prepared by the State Apiarist or other authorized person authorizing the entry of bee equipment, appliances, and bees on combs into the Commonwealth.

"Hive" means a box, skep, barrel, log gum, or other container used as a domicile for bees.

"Honey house" means any building where honey for commercial use is extracted, graded, processed, packed, or stored.

"Person" means the term as defined in § 1-230. The term also means any society.

Code 1950, § 3-483; 1966, c. 702, § 3.1-588; 1972, c. 499, § 3.1-610.1; 1982, c. 100; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4401. Powers and duties of the Board.

The Board may adopt regulations to:

1. Suppress bee diseases by regulating the movement of bees and controlling or destroying

disease reservoirs;

2. Require apiary identification;
3. Adopt colony strength standards for pollination services;
4. Promote the sale and distribution of bees and their products; and
5. Effectively administer and enforce this chapter.

1972, c. 499, § 3.1-610.9; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4402. State Apiarist.

The Commissioner may appoint a State Apiarist with adequate experience and training in practical beekeeping. The State Apiarist shall promote the science of beekeeping by education and other means; inspect apiaries, beehives, and beekeeping equipment within the Commonwealth for bee disease; and perform other duties that may be required by regulation or law, including the inspection of honey houses for sanitation.

Code 1950, §§ 3-484, 3-485; 1966, c. 702, §§ 3.1-589, 3.1-590; 1972, c. 499, §§ 3.1-610.2, 3.1-610.3; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4403. Duties of beekeepers.

Beekeepers shall:

1. Provide movable frames with combs or foundation in all hives used by them to contain bees, except for short periods, not to exceed the first spring honey flow, and to cause the bees in such hives to construct brood combs in such frames so that any of the frames may be removed from the hive without injuring other combs in such hive; and
2. Securely and tightly close the entrance of any hive in apiaries not free from disease and make the hive tight so that robber bees cannot enter, leave, or obtain honey from the hives as long as the hives remain in a location accessible by honeybees.

Code 1950, § 3-497; 1966, c. 702, § 3.1-602; 1972, c. 499, § 3.1-610.10; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4404. Duty to notify the State Apiarist of diseased bees.

Any person in the Commonwealth who is aware of diseased bees in his or other apiaries shall immediately notify the State Apiarist, giving the exact location of the diseased bees and other information as requested.

Code 1950, § 3-498; 1966, c. 702, § 3.1-603; 1972, c. 499, § 3.1-610.8; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4405. Entry permit required to bring bees and used bee equipment into Commonwealth; inspection.

A. No person shall bring any bees on combs, empty used combs, used hives, or other used apiary appliances into the Commonwealth without first receiving an entry permit to do so from the State Apiarist. Entry permits shall be issued only upon receipt of satisfactory proof that the bees and other items are free from bee diseases. Specifically identifiable colonies must be brought into the Commonwealth within 60 days from the issuance of the entry permit.

B. Bees brought into the Commonwealth shall be subject to inspection at any time.

Code 1950, § 3-501; 1950, p. 227; 1966, c. 702, § 3.1-606; 1972, c. 499, § 3.1-610.15; 1982, c. 100; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4406. Certificate of health to accompany bees in combless packages brought into Commonwealth.

All bees in combless packages transported into the Commonwealth shall be accompanied by a certificate of health issued by the proper official of the place of origin.

Code 1950, § 3-500; 1966, c. 702, § 3.1-605; 1972, c. 499, § 3.1-610.14; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4407. Certificate of health to accompany bill of sale.

No bees on combs, hives, used beekeeping equipment with combs, or appliances may be offered for sale without a certificate of health prepared by the State Apiarist for each specifically identifiable item. The certificate of health must accompany each bill of sale.

Code 1950, § 3-502; 1966, c. 702, § 3.1-607; 1972, c. 499, § 3.1-610.17; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4408. Rearing package bees and queens for sale.

A. No person shall rear package bees or queens for sale without first applying to the State Apiarist for inspection at least once during each summer season.

B. Upon the discovery of any bee diseases, the rearer or seller shall at once cease to ship bees from affected apiaries until the State Apiarist issues a certificate of health for such apiaries.

C. No person engaged in rearing queen bees for sale shall use honey in the making of bee food for use in mailing cages.

Code 1950, § 3-496; 1966, c. 702, § 3.1-601; 1972, c. 499, §§ 3.1-610.12, 3.1-610.13; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4409. Right of entry for inspection and enforcement.

The Commissioner may enter any private or public premises during business hours, except private dwellings. The Commissioner shall have access to all apiaries and other places where bees, combs, beekeeping equipment, and appliances may be kept.

Code 1950, § 3-488; 1966, c. 702, § 3.1-593; 1972, c. 499, § 3.1-610.7; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-4410. Measures to eradicate and control bee diseases; appeal.

A. The State Apiarist shall examine or inspect the bees in the Commonwealth whenever they are suspected of being infected with bee diseases and, on request, shall inspect bees to be sold or to be transported interstate.

B. If bees are found to be infected with bee diseases, the State Apiarist shall take suitable measures to eradicate or control such diseases.

C. If the owner of such diseased bees fails to take such steps as may be prescribed by the State Apiarist to eradicate or control the disease, the State Apiarist shall destroy or treat the bees, hives, and honey.

D. The State Apiarist may prohibit the removal of bees, honey, wax, combs, hives, or other used beekeeping equipment from any place where bees are known to be infected with bee diseases, until he issues a certificate of health for such place.

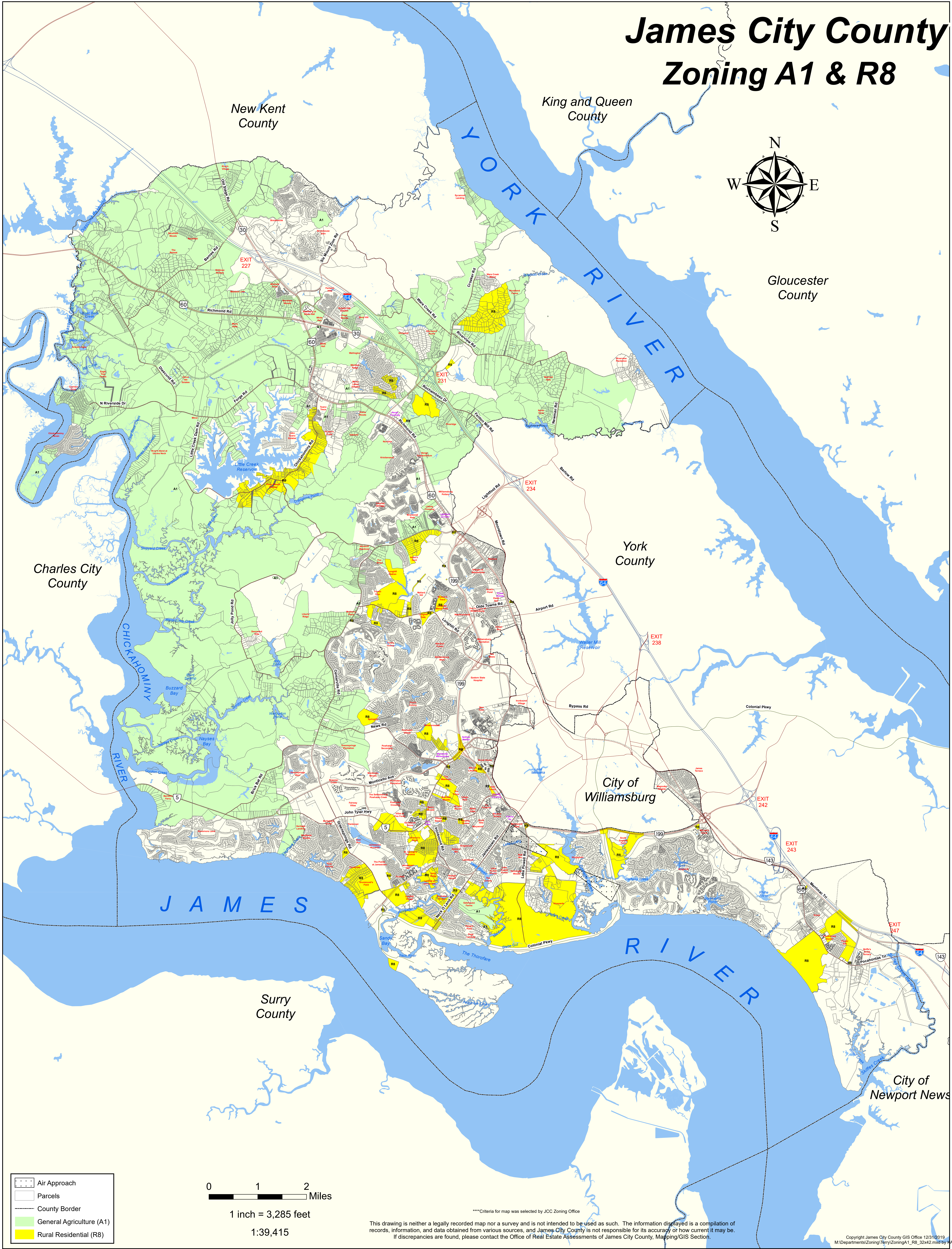
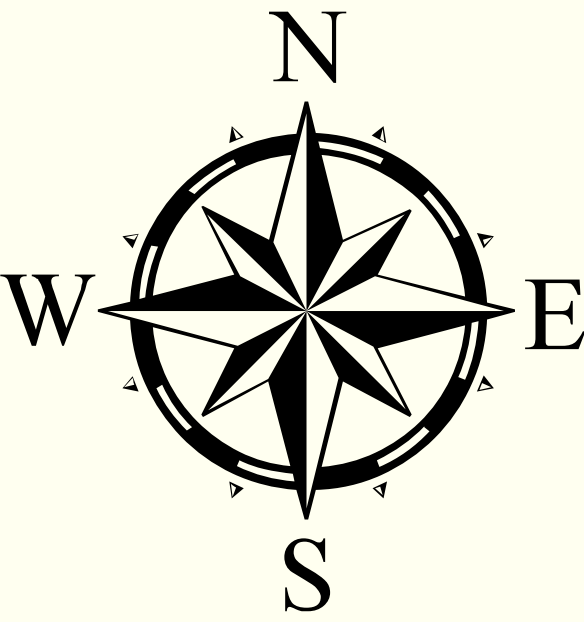
E. Within 10 days from the receipt of an order from the State Apiarist to destroy or treat his diseased bees, hives, honey, or appliances, any owner of diseased bees may file a written appeal with the Commissioner. Upon timely receipt of a written appeal under this section, the Commissioner shall act upon the appeal in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.).

Code 1950, §§ 3-487, 3-490, 3-491, 3-493; 1966, c. 702, §§ 3.1-592, 3.1-595, 3.1-596, 3.1-598; 1972, c. 499, §§ 3.1-610.5, 3.1-610.6, 3.1-610.11; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

James City County

Zoning A1 & R8



Air Approach

Parcels

County Border

General Agriculture (A1)

Rural Residential (R8)

0 1 2 Miles

1 inch = 3,285 feet

1:39,415

****Criteria for map was selected by JCC Zoning Office

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.



Virginia's Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*



Background

In June of 2014, federal departments and agencies were tasked with taking new steps to reverse pollinator losses and help restore pollinator populations. To accomplish this effort, the Pollinator Health Task Force was created. Co-chaired by the Secretary of Agriculture and the Administrator of the U.S. Environmental Protection Agency (EPA), the Task Force included representatives from a wide variety of departments and agencies that were directed to undertake agency-specific actions and to identify opportunities and initiatives to address the issue of pollinator health.

As part of this effort, the EPA was directed to engage state agencies for pesticide regulation in the development of state pollinator protection plans as a means of mitigating the risk of pesticides to honey bees and other managed, not wild, pollinators. In Virginia, the state lead agency for pesticide regulation is the Virginia Department of Agriculture and Consumer Services (VDACS). VDACS has been engaged by EPA to develop a managed pollinator protection plan specific to Virginia.

“Virginia’s Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators” (Plan) is a set of voluntary recommendations and best management practices intended to increase protection of managed pollinators from pesticides while allowing effective control of pests that adversely affect crops, structures, public health and domestic animals. Virginia’s Plan facilitates a collaborative approach to implementing risk mitigation practices for beekeepers and pesticide applicators and encourages effective communication between individuals making pesticide applications (or their designees) and those engaged in beekeeping. The Plan includes practices that mitigate potential pesticide exposure to honey bees and other managed pollinators, allowing for the effective management of pests and avoiding situations of unnecessary conflict between these parties. VDACS developed Virginia’s managed pollinator protection plan in cooperation with relevant stakeholders, including farmers, commercial and private pesticide applicators, beekeepers, Virginia Cooperative Extension, Virginia Tech and industry groups.

Virginia’s Plan is one component of the *Virginia Pollinator Protection Strategy* (Strategy). The Strategy, which was passed by the 2016 General Assembly, directs VDACS to develop and maintain strategies which: i) promote the health of and mitigate the risks to all pollinator species and ii) ensure a robust agriculture economy and apiary industry for honey bees and other managed pollinators. The decline of managed pollinators is not due to one factor alone, rather a number of variables including, but not limited to, parasites (example: Varroa mite) and other pests, pathogens, poor nutrition, failing queens, pesticide contamination and the narrowing genetic base of honey bees. The Strategy focuses not only on communication between beekeepers and pesticide applicators, but also supports increases in pollinator habitat as well as research, education and outreach about pollinators.

Virginia’s Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators

Managed pollinators primarily include honey bees (*Apis mellifera*), but may also include other species of bees, such as alfalfa leafcutting bees (*Megachile rotundata*), alkali bees (*Nomia melanderi*), mason bees (*Osmia lignaria*) and some species of bumble bees (*Bombus impatiens*). For the purposes of Virginia’s Plan, the term “managed pollinators” refers to honey bees and includes commercial and noncommercial (sideliners and hobbyists) beekeeping operations. Commercial beekeeping refers to those operations with greater than 300 colonies; sideline beekeeping refers to operations with 50 – 300 colonies; and, hobbyist beekeeping refers to operations with 1 – 50 colonies. VDACS anticipates that mitigating the risk of pesticides to managed pollinators will also reduce the risk to native bees and other pollinators.



According to the Agency's 2006 Report to the Governor and General Assembly, *Study of the Plight of Virginia's Beekeepers* (Senate Document No. 20), approximately 8 percent of beekeepers are sideline beekeepers and 90 percent of beekeepers in Virginia are considered hobbyist. Virginia's Plan includes hives maintained by commercial, sideline and hobbyist beekeepers and applies to outdoor agricultural and commercial non-agricultural pesticide applications that have the potential to adversely impact managed pollinators in urban, suburban and rural areas including public health, turf and ornamental; right of way; forestry; agricultural and exterior structural pesticide applications. The Plan relies on the communication and cooperation between the pesticide applicator and the beekeeper to determine the best method of providing notification regarding planned pesticide applications that have the potential to adversely impact managed pollinators. This communication and cooperation should enable beekeepers to make informed decisions regarding the appropriate measures necessary to protect their hives.

The Plan does not include pesticide applications where bees are the target pest, such as bees infesting a structure. In addition, the Plan does not include applications for which the potential for exposure of bees to pesticides is minimal or does not exist, (example: all indoor applications, soil injection, fumigation, as well as certain outdoor applications, such as the use of rodenticides). In addition, the Plan does not include contracted pollination services at the site of application. Contracted pollination services result in a relatively large number of bees intentionally placed in or near the crop production area that may be treated and are therefore more likely to be directly exposed to pesticides during an application. The EPA, through the federal pesticide registration process, is considering additional label restrictions on a broader range of pesticide products in an effort to protect managed bees under contracted pollination services from the potential acute hazards of insecticides. Therefore, contracted pollination services are not addressed in the Plan.

Virginia's Plan is not intended to prohibit, eliminate or further restrict the application of pesticides, but rather reduce the risk of pesticide exposure to managed pollinators when pesticides are used nearby or within their normal foraging range. In all cases, pesticide applications must be made in accordance with the pesticide label and all applicable federal and state pesticide laws and regulations. For a list of terms used in the Plan along with their definitions, please see Appendix A.

Stakeholder Participation

The input and cooperation of all stakeholders was integral to the development of Virginia's Plan. VDACS hosted seven listening sessions at various locations throughout Virginia in an effort to obtain input from interested parties. The intent of the listening sessions was to seek input from stakeholders on the critical elements included in the Plan. In addition, a dedicated email account was established for receiving stakeholder comments regarding the elements of the Plan. Approximately 450 agricultural producers, beekeepers, private and commercial pesticide applicators, landowners, researchers and Virginia Cooperative Extension agents participated in these listening sessions. In addition to the verbal comments received during the listening sessions, 169 written comments were also received.

Plan Implementation

VDACS will encourage participation in Virginia's Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators and utilize a variety of outreach methods to inform stakeholders and other interested parties of the Plan. Outreach methods include VDACS press releases, posting on the VDACS website, direct distribution to industry and beekeeper associations, and presentations at pesticide industry and beekeeper association



meetings. In addition, VDACS will collaborate with Virginia Cooperative Extension in an effort to include information regarding the Plan in certification and recertification courses for pesticide applicators and other meetings (example: field days). Other outreach activities will include training in the use of the online communication tool and development of audience-appropriate fact sheets, information pages and brochures for homeowners and other interested parties.

Communication and Coordination Between Beekeepers and Pesticide Applicators

A key component of the Plan is timely and voluntary communication and coordination among key stakeholders, including beekeepers and agricultural and commercial non-agricultural pesticide applicators.

Pesticide applicators need accurate and timely information on the location of nearby hives if they are to communicate with beekeepers regarding pesticide applications. Similarly, beekeepers need accurate information regarding the application of pesticides that have the potential to adversely impact a colony(s) in order to determine measures they will take to protect their hives.

- A. Communicating the Location of Hives – Beekeepers should provide agricultural and commercial non-agricultural pesticide applicators and agricultural producers with information regarding the location of hives so that notification of upcoming pesticide applications can be made. When communicating with pesticide applicators regarding the location of hives, beekeepers are encouraged to:
 - 1. Provide complete contact information, including the preferred method of communication.
 - 2. Provide the number and specific location of all hives.
 - 3. Provide timely updates regarding new hive locations, including hives that have been moved or those locations that are no longer being used.
- B. Communicating Upcoming Pesticide Application – Many factors may impact the ability of a pesticide applicator to provide advance notification of pesticide applications. When feasible, agricultural and commercial non-agricultural pesticide applicators should provide beekeepers with advance notice of applications which have the potential to adversely impact managed pollinators in urban, suburban and rural areas. When communicating with beekeepers regarding an upcoming pesticide application, pesticide applicators are encouraged to:
 - 1. Provide advance notification of pesticide applications to beekeepers as soon as possible in order for beekeepers to take actions to protect their hives.
 - 2. Provide complete contact information including the preferred method of communication.
 - 3. Provide information regarding the pesticide being applied including the product name, EPA Registration Number and planned time of application. The EPA Registration Number serves as a unique identifier for the product applied. Information regarding those pesticides which are registered in Virginia can be found at <http://www.vdacs.virginia.gov/pesticide-product-registration.shtml>.

Beekeepers and pesticide applicators can communicate by many methods. For example, a visible marker such as a flag could be used to identify the location of hives. Another option may include meeting the beekeepers or pesticide applicators in your area and exchanging information. The beekeeper and pesticide applicator together should determine the best method of communication.

To facilitate and encourage the voluntary exchange of information, an online technology based communication tool will be made available by VDACS to all stakeholders. The online communication tool will allow beekeepers to indicate the location of their beehives and provide the contact information which is



needed by the agricultural and commercial non-agricultural pesticide applicator when informing the beekeeper of an anticipated pesticide application. It will also allow the opportunity for agricultural producers to record the location and type of crops in production and provide the contact information needed by the beekeeper when determining the potential location for an apiary. The online communication tool will be administered by VDACS staff, with access to the information limited to registered users. Registered users include those beekeepers, pesticide applicators and agricultural producers who elect to use the online communication tool. In addition, an annual renewal by users will be required to ensure the most accurate information is available for registered users.

Guidelines for Protecting Pollinators

In addition to communication and coordination between beekeepers and pesticide applicators, Virginia's Plan also provides general guidelines that can be implemented by beekeepers, pesticide applicators, agricultural producers and landowners with the goal of reducing the potential for pesticide exposure to managed bees that are adjacent to or near a pesticide treatment site, as bees may be exposed to pesticides when foraging in the treatment site, flying through treatment sites to nearby foraging areas or via drift. The general guidelines for protecting pollinators for beekeepers, pesticide applicators, agricultural producers, and landowners are included in Appendix B.

Best Management Practices

More specific Best Management Practices (BMP) for beekeepers and pesticide applicators were developed by the respective stakeholder groups and are available on the VDACS website at <http://www.vdacs.virginia.gov/plant-industry-services-pollinator-protection-plan.shtml>.

Periodic Review

Virginia's Voluntary Plan to Mitigate the Risk of Pesticides to Managed Pollinators will undergo annual agency review. VDACS will seek stakeholder input as needed to ensure the Plan remains relevant and meets the unique needs of Virginia's agricultural producers, landowners, pesticide applicators, beekeepers and others using managed pollinators.

Measuring Effectiveness of the Plan

The effectiveness of the Plan will be measured utilizing various survey instruments and include the following metrics:

1. Awareness of the Plan by agricultural producers, landowners, pesticide applicators and beekeepers;
2. Number of registered users of the online communication tool;
3. Number of beekeepers who were contacted by agricultural producers, landowners and pesticide applicators prior to the application of pesticides;
4. Number of agricultural producers, pesticide applicators and landowners who have adopted or implemented one or more of the Plan's Guidelines for Protecting Pollinators or Best Management Practices;



5. Number of beekeepers who have adopted or implemented the Plan's Guidelines for Protecting Pollinators or Best Management Practices;
6. The number and types (agricultural or non-agricultural) of cases in which an enforcement action was taken for use of pesticide in a manner inconsistent with specific pollinator protection label language; and
7. Number of VDACS pollinator protection webpage and BMP page views.

Agency Contact Information

Should you have any questions or need additional information, please contact:

Keith Tignor, *State Apiarist*
Office of Plant Industry Services
keith.tignor@vdacs.virginia.gov
804.786.3515

Liza Fleeson Trossbach, *Program Manager*
Office of Pesticide Services
liza.fleeson@vdacs.virginia.gov
804.371.6559

Select Resources

United State Environmental Protection Agency - Protecting Bees and Other Pollinators from Pesticides
<http://www2.epa.gov/pollinator-protection>

VDACS Office of Pesticide Services **<http://www.vdacs.virginia.gov/pesticides.shtml>**

VDACS Office of Plant Industry Services **<http://www.vdacs.virginia.gov/plant-and-pest.shtml>**

Best Management Practices can be found on the VDACS website at:
<http://www.vdacs.virginia.gov/plant-industry-services-pollinator-protection-plan.shtml>



APPENDIX A

Definitions

Adverse Impact – impacts that significantly affect the health or survival of honey bee colonies or foraging bee populations

Agricultural Producer – person who produces an agricultural commodity including any plant or part thereof, animal or animal product primarily for sale, consumption, propagation or other use by man or animals

Best Management Practices – methods or techniques found to be the most effective and practical means in achieving an objective

Pesticide Applicator – any person who applies pesticides including:

1. Private Pesticide Applicator – person engaged in the production of an agricultural commodity that is certified to apply restricted use pesticides on their own land or that of their employer
2. Commercial Pesticide Applicator – person certified to apply pesticides
3. For Hire – person employed by a licensed pesticide business to make applications on others' property in exchange for compensation; includes both agricultural and non-agricultural applications
4. Not for Hire – person who uses any pesticides as part of job duties, on property owned or leased by them or their employers including government employees

Responsible Party – person (agricultural producer, landowner or pesticide applicator) responsible for providing advance notice of a planned pesticide application to beekeeper

APPENDIX B

Guidelines for Protecting Pollinators

A. Beekeepers

1. Inform neighbors who may be applying pesticides within one mile of hive location(s). In urban/suburban settings, inform property owners abutting the site of the hive.
2. Ensure bee health by practicing proper hive management.
3. Establish apiaries in areas where there is a reduced risk of potential pesticide exposure to managed pollinators.
4. Relocate bees when a pesticide application is scheduled. If unable to move bees, cover or restrict the flight of bees to prevent exposure to the pesticide.
5. Provide a visual indicator at the hive location.
6. Increase the availability of bee forage at your apiary site.

B. Pesticide Applicators

1. Read and follow all pesticide label directions including environmental hazards and precautionary statements. The EPA is now requiring a "Protection of Pollinators" advisory box on certain pesticide labels. Look for the bee hazard icon for instructions and restrictions that protect bees and other insect pollinators. The label is the law.
2. Ask agricultural producers/landowners/homeowners/occupants if they are aware of any hives in their neighborhood or in the surrounding area.
3. Provide notification of pesticide applications to known beekeepers as soon as possible after the decision has been made to apply a pesticide in order for beekeepers to take actions to protect hives.



4. Notifying beekeepers does not exempt applicators from complying with pesticide label restrictions. Many insecticide labels prohibit their use if pollinators (bees) are present in the treatment area.
5. When possible, use selective pesticides that have minimal impact on non-target species as this protects pollinators and conserves natural enemies of target species. Select pesticides with the shortest residual effect if these pesticides will result in reduced exposure. Note: Pesticide with a short residual may require multiple applications and can therefore increase the potential for exposure. A list of pesticides and their toxicity to bees is available on the VDACS website at <http://www.vdacs.virginia.gov/plant-industry-services-pollinator-protection-plan.shtml>.
6. When possible, avoid dusts and wettable powder insecticide formulations as they can leave a powdery residue that sticks to hairs on bees. In addition, ultra-low volume formulations pose an increased risk for off target movement. Granular and liquid formulations reduce the risk to pollinators since granules are not typically picked up by bees and liquids dry onto plant surfaces.
7. When possible, apply pesticides when bees are less likely to be foraging, preferably in the late afternoon and into the evening.
8. When possible, postpone pesticide applications when the wind is blowing toward bee hives or off-site pollinator habitats.
9. Be alert for visual indicators (example: flags) that indicate the presence of a hive in close proximity to application sites.

C. Agricultural Producers

1. Implement Integrated Pest Management (IPM) practices. Utilize economic thresholds and IPM to determine if insecticides are required to manage pests. When insecticides are required and the potential for impact on managed pollinators exists, select insecticides with low toxicity to bees, short residual toxicity or repellent properties towards bees when possible. Note: Pesticides with a short residual may result in multiple applications and can therefore increase potential for exposure. A list of pesticides is available on the VDACS website at <http://www.vdacs.virginia.gov/plant-industry-services-pollinator-protection-plan.shtml>.
2. If renting land for agricultural production, the renter should discuss with the landowner the hive location(s) and specific time period which the hives will be on the property.
3. Provide information to commercial pesticide applicators regarding known beekeepers and the location of apiaries in the surrounding area.
4. When possible, utilize alternatives to talc/graphite if alternatives will result in a reduction in exposure to bees by insecticides used to treat seeds.
5. Discuss and designate who is responsible (agricultural producer, landowner or pesticide applicator) for notifying the beekeeper regarding anticipated pesticide applications.
6. Communicate with beekeepers regarding potential locations for placing bees, including providing contact information, the acreage and type of crop produced. Provide timely updates regarding the acreage and crop information as appropriate.

D. Landowners/Homeowners

1. If renting your property to others, landowners should discuss bee issues with renters such as specific location and time period which hives will be on the property.
2. Provide information to renters and commercial pesticide applicators regarding known beekeepers and the location of apiaries in the surrounding area.

Beekeeper Pollinator Protection Best Management Practices

1. Inform neighbors of location of hives and request notification prior to pesticide application based on the following table:

Size of Property Lots (acres)	Distance from Hive
10+	1 mile
1-10	Abutting properties
<1	100 yards

2. Ensure bee health by practicing proper hive management to maintain populous colonies that are less susceptible to impact from pesticide exposure. See Appendix B: [Guidelines for Protecting Pollinators](#).
3. Establish apiaries in areas where there is a reduced risk of potential pesticide exposure to managed pollinators, and offers the following characteristics:
 - a. Access to adequate forage and water
 - b. Offers vegetative barrier
 - c. Avoids low lying areas
4. Be familiar with commonly used insecticides and other pesticides that may be harmful to honey bees: <https://extension.entm.purdue.edu/publications/E-53.pdf>.
5. Develop a plan for relocating hives for 48 to 72 hours, if practical, when a pesticide application is scheduled. If unable to move bees, cover with netting or cloth material or otherwise restrict the flight of bees to prevent exposure to the pesticide while providing water to prevent overheating.
6. Provide a visual indicator at the hive location.
7. Identify hive locations using online communication tools provided by VDACS.
8. Provide contact information to the landowner, including name and telephone number, for any apiary located on property not owned by the beekeeper.
9. Report suspected pesticide related bee losses to VDACS Office of Pesticide Services, Richmond Office at (804) 371-6560 or barbara.elliott@vdacs.virginia.gov.

ITEM SUMMARY

DATE: 1/9/2020

TO: The Policy Committee

FROM: John Risinger, Community Development Assistant

SUBJECT: ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase I

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Attachment 1. Initiating Resolution	Backup Material
▣	Attachment 2. Proposed Master Plan for Combat Tactical Training Facility in New Kent County	Backup Material
▣	Attachment 3. Ordinance Amendments Adopted in New Kent County	Backup Material
▣	Attachment 4. Performance Standards for Ranges in New Kent County	Backup Material
▣	Attachment 5. Ordinance Amendments Not Adopted in Orange County	Backup Material
▣	Attachment 6. Existing M-2 Zoning District Regulations	Backup Material
▣	Attachment 7. Maps of Parcels Currently Zoned M-2	Backup Material
▣	Attachment 8. Maps of Parcels Designated as General Industrial on the Land Use Map Adopted in 2015	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	1/3/2020 - 11:45 AM
Policy	Coleman, Chris	Approved	1/3/2020 - 1:06 PM
Publication Management	Daniel, Martha	Approved	1/3/2020 - 1:45 PM
Policy Secretary	Secretary, Policy	Approved	1/3/2020 - 2:18 PM

MEMORANDUM

DATE: January 9, 2020

TO: The Policy Committee

FROM: John Risinger, Community Development Assistant

SUBJECT: ORD-19-0005, Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase I

Introduction

At its July 9, 2019 meeting, the Board of Supervisors requested the County Attorney to prepare an Initiating Resolution to consider an amendment to the Zoning Ordinance to exclude combat tactical training facilities as a permitted use in agricultural and residential districts and to evaluate its appropriateness as a specially permitted use within the General Industrial (M-2) District. On August 13, 2019, the Board of Supervisors adopted the Initiating Resolution (Attachment No. 1).

Combat tactical training facilities are facilities designed to train individuals for various tactical situations. These facilities may include target ranges, explosives ranges, driving courses and other training activities. The target ranges may be designed for a wide range of firearm calibers as well as different settings and situations. These facilities are commonly operated on military bases to train service members. Recently, counties in Virginia have received proposals from private companies for facilities designed to train citizens.

The James City County Zoning Ordinance currently regulates shooting ranges as permitted or specially permitted uses in the General Agriculture (A-1), Limited Business (LB), General Business (B-1), Limited Industrial (M-1), General Industrial (M-2), Mixed Use (MU), and Economic Opportunity (EO) Zoning Districts. The A-1 District is the only district that currently allows outdoor shooting ranges. The Zoning Ordinance does not currently have any performance standards for shooting ranges.

Discussion

In 2012, Orange County received an application from a private company for a combat tactical training facility. This application required an amendment to the Orange County Zoning Ordinance in addition to a Special Use Permit (SUP). Many citizens who spoke during the public hearing stated concerns regarding public safety, noise impact, and the effect on property values and tourism. In September 2012, the Orange County Board of Supervisors denied the Ordinance amendment. The application for an SUP was subsequently withdrawn.

In 2018, New Kent County received an application from a private company for a combat tactical training facility. Many citizens voiced concerns due to the proposal's proximity to residential and agricultural areas. These concerns included public safety and noise impacts. The application was withdrawn in July 2018. In 2019, New Kent County reviewed and adopted amendments to its Zoning Ordinance to define "Combat/Tactical Training Facilities" and to list it within its "Prohibited land uses" section.

The James City County Board of Supervisors requested the Initiating Resolution with the intent of restricting similar proposals in agriculturally and residentially zoned areas within James City County. The Board cited concerns raised by the facility proposed in New Kent including public safety and noise impacts. Staff recommends creating a definition for combat tactical training facilities within Section 24-2 and not including it as a permitted or specially permitted use within agricultural and residential zoning districts.

Since the Zoning Ordinance is exclusionary in nature, the use will not be allowed in districts where the use is not listed as a permitted or specially permitted use. Additional analysis will need to be conducted of the uses that currently relate to shooting ranges to determine if any changes need to be made to distinguish them from combat tactical training facilities. Staff proposes to use the definitions from New Kent County and Orange County to develop draft definition language for the Policy Committee to review.

The Initiating Resolution also directs staff to evaluate the appropriateness of including combat tactical training facilities as a specially permitted use in the M-2 District. The primary purpose of the M-2 District is to “establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments.” Staff notes that combat tactical training facilities may not fulfill the intent of the District as they are not industrial operations. Staff also notes that “Indoor sport facilities, including firing and shooting ranges” is a permitted use in the M-2 District. However, the M-2 District does not permit outdoor shooting ranges.

The M-2 District has additional requirements that may reduce but not eliminate potential impacts of combat tactical training facilities on surrounding agricultural and residential areas. When the property immediately across the street is zoned for residential uses, the front building setback is increased from 50 feet to 75 feet from any street with a right-of-way 50 feet or greater in width or increased from 75 feet to 100 feet from the centerline of the street when the right-of-way is less than 50 feet in width. The side and rear yard building setbacks increase from 20 feet to 75 feet when the adjoining property is in a residential zoning district or an agricultural zoning district that is designated for residential use on the Comprehensive Plan Land Use Map. Additionally, the landscaping Ordinance has additional requirements such as transitional screening which would be determined when an application is submitted. These additional requirements could reduce the visual impact of combat tactical training facilities on surrounding properties. However, the noise impact of combat tactical training facilities would likely not be significantly reduced by building setbacks or landscaping requirements.

Since combat tactical training facilities do not fulfill the intent of the M-2 District, staff does not recommend including combat tactical training facilities as a specially permitted use in the district. If the Policy Committee determines that combat tactical training facilities should be a specially permitted use in the M-2 District, staff recommends creating performance standards for combat tactical training facilities in the Special Regulations section of the Zoning Ordinance. Staff could begin this effort by looking at the performance standards listed in the New Kent County Zoning Ordinance, and others.

Conclusion

For the Committee’s reference, staff has included various background and other informational documents, including: the adopted Initiating Resolution, the proposed master plan from the withdrawn application in New Kent County, the Ordinance amendments adopted in New Kent County, performance standards for firearm ranges in New Kent County, and proposed Ordinance amendments that were not adopted in Orange County. Staff has also included the current M-2 Zoning District Regulations, maps of parcels currently zoned M-2, and maps of areas designated as General Industrial on the Land Use Map from the Comprehensive Plan adopted in 2015.

Staff is seeking feedback from the Policy Committee regarding these discussion items. Staff will begin to develop draft Ordinance language based on the feedback and present it at a future Policy Committee meeting.

Attachments:

1. Initiating Resolution
2. Proposed Master Plan for Combat Tactical Training Facility in New Kent County
3. Ordinance Amendments Adopted in New Kent County
4. Performance Standards for Ranges in New Kent County (See Section 98-873 (c))
5. Ordinance Amendments Not Adopted in Orange County
6. Existing M-2 Zoning District Regulations
7. Maps of Parcels Currently Zoned M-2
8. Maps of Parcels Designated as General Industrial on the Land Use Map Adopted in 2015

RESOLUTION

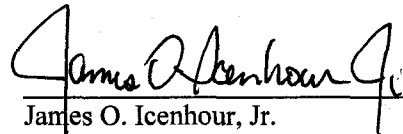
INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE TO

ADDRESS COMBAT TACTICAL TRAINING FACILITIES


WHEREAS, Virginia Code § 15.2-2286(A)(7) and County Code § 24-13 permits the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of James City County Code, Chapter 24, Zoning, to define combat tactical training facilities, to exclude combat tactical training facilities as a permitted use in agricultural and residential districts, and evaluate the appropriateness of including combat tactical training facilities in the M-2, General Industrial District as a specially permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.


James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:


Teresa Fellows
Deputy Clerk to the Board

HIPPLE
LARSON
SADLER
MCGLENNON
ICENHOUR

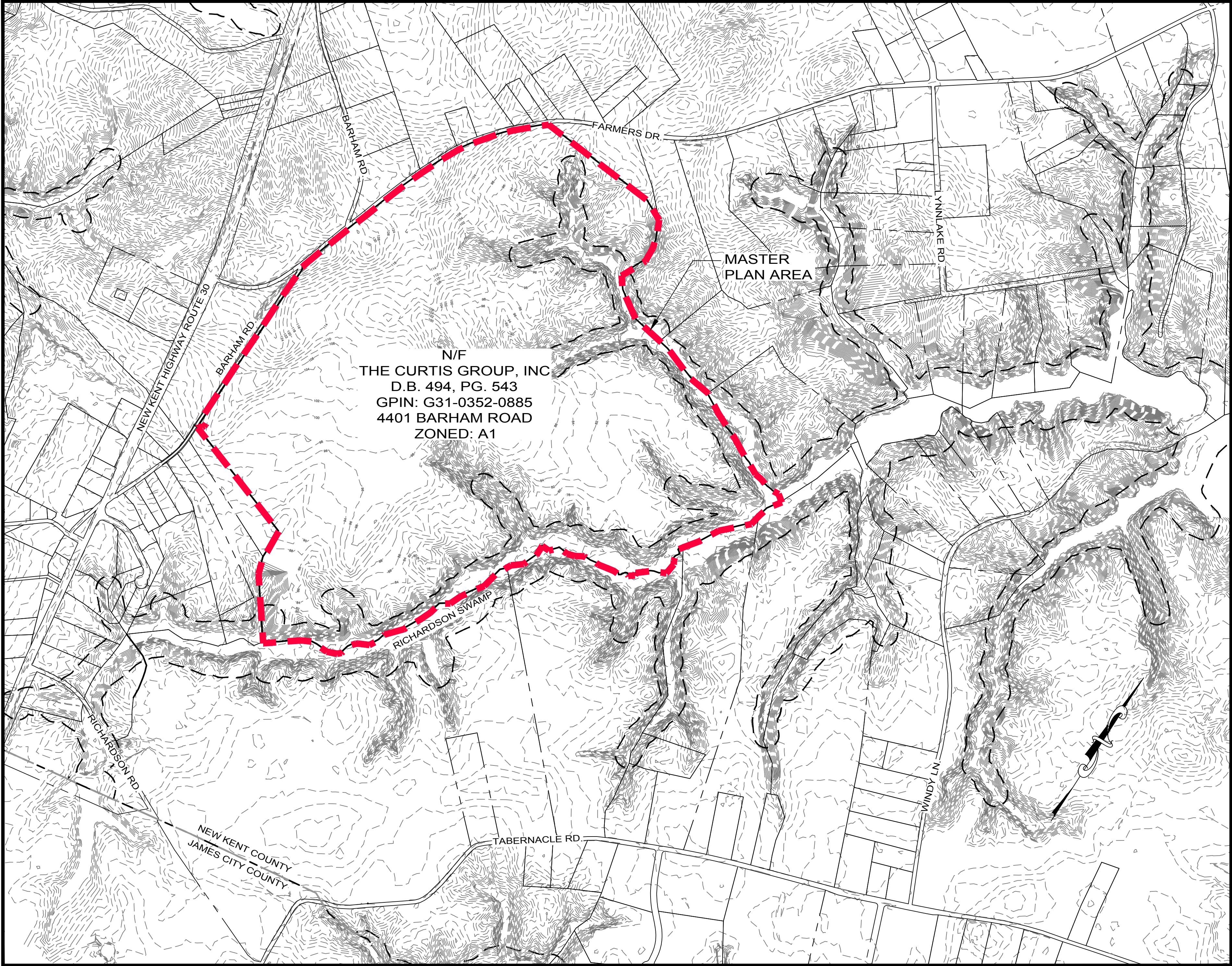
VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

ZO-CombtTacFac-res

MASTER PLAN FOR THE
**TACTICAL DRIVING AND
TRAINING FACILITY**

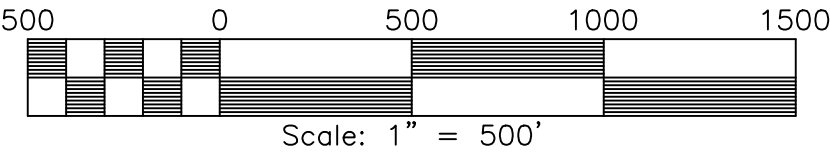


STATISTICAL INFORMATION

PROPERTY ADDRESS	4401 BARHAM ROAD
TAX MAP No.	37-65
ZONING	A1
TOTAL SITE AREA	11,650,533± S.F. / 267± AC.
CURRENT USE	FARM FIELD AND FOREST
PROPOSED USE	TACTICAL DRIVING AND TRAINING FACILITY
WATER	PRIVATE (WELL)
SEWER	PRIVATE (SEPTIC FIELD)

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C0.01	01 OF 02	COVER SHEET
C0.02	02 OF 02	MASTER PLAN



MASTER PLAN FOR THE
**TACTICAL DRIVING AND
TRAINING FACILITY**

NO.	DATE	REVISION / COMMENT / NOTE

COMMONWEALTH OF VIRGINIA

William S. Felts

WILLIAM S. FELTS

Lic. No. 3149

05-16-2018

LAND SURVEYOR

LRI

LANDTECH

RESOURCES, INC.

ENGINEERING • SURVEYING • GPS

3115 Old Stage Road, Suite 100, Williamsburg, VA 23185

Ph: (757) 565-1077 Fax: (757) 565-0782

web: landtechresources.com

SCALE: 1"=500'

DATE: 05-16-2018

JOB: 18-201

DRAWN BY: WSF

C0.01

COVER SHEET

01 OF 02

NEW KENT COUNTY

WEIR CREEK MAGISTERIAL DISTRICT

VIRGINIA

IMPROVEMENTS LEGEND

- 1

EQUIPMENT SHOP
- 2

ADMINISTRATIVE BUILDING
- 3

CLASSROOM BUILDING
- 4

DINNING HALL
- 5

GYMNASIUM BUILDING
- 6

BARRACKS
- 7

STORAGE BUILDING
- 8

RANGE
- 9

SHELTER
- 10

RAPPEL TOWER
- 11

MAINTENANCE BUILDING
- PHASE 1 FACILITY CONSTRUCTION
- FUTURE PHASE FACILITY CONSTRUCTION
- DEDICATED CONSERVATION EASEMENT (+46 ACRES)
- 100' PERIMETER BUFFER

GENERAL NOTES:

1. THE INFORMATION SHOWN HEREON IS BASED ON GIS DATA OBTAIN FROM NEW KENT COUNTY AND DOES NOT REFLECT AND ACTUAL SURVEY OF THE PROPERTY SHOWN HEREON.
2. THE PROPERTY SHOWN HERE LIES WITHIN FIRM ZONE 'X' & 'AE' PER FLOOD INSURANCE RATE MAP 51127C0250C DATED AUGUST 03, 2015.

ADJACENT LAND OWNER TABLE

<div>A</div> <div>N/F O'CONNELL D.B. 170 PG. 186 GPIN: F30-2628-4558 4301 BARHAM ROAD ZONED: A1</div>	<div>K</div> <div>N/F BOROUGHS D.B. 178 PG. 202 GPIN: G30-3714-3616 4926 FARMERS DRIVE ZONED: A1</div>
<div>B</div> <div>N/F LEE ANN MARIE D.B. 209 PG. 564 GPIN: F30-2806-4293 BARHAM ROAD ZONED: A1</div>	<div>L</div> <div>N/F BOROUGHS D.B. 62 PG. 479 GPIN: G30-3266-3431 4906 FARMERS DRIVE ZONED: A1</div>
<div>C</div> <div>N/F RICHARDSON D.B. 568 PG. 741 GPIN: F31-0483-2976 TABERNACLE ROAD ZONED: A1</div>	<div>M</div> <div>N/F CROSWELL D.B. 525 PG. 610 GPIN: G30-2776-3291 4906 FARMERS DRIVE ZONED: A1</div>
<div>D</div> <div>N/F RICHARDSON D.B. 568 PG. 741 GPIN: F31-1779-4957 TABERNACLE ROAD ZONED: A1</div>	<div>N</div> <div>N/F CROSWELL D.B. 500 PG. 398 GPIN: G30-3012-3235 4900 FARMERS DRIVE ZONED: A1</div>
<div>E</div> <div>N/F WILKERSON D.B. 619 PG. 1426 GPIN: G31-2584-0155 TABERNACLE ROAD ZONED: A1</div>	<div>O</div> <div>N/F CROSWELL D.B. 617 PG. 707 GPIN: G30-2963-3117 4840 FARMERS DRIVE ZONED: A1</div>
<div>F</div> <div>N/F DAVIS D.B. 606 PG. 241 GPIN: F31-2884-4192 TABERNACLE ROAD ZONED: A1</div>	<div>P</div> <div>N/F BOROUGHS D.B. 114 PG. 206 GPIN: G30-2213-2971 FARMERS DRIVE ZONED: A1</div>
<div>G</div> <div>N/F HALE D.B. 139 PG. 818 GPIN: G31-2125-2015 4955 FARMERS DRIVE ZONED: A1</div>	<div>Q</div> <div>N/F OLIVER D.B. 88 PG. 704 GPIN: G30-2666-2791 4800 FARMERS DRIVE ZONED: A1</div>
<div>H</div> <div>N/F MOODY D.B. 647 PG. 1778 GPIN: G31-1408-2827 NEW KENT HIGHWAY ZONED: A1</div>	<div>R</div> <div>N/F DIAZ D.B. 656 PG. 1304 GPIN: G30-2359-2076 4760 FARMERS DRIVE ZONED: A1</div>
<div>I</div> <div>N/F WALLACE D.B. 668 PG. 67 GPIN: G31-0747-2519 0 FARMERS DRIVE ZONED: A1</div>	<div>S</div> <div>N/F RICHARDSON D.B. 132 PG. 784 GPIN: G30-1852-1538 NEW KENT HIGHWAY ZONED: A1</div>
<div>J</div> <div>N/F PRICE GEORGE ESTATE D.B. 16 PG. 34 GPIN: G30-3879-3283 FARMERS DRIVE ZONED: A1</div>	<div>T</div> <div>N/F OWEN D.B. 250 PG. 66 GPIN: G30-0450-3050 NEW KENT HIGHWAY ZONED: A1</div>



MASTER PLAN FOR THE
TACTICAL DRIVING AND
TRAINING FACILITY

NEW KENT COUNTY WEIR CREEK MAGISTERIAL DISTRICT VIRGINIA

NO.	DATE	REVISION	COMMENT	NOTE

COMMONWEALTH OF VIRGINIA
WILLIAM S. FELTS
Lic. No. 3149
05-16-2018
LAND SURVEYOR

LRI
LANDTECH
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS
Ph: (757) 565-1077 Fax: (757) 565-0782
web: landtechresources.com

SCALE: 1"=200'
DATE: 05-16-2018
JOB: 18-201
DRAWN BY: WSF
C0.02
MASTER PLAN
02 OF 02

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-15-19

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of August, 2019:

Present:	Vote:
W.R. Davis, Jr	Aye
Thomas W. Evelyn	Nay
Patricia Paige	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

Motion was made by Ms. Paige, which carried 4:1, to adopt the following ordinance:

**AN ORDINANCE TO AMEND
SECTION 98-2 OF THE NEW KENT COUNTY CODE
TO ADD A DEFINITION FOR “COMBAT/TACTICAL
TRAINING FACILITY” AND SECTION 98-64 OF THE
NEW KENT COUNTY CODE TO ADD “COMBAT/TACTICAL
TRAINING FACILITY” AS A PROHIBITED LAND USE**

WHEREAS, the New Kent County Board of Supervisors, at their May 13, 2019 regular meeting, voted 4:1:0 to refer to the Planning Commission for its review, to hold a public hearing, and make a recommendation in accordance with section 15.2-2285 of the Code of Virginia, regarding an Ordinance to add “Combat/Tactical Training Facility” to the list of prohibited uses in Section 98-64 of the New Kent County Code; and

WHEREAS, the Planning Commission is charged with reviewing and recommending Code/Ordinance changes to the Board of Supervisors when such changes affect the Land Development sections of the Code, and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on June 17, 2019, carefully considered the public comment received, and voted to defer action on these Code/Ordinance amendments; and

WHEREAS, the Planning Commission took action at their July 15, 2019 meeting to define “Combat/Tactical Training Facility” and to recommend approval of these Code/Ordinance amendments by a vote of 6:2:1; and

WHEREAS, the Code/Ordinance Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

NOW THEREFORE, BE IT ORDAINED this, the 12th day of August, 2019, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

Section 98-2 – Definitions and Rules of Construction

Cluster homes means a group of dwellings for private and separate ownership similar to condominium development but buildings may or may not be connected; generally associated with planned unit developments.

Code official means the legally designated building authority of the county or his authorized representative.

Combat/Tactical Training Facility means a commercial, open air facility that is designed to train in any combination of anti-terrorism, counter terrorism/force protection operation, and any mission simulation using military weapons which includes one or more of the following items:

- **Outdoor firearms ranges utilizing automatic and or semiautomatic weapons.**
- **Combat training with real or simulated use of firearms or other military weapons system.**
- **Military tactical training area.**
- **Use of real or simulated high impact explosive devices.**
- **Use of mock/high impact firearms blast or simulated rocket propelled grenades.**
- **Unenclosed shoot house.**
- **Evasive driving courses with or without the use of real or simulated firearms.**

This definition shall not apply to approved recreational firearms uses, and facilities operated by local, regional, state, or federal government agencies, in accordance with applicable Department of Defense standards for bona fide law enforcement safety and proficiency training activities as identified by the New Kent County Code.

Commercial greenhouse means a structure in which plants, vegetables, flowers and similar other materials are grown for sale.

Commerce park means a tract of land that has been planned, developed and operated as an integrated facility for a number of individual offices and office buildings, industrial facilities, distribution and storage warehouses, and related accessory and ancillary uses, and where traffic/pedestrian circulation, parking, utility needs, open space, aesthetics and use compatibility have been specifically addressed through the site plan process.

Section 98-64 – Prohibited land uses.

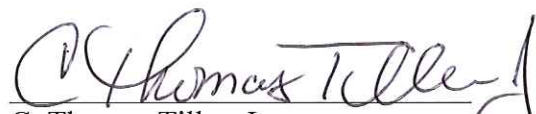
Certain uses have been determined to be entirely inconsistent with the comprehensive plan and for which no acceptable conditions can be established that would reduce the inconsistency. These uses, enumerated below, are prohibited in the county.

- (1) Smelting on an industrial scale;
- (2) Operating an adult business or use when located within 3,000 feet of any school, place of worship, public or community park, public building, or another adult business or use;
- (3) Manufacturing nuclear materials;
- (4) Processing, storing or disposing of nuclear waste;
- (5) Manufacture of biologically accumulative poisons or other poisons that are, or ever were, registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136, et seq., as that section may be amended or superseded from time to time);
- (6) Operation of a municipal solid waste landfill or sanitary landfill or solid waste management facility;
- (7) Operation of a construction debris landfill;
- (8) Hazardous waste incinerators;
- (9) Medical waste incinerators;
- (10) Transportation, storage and disposal (TSD) facilities;
- (11) Combat/Tactical Training Facility**

Attest:



Rodney A. Hathaway
County Administrator



C. Thomas Tiller, Jr.
Chairman

Sec. 98-873. - Specific conditions applicable to public, semi-public, institutional, educational and recreational uses and facilities.

- (a) *Standards for all public, semi-public, institutional, educational, and recreational uses and facilities .*
- (1) A site plan is required for all new construction or expansion of public semi-public, institutional, educational, and recreational uses and facilities unless specified otherwise in the specific performance standards below.
 - (2) All off-street parking and loading spaces for public, semi-public, institutional, educational, and recreational uses and facilities shall be located not less than 35 feet from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping supplemented, as necessary, by appropriate fencing materials.
 - (3) Unless found to be unnecessary and waived in writing by the zoning administrator at the time of application, a traffic safety analysis shall be submitted with all applications for public, semi-public, institutional, educational, and recreational uses and facilities uses. The analysis shall find that such a facility will have no demonstrable safety hazards at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.
 - (4) Outdoor lighting shall be energy efficient with an Energy Star or comparable rating. Outdoor lighting shall also be sufficient to protect public safety and shall comply with the standards of the Crime Prevention through Environmental Design Guidelines produced by the Virginia Crime Prevention Association and dated December 2004; however, no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 foot candles within two feet of the property line of the light source. All site lighting fixtures shall be mounted a maximum of 25 feet above ground, shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky. All site lighting fixture styles and illumination levels shall be compatible with the architecture of the principal building on the site.
 - (5) Outdoor components of such uses, where located adjacent to residentially classified property, shall be setback at least 50 feet from any residential property line and shall not be routinely operated after 11:00 p.m. or before 6:00 a.m.
 - (6) Indoor facilities located less than 25 feet from the property line of any residentially classified property and routinely operated after 11:00 p.m. or before 6:00 a.m. shall incorporate sound baffles into the building design to prevent audible noise on adjacent residential property.
 - (7) Provisions shall be made to adequately accommodate both bicycle and pedestrian access and circulation including the provision of bicycle parking unless the zoning administrator determines such provision is unnecessary by reason of the location, hours of operation, or market orientation.
 - (8) Outdoor speaker or paging systems shall be directed away from property lines and shall not unreasonably interfere with use and occupancy of adjacent residential properties.
 - (9) All dumpster pads, loading areas and outdoor storage areas shall be screened from view of all public streets or residential properties by landscaping supplemented by masonry or wooden fencing. Illumination of dumpster pads and the area between dumpsters and the service doors of

facilities that utilize the dumpsters for trash disposal shall be provided in accordance with the standards of the crime prevention through environmental design guidelines for any facility having working hours between dusk and dawn.

- (10) All public, semi-public, institutional, educational, and recreational uses and facilities shall be operated and maintained in a neat and orderly manner, free from junk, inoperable equipment, trash, or debris. Trash and garbage shall be disposed of properly in appropriate containers and removed at least weekly from the site in an approved manner. Buildings shall be maintained in a sound condition, in good repair and appearance. Weeds shall be cut as frequently as necessary to maintain a neat and orderly appearance. Weeds and grass shall be cut at least four times a year.
- (b) *Standards for animal shelters .*
 - (1) All animals in animal shelters shall be kept in pens or other enclosures designed and maintained for secure confinement.
 - (2) Animal shelters shall be certified by the Virginia Department of Agriculture and Consumer Services as complying with all state animal welfare laws and regulations.
- (c) *Standards for archery, firearms, air gun and paintball ranges*
 - (1) *Standards for all ranges*
 - a. A written list of the current range rules shall be prominently posted throughout the facility and filed with the department of community development. The operator of the range will require that each new user sign and date a copy of the range rules, stating that the user agrees to abide by such rules.
 - b. A safety plan, meeting at the minimum the safety standards set forth in the National Rifle Association (NRA) Range Source Book, or its equivalent, shall be created for any range operation. Said plan shall be submitted for review to the sheriff and fire chief (or the director of public safety if appointed). Amendments to safety plans shall be reviewed prior to implementation. The safety plan shall address such items as the required certification of instructors and range masters, supervision of patrons, type of targets and methods of use, use of protective eyewear and equipment, and other similar operational requirements.
 - c. Typical safety equipment for the type of shooting practiced at the range facility shall be required to be worn by all participants or spectators when in the vicinity of a shooting range. Signage shall be posted and shall conform to OSHA safety signage regulations.
 - d. Being under the influence of alcohol, illegal drugs, prescription drugs, and over-the-counter drugs which impair judgment or motor control on range property is prohibited.
 - e. Alcoholic beverages are prohibited on range property during range operations.
 - f. The decibel limit at the property line of the range facility shall coincide with the appropriate standards set forth in the NRA Range Source Book.
 - g. The range facility operator shall report in writing to the sheriff all known on-site and off-site projectile wounds and off-site property damage resulting from activity at the range facility and any measures that are proposed to address any deficiencies that may have contributed to the wounds or damages. The report shall be made within 24 hours after the existence of the projectile wound or damages become known to the operator.
 - h. All shooting stations will be designed so they are directed away from all existing residential

uses and residentially-zoned properties and all shooting of projectiles will occur only in a direction away from such existing uses and properties.

- i. In the construction of new safety features at existing ranges, county zoning, environmental, and building fees will be waived by the county provided a written request is presented to, and approved by, the zoning administrator prior to construction.
- j. For outdoor ranges, warning signs shall be posted at 100-foot intervals along the entire perimeter. Each sign shall include warning language along with a visual warning icon and shall comply with OSHA's danger and warning sign requirements.
- k. Any indoor shooting range shall be designed to contain all projectiles fired.
 - l. All other state and federal safety regulations shall be followed.
- m. Hours of operation for outdoor ranges shall not begin before 7:00 a.m. or sunrise, whichever is later, and shall end no later than 7:00 p.m. or sunset, whichever is earlier, or such fewer hours as may specified by the issuance of a conditional use permit.
- n. Copies of all current certificates of insurance shall be provided annually to the county.

(2) *Standards for archery ranges*

- a. An adequate barrier must be installed in all archery ranges so as to prevent the escape of arrows. Overhead baffles must also be in place to prevent the escape of arrows. All containment structures must be in accordance with the standards set forth in the NRA Range Source Book.

(3) *Standards for shotgun, pistol, rifle and air gun ranges*

a. *Outdoor ranges.*

- 1. Discharge of firearms outdoors during Sunday hours shall not be permitted unless specifically authorized by the issuance of a conditional use permit.
- 2. A three-sided earthen berm or other similar structure providing at least the equivalent safety must surround all firearms ranges so as to prevent the escape of projectiles. Overhead baffles must also be in place to prevent the escape of projectiles. All containment structures must be in accordance with the standards set forth in the NRA Range Source Book.
- 3. Noise abatement barriers equal to or better than the NRA guidelines set forth in the NRA Range Source Book shall be utilized and shall appear on the site plan.
- 4. When any part of an outdoor range encompasses water, wetland and Chesapeake Bay Resource Protection Areas, no lead bullets or shot shall be used. If steel shot is required, shot no larger than number six shall be allowed. If the state approves an alternative to steel shot, it shall be allowed, but shot shall be no larger than number six.
- 5. Ranges for shotgun slugs, rifles, and pistols must install a rubber membrane or similar catching device shall be installed to prevent lead runoff.
- 6. Spent bullets, bullet waste, and slugs shall be retrieved from outdoor ranges at least once a year.

b. *Indoor ranges.*

- 1. A ventilation system that complies with the OSHA standards for lead dust dissipation

shall be installed and annually inspected.

2. Regular cleaning of the facility shall be performed so as to minimize the impact of lead dust.
3. Other lead monitoring and control actions shall be performed as stated in the NRA Range Source Book.

(4) *Standards for combat-style firearm ranges.*

- a. All combat-style firearm ranges shall require a range master to be present at all times of operation.
- b. All combat-style firearm ranges shall be cold ranges.
- c. All combat-style firearm ranges shall be designed to contain all bullets fired within the property.
- d. The applicable standards for outdoor or indoor shotgun, pistol, rifle, and air gun ranges apply to combat-style firearm ranges.

(5) *Standards for skeet, trapshooting and sporting clays ranges*

- a. Discharge of firearms outdoors during Sunday hours shall not be permitted unless specifically authorized by the issuance of a conditional use permit.
- b. Skeet, trapshooting, and sporting clay ranges shall be so designed and constructed that the distance to any adjacent property measured from the firing point or points in the direction of fire shall be not less than 300 yards.
- c. Noise abatement barriers equal to or better than the NRA guidelines set forth in the NRA Range Source Book shall be utilized and shall appear on the site plan.
- d. Guns other than shotguns are not allowed.
- e. Only 7½ lead shot or smaller shall be allowed.
- f. Spent casings shall be retrieved from outdoor ranges at least once a week.
- g. When any part of an outdoor range encompasses water, wetland and Chesapeake Bay Resource Protection Areas, no lead bullets or shot shall be used. If steel shot is required, shot no larger than number six shall be allowed. If the state approves an alternative to steel shot, it shall be allowed, but shot shall be no larger than number six.

(6) *Standards for paintball gun ranges.*

- a. For all paintball ranges (including combat-style paintball ranges), a net or similar structure shall be in place to prevent the escape of projectiles from the firing area. As an alternative, a minimum of 100 yards shall exist as a buffer between the live fire boundary and the property line.
- b. Abandoned propellant canisters shall be regularly retrieved.

(d) *Standards for campgrounds and campsites .*

- (1) The minimum acreage for a campground shall be 20 acres.
- (2) No structure, campsite, parking area or any other temporary or permanent improvement shall be located closer than 100 feet to any residentially classified property line.
- (3) No county-issued permit shall be granted until the applicant has furnished evidence that the

proposed development meets all applicable state and local health requirements. All required permits shall be maintained for continued operation of the campground.

- (4) The campground shall be served by a 50-foot-wide right-of-way developed to the public or private road standards found in the subdivision ordinance and maintained in a passable condition by emergency vehicles in all weather conditions.
 - (5) The gross density of the campground shall not exceed eight camping sites per acre. Each campsite shall be a minimum of 40 feet in width and 3,600 square feet in area.
 - (6) One temporary storage building no larger than 100 square feet in size, and one permanent screened porch, deck, or patio no larger than 150 square feet in size shall be permitted on each campsite.
 - (7) Accessory commercial uses are permitted, primarily or exclusively for the use of the campers at the campground (e.g., coin-operated laundry, convenience store, entertainment).
 - (8) No one other than the owner or manager of the facility may reside at the facility for a period exceeding three consecutive months or 180 days per year.
 - (9) All decks, porches, and structures accessory to the camping unit are subject to the requirements of the Virginia Uniform Statewide Building Code.
- (e) *Standards for cemeteries .*
- (1) Unless associated with and on property owned by a house of worship or an associated charitable entity, a cemetery shall be at least 20 acres in size.
 - (2) Cemeteries shall only be located in those areas which have favorable soil and water characteristics as identified by an inspection of the soil by an engineer or soil scientist.
 - (3) No permit shall be issued until all required state and local health department approvals have been obtained.
 - (4) In lieu of a site plan, a plotting plan of the proposed burial sites and a traffic circulation and parking plan in the cemetery shall be submitted for approval.
 - (5) No interment plot shall be located within 50 feet of any external public or private road right-of-way.
 - (6) Rights-of-way throughout the cemetery shall be at least 20 feet in width.
 - (7) Cemeteries shall not be located in residential classified districts unless associated with and on the same property as a house of worship.
 - (8) Any organization or entity other than a house of worship or a charitable entity associated with a house of worship proposing to establish a cemetery shall submit evidence which demonstrates that the cemetery will be maintained *ad infinitum* including compliance with state licensing requirements.
 - (9) For private family cemeteries with exclusive use by the property owners and/or family members, only the conditions set forth in subsections (2), (3), (5) and (7) above apply.
- (f) *Standards for collection receptacles for recyclable materials.* Administrative permits may be issued for collection receptacles for recyclable materials which are available for use by the general public and are used temporarily or on a regularly scheduled occasional basis. The provisions of this section do not apply to individual recycling bins or receptacles used by individual homeowners or businesses.
- (1) Such receptacles shall be intended to serve as collection points for recyclable materials such as

paper, glass, metal, clothing and similar items.

- (2) Such receptacles shall be clearly incidental and subordinate to the principal use of the property on which they are located.
- (3) The receptacles shall not infringe on any vehicular or pedestrian access or circulation routes.
- (4) The receptacle shall be positioned on the property so that it is readily accessible and so that adequate off-street parking space is available for persons desiring to deposit items in it.
- (5) The receptacle, which may be a trailer, shall not be placed on a permanent foundation, nor shall it be connected to any utilities other than electrical service.
- (6) A sign, clearly indicating the materials being collected and the recipient or beneficiary of the items or materials collected, shall be painted on or otherwise permanently affixed to the receptacle. Such sign shall not exceed 16 square feet in area.
- (7) The applicant shall furnish written evidence of the approval of the owner of the property on which the receptacle is to be located.
- (8) In lieu of a site plan, a site sketch depicting the approximate position of the receptacle, entrances, circulation and parking shall be submitted.
- (9) The applicant shall be responsible for the proper maintenance of the receptacle and the timely retrieval of deposited materials. No materials, litter, or debris shall be allowed to accumulate around or overflow from the approved collection receptacle.
- (10) All applicable state and local business license regulations shall be complied with.

(g) *Standards for community centers and facilities.*

- (1) Outdoor recreational facilities such as swimming pools and tennis courts shall be effectively screened from view from properties external to the development served by landscaping or appropriate fencing materials. Ancillary buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which located.
- (2) The otherwise applicable setback provisions from any residential property line do not apply to neighborhood or community recreation or assembly facilities which are approved as a part of an overall plan of development for a subdivision or planned development.

(h) *Standards for golf course/county clubs*

- (1) Any application for a golf course shall include all information required for a site plan by this chapter. In addition, the following information and documents shall be prepared and submitted:
 - a. Nutrient management plan.
 - b. Intergraded pesticides management plan.
- (2) Irrigation using potable water sources shall be prohibited unless approved by the New Kent County Board of Supervisors with a favorable recommendation from the director of public utilities.

(i) *Standards for horse racing facility .*

- (1) Horse racing facilities shall have direct or reasonably direct access to a principal arterial or higher order street under public ownership and maintenance.
- (2) Paved state-maintained roads will be provided for the site and all interior roads dedicated for purpose of vehicular access will be built to standards for state-maintained paved roads.
- (3) Any application for a horse racing facility shall include all information required for a site plan by this

chapter. In addition, a waste stream impact study shall be prepared and submitted with the application.

(j) *Standards for health, exercise, outdoor, and indoor recreational facilities.*

- (1) When adjacent to or near residentially classified property, noise, including impacts from parking on the site shall be located and designed to minimize noise impacts on those properties through the use of architectural and landscape means.
- (2) The owner or operator shall establish, prominently post and consistently enforce rules of conduct for patrons of the facility.
- (3) Outdoor recreational amusements include miniature golf, waterslides, skateboard rinks, baseball or softball hitting ranges, golf driving range, and other similar facilities and enterprises conducted outdoors.
- (4) For outdoor recreational uses containment fences or barriers shall be constructed and maintained in a manner that prevents balls and debris from leaving the property.
- (5) The owner or operator shall establish, prominently post and consistently enforce rules of conduct for patrons of the facility.

(k) *Standards for parks, playgrounds and recreation facilities .*

- (1) Recreational facilities shall be designed in a manner which minimizes their impacts on adjacent properties.
- (2) Where recreation areas or facilities are proposed as a part of a residential development where housing units or lots are offered for sale, the areas or facilities shall be completed or substantially completed prior to the issuance of certificates of zoning for any adjacent residential units.
- (3) Recreational uses and facilities shall be designed in a manner which will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots, appropriate clear zones and surface around and beneath play apparatus, provision of emergency telephone capability, and such other similar things as the zoning administrator may deem appropriate or necessary.
- (4) Security fencing, where required or desirable, shall be of a type which is compatible with the overall architecture, scale, and character of the recreation facility and the community which it serves.
- (5) The zoning administrator may waive the requirement for completion and full plan implementation prior to the issuance of certificates of occupancy and, further, may waive some or all of the normally applicable surety requirements for recreational facility development which occurs after the community which it serves has been fully developed and where the type and financing of the community organization undertaking the project would so warrant.

(l) *Standards for theme park, amphitheater, or stadium .*

- (1) Theme parks, amphitheaters and stadiums shall be surrounded by a 100-foot perimeter yard within which shall be established a Type C transitional buffer. In consideration of the particular character of such a proposed facility and its surroundings, the board may require a perimeter buffer area of greater depth or more intense landscaping.
- (2) A parking study shall be performed by a professional qualified to do such studies in order to determine the parking needs of the use. In addition, a grassed area shall be reserved on the site to

provide overflow parking capacity equal to but not less than ten percent of the total parking spaces required by the study.

- (3) A traffic impact analysis, shall be prepared and submitted for review by the county and the Virginia Department of Transportation. The resulting access management plan and design shall ensure one clear lane for emergency access is maintained at all times for emergency personnel and equipment. Access roads and pedestrian walkways for the facility shall be designed for peak hour usage. Access drives to the facility shall be designed and sized, based on the traffic impact analysis, to accommodate the park volumes of vehicular traffic associated with arrivals and departures from the facility without unduly interrupting traffic flow on adjacent public rights-of-way.
 - (4) The facility shall be served by an appropriate communication system, including both signage and public address system, to ensure efficient operations, vehicular and pedestrian traffic circulation, crowd management and emergency notification capabilities.
 - (5) A noise analysis shall be prepared describing the projected sound transmission levels and frequencies, including those used in any radio broadcasting to on- or off-site receivers, or anticipated to be generated by the facilities or the events operated or conducted on the site. Such analysis shall include a discussion of both ambient and directional sound levels and frequency, and any proposed sound attenuation measures.
 - (6) A report shall be submitted describing the proposed methods of crowd control and management, including security, vehicular and pedestrian traffic, first aid, emergency access, emergency communications and staffing levels and training. Proposed hours of operation shall also be described in the report.
- (m) *Standards for all communication and broadcast towers—radio, television, cellular telephone, and microwave.*
- (1) Documentary evidence of compliance with all National Environmental Protection Act (NEPA), Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements shall be submitted by the applicant. No zoning certificate for any radio, television, or microwave towers shall be issued until the applicant provides evidence that the FAA has granted a permit for said tower or that no permit is required.
 - (2) The entrance to the subject property shall be constructed in accordance with Virginia Department of Transportation standards for commercial entrances.
 - (3) No communication equipment shall be installed which will in any way interfere with the county emergency communications system. Should any equipment associated with such facility be found by the county to have such an impact, the owner shall be responsible for the elimination of the interference within 24 hours of receipt of notice from the director of public safety or designee.
 - (4) If at any time the owner of the subject property ceases to use or to diligently pursue continuation of the use of the tower, the owner shall dismantle and remove it within six months after ceasing to use it. The posting of surety by the applicant in an amount sufficient to cover the cost of dismantling shall be required, and the surety shall be submitted to the county prior to the issuance of the building use permit.
 - (5) A section of fence at least six feet in height with barbed wire protruding outward shall be provided completely around the base of the tower and any associated equipment. A buffer of evergreen

screening (trees or hedging) shall be provided around the entire facility to screen the base of the tower, the controller cabinets and other ground-mounted equipment with the exception of any associated office building. The buffer may be waived or modified by the zoning administrator for sites where sufficient vegetation exists around the tower site that will be protected and preserved during the construction process or where the tower location is sufficiently distant from public roads as to make screening less necessary or unnecessary.

- (6) A site plan of the proposed facility must be submitted to and approved by the zoning administrator. As part of the site plan submittal, the applicant must provide the county with detailed information regarding the proposed facility's location, latitude and longitude, and service area.
- (7) The facility shall not interfere with the radio, television or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
- (8) All towers and other structures shall meet all safety requirements of all applicable building codes.
- (9) Documentation must be submitted to the county establishing clear legal rights to access to tower site from deeded easements and right of ways including rights to ingress and egress over private roads.
- (10) A communication tower structure shall be set back from any property line a distance equal to 120 percent of the tower height. This setback shall not be required when such tower location is abutting or within the VDOT right-of-way of an Interstate highway.
- (11) A tower structure shall not be located within 750 feet of an existing residential structure unless the board finds that: (1) topographical or similar physical conditions existing on the property make such a set back an undue hardship or (2) the reduction in the set back will not adversely impact the peaceful enjoyment and use of the residential structure by its occupants. Any such reduction in the distance permitted by the board shall not result in a tower structure being erected at a distance nearer than 125 percent of the tower height to any dwelling unit and shall be buffered from view from that dwelling unit. These distance separation requirements shall not apply to the subsequent construction of a dwelling unit after the tower has been erected.
- (12) Verifiable evidence of the lack of antenna space on existing communication towers, buildings or other structures within the county and within two miles of the county boundary (the co-locations), and/or evidence of that the available co-locations as a whole will not provide adequate telecommunications service to the proposed service area. Such evidence shall include propagation studies and an affidavit executed by a radio frequency engineer stating that in its professional opinion the available co-locations are inadequate or otherwise unsuitable for the provision of telecommunications service to the proposed service area.
- (13) An engineering report, certifying that the proposed tower is compatible for a minimum of four users, must be submitted by the applicant. This requirement shall not apply to facilities that are constructed to be camouflaged and which in fact harmonize with the existing landscape, structures, and views. The applicant shall also permit collocation by additional users without requiring any form of reciprocal location agreement from subsequent users.
- (14) Unless otherwise allowed under the specific use conditions of a conditional use permit, or as a requirement of the Federal Aviation Administration, all structures shall have a galvanized steel

finish. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the county by the applicant. Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the application, and the applicant shall also furnish the county with photographs, videos, or some other visual sample of the proposed finish.

- (15) Documentary evidence that the facility will not exceed applicable health standards established by the federal government and/or American National Standards Institute must be provided.
- (16) No advertising of any type may be placed on the tower or accompanying facility.
- (17) Evidence that adjoining property owners and other residents of the community have been contacted to discuss specific proposals prior to public hearings before the planning commission and board of supervisors must be provided within the application or no later than 45 days prior to the first scheduled public hearing.
- (18) The applicant shall conduct a balloon test or similar demonstration of visibility as a part of any application. Prior to the test, the applicant shall mail notice to all adjacent property owners and to the owners of any property located within 750 feet of the proposed tower whether adjacent or not and shall publish notice of intent to conduct the test in a newspaper of general circulation at least once a week for a period of two consecutive weeks.
- (19) Each telecommunications service provider who locates or otherwise places wireless communications equipment on a communications tower shall obtain a building permit from the county prior to attaching the equipment to the tower or erecting a structure on the tower or on its land and shall provide the building permit office with the costs of the communications equipment to be installed as well as the other related construction costs.
- (20) The tower owner shall notify the county no later than March 1 of each year of the name, address, and telephone number(s) for the tower owner and each lessee on the tower and the registered agent for each.
- (21) The applicant shall provide the county with space(s) on the communications tower for the location of its public safety transmitting and receiving antennae at no cost. Other than the providers who have submitted evidence of a need for a location on the communications tower at time of the application for a conditional use permit, the applicant shall notify the director of public safety before any additional location is under contract. The director of public safety shall have 20 work days to determine whether such location is necessary for the public safety needs of the county at the present or within a one-year period from date of notification. If such space(s) is determined to be needed for public safety purposes, the applicant shall not lease the space(s) for one year from the date notice was received by the director of public safety.
- (22) Facilities that are attached to or within an existing structure are exempt from the requirement to obtain a conditional use permit provided that:
 - a. The net effect of the facility shall not increase the height of the existing structure by more than 12.5 percent or exceed 199 feet, whichever is the lesser height;
 - b. The facility shall not overhang the outer dimension of the existing structure by more than 7.5 percent; and
 - c. The net effect of the facility will not cause the host structure to become non-compliant in any

material respect with this Code or the terms of any condition specifically or generally attached to the host structure through prior legislative or administrative action.

(23) All utilities servicing the tower shall be placed underground.

(Ord. No. O-24-07, 12-10-07; Ord. No. O-02-18, 3-13-2018)

Tactical Training Facility Text Amendments

Sec. 70-1. Definitions.

Tactical Training Facility: Privately or government-owned facility for the training of military, law enforcement, private security personnel and individuals, personal protection; military and private medical training, and emergency management personnel. Such facilities may include indoor and outdoor training facilities, and may incorporate the use of vehicles and equipment relating to the performance of these jobs. Tactical Training Facility may include: indoor and outdoor shooting ranges, mobile Military Operations on Urban Terrain (MOUT) sites, K-9 training (which may include the following: explosives handling, munitions handling, narcotics detection, hazardous materials handling, human trailing, riot control training), obstacle courses, physical conditioning courses, rappelling towers and related training structures, vehicular training course facilities, emergency response training, confined space training, storage, classroom, associated housing, dining and recreational facilities and other ancillary facilities necessary and in support of these activities.

Sec. 70-302(20). Tactical Training Facility – subject to the standard conditions contained in (Article V. Supplementary District Regulations, Sec. 70-701. Tactical Training Facility Standard Conditions.

Sec. 70-543 (4). Tactical Training Facility – subject to the standard conditions contained in (Article V. Supplementary District Regulations, Sec. 70-701. Tactical Training Facility Standard Conditions.

Sec. 70-701. Tactical Training Facility Standard Conditions or as modified by specific conditions based on the site

- Reasonable care shall be taken to preserve existing natural buffering to shield sound and visibility from adjacent properties;
- Said use may involve the use of armored vehicles and helicopters;
- Said use shall be permitted to burn on-site temporary structures as part of training exercises if a certified firefighter is on-site to supervise the activity and functioning fire extinguishing equipment is readily available for such training exercises;
- Indoor and outdoor firing ranges shall be for training purposes only and open only to facility staff and training students;
- Retail firearm sales may be available to the public as an accessory use when clearly incidental and subordinate to the principal use;
- Customized gunsmith services may be available to the public as an accessory use when clearly incidental and subordinate to the principal use;

- Building and structure height shall not exceed 100 feet;
- Telecommunication towers and facilities shall follow the standards and procedures as defined in Sec. 70-846 through Sec. 70-938 (Article IX. Telecommunications Towers and Facilities), including seeking a separate special use permit;
- Firearms shall be limited to common military and hunting small arms calibers, including, but not limited to, calibers ranging from .22 to .50 caliber; and shotgun rounds restricted to 12 gauge or less (e.g. 16, 20, 28);
- All ordnance storage shall be located in structures or under conditions that comply with applicable local, state and federal regulations;
- No vehicular training course facilities are available for lease or use by the public and are solely for the use of the training facility staff and students;
- Special events, including sporting events such as shooting cup matches, canine and law enforcement trials, shall be limited to a total of twelve (12) events per year and may be open to the public with local vendors providing services such as food and other related services and goods.
- The location of the canine training facilities (housing, runs, etc) shall, at a minimum, comply with the standards for kennel use (permitted in) in this chapter;

DIVISION 12. - GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-435. - Statement of intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for industrial purposes;
- (2) Prohibit residential and commercial service developments on land reserved for industrial uses; and
- (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.

(Ord. No. 31A-88, § 20-95, 4-8-85; Ord. No. 31A-144, 6-1-92)

Sec. 24-436. - Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in <u>section 24-2</u>	P	
	Business and professional offices	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	

	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Data processing centers	P	
	Firearms sales and service	P	
	Health and exercise clubs, fitness centers as an accessory use to other permitted uses	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Indoor sport facilities, including firing and shooting ranges	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	

	Medical clinics or offices, including emergency care and first aid centers as an accessory use to other permitted uses	P	
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks		SUP
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within qualifying industrial parks in accordance with article II, division 2 of this chapter	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants as an accessory use to other permitted uses	P	
	Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first floor area of the main use	P	
	Security service offices	P	

	Truck stops; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Vehicle service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Nonemergency medical transport	P	
	Post offices	P	
	Schools		SUP
Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.	P	

	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.	P	
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP

	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with <u>section 24-43</u>	P	
Industrial	Asphalt mixing plants		SUP
	Boiler shops	P	
	Breweries and other associated activities	P	
	Crushed stone, sand, gravel, or mineral mining; storage and distribution of same		SUP
	Drop forge industries, manufacturing, forgings with a power hammer	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	

	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	Manufacture and compounding of chemicals		SUP
	Manufacture and processing of acrylic and synthetic fibers	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units	P	
	Manufacture and sale of wood and wood products	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly, or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiberglass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn, and stone	P	
	Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	Manufacture of batteries	P	
	Manufacture of boats, marine equipment and boat trailers	P	
	Manufacture of cans and other metal products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	

	Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)		SUP
	Manufacture of furniture	P	
	Manufacture of glass and glass products	P	
	Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
	Manufacture or assembly of aircraft and aircraft parts	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of automobiles, trucks, machinery or equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Metal foundry and heavy weight casting	P	
	Petroleum refining		SUP
	Petroleum storage and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect		SUP
	Propane storage, distribution or sale		SUP
	Ready mix concrete production		SUP

	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Structural iron and steel fabrication	P	
	Vehicle graveyards and scrap metal storage yards		SUP
	Waste disposal facilities		SUP
	Welding and machine shops including punch presses and drop hammers	P	
	Wood preserving operations		SUP

(Ord. No. 31A-88, § 20-96, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-128, 12-3-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-146, 8-3-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-214, 8-10-04; Ord. No. 31A-229, 9-25-07; Ord. No. 31A-236, 8-12-08; Ord. No. 31A-264, 1-10-12; Ord. No. 31A-287, 4-9-13; Ord. No. 31A-291, 8-13-13; Ord. No. 31A-324, 11-8-16)

Sec. 24-437. - Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of section 24-98(c) of this chapter.

(Ord. No. 31A-144, 6-1-92; Ord. No. 31A-264, 1-10-12)

Sec. 24-438. - Area requirements and minimum lot width.

- (a) Minimum lot size shall be 10,000 square feet.
- (b) Minimum width of lots shall be 75 feet at the setback line.

(No. 31A-88, §§ 20-97, 20-98, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-264, 1-10-12)

Sec. 24-439. - Setback requirements.

- (a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each three feet of the structure's height in excess of 35 feet.
- (b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50

feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

(Ord. No. 31A-88, § 20-98.1, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-264, 1-10-12)

Sec. 24-440. - Yard requirements.

- (a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.
- (b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.
- (c) Accessory structures may be located within the required side or rear yards upon approval of the planning director; provided, however, that no structure shall be located within ten feet of any property line.

(Ord. No. 31A-88, § 20-98.2, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-264, 1-10-12)

Sec. 24-441. - Reserved.

Sec. 24-442. - Special provisions for the waiver of area, lot width, yard and setback requirements.

The following may be eligible for a waiver from any part of section 24-438 through 24-440:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are both:

- (a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the planning director may grant, at his discretion, a waiver from any part of section 24-438 through 24-440 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-438 through 24-440;
- (2) Adequate parking is provided as per the requirements of this chapter. The planning director also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning director also may require the recordation of adequate easements or agreements

to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and

- (4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.
- (5) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-88, § 20-98.4, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-264, 1-10-12)

Sec. 24-443. - Height of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.
- (b) Water towers, chimneys, flues, flagpoles, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.
- (c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
 - (1) Additional setbacks have been provided as required by section 24-439 and section 24-440; however, the board of supervisors may waive additional setbacks in excess of 60 feet;
 - (2) Such structure will not obstruct light from adjacent property;
 - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - (4) Such structure will not impair property values in the area;
 - (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - (6) Such structure will not be contrary to the public health, safety and general welfare.
- (d) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-99, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-264, 1-10-12; Ord. No. 31A-324, 11-8-16)

Sec. 24-444. - Reserved.

Sec. 24-445. - Sign regulations and parking requirements.

- (a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.
- (b) Off-street parking and off-street loading shall be provided as required in article II, division 2 of this chapter.

(Ord. No. 31A-88, § 20-100, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-264, 1-10-12; Ord. No. 31A-291, 8-13-13)

Sec. 24-446. - Utilities.

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24-447. The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.

(Ord. No. 31A-88, § 20-100.1, 4-8-85; Ord. No. 31A-111, 1-9-89; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-264, 1-10-12)

Sec. 24-447. - Public utilities waiver.

- (a) The board of supervisors may waive the public water and sewer service requirement specified by section 24-446 upon finding:
 - (1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;
 - (2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and
 - (3) The development causes no adverse impact on the water resources of the county.
- (b) A condition of such waiver shall be that the development shall connect to public water and sewer at such time that the board of supervisors determines utilities are available.
- (c) The board of supervisors may attach additional conditions to any such waiver.

(Ord. No. 31A-111, 1-9-89; Ord. No. 31A-264, 1-10-12)

Sec. 24-448. - Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

(Ord. No. 31A-88, § 20-101, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-264, 1-10-12)

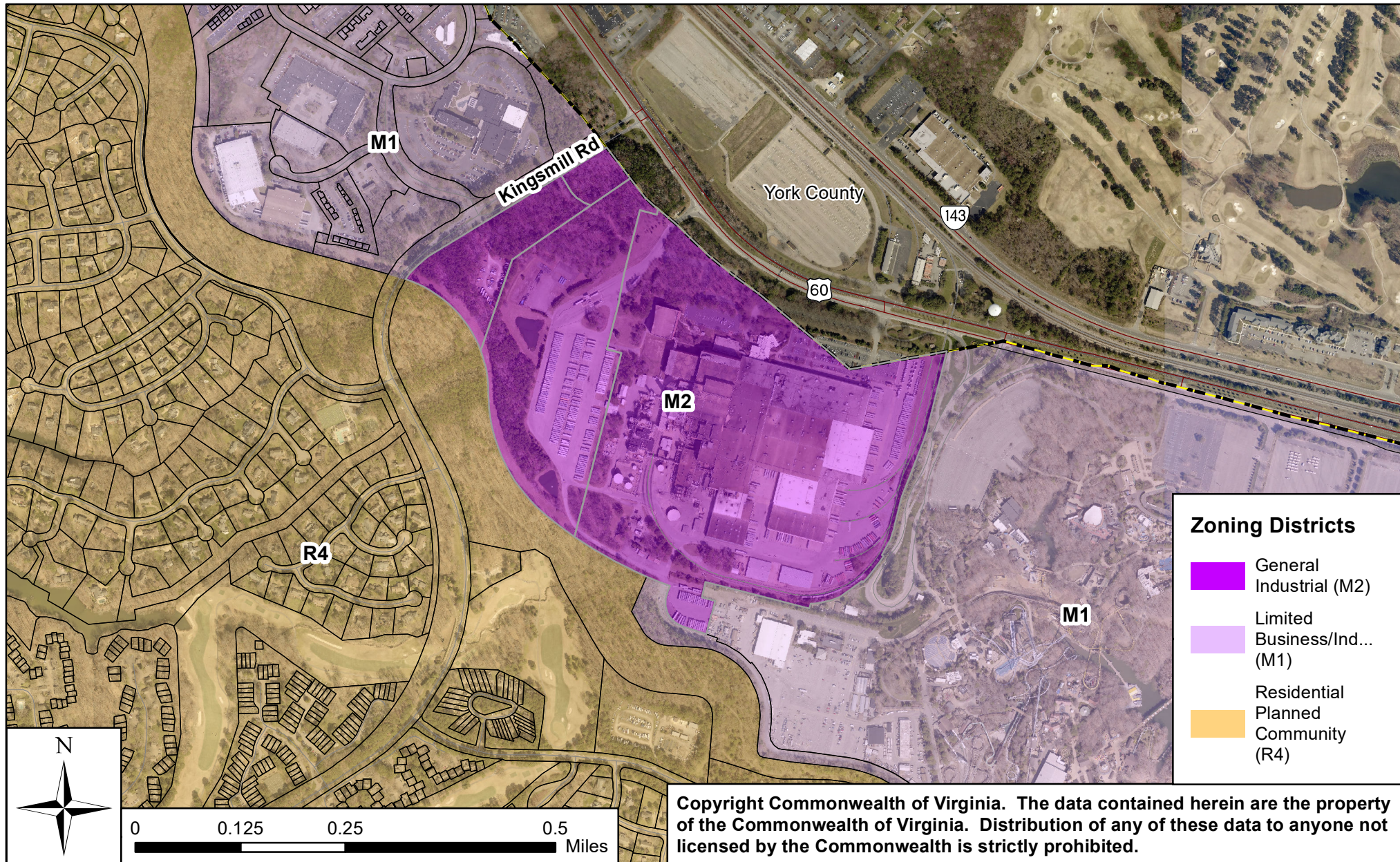
Sec. 24-449. - Landscaping.

To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

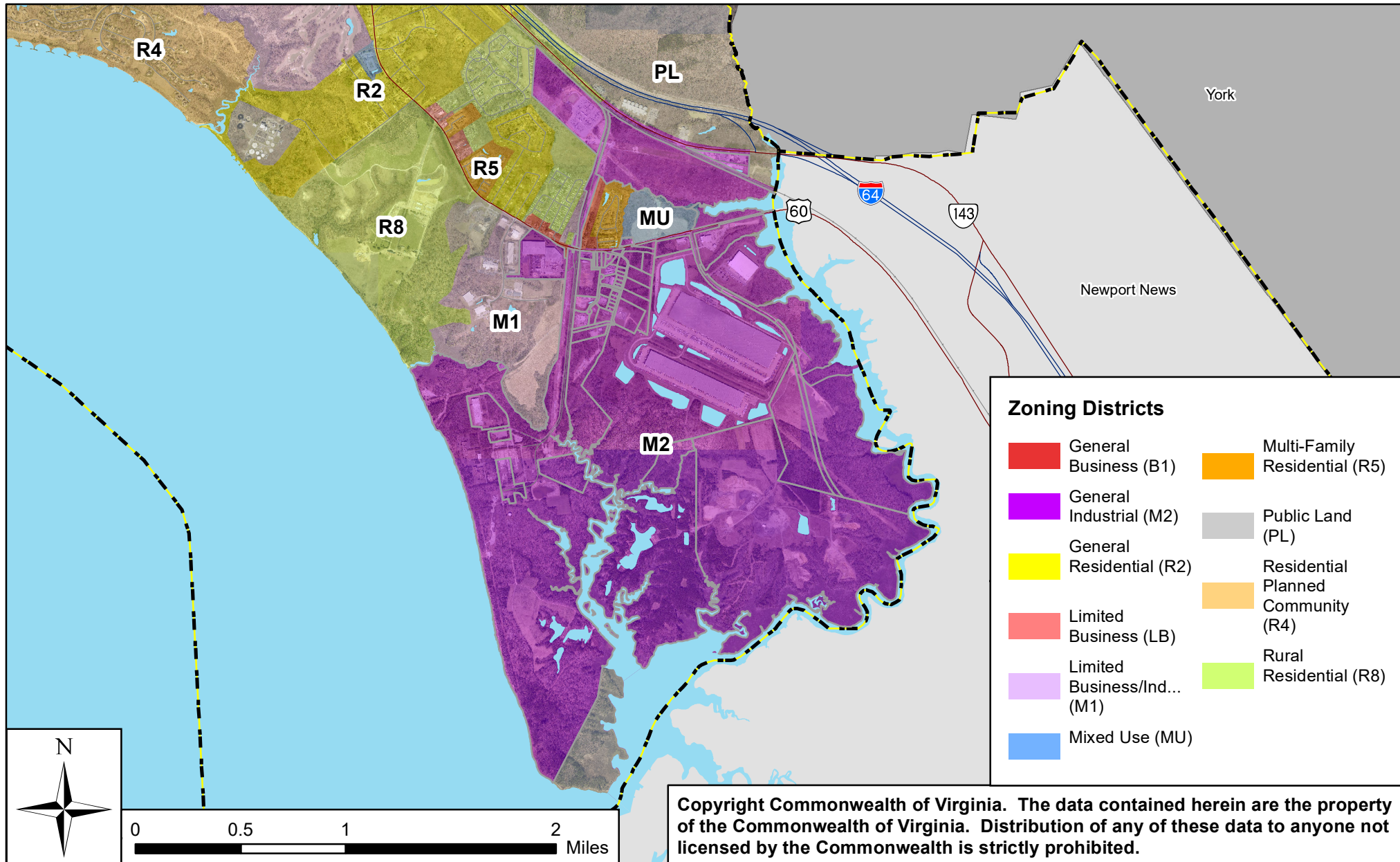
(Ord. No. 31A-264, 1-10-12)

Secs. 24-450—24-459. - Reserved.

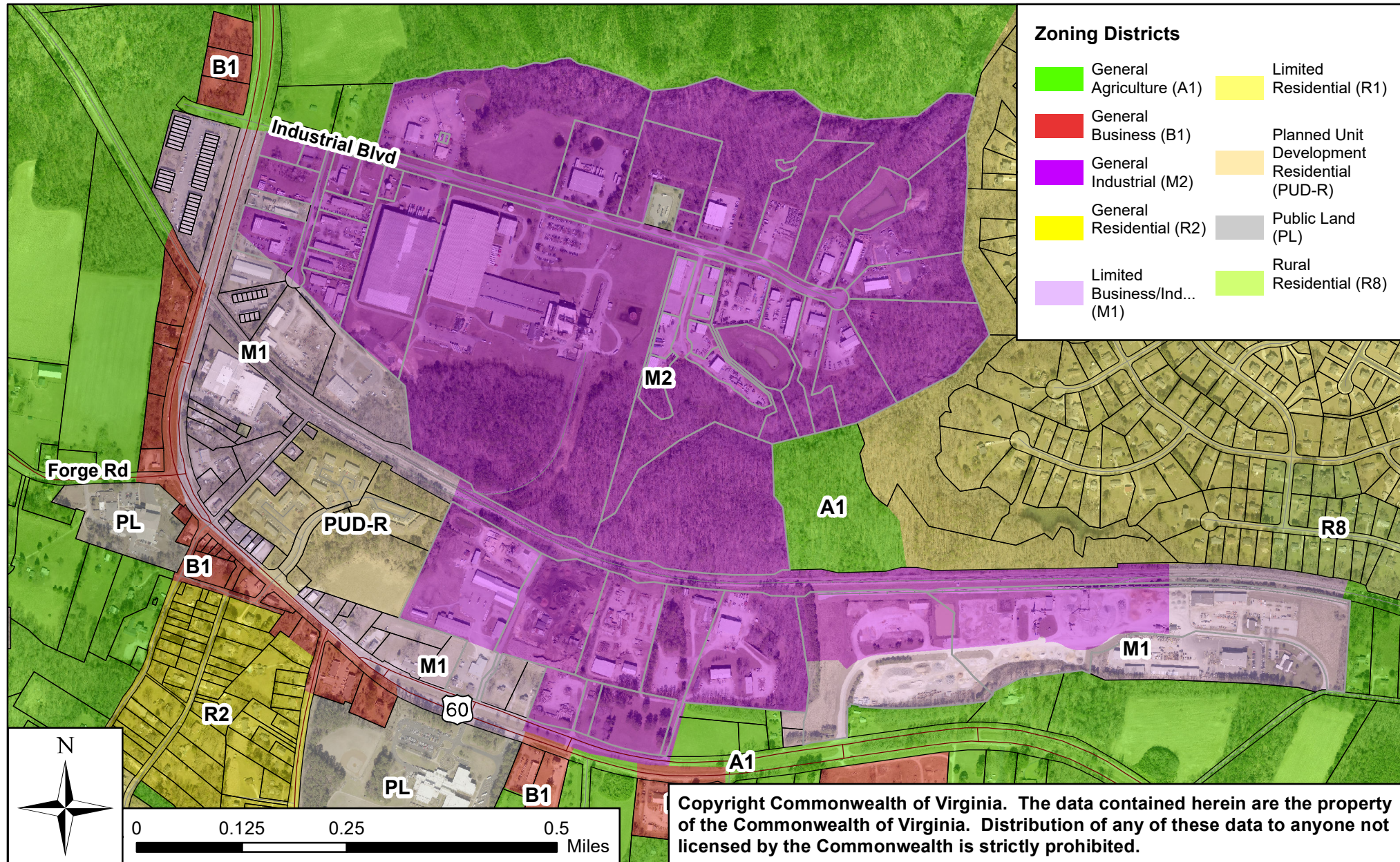
M-2 Zoning District Parcels Anheuser Busch Factory



M-2 Zoning District Parcels Green Mount Area

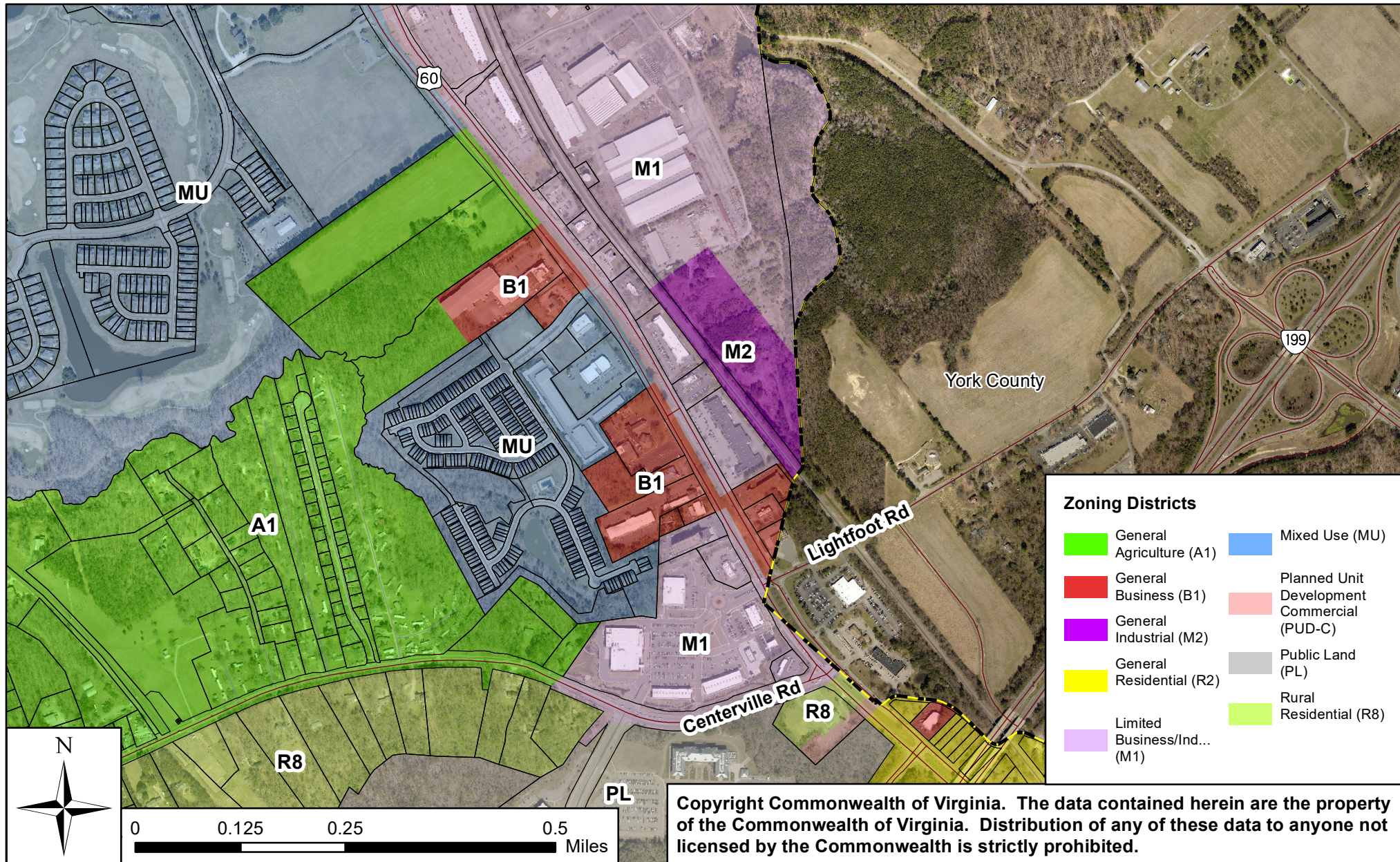


M-2 Zoning District Parcels Toano Area



M-2 Zoning District Parcels

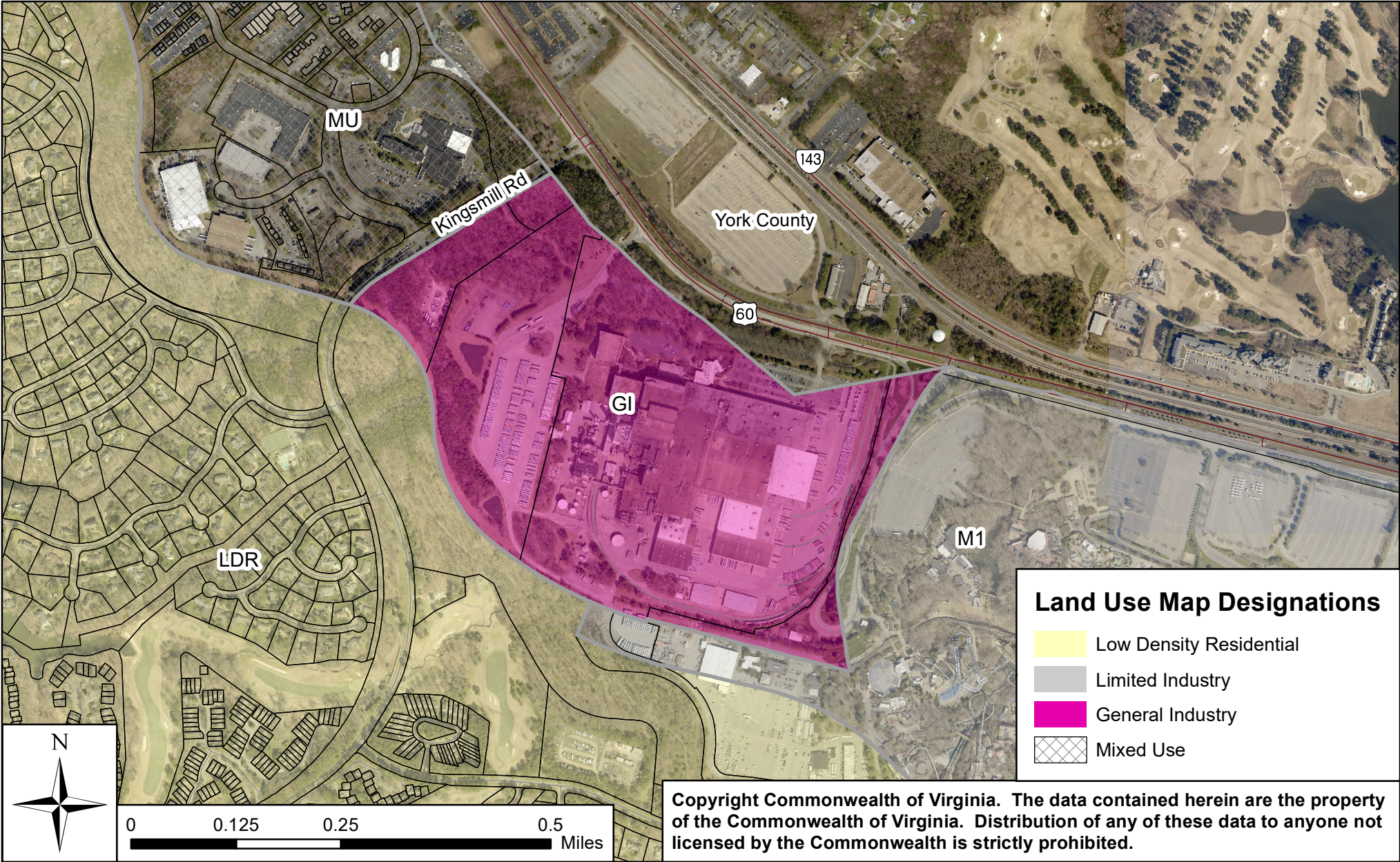
Williamsburg Pottery



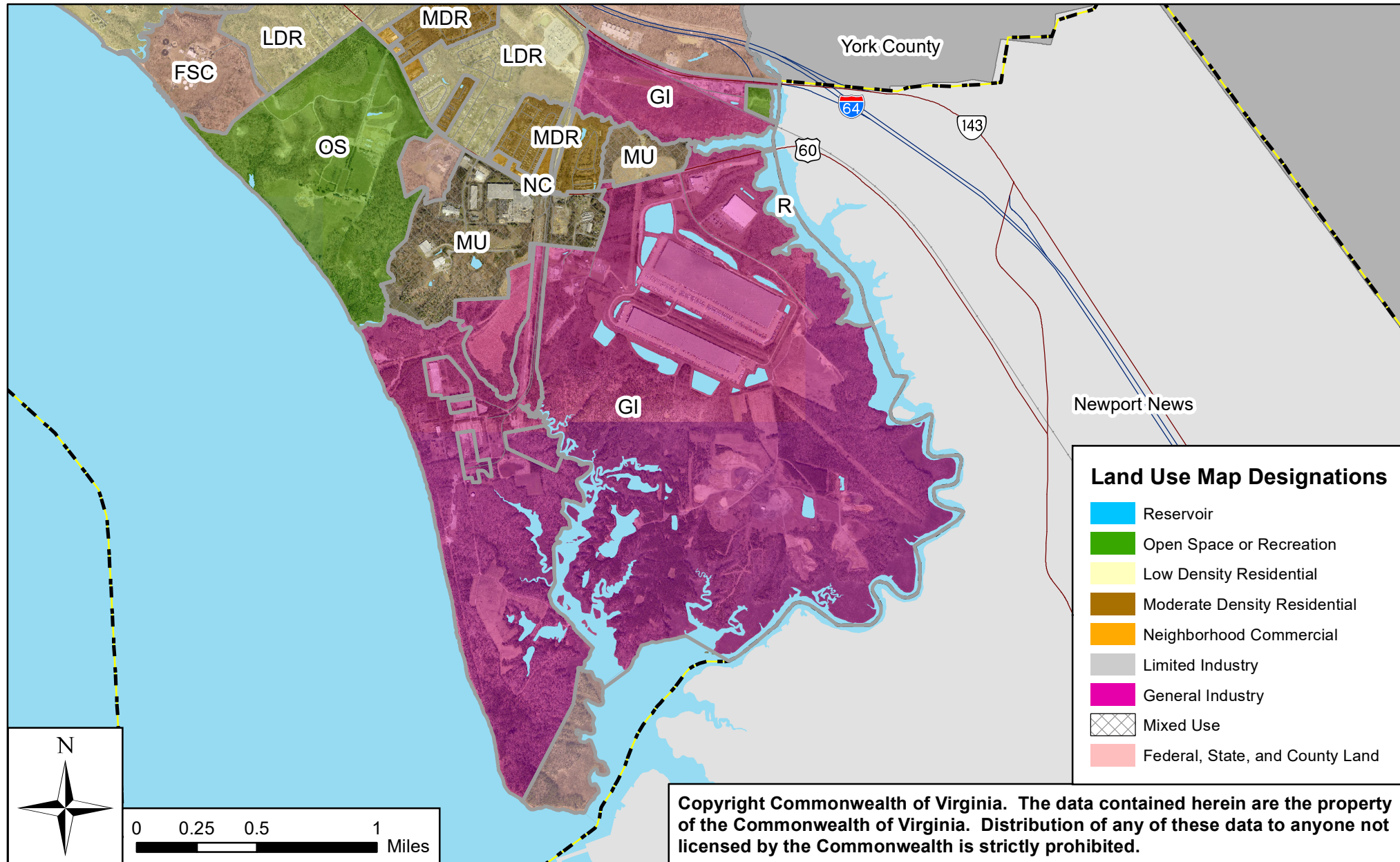
2035 Comprehensive Plan

General Industrial Designation

Anheuser Busch Factory



2035 Comprehensive Plan General Industrial Designation Green Mount Area



2035 Comprehensive Plan General Industrial Designation Toano Area

