

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
March 12, 2020
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. January 9, 2020 Meeting Minutes

D. OLD BUSINESS

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

E. NEW BUSINESS

F. ADJOURNMENT

ITEM SUMMARY

DATE: 3/12/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: January 9, 2020 Meeting Minutes

ATTACHMENTS:

	Description	Type
	January 9, 2020 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/5/2020 - 10:49 AM
Policy	Holt, Paul	Approved	3/5/2020 - 10:59 AM
Publication Management	Burcham, Nan	Approved	3/5/2020 - 11:13 AM
Policy Secretary	Secretary, Policy	Approved	3/5/2020 - 11:17 AM

M I N U T E S
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

Ms. Julia Leverenz called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair

Jack Haldeman

Rich Krapf

Tim O'Connor

Staff:

Christy Parrish, Zoning Administrator

Ellen Cook, Principal Planner

Terry Costello, Deputy Zoning Administrator

Scott Whyte, Senior Landscape Planner

Thomas Wysong, Senior Planner

John Risinger, Community Development Assistant

C. MINUTES

1. December 12, 2019 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the December 12, 2019, meeting minutes.

The motion passed 3-0-1 with Mr. Jack Haldeman abstaining as he was not present at the meeting.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

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

Ms. Terry Costello stated that the Board of Supervisors (BOS) adopted an Initiating Resolution in October 2019 that directed staff to review amendments to the Zoning Ordinance to address beekeeping in agricultural and residential zoning districts. She stated that beekeeping is permitted as an agricultural use in the General Agriculture (A-1) and the Rural Residential (R-8) Zoning Districts. She stated that, in 2014, President Obama issued a memorandum that encouraged federal and state agencies to promote the health of honeybees. She stated that in 2016, the State of Virginia adopted Best Management Practices (BMPs) for bee keeping. She stated that staff reviewed Ordinances related to beekeeping from various localities in Virginia. She stated that most of the Ordinances established restrictions for how close beehives could be to property lines, dwellings, and other structures. She stated that other

regulations included requiring barriers to be placed around the beehives, the location of a water source, and minimum area requirements for beehives. She stated that, if the Policy Committee recommended allowing beekeeping in residential Districts, there could be two different methods to amend the Zoning Ordinance. She stated the Policy Committee could decide if performance standards should be developed for beekeeping and if permits should be required. She asked if the Policy Committee had any questions.

Mr. Haldeman asked if it would make sense to permit beekeeping in commercial and industrial zoning districts in addition to agricultural and residential zoning districts.

Mr. Michael Garvin, Williamsburg Area Beekeepers, stated that commercial beekeepers tend to have 100 beehives or more while hobbyist beekeepers generally have a few beehives.

Mr. Haldeman asked if there was a reason why beekeeping should not be permitted in commercial zoning districts.

Ms. Costello stated that the Policy Committee could recommend permitting beekeeping in commercial zoning districts. She stated that a restaurant in the City of Williamsburg has one or two beehives on its' property.

Mr. Scott Whyte stated that the City of Williamsburg did not have regulations specific to beekeeping, so the beehives were permitted. He stated that beekeeping tends to be an agricultural hobby that fits best in agricultural and residential zoning districts.

Mr. Haldeman stated that there are undeveloped commercial properties near Toano which could have enough room for commercial beekeeping.

Mr. Krapf stated that it could make sense to permit beekeeping in all zoning districts if the beekeepers met the BMPs.

Mr. Whyte stated that commercial beekeeping operations may have additional challenges to meet the BMPs.

Ms. Costello stated that the Initiating Resolution may have specifically mentioned agricultural and residential zoning districts due to the public comments that were in support of beekeeping within neighborhoods.

Mr. Garvin stated that it could make sense to establish a permitting process so that adjacent property owners were aware that beehives were in their neighborhood.

Mr. Krapf asked if staff had encountered any restrictions related to bee allergies in other Ordinances.

Ms. Costello stated that some localities required signs posted in the front yards of properties with beehives or other methods of notifying adjacent property owners.

Mr. Krapf stated that it would make sense to require notifications to be sent to adjoining properties.

Ms. Leverenz stated that some localities required the entrance of beehives to be directed away from the nearest property line.

Mr. Garvin stated that honeybees are not usually aggressive.

Mr. Krapf stated that notifying adjacent property owners would allow them to take any

necessary precaution. He stated that he supported amending the Zoning Ordinance to allow beekeeping in residential districts.

Mr. Garvin stated that in 1622, Jamestown received the first beehives of honeybees in North America.

Mr. Haldeman asked if the Zoning Ordinance has any current restrictions on beekeeping in the A-1 and R-8 Zoning Districts.

Ms. Costello stated that there were not any current regulations.

Mr. Haldeman asked if other localities required barriers to be placed on all four sides of a beehive.

Mr. Garvin stated that many beekeepers install a privacy fence on all four sides of the property so that the bees will fly at a higher level than the fence if they leave the property.

Mr. Tim O'Connor asked if staff had a recommendation for minimum lot sizes for the number of beehives a property could have.

Mr. Garvin stated that Charlottesville had regulations that addressed minimum lot sizes as well as the position of hives on properties.

Ms. Costello stated that the BMPs adopted by the state address the acreage per beehive.

Mr. Garvin stated that the State of Virginia requires that beehives be placed more than 50 feet away from neighboring dwellings.

Mr. O'Connor asked how far honeybees typically fly away from their beehive.

Mr. Garvin stated that honeybees tend to fly up to two miles away from the beehive.

Mr. O'Connor asked what would happen if a beehive is not maintained.

Mr. Garvin stated that a neglected bee colony may collapse due to disease or pests, or the honeybees could move to a new location.

Ms. Costello stated that some localities have performance standards that require beehives to be maintained. She stated that the beehives would only be inspected when a complaint was received.

Mr. O'Connor stated that he had concerns with beekeeping in residential neighborhoods that have smaller lot sizes. He stated that ensuring compliance of beehives with performance standards or BMPs would require more frequent inspections.

Mr. Haldeman stated that he would support permitting beekeeping in all zoning districts with performance standards that addressed minimum lot sizes and restrictions on the position of beehives on properties.

Ms. Leverenz asked if having required distances from property lines and structures would also restrict the total number of beehives a property could have.

Mr. Krapf asked if there had been any discussion regarding a permit application process for beekeeping.

Ms. Leverenz asked if the County would benefit from having a record of properties Fcould allow staff to track how bee-friendly the County is.

Ms. Costello stated that a permitting process could be developed similar to the permit for chicken keeping in residential districts. She stated that the chicken keeping permit is inspected initially but then only enforced on a complaint basis. She stated that the number of beekeeping permits received might not accurately reflect the total number of beehives in the County.

Mr. Krapf stated that having strict regulations might make it impractical for staff to enforce.

Mr. Garvin suggested creating an online application that beekeepers could fill out so that the County could track the locations of beehives.

Mr. Krapf stated that he would support permitting beekeeping in all zoning districts with performance standards.

Mr. O'Connor stated that performance standards should be developed to regulate the placement of beehives. He stated that the performance standards should be practical to enforce.

Ms. Costello stated that many localities had regulations requiring a minimum of a quarter of an acre to have a beehive.

Mr. Whyte asked if the Policy Committee recommended developing performance standards for beekeeping.

Mr. Haldeman confirmed.

Ms. Leverenz asked if the performance standards should include any additional requirements to the BMPs adopted by the State of Virginia.

Mr. Krapf stated that the performance standards should include a requirement to notify adjacent property owners.

Ms. Costello asked if the Policy Committee recommended developing a permitting process for beekeeping.

Mr. Haldeman stated that a permitting process was not necessary.

Mr. Krapf agreed.

Ms. Leverenz stated that a permitting process could be developed in the future if needed.

Mr. O'Connor asked how performance standards would be enforced without a permitting process.

Ms. Costello stated that staff would inspect beehives when a complaint was received from a citizen.

Mr. O'Connor stated that a permitting process should be developed if there is a requirement to notify adjacent property owners.

Ms. Leverenz asked if the notifications would be the only items enforced through the permit.

Ms. Costello stated that staff would review permit applications against any requirements listed

in the performance standards.

Mr. Krapf stated that it might make sense to require a permit for beekeeping in districts with higher residential densities.

Ms. Leverenz stated that requiring a permit in certain districts might make it unnecessarily complex for citizens to navigate.

Mr. O'Connor stated that the performance standards should be reviewed when a permit application is submitted.

Ms. Leverenz asked why many localities did not allow beehives to be placed in front yards or side yards.

Mr. Whyte stated that there could be pedestrian traffic along sidewalks in front yards. He stated that requiring beehives to be placed in back yards mitigates the possibility of bee stings and other concerns.

Mr. O'Connor stated that the BMPs adopted by the State of Virginia require beehives to be placed more than 40 feet away from the right-of-way.

Ms. Leverenz asked if the Policy Committee would like to develop performance standards for minimum lot sizes for beehives. She stated that she supported not regulating minimum lot sizes.

Mr. O'Connor stated that the performance standards should allow one beehive per quarter of an acre of lot size.

Ms. Leverenz asked if the Policy Committee wanted to direct staff to develop draft Ordinance language with a quarter of an acre as the minimum lot size to have a beehive.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Christy Parrish asked if the Policy Committee had any concerns with beehives located in the Resource Protection Area (RPA) or the floodplain.

Mr. Haldeman stated that he did not have any concerns with beehives in the RPA.

Mr. Krapf agreed. He stated that natural vegetation in the RPA might include a number of pollinator plants that benefit honeybees.

Ms. Leverenz stated that beehives should be 50 feet away from dwellings, commercial structures, and any other occupiable building.

Mr. O'Connor asked if a different set of performance standards should be developed for beehives in commercial districts.

Ms. Leverenz stated that it could be discussed during the next stage of the Ordinance review.

Mr. Whyte stated that many commercial properties may not be able to comply with the same performance standards that are developed for residential districts.

Mr. Garvin asked if citizens with beehives would be grandfathered after the Ordinance amendment is adopted.

Ms. Costello stated that, if a permitting process were developed, citizens would likely be encouraged to submit an application.

Ms. Leverenz asked if staff had sufficient direction to proceed to the next stage of review.

Ms. Costello confirmed.

Ms. Leverenz asked if there were any additional questions.

There were none.

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

Mr. John Risinger stated that, on August 13, 2019, the BOS adopted an Initiating Resolution directing staff to explore amending the Zoning Ordinance to define combat tactical training facilities, exclude it as a permitted use in agricultural and residential zoning districts, and to evaluate its appropriateness as a specially permitted use in the General Industrial (M-2) Zoning District. He stated that combat tactical training facilities are designed to train individuals in tactical situations using target ranges, explosives ranges, and driving courses. He stated that the A-1 Zoning District is the only district that permits outdoor shooting ranges. He stated that staff reviewed development proposals and Ordinance amendments from other localities in Virginia. He stated that staff recommends creating a definition for combat tactical training facilities and not listing it as a permitted use in agricultural and residential districts.

Mr. Risinger stated that the Initiating Resolution directed staff to evaluate the appropriateness of combat tactical training facilities as a specially permitted use in the M-2 Zoning District. He stated that the primary purpose of the M-2 Zoning District is for industrial operations, which are not compatible with residential or commercial service establishments. He stated that combat tactical training facilities are not industrial and do not fulfill the intent of the M-2 Zoning District. He stated that the M-2 Zoning District currently permits indoor sports facilities, including firing and shooting ranges. He stated that the M-2 Zoning District does not permit outdoor shooting ranges. He stated that staff does not recommend including combat tactical training facilities as a specially permitted use in the M-2 Zoning District. He stated that, if the Policy Committee determined that it should be included as a specially permitted use, staff recommended creating performance standards within Chapter 24, Article II, Special Regulations of the Zoning Ordinance.

Ms. Leverenz asked if the County was restricted from not allowing the use in all zoning districts.

Mr. Risinger stated that staff's initial discussions had indicated that the County could define a use and not list it as a permitted use for any zoning district. He stated that staff would check with the County Attorney's Office when the draft definition was created to ensure that it met all legal requirements.

Ms. Leverenz stated that combat tactical training facilities did not fit with the character of James City County.

Mr. Haldeman agreed. He asked if the definition would only apply to privately owned facilities.

Mr. Risinger stated that there was flexibility to how the definition would be drafted. He stated that a definition adopted by New Kent County for combat tactical training facilities excluded government operated facilities.

Mr. Haldeman stated that the definition adopted by New Kent County would be a good basis for drafting the Ordinance amendment. He stated that combat tactical training facilities should not be a permitted use in any zoning district.

Mr. Krapf agreed.

Ms. Risinger asked if the Policy Committee's direction was to define combat tactical training facilities without listing it as a permitted or specially permitted use in any zoning district and without creating performance standards within the Special Regulations section of the Zoning Ordinance.

Ms. Leverenz confirmed.

Mr. Haldeman asked if the use could be specifically prohibited in the Zoning Ordinance.

Mr. Risinger stated that the Zoning Ordinance does not currently have a list of prohibited uses. He stated that the Zoning Ordinance is exclusionary in nature. He stated that a use is not permitted in a zoning district if it is not listed as permitted or specially permitted in the use list for the zoning district.

Mr. O'Connor asked if a company could operate an indoor shooting range with an outdoor driving course. He stated that private security companies could be interested in training facilities that have an indoor shooting range with a defensive driving course.

Mr. Haldeman stated that the definition adopted by New Kent County included "Evasive driving courses with or without the use of real or simulated firearms."

Mr. Risinger stated that, if combat tactical training facilities was listed as a specially permitted use in the M-2 Zoning District, performance standards could be created to limit the type of driving course that could be operated.

Mr. Haldeman asked if the County would continue to permit outdoor shooting ranges in the A-1 Zoning District.

Mr. Risinger confirmed. He stated that the intention of the Ordinance amendment was not to restrict any of the currently permitted or specially permitted uses for indoor or outdoor shooting ranges.

Ms. Parrish asked if outdoor shooting ranges were a specially permitted use in the A-1 Zoning District.

Mr. Risinger confirmed.

Ms. Parrish asked if indoor shooting ranges were permitted.

Mr. Risinger stated that multiple zoning districts listed indoor shooting ranges as permitted or specially permitted uses. He stated that the M-2 Zoning District listed indoor shooting ranges as a permitted use.

Mr. O'Connor stated that there was not a significant amount of undeveloped M-2 parcels in the County.

Mr. Risinger stated that the property that formerly has the BASF Corporation facility was the largest M-2 parcel that did not currently have a permanent use.

Ms. Ellen Cook stated that staff had provided maps of parcels that were designated General Industrial on the Comprehensive Plan Land Use Map. She stated that an application to rezone one of those parcels to the M-2 Zoning District could be supported by the Comprehensive Plan.

Mr. Risinger stated that parcels that were designated as General Industrial were mostly already in the M-2 Zoning District.

Mr. Haldeman asked if staff had enough feedback to proceed to the next stage of review.

Mr. Risinger asked if the Policy Committee had reached a consensus on whether combat tactical training facilities should not be permitted in any zoning district or if it should be listed as a specially permitted use in the M-2 Zoning District.

Mr. Haldeman stated that combat tactical training facilities should not be permitted in any zoning district.

Ms. Leverenz asked if racetracks were permitted in any of the zoning districts.

Ms. Parrish stated that outdoor sports facilities were permitted in some zoning districts. She stated that if an application were submitted to develop a racetrack, staff would determine if it could be considered an outdoor sports facility.

Ms. Leverenz stated that there might not be a significant difference between racetracks and a defensive driving course.

Ms. Parrish stated that a driver education course could be considered to be a school.

Mr. O'Connor stated that having combat tactical training facilities listed as a specially permitted use in the M-2 zoning district could leave flexibility in case there were unforeseen impacts of restricting the use from all zoning districts.

Ms. Krapf stated that the definition adopted by New Kent County was specific to facilities designed to train counter terrorism forces or other military style facilities. He stated that he would support prohibiting combat tactical training facilities from all zoning districts.

Ms. Leverenz asked if there were any further comments or questions.

There were none.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 4-0.

Ms. Leverenz adjourned the meeting at approximately 5:00 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 3/12/2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator/Senior Planner

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

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Survey of Localities	Backup Material
▣	Best Management Practices - Chapter 319 of the Virginia Administrative Code	Backup Material
▣	Albemarle County Beekeeping Ordinance	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/5/2020 - 11:05 AM
Policy	Holt, Paul	Approved	3/5/2020 - 11:07 AM
Publication Management	Burcham, Nan	Approved	3/5/2020 - 11:15 AM
Policy Secretary	Secretary, Policy	Approved	3/5/2020 - 11:17 AM

MEMORANDUM

DATE: March 12, 2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator

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

At its January 9, 2020 meeting, the Policy Committee reviewed and discussed amendments to the Zoning Ordinance to address the keeping of bees in residential districts. The Committee, during the discussions, inquired as to whether beekeeping in all districts can be part of the review. Staff subsequently reviewed the initiating resolution and noted that as currently adopted by the Board of Supervisors, the scope is to investigate beekeeping in residential and agricultural districts only. In consultation with the County Attorney's Office, it was decided that should the Planning Commission wish to expand the discussion to include all districts, the Board of Supervisors would need to revise the initiating resolution. Therefore, for the purpose of this discussion, staff will continue to address this matter in residential and agricultural districts only.

Proposed Performance Standards

At the direction of the Policy Committee, staff has developed performance standards based on the Virginia Department of Agriculture and Consumer Services adopted Best Management Practices, and Albemarle County's Zoning Ordinance. Below are proposed standards for which staff is requesting feedback. These standards are also shown in the column furthest to the right in Attachment No. 1:

1. Beehives shall only be allowed on properties consisting of single-family homes and which are on lots of $\frac{1}{4}$ acre or more.
2. Beehives shall be located at least 10 feet from any public right-of-way or any property line of an adjoining lot not owned by the person maintaining the hive.
3. Beehives shall be located at least 30 feet from any dwelling or structure on adjacent property not owned by the person maintaining the hive.
4. Barriers are required if hives are located less than 30 feet from any public right-of-way or any property line adjoining a residential property and located less than 10 feet above ground level.
5. Barriers shall consist of fencing or vegetation or a combination of both. Barriers shall be of sufficient density, length, and height to establish bee flyways six feet or higher above ground; located between the hive and the property line or right-of-way, and extend no less than 10 feet in length on either side of the hive.
6. Beehives shall only be located in the rear yard area. All beehives shall be oriented with the entrance facing away from the adjacent lot or public right-of-way.
7. A water source shall be provided within 50 feet of the hive or less than one-half the distance to the nearest unnatural source of water, whichever is closest. An unnatural water source includes a swimming pool, bird bath, and pet watering receptacle.

8. The person maintaining the hive shall provide written notice that they intend to keep bees to the owners of the adjacent properties. The notice shall be mailed or delivered at least 10 days prior to the establishment of beehives on the lot.
9. The maximum number of beehives permitted on a residential lot shall be the following:
 - a. Two colonies: minimum of $\frac{1}{4}$ acre and up to $\frac{1}{2}$ acre
 - b. Four colonies: $\frac{1}{2}$ acre and up to $\frac{3}{4}$ acre
 - c. Six colonies: $\frac{3}{4}$ acre and up to 1 acre
 - d. Eight colonies: 1 acre and up to 5 acres
 - e. No limit: 5 acres or more

Proposed Zoning Districts

As noted previously, beekeeping is currently allowed in A-1, General Agricultural, R-6, Low Density Residential, and R-8, Rural Residential Districts without any performance standards. Similar to chicken keeping, staff is proposing to change the use lists in R-1, Limited Residential, and R-2, General Residential Districts. Staff is requesting guidance as to whether the Committee would like to add the beekeeping use to the R-3, Residential Redevelopment, R-4, Residential Planned Community, PUD, Planned Unit Development, and/or MU, Mixed Use Districts. Chicken keeping is not currently permitted in these zoning districts.

Proposed Permitting Process

Based on discussion at the January 9, 2020 meeting, the Policy Committee also suggested requiring a permit to keep bees. Staff would suggest mirroring it to the chicken keeping permit and requiring the following information:

1. Property address
2. Location of hive and water source
3. Number of hives
4. Information on barrier provided should one be required
5. Notice sent to adjacent property owners, with list of property owners submitted

Staff is also seeking the Policy Committee's input on the approval process.

Recommendation

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

TC/nb
ORD19-10BeesRD2-mem

Attachments:

1. Survey of Local Ordinances with Staff Recommendations
2. Best Management Practices - Chapter 319 of the Virginia Administrative Code
3. Albemarle County's Beekeeping Ordinance

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Survey of Local Ordinances																
2	Conditions	Poquoson	York County	Newport News	Albemarle County	Isle of Wight County	Chesapeake	Fairfax County	Prince William County	City of Manassas	City of Williamsburg	Hampton	Virginia Beach	City of Norfolk	Best Management Practices	Staff Suggestion	
3	Accessory to residential use	Yes	Yes	Yes as a hobby and for non-commercial purposes	Yes	Yes	Yes Single Family and Two-Family only, four hives or less	Yes, four hives or less	Yes, four hives or less	Yes	Not addressed in their ordinance but two property owners are known to have hives	Not addressed in their ordinance but Public works maintains a list for spraying notifications	Yes (no standards)	Not explicitly allowed in their ordinance but their ordinance is not exclusionary		Allowed on properties consisting of single family homes and at least 1/4 acres in size	
4	Minimum distance from a public right-of-way or property line now owned by person maintaining hive	3		3	10	10	10	3 (hives 7 ft or less in height, >7 ft, distance is equal to height)		20					10	10	
5	Distance from any dwelling or structure on adjacent property not owned by beekeeper		50 ft - from adj prop, school, house of worship	50 ft - house, dwelling,apt, hotel,office,comm establish,house of worship,school	30	30	30			50						30 (dwelling or structure)	
6	Barriers required when:	Hives are < 25 ft from a PL, entrance facing PL,and entrance no less than 6 ft above ground			Hives are <30 ft of any public ROW or any PL adjoining a residential property and < 10 ft above ground level;	Hives < 30 ft of any public ROW or any PL adjoining a residential property and < 10 ft above ground level	Hives are <30 ft of any public ROW or any PL adjoining a residential property; only applies to lots of < 1 acre	If the landing platform faces and is within 10 ft of a PL	If the landing platform faces and is within 10 ft of a PL						Hives < 40 ft from any PL	Hives are <30 ft of any public ROW or any PL adjoining a residential property and < 10 ft above ground level;	
7	Defintion of barrier:	Sufficient density,length and height to establish bee flyways six ft or higher above ground level at the PL, to incl dense vegetation,privacy fence, accessory structure			Sufficient density to establish bee flyways above head height must separate hive from the PL or ROW; fencing or vegetation or combo of the two;must be no less than 6 ft in height and extend no less than 10 ft in length on either side of hive	Sufficient density to establish bee flyways above head height must separate hive from the PL or ROW; fencing or vegetation or combo of the two;must be no less than 6 ft in height and extend no less than 10 ft in length on either side of hive	Sufficient density to establish bee flyways above head height must separate hive from the PL or ROW; fencing or vegetation or combo of the two;must be no less than 6 ft in height and extend no less than 10 ft in length on either side of hive	Should consist of fencing,structure of plantings not less than 6 feet in height located in front of the hive.	Should consist of fencing,structure of plantings not less than 6 feet in height located in front of the hive.						Sufficent density, length, and height to establish bee flyways six feet or higher above ground; must be no less than 6 ft in height and located between the colony and the PL, or elevate the hive entrance no less than 6 ft above PL	Sufficient density of establish bee flyways above head height must separate hive from the PL or ROW; fencing or vegetation or combo of the two;must be no less than 6 ft in height and extend no less than 10 ft in length on either side of hive	
8	Beehive location				rear only, and entrance must face away from adjacent lot or public ROW	rear only, and entrance must face away from adjacent lot or public ROW		side or rear								rear only, and entrance must face away from adjacent lot or public ROW	
9	Distance of water source to hive	50 ft or less or less than 1/2 the distance to the nearest unnatural water source which is not on their property, whichever is closest.(pools, watering receptacles)	50 ft or less	50 ft or less			20 ft or less	50 ft or less	50 ft or less						50 ft or less or less than 1/2 the distance to the nearest unnatural water source, whichever is closest.(pools, watering receptacles)	50 ft or less or less than 1/2 the distance to the nearest unnatural water source, whichever is closest.(pools, watering receptacles)	
10	Other	Beehives located more than 40 ft from a public right-of-way. Enforcement shall be limited to complaints.	No prohibition of the sharing of honey with friends, or its sale, either on or off the premises		If hive located 10 or more than ground level, hive can be located 5 ft from structure and 30 ft from any other structure other than a structure of the person maintaining the hive	If hive located 10 or more than ground level, hive can be located 5 ft from structure and 30 ft from any other structure other than a structure of the person maintaining the hive										None proposed.	
11	Notice/Sign posted				Person keeping bees must send notice to APOs; warning sign with owners name and contact info	Warning sign with owners name and contact info										Send notices to APOs	
12	Limits of colonies based on lot size				1/2 acre or less two colonies;> 1/2 acre - 3/4 acre: four colonies; >3/4 acre - 1 acre: six colonies; > 1 acre - up to 5 acres: 8 colonies; > 5 acres no limit	1/2 acre or less two colonies;> 1/2 acre - 3/4 acre: four colonies; >3/4 acre - 1 acre: six colonies; > 1 acre - up to 5 acres: 8 colonies; > 5 acres no limit	Less than 1 acre, for each additonal 2,000 sq ft of area in excess of 8,000 can have two additional hives, with a max of 8; no restrictions on lots > 1 acre	On lots > 10,000 sq ft an additional hive may be kept for each 2500 sq ft of area	On lots > 10,000 sq ft an additional hive may be kept for each 2500 sq ft of area						< 1/4 acre two colonies; 1/4 - 1/2 acre four colonies;1/2 acre - 1 acre six colonies; > 1 acre no more than six colonies per acre; if all colonies are placed at least 200 ft from all property lines - no limit	1/4 - 1/2 acre two colonies;> 1/2 acre - 3/4 acre: four colonies; >3/4 acre - 1 acre: six colonies; > 1 acre - up to 5 acres: 8 colonies; > 5 acres no limit	

[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.

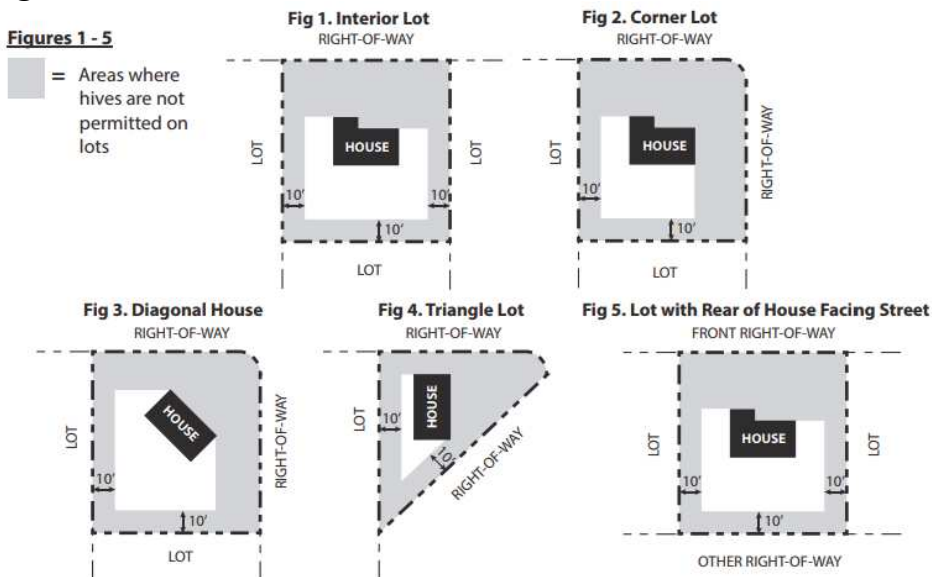
Albemarle County

Sec. 5.1.63 - Urban beekeeping.

Urban beekeeping shall be subject to the following:

- a. It shall be unlawful for any person to keep, place, or allow a beehive to remain:
 1. Closer than ten feet to a public right-of-way or to the lot line of an adjoining lot not owned by the person maintaining the beehive; or
 2. Closer than 30 feet to any structure other than the structure of the person maintaining the beehive.
- b. All beehives shall be oriented with the entrance facing away from the adjacent lot or public right-of-way.
- c. The beehive and all related materials may only be located within the rear yard of the lot as shown in Figure 1.

Figure 1



- d. If a beehive is located less than ten feet above ground level and within 30 feet of any lot line adjoining a residential lot or public right-of-way, a barrier of sufficient density to establish bee flyways above head height must separate the beehive from the lot line or public right-of-way. The barrier may be constructed of fencing or evergreen vegetation or a combination of the two. The barrier must be no less than six feet in height and extend no less than ten feet in length on either side of the beehive.
- e. If a beehive is located at least ten feet above ground level, the beehive shall be located a minimum of five feet from the side of the structure and 30 feet from any structure other than a structure of the person maintaining the beehive.
- f. The beekeeper shall conspicuously post a sign warning individuals of the presence of bees. This sign shall include the lot owner's name and a telephone number at which the beekeeper can be reached in case of emergency.
- g. The beekeeper shall provide written or verbal notice that they intend to keep bees to the owner of each abutting lot under different ownership than the lot on which beehives will be located. The notice shall identify the lot on which the beehives will be located. The notice shall be mailed or delivered at least ten days prior to the establishment of beehives on the lot.

Albemarle County

- h. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left on the grounds of the lot on which the beehive is located (the "apiary lot"). Once removed from the site, the wax comb or other materials shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- i. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the beehives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees. Unused equipment shall be stored in sealed containers, or placed within a building or other insect-proof container.
- j. No person may keep more than the following numbers of bee colonies on any lot, based upon the size or configuration of the apiary lot:
 - 1. One-half acre or smaller lot: two colonies;
 - 2. Larger than one-half acre and up to three-fourths acre lot: four colonies;
 - 3. Larger than three-fourths acre and up to one acre lot: six colonies;
 - 4. Larger than one acre and up to five acre lot: eight colonies;
 - 5. Larger than five acre lot: no restriction.
- k. If a beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this section for no more than 30 days from the date acquired.

([Ord. 18-18\(4\)](#), 10-3-18)

ITEM SUMMARY

DATE: 3/12/2020

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 II

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment 1. Draft Definition	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/5/2020 - 10:54 AM
Policy	Holt, Paul	Approved	3/5/2020 - 11:01 AM
Publication Management	Burcham, Nan	Approved	3/5/2020 - 11:14 AM
Policy Secretary	Secretary, Policy	Approved	3/5/2020 - 11:17 AM

MEMORANDUM

DATE: March 12, 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 II

Overview

The Policy Committee met on January 9, 2020, to discuss amendments to the Zoning Ordinance in regards to regulating combat tactical training facilities. Staff recommended creating a definition for combat tactical training facilities within Section 24-2, Definitions, and not listing it as a permitted or specially permitted use within any zoning district. At that meeting, the Policy Committee concurred with staff's recommendation and directed staff to develop a draft definition for review. The Policy Committee also asked staff to analyze if adding a definition for combat tactical training facilities would affect any currently permitted recreational firearm uses.

The draft definition language has been included as Attachment No. 1. The definition is specific to commercial facilities that are designed to train individuals for counter-terrorism operations as well as other military style simulations. The definition also qualifies that current combat tactical training facilities are not to be considered as uses currently included in various districts such as firing and shooting ranges, and indoor or outdoor sports facilities.

Conclusion

Staff is seeking feedback from the Policy Committee regarding the draft definition. Staff will use input received at this meeting to prepare final draft Ordinance language for the Committee's consideration at a future meeting.

JR/nb
ORD19-05Phase2-mem

Attachment:

1. Draft Definition

Draft Definition

Sec. 24-2. Definitions

Combat tactical training facility. A commercial facility that is designed to train in any combination of anti-terrorism, counter-terrorism and/or force protection operation, and any mission simulation using military weapons which includes one or more of the following items:

- (1) Outdoor firearms ranges utilizing automatic and/or semiautomatic weapons.
- (2) Combat training with real or simulated use of firearms or other military weapons systems.
- (3) Military tactical training area.
- (4) Use of real or simulated explosive devices.
- (5) Use of mock/high impact firearms blast or simulated rocket-propelled grenades.
- (6) Unenclosed shoot house.
- (7) Evasive driving courses with or without the use of real or simulated firearms.

This definition shall not apply to hunting preserves or clubs, indoor or outdoor firing and shooting ranges, racetracks for animals or vehicles, indoor or outdoor sports facilities, schools, and facilities operated by local regional, state, or federal government agencies.