

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
October 15, 2020
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/96275677596> or call 301-715-8592 and enter the meeting ID 962 7567 7596. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

B. ROLL CALL

1. Virtual Meeting Resolution

C. MINUTES

1. May 14, 2020 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. ORD-20-0015. Zoning Ordinance Amendments to Address the Keeping of Bees in Non-Residential Districts, Phase I

F. ADJOURNMENT

ITEM SUMMARY

DATE: 10/15/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: October 15, 2020 Meeting Details

This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/96275677596> or call 301-715-8592 and enter the meeting ID 962 7567 7596. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	10/8/2020 - 10:54 AM
Policy	Holt, Paul	Approved	10/8/2020 - 11:18 AM
Publication Management	Burcham, Nan	Approved	10/8/2020 - 11:21 AM
Policy Secretary	Secretary, Policy	Approved	10/8/2020 - 11:24 AM

ITEM SUMMARY

DATE: 10/15/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Electronic Meeting Resolution

ATTACHMENTS:

	Description	Type
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	10/8/2020 - 4:24 PM
Policy	Holt, Paul	Approved	10/8/2020 - 4:46 PM
Publication Management	Daniel, Martha	Approved	10/8/2020 - 4:49 PM
Policy Secretary	Secretary, Policy	Approved	10/8/2020 - 4:51 PM

RESOLUTION

POLICY COMMITTEE VIRTUAL MEETING

WHEREAS, on March 24, 2020, the James City County Board of Supervisors (the “Board”) adopted an emergency Ordinance to ensure the continuity of government in response to the Coronavirus Pandemic negatively affecting the health, safety, and welfare of the citizens of James City County (the “County”); and

WHEREAS, on April 14, 2020, and on September 8, 2020, the Board readopted the continuity of government Ordinance (the “Ordinance”), which, under certain circumstances, permits the Board and its subordinate boards, committees, and commissions to conduct regularly scheduled, special, or emergency meetings solely by electronic or telephonic means without a quorum of members physically present (a “Virtual Meeting”); and

WHEREAS, the Policy Committee is a committee of the Planning Commission, a subordinate appointed commission of the Board and is therefore eligible to conduct a Virtual Meeting; and

WHEREAS, the Policy Committee desires to conduct a Virtual Meeting on October 15, 2020, at which time those items listed on the agenda attached hereto (the “Agenda”) will be considered; and

WHEREAS, each of the members of the Policy Committee have reviewed each of the items listed on the Agenda and have determined that consideration of each is necessary to ensure the continuation of the essential functions of the government during the emergency described in the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Policy Committee of James City County, Virginia, hereby finds and declares that immediate consideration of each of the items set forth in the Agenda is necessary to ensure the continuation of essential functions of the government during the emergency declared by the Board and further described in the Ordinance.

Frank Polster
Chair, Policy Committee

ATTEST:

Paul D. Holt III
Secretary to the Planning Commission

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
POLSTER	_____	_____	_____
KRAPF	_____	_____	_____
O’CONNOR	_____	_____	_____
ROSE	_____	_____	_____

Adopted by the Policy Committee of James City County, Virginia, this 15th day of October, 2020.

101520PolCVirtMtg-res

ITEM SUMMARY

DATE: 10/15/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: May 14, 2020 Meeting Minutes

ATTACHMENTS:

	Description	Type
	May 14, 2020 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	10/8/2020 - 3:11 PM
Policy	Holt, Paul	Approved	10/8/2020 - 3:16 PM
Publication Management	Burcham, Nan	Approved	10/8/2020 - 3:17 PM
Policy Secretary	Secretary, Policy	Approved	10/8/2020 - 4:09 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 14, 2020
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/95687455734> or call 301-715-8592 and enter the meeting ID 956 8745 5734. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

Mr. Frank Polster called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

1. Electronic Meeting Resolution

Mr. Polster presented the resolution.

Mr. Tim O'Connor made a motion to Adopt the electronic meeting resolution.

The motion passed 4-0.

Present:

Frank Polster, Chair

Rich Krapf

Tim O'Connor

Rob Rose

Staff:

Ellen Cook, Principal Planner

Alex Baruch, Acting Principal Planner

Christy Parrish, Zoning Administrator

Terry Costello, Deputy Zoning Administrator

John Risinger, Planner

Max Hlavin, Deputy County Attorney

C. MINUTES

1. February 20, 2020 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the February 20, 2020, meeting minutes.

The motion passed 4-0.

2. February 27, 2020 Meeting Minutes

Mr. Krapf made a motion to Approve the February 27, 2020, meeting minutes.

The motion passed 4-0.

3. March 5, 2020 Meeting Minutes

Mr. Krapf made a motion to Approve the March 5, 2020, meeting minutes.

The motion passed 4-0.

4. March 12, 2020 Meeting Minutes

Mr. Krapf made a motion to Approve the March 12, 2020, meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

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

Ms. Terry Costello stated that staff presented Phase II materials at the March 12, 2020, Policy Committee meeting regarding amending the Zoning Ordinance to allow beekeeping in residential neighborhoods. She stated that the Committee discussed proposed performance standards for beekeeping. She presented a draft Ordinance that would make beekeeping a permitted use in residential districts in accordance with performance standards. She stated that the performance standards required hives to be certain distances away from property lines, rights-of-way, and structures. She stated that hives that were between 10 and 30 feet from a public right-of-way would need a barrier. She stated that a water source would need to be provided on the property with the hive. She stated that adjacent property owners would need to be notified by the person maintaining the hive. She recommended that the Policy Committee recommend approval of the draft Ordinance to the Planning Commission.

Mr. Rob Rose asked what the reasoning was to require hives to be certain distances from property lines and rights-of-way.

Mr. Krapf stated that the distances would help mitigate potential impacts to neighbors or pedestrians.

Mr. O'Connor stated that the required distances might mitigate potential impacts to neighbors mowing their lawns.

Mr. Michael Garvin, president of Williamsburg Area Beekeepers, stated that the required distances help to mitigate contact with neighbors while the bees fly to nearby sources of nectar or pollen.

Ms. Christy Parrish stated that the performance standard requiring notification letters to be sent to adjacent property owners would not be easily enforceable without a permitting process.

Mr. Max Hlavin stated that the County Attorney's Office recommended removing the performance standard for the notification letters.

Mr. Garvin stated that beekeepers should voluntarily communicate with neighbors so that they are aware of nearby hives.

Mr. O'Connor stated that he was in favor of removing the requirement for notification letters.

Mr. Polster asked if there was a consensus among the Policy Committee that beekeeping should be allowed in all zoning districts.

Mr. Krapf asked if there were concerns with allowing beekeeping in commercial districts.

Ms. Costello stated that the scope of the Initiating Resolution from the Board of Supervisors did not include Commercial Districts.

Mr. Polster stated that there might need to be a different set of applicable performance standards for beekeeping in Commercial Districts.

Mr. Rose stated that he agreed that allowing beekeeping in Commercial Districts and parks should be discussed.

Ms. Parrish stated that most County-owned parks were in the Public Lands Zoning District which permits agricultural uses.

Mr. Krapf agreed.

Mr. Garvin asked what steps beekeepers would need to follow to have hives in parks in the Public Lands Zoning District.

Ms. Parrish stated that the Director of Parks and Recreation would need to be included in discussions about how beekeeping could be included in parks.

Mr. Krapf made a motion to recommend approval of the draft Ordinance to the Planning Commission without the performance standard for notification letters along with a recommendation to the Board of Supervisors to direct staff to investigate beekeeping in commercial and other zoning districts.

The motion passed 4-0.

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

Mr. John Risinger stated that staff presented Phase II materials at the March 12, 2020, Policy Committee meeting regarding amending the Zoning Ordinance to regulate combat tactical training facilities. He stated that a draft definition was presented which was specific to commercial operations and specifically excluded certain uses that were currently permitted in the Zoning Ordinance. He stated that the Policy Committee directed staff to prepare draft Ordinance language. He stated that staff worked with the County Attorney's Office to refine the draft Ordinance language. He recommended that the Policy Committee recommend approval of the draft Ordinance to the Planning Commission.

Mr. Polster asked if the Policy Committee had any comments.

There were none.

Mr. Krapf made a motion to recommend approval of the draft Ordinance to the Planning Commission.

The motion passed 4-0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn.

The motion passed 4-0.

Mr. Polster adjourned the meeting at approximately 4:30 p.m.

Mr. Frank Polster, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 10/15/2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator/Senior Planner

SUBJECT: ORD-20-0015. Zoning Ordinance Amendments to Address the Keeping of Bees in Non-Residential Districts, Phase I.

ATTACHMENTS:

	Description	Type
▣	Staff Memo	Staff Report
▣	Attachment #1 - Survey of Localities	Backup Material
▣	Attachment #2 - Best Management Practices - Chapter 319 of the Virginia Administrative Code	Backup Material
▣	Attachment #3 - Beekeeping - Chapter 44 of the Code of Virginia	Backup Material
▣	Attachment #4 - Initiating Resolution, Board of Supervisors, September 8, 2020	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	10/8/2020 - 8:19 AM
Policy	Holt, Paul	Approved	10/8/2020 - 11:19 AM
Publication Management	Burcham, Nan	Approved	10/8/2020 - 11:21 AM
Policy Secretary	Secretary, Policy	Approved	10/8/2020 - 11:24 AM

MEMORANDUM

DATE: October 15, 2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator/Senior Planner

SUBJECT: ORD-20-0015. Zoning Ordinance Amendments to Address the Keeping of Bees in Non-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 permitted in Agricultural Districts and Public Lands (A-1, General Agricultural District, R-6, Low Density Residential, R-8, Rural Residential District, and PL, Public Lands) under the General Agricultural use. Therefore, staff proceeded with researching beekeeping as a use in Residential Districts.

At its September 8, 2020 meeting, the Board of Supervisors approved the keeping of bees in Residential Districts (R-1, Limited Residential District; R-2, General Residential District; R-3, Residential Redevelopment District; R-4, Residential Planned Community District; R-5, Multifamily Residential District; and PUD-R, Planned Unit Development Districts, Residential) with performance standards outlined in Section 24-47.1. Additionally, the Board of Supervisors adopted an Initiating Resolution to address beekeeping in Non-Residential Districts (B-1, General Business; LB, Limited Business; M-1, Limited Business/Industrial; M-2, General Industrial; PUD-C, Planned Unit Development Districts, Commercial; MU, Mixed Use; and EO, Economic Opportunity).

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. In addition to honey, 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 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 "P" in Attachment No. 1.

Research

Staff has conducted research on other localities regarding the keeping of bees in non-residential districts. To provide consistency, the same localities that were surveyed as part of the residential beekeeping Ordinance were used for this review. Most of the localities that allow beekeeping in residential districts do not permit beekeeping in non-residential districts. Fairfax County allows this use in non-residential districts, as well as Isle of Wight County. However, the only non-residential district in Isle of Wight County where the use is permitted is the Village Center District, which is similar to James City County's Mixed Use District. Both localities use the same standards for residential and non-residential districts. Some localities such as the Cities of Hampton, Norfolk, and Williamsburg do not address beekeeping in their Ordinances; due to the nature of the Ordinances, this allows the use to occur.

The Silver Hand Meadery, located in the City of Williamsburg, is an example of beekeeping on a non-residential property. The bees are located inside the establishment but have access to the outdoors for food and water through a long tube. The bees are seen through an observation area and are used for educational purposes only.

Many businesses located in other parts of the country and world have created a trend in rooftop beekeeping. For example, the Fairmont Hotels and Resorts chain has over 20 hotels worldwide that have added beehives to their rooftop gardens. According to their website, they have created a Bee Sustainable Program.

The Virginia Department of Agriculture and Consumer Services BMPs do not differentiate between residential and non-residential uses. These practices do suggest minimum distances from property lines and rights-of way, distances from structures, distances for water sources, information on barriers, and limits of colonies based on acreage.

In order to facilitate discussion on non-residential beekeeping, staff has provided the information gathered as part of the residential beekeeping Ordinance, as well as adding information on non-residential beekeeping. BMPs have also been added as an additional guidance. The highlighted section in Attachment No. 1 is the added information.

Options

If the Policy Committee agrees with a recommendation to allow beekeeping in non-residential zoning districts, staff has identified three 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) The Policy Committee could decide that the performance standards adopted as part of the residential beekeeping Ordinance would also apply to non-residential properties.
- 3) At the direction of the Policy Committee, staff could develop performance standards in the Special Regulations section of the Zoning Ordinance applicable to non-residential properties only, similar to the format for the residential beekeeping standards. These could include, but not be limited to, lot area requirements, distances from structures and/or property lines, distances when barriers would be required, and other items discussed above.

For any of the three options above, staff could prepare an analysis for a future meeting regarding which non-residential districts in the County the Committee may wish to consider amending to allow this use.

Recommendation

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

TC/md
ZOAKKeepkNRDPh1-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. Initiating Resolution, Board of Supervisors, September 8, 2020

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Survey of Local Ordinances															
2	Conditions	James City County	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
3	Accessory to residential use	Yes, but also permitted as primary 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	
4	Allowed in commercial distrits		No	No	No	No	Village center only, which is similar to Mixed Use, regulations same as residential	No	Yes, accessory, regulations same as residential	No	No	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	No	Not explicitly allowed in their ordinance but their ordinance is not exclusionary	
5	Minimum distance from a public right-of-way or property line now owned by person maintaining hive	10	3		3	10	10	10	3 (hives 7 ft or less in height, >7 ft, distance is equal to height)		20					10
6	Distance from any dwelling or structure on adjacent property not owned by beekeeper	50		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					
7	Barriers required when:	Hives are <30 ft from a PL or ROW	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
8	Defintion of barrier:	Sufficient density to establish bee flyways 6 ft or higher, be located between the hive and 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,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
9	Beehive location	rear only, entrance orientated internal to the property				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							

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.

RESOLUTION

INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE TO CONSIDER

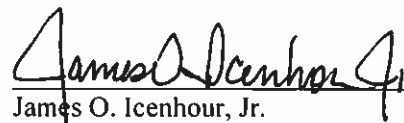
THE KEEPING OF BEES IN NON-RESIDENTIAL ZONING DISTRICTS

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit 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, amendments to the Zoning Ordinance may be prudent to address the keeping of bees in non-residential zoning districts; and

WHEREAS, the Board is of the opinion that the public necessity, convenience, 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 Chapter 24, Zoning of the James City County Code in order to consider the keeping of bees in non-residential zoning districts, and directs staff to prepare such amendments for consideration by the Planning Commission and the Board of Supervisors. 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

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of September, 2020.

IntAmd-Bees-NonRD-res