MONTGOMERY COUNTY
PLANNING COMMISSION
755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Bill Brown, Chair
Montgomery Co. Board of Supervisors

FROM: Robert Miller, Chair
Montgomery Co. Planning Commission

DATE: September 17, 2015

SUBJ: Zoning Ordinance Amendment to Allow Beekeeping in Residentially Zoned Districts as Urban Agriculture

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The attached amendment was considered by the Planning Commission after being referred to us by the Board of Supervisors on February 23rd. Since that time the Commission created a subcommittee, comprised of staff, PC members, and citizens to learn more about the issue of residential beekeeping in Montgomery County. Though an overwhelming majority of the County currently allows for beekeeping, by-right with no regulations, the subcommittee felt that it was important to move forward with a zoning text amendment to also allow for it as a use in our residential districts.

After hearing the report from the subcommittee, the matter was considered as an item for discussion on the May, June, and July agendas. Working with the full Commission, staff fielded questions and gathered additional input necessary to draft the text amendment.

There were four speakers from the public during the hearing. All were supportive of allowing for residential beekeeping in residential zoning districts. Concerns were expressed with the 25' setback and the requirement for a zoning permit being too restrictive.

After the hearing closed the Commission members discussed the concerns raised and ultimately felt that the draft being considered represented a significant effort on behalf of staff, Commission members, and the members of the NRV Beekeeping Association who attended several meetings and provided education on the topic.

Upon a motion, duly seconded and carried by a 7-0 vote (Miller and Katz absent), the Planning Commission voted to forward the draft ordinance to the Board of Supervisors with a recommendation of approval.

Enclosures: Ordinance Amendment

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 10-24, 10-25, 10-26, 10-32.1, 10-35, AND 10-41 RESPECTIVELY BY ALLOWING RESIDENTIAL BEEKEEPING AS A PERMITTED USE UNDER URBAN AGRICULTURE PURSUANT TO CERTAIN RESTRICTION IN THE R-1 RESIDENTIAL, R-2 RESIDENTIAL, R-3 RESIDENTIAL, TRADITIONAL NEIGHBORHOOD DEVELOPMENT INFILL AND PUD-RES PLANNED UNIT DEVELOPMENT DISTRICTS AND BY AMENDING SECTION 10-61 DEFINITIONS BY ADDING A DEFINITION FOR RESIDENTIAL BEEKEEPING AND BY AMENDING DEFINITION OF ANIMAL UNIT TO INCLUDE TWO BEEHIVES.

BE IT ORDAINED by the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-24, 10-25, 10-26, 10-32.1, 10-35, 10-41, and 10-61 respectively shall be amended and reordained as follows:

Sec. 10-41. - Supplemental district regulations.

(19) Urban agriculture.

(a) Residential chicken keeping as defined in section 10-61 of this chapter, are permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. A minimum lot size of two (2) acres is required.
2. The owner of the chickens must reside on the property on which the chickens are kept.
3. The keeping of male chickens is prohibited.
4. Chickens shall be kept within a predator-resistant coop or chicken enclosure and shall not be allowed to roam free and shall be confined to enclosure/structure.
5. Coops and chicken enclosures shall be located in the rear yard only and shall be setback at least fifty (50) feet from side and rear property lines. Portable coops shall not be utilized.
6. Chicken enclosures shall not exceed ten (10) feet in height.
7. Chicken enclosures shall be well-ventilated and kept in a condition that is conducive to the well-being of chickens at all times.
8. Chickens shall be kept for the household's personal enjoyment only. On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.
9. Provision shall be made for the storage and removal of chicken waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.

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10. All feed or other materials intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.
11. A zoning permit shall be obtained by the owner of the chickens.
12. Residential chicken keeping shall comply with chapter 3 and chapter 7, article III of the County Code.

(b) Residential beekeeping as defined in section 10-61 of this chapter, are permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. ***A minimum lot size of one half (1/2) acre is required.***
2. ***A density of two (2) hives per one half (1/2) acre is permitted in residential zoning districts, with an equal number of nucleus hives.***
3. ***Beehives shall be located in the rear yard only and shall be setback at least twenty five (25) feet from side and rear property lines.***
4. ***Water supply for bees. Every person owning, possessing, or keeping any beehive shall maintain, within fifty (50) feet of each beehive, an adequate, accessible, and useable supply of water for the bees.***
5. ***Bees shall be kept for the household's personal use and enjoyment only. On-site commercial uses such as sales of honey, beeswax, or bees shall be prohibited.***
6. ***A zoning permit shall be obtained by the owner of the bees.***
7. ***Residential beekeeping shall comply chapter 7, article III of the County Code.***

Sec. 10-61. - Definitions.

Agriculture, small scale: The production of plants and animals useful to humans as defined under general agriculture above, of no greater than three (3) animal units per acre and no more than ten (10) animal units total on the tract.

Animal unit: The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; ***two (2) beehives***; or one hundred (100) rabbits.

Residential beekeeping: The keeping of beehives in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in section 10-41(19).

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