COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Wednesday, June 1, 2011	Type of Request:	Old Business

Wording for the Agenda:

Further discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding beekeeping.

Background/History/Details:

On March 2, 2011, the Board of Commissioners instructed staff to begin developing a beekeeping ordinance. The current Zoning Ordinance does not list beekeeping as a recognized use or otherwise; therefore, it is prohibited, except within the A-R zoning district. On March 17, 2011, and April 7, 2011, the Planning Commission held Workshops to discuss beekeeping. There were numerous beekeepers present for the meetings and they have provided input during the entire process of staff developing a proposed ordinance. On April 21, 2011, the Planning Commission held another Workshop and discussed the proposed beekeeping ordinance amongst themselves; however, they did not reach a consensus. The Board of Commissions asked staff to update them on the progress of the proposed amendments at its Workshop scheduled for May 4, 2011, at which time, the Board advised staff to try to reach a consensus and report back to them at the Workshop scheduled for June 1, 2011. If there is agreement that the time has come for the Planning Commission and Board of Commissioners to hold their required public hearings for the purpose of adopting an actual ordinance regulating beekeeping, hearings would be held during the month of July.

What action are you seeking from the Board of Commissioners?

Staff needs direction on how to proceed, possibly including permission to advertise the proposed beekeeping ordinance for public hearings by the Planning Commission on July 7, 2011, and by the Board of Commissioners on July 28, 2011.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, May 4, 2011
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Workshop Minutes

Board of Commissioners
May 4, 2011
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in an Official Workshop Session on Wednesday, May 4, 2011, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present: Herb Frady, Chairman
Robert Horgan, Vice Chairman
Steve Brown
Lee Hearn
Allen McCarty

Staff Present: Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Floyd L. Jones, Deputy Clerk

Call to Order.

Chairman Frady called the May 4, 2011 Board of Commissioners Workshop Meeting to Order at 3:31 p.m.

Acceptance of Agenda.

Commissioner Hearn moved to Accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS

2. Further discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding beekeeping.

Zoning Administrator Dennis Dutton discussed the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding beekeeping with the Board. He reminded the Board that at its March 2, 2011 Workshop Meeting the Commissioners charged the Planning and Zoning staff to investigate and develop a beekeeping ordinance, and that this charge was prompted at the request of citizens who actively keep bees. He informed the Board that since the March Workshop, the Planning Commission has held three Workshop meetings on the subject, two of which involved a good amount of public input which resulted in the proposed amendments drafted at the last meeting. He told the Board that the Planning Commission, staff, and the beekeepers did not come to a consensus and that the areas of difficulty were: the number of permitted beehives, setbacks in relation to beehives, the location of beehives, screening of beehives, and selling honey. Discussion followed during which Commissioner Brown asked for Mr. Bo Mullins, a local beekeeper, to give his thoughts to the Board.

Mr. Mullins said he was privileged to sit in on the three Planning Commission Workshop Meetings, and that he was very impressed with the men who dedicated their time in the workshops since they were "very concerned about the community and about everybody's rights with respect to bees." He expressed concern that during the meetings he had not heard one person articulate the Georgia State law that pertained to the establishment and maintenance of beehives. He then read O.C.G.A 2-12-41.1 and gave his explanation of the laws.

Following Mr. Mullin's presentation, the Board asked County Attorney Scott Bennett to give his explanation of the code cited by Mr. Mullins. Mr. Bennett explained that while the law may prevent the Board from regulating how a beehive is constructed or something of a similar nature, the law did not remove the constitutional authority of the Board to regulate zoning in the County. He emphasized that the law specifically recognizes the constitutional authority of counties to zone property. He said he has never made any recommendation regarding how the Board should exercise its zoning power with respect to bees or beehives, but he wanted the Board to be sure that to understand it has authority through its zoning powers to make decisions about what zoning classifications and setbacks it desired to establish.

Commissioner Horgan asked for the Planning Commission, the beekeepers, and staff to "get together and come up with one good solution since you have all of these three different opinions." Mr. Dutton replied that more time would be required. Commissioner Horgan replied that he would rather approve something that everyone is agreeable with. Further discussion continued.

The Board directed staff to work as a group with the Planning Commission and representatives of the beekeepers to attempt to reach a consensus on a recommended ordinance, and to return to the Board of Commissioners during the June 1, 2011 Workshop Meeting. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on May 19, 2011, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT:	Tim Thoms, Chairman Al Gilbert, Vice-Chairman Bill Beckwith Jim Graw Douglas Powell
MEMBERS ABSENT:	None
STAFF PRESENT:	Dennis Dutton, Zoning Administrator Phyllis Williamson, Administrative Secretary Sgt. Earl Williams
STAFF ABSENT:	Pete Frisina, Director of Community Development Robyn Wilson, Zoning Coordinator/PC Secretary

Welcome and Call to Order:

Chairman Thoms called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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1. **Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding Beekeeping.**

Chairman Thoms asked Dennis Dutton to bring everyone up to speed on the beekeeping issue.

Dennis Dutton, Zoning Administrator stated several example ordinances had been presented to the Board of Commissioners (BOC) at the May Workshop. He continued to explain the beekeepers, PC, and staff were unable to reach a consensus and the BOC's reaction was mixed, with some wanting more regulations and some wanting fewer regulations. The BOC asked that we meet one (1) more time and see if a consensus can be reached among the beekeepers, PC, and staff and report back to the BOC at the June Workshop. He stated staff did more work on the model ordinance based on the ordinance from Louisiana State University. He presented two (2) options for the PC and beekeepers to consider.

Dennis Dutton stated Option 1 is with no regulations and obviously the one favored by the beekeepers. He commented staff is not in favor of Option 1 which would not be subject to the number of beehives, setbacks, or location (front, side, or rear yard.) He said Option 1 would be presented to the BOC, assuming this is what the beekeepers want.

Doug Powell stated he thought two (2) of the BOC liked Option 1 as well.

Dennis Dutton said two (2) were satisfied with Option 1, one (1) wanted to wait and see what is proposed, and one (1) really wanted all to reach a consensus.

Jim Graw stated from the very beginning, it was not the intent of the PC to prohibit beekeeping, rather it was their intent to permit beekeeping with some restrictions while protecting the rights of the neighbors who do not keep bees. He added it is unfortunate that those people are not present tonight.

Option 1

BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS
OPTION 1 – Beekeepers Recommendation

(This Option would not require any restrictions.)

ARTICLE VI. DISTRICT USE REQUIREMENTS

In lieu of **Sec. 5-26.1.** Beekeeping as indicated above, amend the A-R, C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD zoning districts by adding "beekeeping" as a *Permitted Use*. Below is one (1) example.

Sec. 6-13. R-40 Single-Family Residential District.

A. *Description of District.* This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. *Permitted Uses.* The following Permitted Uses shall be allowed in the R-40 Zoning District:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.); ~~and~~
3. Growing crops and gardens***; and***
4. ***Beekeeping and the On-Premise Sale of Honey (no limit on the number of beehives, beehives shall be exempt from setbacks, no location requirements per Article V. GENERAL PROVISIONS, Accessory Uses and Structure), and the on-premise sale of honey shall be allowed as a Home Occupation per Article VII. CONDITIONAL USES, NONCONFORMANCES,***

TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS.

Chairman Thoms asked if Option 1 met the beekeepers' needs.

Mike Maxwell replied he did not know because it had not been discussed with the beekeepers. He added staff has not contacted any of the beekeepers about meeting with them to discuss the proposed amendments.

Doug Powell pointed out item #4 had been changed since the last Workshop by addressing the on-premise sale of honey.

Mrs. Jerry Edwards said she attended the BOC Workshop and the BOC instructed staff to get with the beekeepers and the PC, perhaps informally, and come up with some type of an agreement.

Dennis Dutton replied this is what is being done at this Workshop.

Chairman Thoms stated the PC has taken considerable input from the beekeepers.

Dennis Dutton explained the proposed amendment #4 addresses the on-premise sale of honey and beehives.

Jim Graw instructed staff to remove "Beekeepers Recommendation" from the title in Option 1 and entitle it "Planning and Zoning Department Option." He stated the Beekeepers Recommendation should now be amended to be Option 2 and also amended to delete item #4 in its entirety and amend item #3 to read: 3. Growing crops, ~~and~~ gardens; ***and Beekeeping***. He stated Option 3 should be the former Option 2.

BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS
REVISED OPTION 1 – Planning and Zoning Department Option

(This Option would not require any restrictions.)

ARTICLE VI. DISTRICT USE REQUIREMENTS

In lieu of **Sec. 5-26.1.** Beekeeping as indicated above, amend the A-R, C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD zoning districts by adding "beekeeping" as a *Permitted Use*. Below is one (1) example.

Sec. 6-13. R-40 Single-Family Residential District.

A. *Description of District.* This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

C. *Permitted Uses.* The following Permitted Uses shall be allowed in the R-40 Zoning District:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.); ~~and~~
3. Growing crops and gardens***; and***
4. ***Beekeeping and the On-Premise Sale of Honey (no limit on the number of beehives, beehives shall be exempt from setbacks, no location requirements per Article V. GENERAL PROVISIONS, Accessory Uses and Structure), and the on-premise sale of honey shall be allowed as a Home Occupation per Article VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS.***

All five (5) of the PC concurred they did not support Option 1.

Revised Option 2

BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS
REVISED OPTION 2 – Beekeepers Recommendation

(This Option would not require any restrictions.)

ARTICLE VI. DISTRICT USE REQUIREMENTS

In lieu of **Sec. 5-26.1.** Beekeeping as indicated above, amend the A-R, C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD zoning districts by adding "beekeeping" as a *Permitted Use*. Below is one (1) example.

Sec. 6-13. R-40 Single-Family Residential District.

A. *Description of District.* This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. *Permitted Uses*. The following Permitted Uses shall be allowed in the R-40 Zoning District:
   1. Single-family dwelling;
   2. Accessory structures and uses (see Article V.); ~~and~~
   3. Growing crops and gardens***; and Beekeeping.***

Doug Powell stated he preferred the Revised Option 2 and he would be willing to provide written explanation for his support, including the State Law, and his support of the City of Norcross Beekeeping Ordinance which has no restrictions on the number of beehives. He pointed out the experts have made presentations to the PC and concurred the bee population is falling and that beekeeping should not be over restrictive. He said the other options, such as screening, would not solve the problem of bees getting in someone's swimming pool. He explained you did not have to have a beehive for bees to come to your house because he has a neighbor whose house is currently infested; however, no one has been stung. He said the PC is trying to solve a problem where a problem does not exist. He stated the number of complaints does not warrant the amount of attention already given to beekeeping; however, the attention is very important because it has given the beekeepers the opportunity to provide the good purposes for bees in Fayette County.

Chairman Thoms asked Doug Powell to put his explanation into writing for the Minutes.

The beekeepers also support this recommendation.

The other four (4) PC members do not support Revised Option 2.

Bill Beckwith said some restrictions need to be in place for the non-beekeepers to also protect their rights.

Jim Graw, Al Gilbert, and Chairman Thoms concurred.

Revised Option 3

Dennis Dutton presented Revised Option 3 which contains the PC recommendations and staff's recommendations with some modifications based on the Louisiana Ordinance.

BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS
REVISED OPTION 3 – Planning Commission and Staff Recommendation

ARTICLE III. DEFINITIONS

Apiary. A place where honeybees and beehives are kept.

Beehive. A structure intended for the housing of bees.

ARTICLE V. GENERAL PROVISIONS

5-26.1. *Beekeeping.* Beekeeping shall be allowed on any lot for which single-family residential is a permitted use (C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD) under the following conditions:

PC recommendation:

A. Eight (8) beehives per acre with a maximum of 16 beehives.

Staff recommendation (see chart below):

Hive Density	**Lot Size**
2	Up to ¼ acre
4	Between ¼ and ½ acre
6	Between ½ and 1 acre
8 maximum	1 acre or more

When the minimum dimensional requirements (lot size and lot width) of the A-R Zoning District are met, there shall be no limit on the number of beehives. In addition, beehives shall be regulated in compliance with those regulations pertaining to apiaries in the A-R zoning district in this circumstance.

Dennis Dutton said staff spoke to Dr. Dale Pollet, author of the Louisiana Ordinance, who informed staff the intent of the Louisiana Ordinance was to limit the beehives in residential areas to a maximum of eight (8), regardless of the acreage and the best management practices to maintain that number.

Doug Powell questioned if that was really what the ordinance said.

Dennis Dutton explained that previously agricultural uses were allowed in the R-70 Zoning District provided the property met all A-R requirements (i.e. acreage, building lot width, and setbacks); therefore, if the applicant meets the requirements of the A-R Zoning District, they would be allowed to act as an A-R zoning and thus have more than eight (8) beehives and not have to meet the 200 foot setback requirements per the Louisiana Ordinance. He said under this provision, the beehives would be required to meet the setbacks of the A-R Zoning District. He added this provision was deleted from the Zoning Ordinance in 1998.

Jim Graw suggested adding the paragraph regarding minimum dimensional requirement of the A-R Zoning District under the PC's recommendation as follows:

PC recommendation:

A. Eight (8) beehives per acre with a maximum of 16 beehives.

When the minimum dimensional requirements (lot size and lot width) of the A-R Zoning District are met, there shall be no limit on the number of beehives. In addition, beehives shall be regulated in compliance with those regulations pertaining to apiaries in the A-R zoning district in this circumstance.

Doug Powell stated the maximum of 16 beehives needed to be clarified.

Chairman Thom suggested the following:

A. Eight (8) beehives per acre with a maximum of 16 beehives for two (2) acres or more, except when the following condition is met:

When the minimum dimensional requirements (lot size and lot width) of the A-R Zoning District are met, there shall be no limit on the number of beehives. In addition, beehives shall be regulated in compliance with those regulations pertaining to apiaries in the A-R zoning district in this circumstance.

The beekeepers support the PC recommendation A. above regarding the beehive density.

Dennis Dutton explained to go above the number of eight (8) beehives required by the Louisiana Ordinance, the beehives would be required to meet a setback of 200 feet from the property lines.

Doug Powell said you could have as many beehives as you wanted with a setback of 200 feet.

Dennis Dutton replied in residential subdivisions containing small lots, that setback would be very difficult to meet.

Doug Powell stated the previous recommendation would have limited the total number of beehives to 16; however, the Louisiana Model Ordinance does not.

Dennis Dutton explained staff didn't want to go with the 200 feet setback because enforcement of that would be very difficult and would almost require the homeowner to have a survey done to see if the beehives meet the setback.

Jim Graw said to match the Louisiana Model Ordinance to our situation would mean one (1) to four (4) acres would be limited to eight (8) beehives and in A-R zoning, in some cases, you would be able to meet the 200 foot setback; however, the PC's suggestion was not to add setback requirements in A-R. He continued by saying the PC's recommendation is close to the requirements of the Louisiana Ordinance.

Chairman Thoms asked the audience to allow Dennis Dutton to make his presentation prior to questions from the public because he wanted everyone to reach a consensus that could be sent on to the BOC.

Al Gilbert said to require 200 feet for your setback would almost force the County to require the homeowner to hire an engineer to plat the property and confirm the beehives meet the setbacks.

PC recommendation (see B. below):

B. All beehives shall be set back a minimum of 10 feet as measured from the nearest point of the hive to the property line.

Al Gilbert stated he was not as concerned about the setbacks if screening is required. He said he preferred screening rather than compliance with setbacks of the applicable zoning district with no screening. He suggested relocating PC Recommendation B. to the end of PC Recommendation C. to read as follows:

B. A minimum six (6) foot evergreen vegetative screen, at the time of planting, or a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, shall be provided on all sides to screen the beehives from view. All beehives shall be set back a minimum of 10 feet as measured from the nearest point of the hive to the property line.

Bob Sitz said the evergreen vegetative screen or a solid wall/fence would have to be replanted or reconstructed if the beehives are relocated on the subject property. He asked what if the evergreen vegetative screening dies.

Chairman Thoms replied the evergreen vegetative screening shall be maintained or you would not be in compliance with the regulations.

Dennis Dutton explained the requirements for permitting or not permitting a wall/fence were already a part of the Zoning Ordinance.

Bob Sitz stated the City of Norcross Beekeeping Ordinance addresses a nuisance.

Jim Graw said unless a nuisance is defined, it is left open to interpretation.

Mike Maxwell pointed out the screening is an added expense to the beekeepers.

Jerry Edwards asked if someone is stung and the beekeeper has complied with the regulations, is the County liable instead of the beekeeper.

Bill Beckwith suggested deleting the screening regulations.

Staff recommendation (see B. below):

B. All beehives shall comply with the required setbacks of the applicable zoning district as measured from the nearest point of the hive to the property line.

PC recommendation (see C. below):

C. A minimum six (6) foot evergreen vegetative screen, at the time of planting, or a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, shall be provided on all sides to screen the beehives from view.

Dennis Dutton suggested the PC review staff's recommendation as follows:

Staff recommendation (see C. below):

C. In each instance of a beehive situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier shall consist of a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, dense vegetation, or combination thereof, that is parallel to the property line and extends 10 feet beyond the beehive(s) in each direction. This is to ensure that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines. The Zoning Administrator may determine that the existing natural vegetation may be sufficient in lieu of the required wall, fence, or vegetation, or a combination of existing vegetation and a required wall, fence, or supplemental vegetation.

Al Gilbert suggested deleting the combined PC Recommendation B. and PC Recommendation C. and replacing it with the following:

B. In each instance of a beehive situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a minimum six (6) feet in height evergreen vegetative screen, at the time of planting, or a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, or combination thereof, that is parallel to the property line and extends 10 feet beyond the beehive(s) in each direction. The Zoning Administrator may determine that the existing natural vegetation may be sufficient in lieu of the required wall, fence, or vegetation, or a combination of existing vegetation and a required wall, fence, or supplemental vegetation.

Staff recommendation (see C. below):

C. In each instance of a beehive situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier shall consist of a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, dense vegetation, or

> combination thereof, that is parallel to the property line and extends 10 feet beyond the beehive(s) in each direction. This is to ensure that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines. The Zoning Administrator may determine that the existing natural vegetation may be sufficient in lieu of the required wall, fence, or vegetation, or a combination of existing vegetation and a required wall, fence, or supplemental vegetation.

Dennis Dutton stated staff recommended a six (6) foot high screening flyaway barrier on any side where the beehives were fewer than 25 feet from the property lines.

Al Gilbert also concurred, but wanted screening to keep neighbors from complaining and liked the concept of "out of sight, out of mind." He remarked he liked the six (6) foot screening requirement but did not see the need for the setback requirements.

Jim Graw confirmed if the beehives were located further than 25 feet from the property line, screening would not be required.

Dennis Dutton replied this is correct.

Jim Graw commented the people who don't keep bees must be considered and need protection.

Al Gilbert pointed out Fayette County has gone from basically a rural county to a suburban county which impacts neighbors more. He remarked the PC must consider the beekeepers and their neighbors' interest.

Chairman Thoms asked for the beekeepers to explain the flyway zone.

Jerry Edwards said bees will fly up to and over the screening and then down to the nearest source it can get to.

Jim Graw commented the flyway zone would not keep the bees six (6) feet in the air, but would provide screening from the neighbors' property which is a benefit.

Mike Maxwell remarked the beekeepers had agreed to face the hives in the least intrusive manner. He said there are two (2) issues, screening and flyway zone.

Doug Powell reiterated he did not understand why an ordinance is even being written because it will not alleviate the initial problem.

Chairman Thoms stressed he wanted the BOC to be clear about the PC's recommendations, even if the PC does not reach a consensus. He added the PC may not reach a consensus with staff.

Al Gilbert noted 95% of the time, staff and the PC are in agreement; however, in this case, they are not but this is not a bad thing. He added the County has the best Planning and Zoning staff since he has been on the PC.

Jim Graw asked if the PC's recommendation from last month was submitted to the BOC for their consideration.

Dennis Dutton replied yes, and that he presented the PC's recommendations, staff's recommendations, and the beekeepers' recommendations; however, he informed the BOC there was not a consensus reached. He reported to the PC that after the presentation of the recommendations, the BOC count not reach a consensus. He added the County Attorney said the prohibition of beekeeping can not be done; however, the State of Georgia cannot tell a local government about their zoning powers.

Doug Powell pointed out the County Attorney did not render his position on beekeeping.

D. All beehives shall be located in the side and/or rear yard only.

Mike Maxwell suggested adding the following to D.:

Hive entrance shall be faced in the direction which will provide the least offensive flyway pattern to surrounding neighbors.

E. The beekeeper shall provide and maintain a convenient and adequate supply of water for the bees at all times.

F. Proper storage of beekeeping equipment, honey supers, or hive debris shall comply with International Property Maintenance Code.

G. The beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance.

H. The on-premise sale of honey shall be allowed as a Home Occupation per Article VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS.

Dennis Dutton commented staff recommended adding a provision for allowing the sale of honey as a home occupation. He said he spoke to a State Inspector for beekeeping and the inspector said if you are selling honey directly to neighbors, friends, or in a booth in a farm market, you would not need a license; however, if you are the middle man selling to a grocery store (i.e. Kroger or Publix) of if you retail honey directly, then you would need a license.

Tim Thoms asked if this additional amendment was added after the BOC's Workshop?

Dennis Dutton replied the BOC asked staff to address the sale of honey.

Bill Beckwith asked why the sale of honey needed to be addressed. He said he thought the PC's task was to decide on an ordinance to allow or disallow beekeeping in a residential area and not come up with regulations on what to do with the honey. He added he feared addressing the sale of honey would also open up questions regarding the sale of tomatoes, chickens, etc.

Dennis Dutton explained that most home occupations are for what is produced inside the home and on-premise. He reported the property owner is allowed to sell crops from their gardens at a farmer's market, but not on your property, unless it is zoned A-R. He added staff has a letter from a lady wanting to raise chickens and sell eggs in a residential zoning district.

Bill Beckwith stated he would prefer to deal with situations like that later. He said he would like to deal with the question, beekeeping or no beekeeping?

Chairman Thoms concurred. He suggested deleting H. in its entirety.

ARTICLE VI. DISTRICT USE REQUIREMENTS

Sec. 6-1. A-R Agricultural - Residential District.

A. *Description of District.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.

B. *Permitted Uses.* The following Permitted Uses shall be allowed in the A-R Zoning District:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.);

3. Growing of crops and the on-premise sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premise;
4. Plant nurseries and greenhouses (no sales of related garden supplies); and
5. Raising of livestock; aquaculture, including pay fishing; ***apiary (all beehives shall comply with the required setbacks);*** and the sale thereof.

Four (4) PC members support Revised Option 3. Doug Powell did not support Revised Option 3.

Bill Beckwith asked if the PC should provide more definitive reasons for their recommendations.

Al Gilbert remarked the PC's viewpoints need to be heard.

Chairman Thoms asked the PC if they wanted him to attend the BOC Workshop or discuss the PC's recommendation with Chairman Herb Frady.

Bill Beckwith replied he did not feel it was necessary at this time.

Chairman Thoms stated that it seemed the only items needing to be resolved between the PC and staff was regarding beehive density and the on-premise sale of honey as a Home Occupation, which the PC did not want to address at this time.

Jerry Edwards thanked the PC for the opportunity to work with the PC on the proposed ordinance. He added he preferred Revised Option 2, he could live with Revised Option 1.

Chairman Thoms thanked the beekeepers for their input during the process.

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Chairman Thoms asked if there was any further business.

Dennis Dutton advised there were no public hearing items submitted for the June Public Hearing.

Hearing no further comments, Doug Powell made a motion to adjourn the Public Meeting/Workshop. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 9:13 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

_____
TIM THOMS
CHAIRMAN

_____
PHYLLIS WILLIAMSON
ADMINISTRATIVE SECRETARY

The following statement is provided by Doug Powell, Planning and Zoning Commission Board Member, in support of not restricting honey bees in Fayette County.

Honey bees were introduced in America early in the 17th century. Two hundred years later, in 1821, Fayette County was created. In the past 190 years, Fayette County citizens and honey bees have peacefully co-existed without the need for government intervention. Now, in 2011, the alarm is sounding, "Control the honey bees." It is really necessary?

I do not feel sufficient justification exists to warrant an ordinance. How many honey bee complaints have been registered in Fayette County? How many of these complaints have resulted in damage to any individual or property? Did the County determine if the bees were from a personnel hive or whether they were wild bees? So I am compelled to weigh these isolated cases against various facts.

First and foremost is **Georgia Code: 2-14-41.1: Prohibition against restriction of honeybee production or maintenance.** No county, municipal corporation, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting, impeding, or restricting the establishment or maintenance of honeybees in hives. This Code section shall not be construed to restrict the zoning authority of county or municipal governments.

While the County can legally zone in this matter, I believe the intent of the Georgia ordinance is both clear and important: Don't restrict Honeybees because they are good for Georgians.

Second: Why did State of Georgia feel compelled to legislate on this matter? The answer is also found at the State level. "*In 1975, Georgia acknowledged the honeybee's contribution to our state's economy through honey production and aiding pollination of more than 50 Georgia crops. Georgia felt so strong about this issue they designated the Honey bee as the* ***State insect****. Effective bee pollination results in more crops and a lower cost to the consumer.*"

Third: During workshops held in April and May, the Planning Commission received tremendous assistance from the Bee Keeper community. We were briefed by members of the American Beekeeping Federation, the Georgia Bee Keepers Association, the Atlanta Bee Keepers Association and numerous local bee keeping enthusiasts. I am grateful for their hard work and sage advice. These experts educated us on:

- The importance of honey bee pollination on crop production,
- The decline of the honey bee population, and
- The impact honey bees have on preventing Africanized bees entering the County.

The PC studied Ordinances from various municipalities, New York City, Tampa, Louisiana and most recently Norcross, Georgia. In most cases, experts recommend two hives per quarter acre or up to 8 hives per acre. An exception is Norcross: they have no restrictions on the number of hives. From our briefings and readings, I learned that bee

keeping is being promoted in many cities. Honey bees contribute significantly to the health of our citizens by pollinating the crops we eat.

Finally, I asked myself, if the proposed ordinance were enacted (Option 2), would its provisions prevent future occurrences of honey bees watering in someone else's swimming pool? It does not.

I have concluded that we are attempting to fix a problem that does not exist by restricting an element of nature that needs to be promoted, not restricted. I cannot support a position that restricts our honey bees.

For these reasons, I recommend an option that simply adds two words, "Bee Keeping" to our existing ordinance:

B. *Permitted Uses.* The following Permitted Uses shall be allowed:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.); and
3. Growing crops, gardens***, and beekeeping;***

(Note: I maintained five honey bee hives from 1997 until 2002 {not in Fayette County} so I have a limited familiarity with the creatures.)

04/07/11 – PC Wkshop
04/21/11 – PC Wkshop
05/04/11 – BOC Wkshop
05/19/11 – PC Wkshop
06/01/11 – BOC Wkshop

BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS
OPTION 1 –Beekeepers Recommendation

(This Option would not require any restrictions.)

ARTICLE VI. DISTRICT USE REQUIREMENTS

In lieu of **Sec. 5-26.1.** Beekeeping as indicated above, amend the A-R, C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD zoning districts by adding "beekeeping" as a *Permitted Use*. Below is one (1) example.

Sec. 6-13. R-40 Single-Family Residential District.

A. *Description of District.* This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. *Permitted Uses.* The following Permitted Uses shall be allowed in the R-40 Zoning District:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.); ~~and~~
3. Growing crops, ~~and~~ gardens***; and Beekeeping.***

BEEKEEPING IN RESIDENTIAL ZONING DISTRICTS
OPTION 2 – Planning Commission and Staff Recommendation

Items needing to be resolved between the PC and staff:
A. Beehive Density
G. The On-Premise Sale of Honey as a Home Occupation

ARTICLE III. DEFINITIONS

Apiary. A place where honeybees and beehives are kept.

Beehive. A structure intended for the housing of bees.

ARTICLE V. GENERAL PROVISIONS

5-26.1. *Beekeeping.* Beekeeping shall be allowed on any lot for which single-family residential is a permitted use (C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD) under the following conditions:

PC recommendation:

A. Eight (8) beehives per acre with a maximum of 16 beehives for two (2) acres or more, except when the following condition is met:

When the minimum dimensional requirements (lot size and lot width) of the A-R Zoning District are met, there shall be no limit on the number of beehives. In addition, beehives shall be regulated in compliance with those regulations pertaining to apiaries in the A-R zoning district in this circumstance.

The beekeepers support the PC recommendation for A. above.

Staff recommendation (see chart below):

A.

Hive Density	Lot Size
2	Up to ¼ acre
4	Between ¼ and ½ acre
6	Between ½ and 1 acre
8 maximum	1 acre or more

When the minimum dimensional requirements (lot size and lot width) of the A-R Zoning District are met, there shall be no limit on the number of beehives. In addition, beehives shall be regulated in compliance with those regulations pertaining to apiaries in the A-R zoning district in this circumstance.

B. In each instance of a beehive situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point of the beehive to the property line, the beekeeper shall establish and maintain a minimum six (6) feet in height evergreen vegetative screen, at the time of planting, or a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, or combination thereof, that is parallel to the property line and extends 10 feet beyond the beehive(s) in each direction. The Zoning Administrator may determine that the existing natural vegetation may be sufficient in lieu of the required wall, fence, or vegetation, or a combination of existing vegetation and a required wall, fence, or supplemental vegetation.

C. All beehives shall be located in the side and/or rear yard only. Hive entrance shall be faced in the direction which will provide the least offensive flyway pattern to surrounding neighbors.

D. The beekeeper shall provide and maintain a convenient and adequate supply of water for the bees at all times.

E. Proper storage of beekeeping equipment, honey supers, or hive debris shall comply with International Property Maintenance Code.

F. The beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance.

Staff recommendation (see G. below):

G. The on-premise sale of honey shall be allowed as a Home Occupation per Article VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS.

ARTICLE VI. DISTRICT USE REQUIREMENTS

Sec. 6-1. A-R Agricultural - Residential District.

A. *Description of District.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.

B. *Permitted Uses.* The following Permitted Uses shall be allowed in the A-R Zoning District:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.);

3. Growing of crops and the on-premise sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premise;
4. Plant nurseries and greenhouses (no sales of related garden supplies); and
5. Raising of livestock; aquaculture, including pay fishing; ***apiary (all beehives shall comply with the required setbacks);*** and the sale thereof.