

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on April 7, 2011, at 8:03 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, first floor, 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
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

STAFF ABSENT: Pete Frisina, Director of Community Development

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 Ordinance, Chapter 20. Zoning Ordinance regarding beekeeping.

Dennis Dutton advised the BOC was approached about beekeeping in residential zoning districts. He said the PC was to draft an ordinance which would be presented to the BOC. He reported the PC discussed the proposed ordinance on March 3, 2011, March 17, 2011, and tonight which is a Called Public Meeting/Workshop. He reported the proposed ordinance would also be discussed at the PC Workshop on April 21, 2011. He added staff is to report back to the BOC on May 4, 2011. He confirmed the current Zoning Ordinance permits beekeeping in the A-R zoning district only.

Chairman Thoms advised that at the time of the Public Hearing, the PC will send their recommendation to the BOC and the BOC will make the final decision. He asked Robyn Wilson the procedures which would be followed.

Robyn Wilson stated staff is to appear before the BOC on May 4, 2011, and at that time the BOC will direct staff if they want further revisions, or for staff to advertise the proposed ordinance, or

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exactly what they would like to do regarding beekeeping. She said should the BOC instruct staff to advertise the proposed ordinance then the Public Hearings could possibly be held in June on the first Thursday by the PC and on the fourth Thursday by the BOC.

Dennis Dutton presented the following proposed ordinance:

Chairman Thoms opened the floor for input.

Jim Graw advised there are two (2) points which need to be kept in mind in the development of the proposed ordinance: 1) the ordinance is being developed for hobbyist beekeeping and they should have a limited number of hives (2-4-6), and 2) keep in mind the rights, safety, and welfare of the neighbors.

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

- A. The number of beehives shall be a maximum of *(two [2] hives per acre or four [4] hives per acre - open for discussion.)*

Mike Maxwell presented a handout, including his Model Ordinance and other ordinance/guidelines, to the PC which is attached hereto and made a part hereof. He suggested the following hive density which he said complies with many other ordinances/guidelines:

Number of Hives	Lot Size
2	Up to ¼ acre
4	Between ¼ and ½ acre
6	Between ½ and 1 acre
8	1 to 3 acres

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Mike Maxwell said he had contacted Jennifer Berry, Lab and Apiary Manager at UGA Honeybee Lab who stated she had spoken with several people and they agreed that two (2) hives per quarter (1/4) acre would be fine. He stated this information conflicts with staff's understanding when they contacted Ms. Berry. He pointed out the chart would allow for 1.25, 1.50, etc. acre lots.

Doug Powell stated he supported the proposed chart; however, he recommended eight (8) hives per acre since the County has no 1/4 or 1/2 acre zoning districts. He said one (1) of the ordinances stated no limit on the number of hives in cases where the hives are located at least 200 feet from all lot lines. He added by limiting the number of bees you are limiting the amount of work the bees can provide for the community.

Al Gilbert said he would feel more comfortable limiting the total number per acre in the residential zoning districts regardless of the acreage, except A-R, since there is no 1/4 or 1/2 acre zoning districts. He added he could not support eight (8) hives per acre but could support a maximum of eight (8) hives.

Jim Graw concurred and commented he would like to review ordinances which have been adopted by other jurisdictions. He added 32 hives on four (4) acres is a lot of hives for a hobbyist beekeeper.

Mike Maxwell pointed out adopted ordinances in his handout. He reported New York City allows 16 hives per acre.

Jim Graw said previously it was stated there were 30,000 to 50,000 per hive so eight (8) hives could equal 400,000 bees which is a lot of bees.

Mike Maxwell explained only some of the bees would normally be out foraging, not all of them at one time.

Doug Powell added the number of bees is not addressed in the ordinances/guidelines, only the number of hives.

- 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.

Mike Maxwell suggested a 10 foot setback from a boundary.

- C.** All beehives shall only be located in the rear yard or in the case of a corner lot the side yard.

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Mike Maxwell stated bees need to be kept in the sun; however, the hives should probably be kept out of the sight of neighbors.

- D.** The beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall that is parallel to the property line and extending 10 feet beyond the beehive colony in each direction (open for discussion.)

Mike Maxwell stated this is an extra expense for the beekeepers. He said tarps could be utilized; however, they are unsightly. He asked what the purpose of the flyway barrier. He suggested hive entrance shall face in a direction to provide the least offense fly pattern to the surrounding properties.

Jim Graw concurred.

- E.** The beekeeper shall provide a convenient source of water for the beehive.

Mike Maxwell concurred with this requirement.

- F.** Outside storage of beekeeping equipment, honey supers, or hive debris shall be prohibited.

Mike Maxwell stated if the honey supers are stored in a dark place then wax moths will destroy them and added beekeeping equipment is very expensive. He suggested requiring proper storage of unused beekeeping equipment.

- G.** A sign shall be posted on the subject property containing the beehives stating: Honeybees On-Premise, beekeeper's contact information (see the Fayette County Sign Ordinance for number and size limitations.)

Mike Maxwell stated the Sign Ordinance requires a maximum size limitation but not a minimum size limitation.

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

Mike Maxwell concurred because the Marshal's Office only gave him five (5) days.

Virginia Webb, stated she is a fulltime Commercial Beekeeper in Habersham County, the current Treasurer for the Georgia Beekeepers Association, a board member for the American Beekeeping Federation, served on a number of boards regarding honeybees, including the Honeybee Advisory Committee for the American Farm Bureau, the Georgia Farm Bureau, the National Honey Board, the Georgia Fruit and Vegetable Growers Association, as well as, a liaison between the growers and beekeepers regarding beekeeping issues. She remarked she was known as “the Buckhead Bekeeper” when she lived in Atlanta and she kept four (4) hives at her apartment. She verified there are not many beekeeping ordinances nationwide. She said they receive numerous requests from homeowners associations. She commented the beekeeping industry in the state of Georgia is very healthy and economically viable to the state. She remarked the Georgia Beekeeping Association adds over \$77,000,000 to the Georgia industry every year because of honey sales, packaged queen sales, pollination services through fees for the rental of hives, and enhanced pollination for farmers and growers. She stated she ensures the management of her stock by performing DNA analysis. She confirmed beekeeping is done in every state in the nation and every county in the state of Georgia. She added the honeybee is the State insect for Georgia. She reported there are 14 local beekeeping associations, including one of the oldest continuous beekeeping clubs in the nation with hundreds of beekeepers in the metro Atlanta area. She pointed out Georgia is the third state in the nation for producing queen and packaged bees. She remarked she supports the proposed ordinance and asks that beekeepers follow Best Practices Management, disease control, re-queening with European stock bees, and continuing education through State, Local, and National beekeeping organizations. She asked the PC to recommend the proposed ordinance; however, she is baffled a county in Georgia would need this ordinance. She said a hobbyist beekeeper should only have a few hives, maybe 10. She remarked the main reason for hobbyist beekeepers is honey. She noted it takes 200,000 flowers to make one (1) pound of honey and no other insect can provide pollination. She added there is an average of 70 pounds of surplus honey per year per hive; however, it may be less for a hobbyist beekeeper. She reported a honeybee is also known as the “angel of agriculture” because they are the strongest link in the chain between food producers and consumers. She remarked cucumbers, for example, require 1.5 hives per acre. She noted one-fourth of the colonies have died in the last 10 years. She remarked there are more ants in a yard than bees.

Doug Powell asked Ms. Webb how many bees were in a normal hive.

Virginia Webb replied from 20,000 to 30,000 bees; however, an ant colony, especially a fire ant colony, can be the same size and you could have a 100 ant hills on an acre. She added there is usually a smaller cluster in the winter.

Chairman Thoms asked Ms. Webb her opinion on hive density.

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Virginia Webb replied the recommendation from the American Beekeeping Federation is two (2) hives per quarter acre in an urban setting. She added New York City regulated roof-top beekeeping.

Chairman Thoms asked if there was anyone else to address the ordinance with new information.

Bo Mullins commented bees are a lot of work. He confirmed he had gone to a UGA class and done a lot of work with beekeepers. He said working with bees is a very difficult job and hobbyist beekeepers would not keep eight (8), 10, 12, 15, or 20 hives on a small acreage lot. He supported Mr. Maxwell's hive density and added, personally, he planned to have no more than two (2) hives which is enough to keep him busy. He added he saw no need for restrictions on bees.

Jerry Edwards said by keeping gentle European honeybees, you keep the Africanized bees out and bumble bees to a smaller amount. He commented he preferred hive density be eight (8) hives per acre. He added he wanted bees to pollinate his garden.

Doug Powell stated you could have one (1) horse on three (3) acres and then one (1) horse per acre thereafter so I could have seven (7) horses on 10 acres but only eight (8) hives on 10 acres. He added he does not understand why we are trying to limit something that is good for the County.

Chairman Thoms replied some people may not think beekeeping is good and you have to take the whole interest of the County under consideration.

Doug Powell remarked there had only been one (1) complaint and the person who complained was not stung.

Chairman Thoms pointed out the ordinance does not permit beekeeping.

Doug Powell replied the ordinance does not allow you to breathe so; therefore, if it is not stated in the ordinance, you are not allowed to do it. He added this is how ridiculous this is.

Chairman Thoms asked Mr. Dutton to read the regulation from the ordinance.

Dennis Dutton read the following:

Sec. 5-3. Use, Prohibited.

If either a use or class of uses is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of uses, or structures for such uses shall be prohibited in such zoning district, except as otherwise provided herein.

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Jim Graw pointed out eight (8) hives could produce approximately 400 pounds of honey.

Cindy Hodges stated she is a hobbyist beekeeper, the Vice-President of Metro Atlanta Beekeepers, and on the board of Georgia Beekeepers Association. She remarked she was unsure if the PC realized how large their responsibility was tonight because the PC is preparing to develop possibly one of the most restrictive ordinances than other jurisdictions. She pointed out beekeeping is protected under the laws of the State of Georgia. She commented based on what Fayette County does regarding beekeeping, other jurisdictions may do the same. She reported on any given day there are millions of insects on an acre. She stressed honeybees are very important for food sources, immune deficiencies, and infections. She asked the PC to take what they are doing seriously.

Al Gilbert replied he had sat on the PC for 23 years and he resented being told he is not taking his job seriously. He said the PC looks at community standards and Fayette County is not Dunwoody, Johns Creek, or Sandy Springs and everyone lives here because we have great rules and regulations. He commented he does not like rules and regulations but he knows there has to be community standards, not just for the beekeeper but the other property owners and the PC is just doing a balancing act. He said the ordinance, if it works, could be revised in the future to raise the hive density.

Chairman Thoms closed the floor from public comments to see if a consensus could be reached among the PC. He asked the PC how they felt about adding beekeeping to the ordinance with no regulations.

Doug Powell suggested adding beekeeping as a home occupation.

Chairman Thoms recognized Mike Maxwell.

Mike Maxwell suggested amending the residential permitted uses to read: “growing crops, gardens, and beekeeping.”

Doug Powell concurred with Mr. Maxwell. He read Sec. 2-14-41-1 from the Georgia General Assembly which states:

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 constructed to restrict the zoning authority of county or municipal governments.

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Dennis Dutton said the State Law states you cannot limit honeybees; however, you must accordingly

follow the rules of the local jurisdiction. He advised the way the ordinance is written per the County Attorney, staff has to go by what the permitted uses are. He commented he was required to enforce the language in the ordinance and he would be in error if he didn't enforce the ordinance.

Bill Beckwith pointed out the County is in violation of State Law because it is a restricted use; however, the adoption of an ordinance would bring the County into compliance with the State Law.

Doug Powell advised beekeeping could be allowed as a "use" in the residential zoning districts.

Greg Clifton stated he has been a beekeeper in the past and he is active in the Tara Beekeepers Association. He said colony collapse disorder can cause a beekeeper to lose 30 to 40 percent of their colonies per year. He asked the PC to not restrict excessively by worrying about how many bees a beekeeper would have on his property because it changes throughout the year. He added if restricted too excessively, it could be a hardship on the beekeepers. He asked where the injury was to the neighbors because he understood what the injury was to the beekeeper.

Jim Graw suggested four (4) hives per acre.

Al Gilbert objected and suggested eight (8) hives on one (1) acre.

Doug Powell suggested eight (8) hives per acre.

After further discussion, the PC came to the following conclusions:

PC shall reach a consensus which option under **A.** they prefer.

A. The number of beehives shall be limited to:

1)

Number of Hives	Lot Size
2	Up to ¼ acre
4	Between ¼ and ½ acre
6	Between ½ and 1 acre
8	1 to 3 acres

Or

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2) a maximum of eight (8) hives per lot;

Or

3) eight (8) hives per acre with a maximum of 16 hives.

Amend **B.** to read as follows:

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.

And

Require a six (6) foot high visual screening, vegetation and/or wall/fence.

As written: **C.** All beehives shall only be located in the rear yard, or in the case of a corner lot the side yard.

Delete **D.** in its entirety and insert the following:

D. Hive entrances must be faced in the direction that will provide the least offensive flyway pattern to the surrounding neighbors.

Amend **E.** to read as follows:

E. The beekeeper shall provide and maintain, on a regular basis, a convenient source of water for the beehive.

Amend **F.** to read as follows:

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

Delete **G.** in its entirety.

As written: **H.** The beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance.

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Jim Graw suggested the following be added to the proposed ordinance:

- ? Wholesale/retail sale of honey produced from the hives or obtained from other hives, not located on the property shall be prohibited from being sold on-premise.

Doug Powell asked why the sale of honey should be prohibited.

Jim Graw replied these are hobbyist beekeepers and should not be retail. He asked the beekeepers if they were selling their honey.

Several beekeepers replied yes they were.

Jim Graw stated he did not know the beekeepers were selling their honey. He added he thought they were giving it away and using it for their own purposes.

Dennis Dutton pointed out the dilemma with a home occupation is that a home occupation has to be operated out of the house and not an accessory structure. He said the honey could be sold at the Farmers Market, a store, or on the Internet. He added if the property is zoned A-R and the honey is produced on-premise, a stand would be permitted. He reported you cannot set your house up for retail sales.

Jerry Edwards advised the PC that the local honey helps you with your sinuses because it is raw, pure, and unfiltered.

Bill Beckwith stated the home occupation requirements address this issue.

Chairman Thoms asked staff to research if the sale of honey would relate to a home occupation. He also asked staff to research allowing the growing of crops, gardens, and beekeeping under Article VI and setbacks for beehives in other ordinances.

Robyn Wilson verified the amendments to the proposed ordinance as addressed by the PC.

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

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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.

Chairman Thoms advised the PC would hold a Public Meeting/Workshop on April 21, 2011. He thanked the beekeepers for their input.

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Chairman Thoms asked if there was any further business. Hearing none, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. Jim Graw seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 9:44 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
CHAIRMAN**

**ROBYN S. WILSON
P.C. SECRETARY**