

**ORDINANCE NO. 18-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Amending:**

Article I, Sec. 3.1 Definitions.

**By Adding:**

Article 2, Sec. 5.1.63 Residential beekeeping

**By Amending:**

Article 3, Sec. 12.2 Permitted uses.

Article 3, Sec. 13.2 Permitted uses.

Article 3, Sec. 14.2 Permitted uses.

Article 3, Sec. 15.2 Permitted uses.

Article 3, Sec. 16.2 Permitted uses.

**Chapter 18. Zoning**

**Article I. General Provisions**

**Section 3. Definitions**

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**3.1 DEFINITIONS**

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Urban beekeeping: beekeeping on any residentially-zoned property. Beekeeping in the Rural Areas District, RA, and the Monticello Historic District, MHD, shall not be considered urban beekeeping.

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**Article II. Basic Regulations**

**Section 5. Supplementary Regulations**

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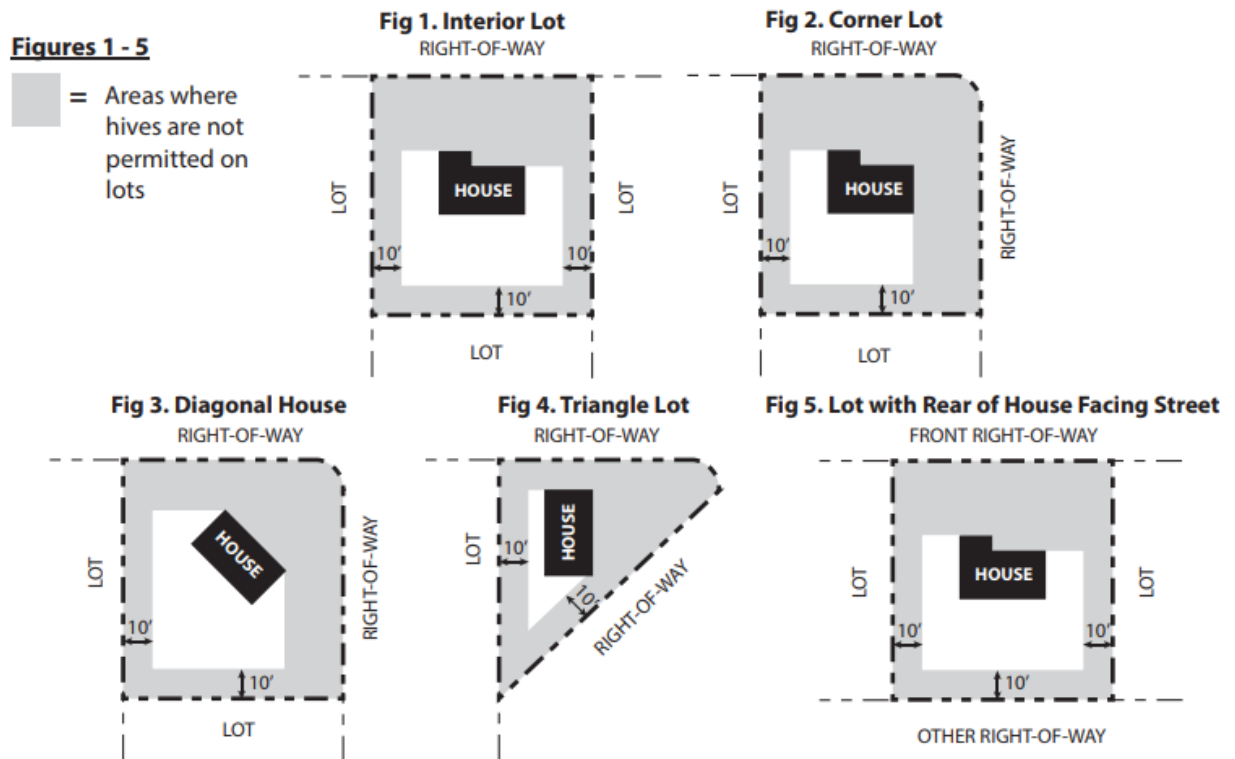
**5.1.63 URBAN BEEKEEPING**

Urban beekeeping shall be subject to the following:

- a. It shall be unlawful for any person to keep, place, or allow a beehive to remain:

1. Closer than ten feet to a public right-of-way or to the property line of adjoining property not owned by the person maintaining the beehive; or
  2. Closer than 30 feet to any structure other than the structure of the person maintaining the beehive.
- b. All hives shall be oriented with the entrance facing away from the adjacent property or public right of way.
- c. The hive and all related materials may only be located within the rear yard of the property as shown in figure 1.

Figure 1



- d. For any beehive placed less than 10 feet above ground level and within 30 feet of any property line adjoining a residential property or public right-of-way, a barrier of sufficient density to establish bee flyways above head height must separate the beehive from such property line or public right-of-way. The barrier may be constructed of fencing or evergreen vegetation or a combination of the two. The barrier must be no less than six feet in height and extend no less than ten feet in length on either side of beehive.
- e. For any beehive located at least 10 feet above ground level the hive shall be located a minimum of 5 feet from the side of the structure and 30 feet from any structure other than a structure of the person maintaining the beehive.
- f. The beekeeper shall conspicuously post a sign warning individuals of the presence of bees. This sign shall include the property owner's name and a telephone number at which the beekeeper can be reached in case of emergency.

- g. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insectproof container.
- h. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- i. No person is permitted to keep more than the following numbers of colonies on any lot, based upon the size or configuration of the apiary lot:
  - 1. One half acre or smaller lot 2 colonies;
  - 2. Larger than 1/2 acre but smaller than 3/4 acre lot 4 colonies;
  - 3. Larger than 3/4 acre lot but smaller than 1 acre lot 6 colonies;
  - 4. One acre but smaller than 5 acres 8 colonies;
  - 5. Larger than 5 acres no restriction.
- j. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this section for no more than 30 days from the date acquired.

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### **Article III. District Regulations**

#### **Section 12. Village Residential**

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##### **Sec. 12.2 Permitted uses.**

##### **Sec. 12.2.1 By right.**

The following uses shall be permitted by right in the VR district, subject to the applicable requirements of this chapter:

- 1. Detached single-family dwellings.
- 2. Side-by-side duplexes provided that density is maintained and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.

3. Cluster development of permitted residential uses.
4. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
10. Tourist lodgings (reference 5.1.17).
11. Wayside stands for the display and sale of seasonal agricultural products (reference 5.1.19).
12. Group home (reference 5.1.07).
13. Agriculture.
14. Manufactured homes on individual lots (reference 5.6)
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
17. Farm sales (reference 5.1.47).
18. Farm stands (reference 5.1.47).
19. Family day homes (reference 5.1.56).
20. Urban beekeeping (reference 5.1.63).

(§ 20-12.2.1, 12-10-80; 9-2-81; 11-1-89; 11-11-92; § 18-12.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

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### **Article III. District Regulations**

#### **Section 13. Residential – R-1**

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#### **13.2 PERMITTED USES**

##### **13.2.1 BY RIGHT**

The following uses shall be permitted by right in the R-1 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Cluster development of permitted residential uses.
3. Rental of permitted residential uses and guest cottages, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
4. (Repealed 9-2-81)
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
10. Tourist lodgings (reference 5.1.17).
11. Group home (reference 5.1.07). (Amended 8-9-17)
12. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
13. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

14. Family day homes (reference 5.1.56). (Added 9-11-13)

15. Urban beekeeping (reference 5.1.63).

(§ 20-13.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

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### **Article III. District Regulations**

#### **Section 14. Residential – R-2**

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#### **14.2 PERMITTED USES**

##### **14.2.1 BY RIGHT**

The following uses shall be permitted by right in the R-2 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Cluster development of permitted residential uses.
3. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
4. (Repealed 9-2-81)
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupations (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5, 5.1.12). (Amended 11-1-89).
10. Tourist lodgings (reference 5.1.17).

11. Group home (reference 5.1.07). (Amended 8-9-17)
  12. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
  13. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
  14. Family day homes (reference 5.1.56). (Added 9-11-13)
  15. Urban beekeeping (reference 5.1.63).
- (§ 20-14.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

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### **Article III. District Regulations**

#### **Section 15. Residential – R-4**

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#### **15.2 PERMITTED USES**

##### **15.2.1 BY RIGHT**

The following uses shall be permitted by right in the R-4 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Side-by-side duplexes provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
4. Cluster development of permitted residential uses.
5. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
6. (Repealed 9-2-81)
7. (Repealed 9-2-81)

8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
  9. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
  10. Temporary construction uses (reference 5.1.18).
  11. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
  12. Tourist lodgings (reference 5.1.17).
  13. Group home (reference 5.1.07). (Amended 8-9-17)
  14. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
  15. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
  16. Family day homes (reference 5.1.56). (Added 9-11-13)
  17. Urban beekeeping (reference 5.1.63).
- (§ 20-15.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

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### **Article III. District Regulations**

#### **Section 16. Residential – R-6**

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#### **16.2 PERMITTED USES**

##### **16.2.1 BY RIGHT**

The following uses shall be permitted by right in the R-6 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.

2. Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadraplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
3. Multiple-family dwellings such as garden apartments.
4. Cluster development of permitted residential uses.
5. Rental of permitted residential uses and guest cottages; provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lot.
6. Group home (reference 5.1.07). (Amended 8-9-17)
7. Boarding houses.
8. Tourist lodgings (reference 5.1.17).
9. (Repealed 9-2-81)
10. (Repealed 9-2-81)
11. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
12. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
13. Temporary construction uses (reference 5.1.18).
14. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Family day homes (reference 5.1.56). (Added 9-11-13)
18. Urban beekeeping (reference 5.1.63).

(§ 20-16.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

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I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of to, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

|              | Aye   | Nay   |
|--------------|-------|-------|
| Mr. Dill     | _____ | _____ |
| Mr. Gallaway | _____ | _____ |
| Ms. Mallek   | _____ | _____ |
| Ms. McKeel   | _____ | _____ |
| Ms. Palmer   | _____ | _____ |
| Mr. Randolph | _____ | _____ |