



REQUEST FOR PLANNING COMMISSION ACTION

MEETING DATE: MARCH 17, 2022

TITLE: RESIDENTIAL BEEKEEPING ORDINANCE



Director of Community Development

RECOMMENDED ACTION

1. Conduct the public hearing.
2. Adopt RESOLUTION NO. 22-3859 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRVINE, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A ZONE CHANGE (FILE NO. 00863847-PZC) TO AMEND THE ZONING ORDINANCE AND MUNICIPAL CODE TO PROVIDE NEW CITYWIDE REGULATIONS FOR RESIDENTIAL BEEKEEPING

EXECUTIVE SUMMARY

At its June 22, 2021 meeting, the City Council directed staff to develop a Residential Beekeeping Ordinance. Staff developed a draft ordinance in consultation with beekeeping experts and held a public outreach meeting to solicit input on residential beekeeping in the City.

The Residential Beekeeping Ordinance is comprised of two components, Zoning Ordinance Administrative Procedures and Development Standards. Chapter 2-39 establishes the Administrative Procedures for processing a Residential Beekeeping Permit. Chapter 3-41 establishes the development standards and approval requirements for a Residential Beekeeping Permit, including compliance with a newly developed City Best Management Practice (BMP) Manual specific to beekeeping.

The proposed Residential Beekeeping Ordinance will address the following items:

- Administrative procedures;
- Permit process;
- Development standards;
- Best management practices; and
- Public Safety procedures

Staff recommends the Planning Commission recommend City Council adoption of the draft Residential Beekeeping Ordinance.

COMMISSION / BOARD / COMMITTEE RECOMMENDATION

On March 21, 2022, the Finance Commission will make a recommendation to the City Council regarding a resolution for a Residential Beekeeping Permit and Inspection fee.

ANALYSIS

Background

In 2021, the City Council requested a presentation on the potential for a residential beekeeping program due to the growing resident interest in beekeeping. At its June 22, 2021, City Council meeting, staff presented a framework for drafting a citywide Residential Beekeeping Ordinance. As a result, the City Council directed staff to develop a Residential Beekeeping Ordinance.

To accomplish this, staff researched local beekeeping ordinances and coordinated with local beekeeping experts to develop the City's draft ordinance. The City's experts include an Irvine resident beekeeper, the President of the Orange County Beekeepers Association, and a faculty member from UC Davis' California Master Beekeeping Program.

The draft ordinance and permit process procedures are discussed in further detail below.

Residential Beekeeping Ordinance

The Residential Beekeeping Ordinance has been designed to ensure beehives remain ancillary to the primary use of the residential property and do not affect the public health and safety of the neighborhood. The Ordinance will consist of two components, Zoning Ordinance Administrative Procedures and Development Standards, which includes a Best Management Practices (BMP) manual. Each component will be presented in a new chapter in the Zoning Ordinance - Chapter 2-39 and Chapter 3-41.

Chapter 2-39 will establish the Administrative Procedures for processing an eligible Residential Beekeeping Permit including the applicable submittal requirements, approval body, expiration and renewal process, inspections, and revocation procedures. The following summarizes this chapter:

1. A Residential Beekeeping Permit is required for all residential beehives.
2. The permit submittal requirements include, but are not limited to:
 - Completion of a beekeeping course;
 - Proof of notification to adjacent property owners (all properties touching the subject site) regarding the submittal of a Residential Beekeeping Permit;

- Acknowledgement Form;
 - A deposit or fee as set forth by ordinance or resolution of the City Council; and,
 - Registration with County of Orange Agricultural Commissioner.
3. The Director of Community Development, or his or her designee, shall approve a Residential Beekeeping Permit.
 4. The Director of Community Development, or his or her designee, shall have the ability to revoke a residential beekeeping permit if it affects the public health and safety of the neighborhood.

Refer to PC Attachment 1 for the complete list of Administrative Procedures.

Chapter 3-41 of the Zoning Ordinance establishes the development and approval requirements for a Residential Beekeeping Permit. Additionally, new definitions have been incorporated clarifying various beekeeping-related terms used throughout the two chapters and BMP manual. Below is a chart summarizing the development standard requirements.

Provision	Proposed Requirement
Residential Home Type	Single-family detached homes; and Single-family attached homes with single property ownership (<i>homes on a condominium lot with multiple property ownership are prohibited</i>)
Minimum Lot Size	2,400 square feet
Allowable Residential Zoning Districts	2.1 Estate Density Residential 2.2 Low Density Residential 2.3 Medium Density Residential 2.4 Medium High Density Residential 2.5 High Density Residential 3.1 Multi-Use 8.1 Trails and Transit Oriented Development
Bee Species	Western honeybee (<i>apis mellifera</i>)
Maximum number of beehives	Two (2)
Beehive Location	Rear yard

Refer to PC Attachment 2 for a complete list of requirements.

Best Management Practice Manual

The BMP manual is an Irvine resident beekeeper how-to guide for safe and responsible beekeeping. The BMP manual identifies outside resources, including a required beekeeping course as well as recommendations such as joining a local beekeeping organization, to ensure beekeepers are raising healthy and productive hives that minimize the impact on the surrounding neighborhood.

Chapter 3-41 of the Zoning Ordinance references the BMP manual, which serves as supplemental information and will not be incorporated into the Ordinance. This will allow the Director of Community Development, or his or her designee, to make amendments to the BMP manual that may be necessitated by changes and improvements in beekeeping practices. Such revisions would be technical and administrative in nature and thus not require processing through normal amendatory proceedings of the City. All other revisions shall be approved by resolution of the City Council.

The BMP manual will be available on the City's website and at the Community Development's Planning and Zoning Counter.

Below are the main takeaways from the BMP manual:

1. **Bees.** Maintain western honeybees with docile genetics.
2. **Education.** Complete a beekeeping course prior to obtaining a Residential Beekeeping Permit.
3. **Hive Maintenance.** Inspect a beehive at least once a week to ensure there is enough food, an adequate water source, the hive is queenright, and no disease or pests exist.
4. **Swarm Prevention.** Re-queen a hive at least once every two years to prevent swarming.
5. **Safety Practices.** Locate the beehive away from weeds, leaves, or pine needles to prevent the possibility of starting a fire.
6. **Humane Treatment of Bees.** If bees are removed, relocated, or euthanized from the subject property, it shall be done humanely and lawfully.

Refer to PC Attachment 3 for the complete draft of the BMP manual.

Revisions to Municipal Code and Zoning Ordinance

While developing the draft Residential Beekeeping Ordinance, staff proposed revisions to "Title 4 – Public Safety, Chapter 10, Section 4-5 1009. Keeping Bees" of the Municipal Code, Chapter 3-37 – Zoning District Land Use Regulations and Development Standards, and Division 7 Signs of the Zoning Ordinance for consistency purposes.

In “Title 4 – Public Safety, Chapter 10, Section 4-5 1009. Keeping Bees” of the Municipal Code, the existing language prohibits beekeeping within 100 yards of a residential district. Staff is proposing amendments to clarify that the provision only pertains to beekeeping in nonresidential zoning districts and does not include accessory residential beekeeping.

See PC Attachment 4 for reference.

In Chapter 3-37 of the Zoning Ordinance, staff is proposing to revise the list of permitted uses in each residential zoning district to identify the following use:

Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)

Staff will incorporate the language in the following sections of Chapter 3-37:

Sec. 3-37-12. 2.1 Estate Density Residential
Sec. 3-37-13. 2.2 Low Density Residential
Sec. 3-37-14. 2.3 Medium Density Residential
Sec. 3-37-15. 2.4 Medium-High Density Residential
Sec. 3-37-16. 2.5 High Density Residential
Sec. 3-37-17. 3.1 Multi-Use
Sec. 3-37-39. 8.1 Trails and Transit Oriented Development

See PC Attachment 5a-g for reference.

In Division 7, Section 7-2-2 of the Zoning Ordinance, staff is proposing to add residential beekeeping signs under the list of exempt signs.

See PC Attachment 6 for reference.

Public Safety

When developing the ordinance, staff recognized that the public health and safety of the community is paramount to the City. Therefore, staff developed response strategies that would minimize the impact of a beehive within a neighborhood.

Staff coordinated with Public Safety’s Animal Services Division to discuss emergency response procedures for beehives affecting the public health and safety of the neighborhood. Below is a list of emergency response scenarios:

1. Colonies of bees exhibit defensive or objectionable behavior or interfere with normal use of neighboring properties and the property owner does not immediately rectify the situation.

2. Colonies of bees swarm because of failure to re-queen or without immediate owner response to contain or relocate the bees.
3. Colonies of aggressive bees swarm without immediate owner response to contain or relocate.
4. Hives become abandoned by resident bees or by the property owner.
5. Beehives affect the public health and safety of the neighborhood, and the property owner does not rectify the situation.

Should any of these circumstances occur without immediate property owner response, the City will use the Emergency Abatement procedures in Division 11, Sec. 4-11-111 of the Municipal Code. Further, the Director of Community Development, or his or her designee, may revoke the Residential Beekeeping Permit at any time.

Residential Beekeeping Permit

To allow a beehive on a residential property, the property owner must first obtain a Residential Beekeeping Permit. The Community Development Department will administer the permit review process, which will consist of a two-part review. First, is a review by the Planning Division to verify the permit meets the Zoning Ordinance development standards, including standards in the BMP manual. Second, is an inspection by the Code Enforcement Division to verify the applicant installed the beehive(s) consistent with the issued permit. Staff will approve the permit upon the applicant satisfying all the requirements and it will be valid for one ~~(1)~~ year from the permit approval date.

To maintain a residential beehive on a residential property, the property owner must annually renew their permit with the Community Development Department. The intent of the renewal process is to ensure residential beehives comply with the Zoning Ordinance and adjacent neighbors are kept abreast of nearby residential beehives.

Additionally, staff developed a residential beekeeping checklist to streamline the review and approval process. The checklist serves as a straightforward guide to ensure that residential beekeeping requests meet all City requirements and determine completeness.

See PC Attachment 7 for reference.

PUBLIC OUTREACH

On January 13, 2022, staff held a virtual community workshop to create awareness of and gather input on the draft Residential Beekeeping Ordinance. Staff announced the workshop on the City's website, social media accounts, and public email system. Additionally, Mayor Kahn announced the upcoming workshop at the January 11, 2022 City Council meeting. Thirty-eight members of the public attended the virtual workshop.

During the workshop, staff gave a presentation highlighting the main components of the ordinance and fielded questions about the subject matter. The majority of participants

were in support of a residential beekeeping ordinance and expressed interest in a broader application of the ordinance in the City.

On February 24, 2022, a notice of public hearing for the draft Ordinance was published in the Irvine World News. The notice was also posted on the various posting boards throughout the City. Staff also notified the community workshop registrants about the public hearing. As of the writing of this report, staff has received no correspondence in response to the notice.

ENVIRONMENTAL DETERMINATION

Pursuant to Section 4 of the City of Irvine California Environmental Quality Act (CEQA) procedures and Article 5 of the CEQA Guidelines, it has been determined that the proposed project is covered by the General Rule Exemption [Section 15061(b)(3)], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment.

ALTERNATIVES CONSIDERED

The Planning Commission may propose to change, alter, or decline to recommend any of the proposed revisions.

FINANCIAL IMPACT

Staff estimates processing five to seven Residential Beekeeping Permits annually for a total revenue of \$1,522.40 to \$2,131.36. The estimated revenue will recover staff time to administer the Residential Beekeeping Permit. The new fees will be presented to the Finance Commission on March 21, 2022, with a recommendation to the City Council.

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PC ATTACHMENTS

1. Draft Zoning Ordinance Chapter 2-39 Administrative Procedures
2. Draft Zoning Ordinance Chapter 3-41 Residential Beekeeping Development Standards
3. Draft Best Management Practice Manual
4. Title 4 – Public Safety, Chapter 10, Section 4-5 1009. Keeping Bees Redlines
5. Zoning Ordinance Chapter 3-37 Sections Redlines:
 - a. 3-37-12. 2.1 Estate Density Residential
 - b. 2-27-13. 2.2 Low Density Residential
 - c. 3-37-14. 2.3 Medium Density Residential
 - d. 3-37-15. 2.4 Medium-High Density Residential

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- e. 3-37-16. 2.5 High Density Residential
- f. 3-37-17. 3.1 Multi-Use
- g. 3-37-39. 8.1 Trails and Transit Oriented Development
- 6. Division 7, Section 7-2-2 Exempt Signs Redlines
- 7. Draft Residential Beekeeping Permit and Checklist
- 8. PC Resolution 22-3859

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