



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: September 10, 2024 (Regular Meeting)
Re: Zoning Ordinance Amendment – To Allow and Regulate Urban Honeybees

Summary:

Zoning Ordinance Sections	Amend Sections 10-3-24 and 10-3-190, and create new Article FF
Purpose	Create new definitions, add regulations to allow keeping of honeybees on properties with a single-family detached dwelling and on any property determined to be a nonconforming agricultural use, and to modify Business Gardens regulations to allow keeping of honeybees.
Applicant	City of Harrisonburg
Staff Recommendation	Approval
Planning Commission Recommendation	June 12, 2024 (Public Hearing) – Tabled (4-0) August 11, 2024 – Approval (6-0)
City Council	September 10, 2024 (First Reading/Public Hearing) Anticipated September 24, 2024 (Second Reading)

Background:

Following requests to the City Manager’s Office from community members, in 2023, City staff initiated an interdepartmental working group to discuss the keeping of honeybees in the City. The group initially included representatives from the City Manager’s Office, the City Attorney’s Office, Community Development, Public Works, and Police. The group discussed what regulations might be appropriate for the City, which department might be best suited to administer and enforce the regulations, and in what section of the City Code the regulations should be located. Once it was determined the regulations should be within the Zoning Ordinance, staff from Community Development, the City Manager’s Office, and the City Attorney’s Office took the lead to draft the ordinance as presented herein.

The following Virginia localities were identified as allowing and regulating the keeping of honeybees: Bristol City, Chesapeake City, Fairfax City, Roanoke City, Manassas City, Petersburg City, Salem City, Suffolk City, Virginia Beach City, Albemarle County, Fairfax County, and Prince William County.

Key Issues:

Currently, the Zoning Ordinance (ZO) prohibits the keeping of honeybees as it is considered an agricultural use, which is not permitted in any zoning district. If the ZO amendments are approved, keeping of honeybees would be allowed as an accessory use on any property occupied by a single-family detached dwelling and any property determined to be a nonconforming agricultural use subject to the regulations set forth in proposed Article FF.

The entirety of the proposed ZO amendments is provided within the attached document titled “Proposed Zoning Ordinance Amendments Regarding Urban Honeybees.” New definitions are proposed for “beehive,” “colony,” “flyway,” and “swarm” and a new Article FF is proposed, which includes: limits on the number of beehives, requirements for the location and maintenance of beehives, and a requirement to apply for a permit that shall be renewed annually. Proposed Article FF was modeled after the “Backyard Chicken” regulations and permit process (<https://www.harrisonburgva.gov/chicken-permit>).

In addition to creating Article FF and the definitions to allow the keeping of honeybees, Article BB of the ZO, which regulates Business Gardens, would be amended to allow the keeping of honeybees as currently Section 10-3-190 (e) clearly identifies the prohibition of apiculture.

Staff recommends approving the ZO amendments.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the Zoning Ordinance amendments;
- (b) Approve the Zoning Ordinance amendments with modifications; or
- (c) Deny the Zoning Ordinance amendments.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

Zoning Ordinance Amendment – To Allow and Regulate Urban Honeybees

Public hearing to consider amending the Zoning Ordinance by creating new definitions and adding regulations to allow keeping of honeybees as an accessory use on any property occupied by a single-family detached dwelling and any property determined to be a nonconforming agricultural use, subject to the regulations set forth in proposed Article FF, which includes, limits on the number of beehives, requirements for the location and maintenance of beehives, and requirement to apply for a permit that

shall be renewed annually. Additionally, Article BB of the Zoning Ordinance, which regulates Business Gardens is proposed for amendment to allow keeping of honeybees.

In addition, a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

On March 18, 2024, City staff shared a copy of the proposed ZO amendments with the Shenandoah Valley Beekeepers Association and requested comments on the draft be received by Tuesday, April 12, 2024. City staff also presented information about the proposed ZO amendments and solicited public comments at a "Pollinators in Your Yard" event hosted by the Department of Public Works on Saturday, March 23, 2024 in downtown (<https://www.harrisonburgva.gov/pollinators-in-your-yard>). Public comments received are attached herein.

On July 9, 2024, staff met with Dorn Peterson and Mike Hott, local beekeepers to discuss public comments received on July 12, 2024.

Recommendation:

Staff recommends (a) approval of the Zoning Ordinance amendments.

Attachments:

- Updated Current ordinance reflecting recommended amendments
- Flyway Graphic and Example
- Public comments received prior to June 12, 2024
- Public comment received on June 12, 2024
- 2nd PC Memorandum (includes responses to public comments)

Review:

On June 12, 2024, Planning Commission held a public hearing and tabled the request (4-0) to allow staff time to further research and respond to public comments received. Vice-Mayor Dent, Commissioner Baugh, and Commissioner Washington were absent.

On August 14, 2024, Planning Commission recommended approval (6-0) of the updated Zoning Ordinance amendment. Commissioner Washington was absent.