



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission
From: Department of Community Development
Date: August 14, 2024 (Regular Meeting)
Re: Zoning Ordinance Amendment – To Allow and Regulate Keeping of 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	June 12, 2024 (Public Hearing) – Tabled (4-0) August 14, 2024
City Council	Anticipated September 10, 2024 (First Reading/Public Hearing) Anticipated September 24, 2024 (Second Reading)

Background:

On June 12, 2024, Planning Commission held a public hearing to consider a request to amend the Zoning Ordinance (ZO) to allow and regulate the keeping of urban honeybees. Planning Commission tabled the request to allow staff time to further research and respond to public comments received. Please refer to the June 12, 2024 agenda packet and staff memorandum for details about the request available at <https://harrisonburg-va.legistar.com/Calendar.aspx>.

Key Issues:

Below is a summary public comments received on June 12, 2024 and staff's recommendations:

1. **Comment:** Comment at the June 12, 2024 Planning Commission public hearing from Dorn Peterson included in the minutes extract attached herein. Mr. Peterson suggested for properties under 10,000-square feet to allow three to four hives and to not count hives that are smaller than 10 frames.

Staff Response: Staff recommends keeping the limit of 2 beehives on a parcel up to 10,000 square feet, which is supported by best management practices described in 2VAC5-319-30. - Best management practices for the keeping of honeybees,¹ and which states:

“An apiary operator shall limit the number of colonies that he places in his apiary as follows:

1. If the property on which the apiary is located is 1/4 acre or smaller, the apiary shall not have more than two colonies. The apiary operator may increase the number of colonies up to four colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.
2. If the property on which the apiary is located is more than 1/4 acre, but less than 1/2 acre, the apiary shall not have more than four colonies. The apiary operator may increase the number of colonies up to eight colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.
3. If the property on which the apiary is located is 1/2 acre or more, but less than one acre, the apiary shall not have more than six colonies. The apiary operator may increase the number of colonies up to 12 colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.
4. If the property on which the apiary is located is one acre or more, the apiary shall not have more than six colonies per acre. The apiary operator may increase the number of colonies up to 12 colonies per acre for not more than 60 consecutive days for the purpose of queen mating and swarm control.
5. If all colonies are placed at least 200 feet from all property lines, there is no limit on the number of colonies that an apiary operator may place in his apiary.”

Note that Virginia’s Best Management Practices cites “colony” whereas the City’s ordinance regulates “beehive” structures. Staff recommends regulating beekeeping based on the number of beehives rather than whether or not the beehive is occupied by a colony or the size or number of frames inside the beehive. For the safety of staff, we do not want to open up beehives to determine if they are occupied or how many frames are inside. Additionally, staff believes it would be easier to review and approve permits and conduct enforcement by beehive and not the number of or type of colonies, or number of frames within a beehive.

In addition, to address queen mating and swarm control, staff recommends modifying proposed Section 10-3-219 (2) (b) which previously stated:

¹ 2VAC5-319-30. Best management practices for the keeping of honey bees.
<https://law.lis.virginia.gov/admincode/title2/agency5/chapter319/section30/>

For the purposes of subsection (a), the temporary housing of a swarm for no more than 30 days from the date the swarm was acquired shall not count toward the maximum number of beehives on the property.

to state:

For the purposes of subsection (a), the persons keeping honeybees may have two additional beehives above the minimum allowed for not more than 60 consecutive days for the purpose of queen mating and swarm control.

Know also that the Shenandoah Valley Beekeepers Association and other beekeeper associations in Virginia have listings of local sellers of nucleus colonies, also called nucs or splits, and queens.² Staff is also aware of other local beekeepers who may not be listed, but will provide or sell nucs and queens to other beekeepers.

The Virginia Bee Law³ requires honeybees on combs, hives and equipment with combs be accompanied by a certificate of health issued by the Virginia Department of Agriculture and Consumer Services' Office of Plant Industry Services prior to being sold in Virginia. In addition, any person who brings honeybees on combs or used equipment with comb into the Commonwealth must first obtain an Entry Permit from Virginia's State Apiarist. Queens and packaged honeybees brought into the Commonwealth must be accompanied by a certificate of health issued by the state of origin.⁴

Additionally, this ordinance is not meant to allow large apiary production, but rather to allow for backyard hobby beekeeping. It understandably may be limiting to someone who is on the production side of beekeeping and seeking to do so from their single-family detached dwelling.

2. **Comment:** Comment at the June 12, 2024 Planning Commission public hearing from Commissioner Byrd is included in the minutes extract attached herein. Commissioner Byrd questioned whether the term "temporary housing" in Section 2 (b) is clear.

Staff Response: Staff has modified Section 2 (b) and the term "temporary housing" is no longer used.

3. **Comment:** Written comment from Amy Mercer received by staff following the June 12, 2024 Planning Commission meeting is attached herein. Ms. Mercer requested consideration to reduce the minimum distance that beehives can be from property lines from 10-feet to 5-feet.

Staff Response: Staff recommends keeping the requirement for beehives to be no closer than 10-feet from property lines, which is supported by best management practices described in 2VAC5-319-30. Best management practices for the keeping of honeybees:

² Shenandoah Valley Beekeepers Association, Call Lists. <https://shenvalleybeekeepers.org/who-to-call-for-honeybee/>

³ Code of Virginia, Chapter 44. Beekeeping. <https://law.lis.virginia.gov/vacode/title3.2/chapter44/>

⁴ Virginia Department of Agriculture and Consumer Services, Beekeeping & Apiary Inspection. <https://www.vdacs.virginia.gov/plant-industry-services-beekeeping-apiary-inspection.shtml>.

An apiary operator shall maintain all colonies at least 10 feet away from property lines to prevent an individual from impeding normal bee flight activity from a hive.

Staff recommends approving the ZO amendments as presented.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the Zoning Ordinance amendments;
- (b) Recommend approval of the Zoning Ordinance amendments with modifications; or
- (c) Recommend denial of the Zoning Ordinance amendments.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’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
- Extract from the June 12, 2024 Planning Commission Meeting
- Public comment received on June 12, 2024

Review:

N/A