



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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August 29, 2024

**TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA**

**SUBJECT: *Consider Zoning Ordinance amendments to allow and regulate urban honeybees***

**EXTRACT FROM THE MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: June 12, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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.

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.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said you said you spoke to a lot of the different parties that would be involved, is that how we came to 10,000 [square feet] or less for two [boxes]?

Ms. Dang said I have to admit that our prior Zoning Administrator was the one who led a lot of this and maybe Mr. Russ can help me fill in the blanks. I believe a lot of this information was created from research of other localities and best practices that were researched, as far as the keeping of bees in an urban area.

Mr. Russ said he spoke with a number of larger localities that might have more expertise on staff to assist.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Dorn Peterson, a resident at 1822 Smithland Road, came forward to speak to the request. He said I started being a beekeeper 10 years ago and because I could put my hives out in the County I never really worried about the City’s ordinance. I have developed an expertise and I live in the City and I figured maybe I could provide some information to the Council. I am very much in favor of this. I will sort of comment to Commissioner Byrd that in fact I thought that the two hives for the smallest lot was a bit small. Beekeepers are continually fighting the problem that there has been some diseases and pests that have come into the Americas from Asia and Europe that do make keeping the hives going more difficult. One of the ways that a beekeeper manages that is that if a hive is dying or losing its way, you want to raise new queens to start up a new hive. It is entirely possible that you might lose both of your hives. If you have four that is less likely to happen. The main reason I came here today was to actually suggest that a slight modification should be made to the ordinance that would make an allowance for beekeepers who want to raise new queens. That is really one of the principal benefits of having hobbyists raising bees as far as I am concerned. Right now, if a beekeeper loses the queen to the hive, the hive is going to die unless they have another queen to put in it. If they cannot raise their own queens, they have to buy queens. Where they come from is California or Georgia, which are not local genetics. Whereas if they are raising their own queens here, you can develop local genetics that is better adapted to the area. What I think should be added is that in that smallest zoning, under 10,000 square feet, I think the number was more usable if it was three [hives] at least or maybe even four. I think two is a bit too

small for if I was trying to bee keep on such a small thing, I would say that is going to be really hard to do. The second thing I would recommend is that you not count small hives that are...inside the boxes of a hive there are these things that are called frames and that is where the bees live and they lay eggs inside the honeycomb and they put honey in there. If I am raising new queens, I have specific small boxes that only hold five of these frames and I call them nucleus hive. When the queen has actually shown she has hatched out, gotten bred, come back, and has started to lay eggs, then I know she is fine for me to add back into a hive that has lost its queen. Quite often before that happens, I will have wanted to expand this to not just five frames but up to ten. I would say that hives that are smaller than ten frames should not be counted in those limits. Maybe reading the proposed ordinance if you added a section 2 (c) that said that hives that are 10 frames or smaller would not be counted, that would be in those limits that would be a, I thought, reasonable addition. Those would be the two slight additions that I would make to it. One that allows for these small hives where beekeepers are raising queens to keep their production colonies going. They are allowed to have those in addition and too that we would increase the number on the very smallest one to three at least. That would make it a lot easier for someone to maintain their hives. Just to give you an idea by the way, a production hive will have five or six boxes with ten of these [frames] in each box. So, they will have 50 or 60 of these frames and I am talking about having five or ten in the boxes where you are raising the new queens.

Vice Chair Byrd said does it take more than 30 days for that...

Mr. Peterson said yes it does. If you are trying to raise a queen, the way you would do is to take a few frames from a going hive that has some eggs in it, and you would set them in this small five frame hive. The bees in that five-frame hive will notice they do not have a queen and they need to raise a queen. They can use the eggs and they know how to then feed that egg when it hatches royal jelly. It takes 20 days for the queen to hatch. Another two weeks for her to become adult enough to then fly out, get mated, and come back and start laying eggs. It is about a two-month process. Six weeks to two months.

Commissioner Alsindi said were you able to participate at the community engagement or the public meetings? Have you reached out to convey your messaging?

Mr. Peterson said when staff sent something out, I sent an email. I think it is one of the things listed in the document there.

Chair Finnegan asked if there was anyone else in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan continued saying one thought that occurred to me while we are hearing from someone who does beekeeping...I do not think that we are...one thought is do we table this? Do we feel good voting on it now and doing amendments on the fly or because work has gone into it, is this something that we would want to get more information on, table it, and get it right? I am open to thoughts here.

Commissioner Alsindi said I am not sure at how urgent this matter is. If it is not that urgent then there is public benefit out of the [unintelligible]. I would suggest tabling it. I appreciate all of the efforts that have been put into it but if there is no matter of urgency then that would make a significant difference.

Vice Chair Byrd said I guess the new article FF and 2 (b) says “temporary housing of a swarm” ...what are we considering a temporary housing?

Mr. Russ said that section has to do with a beehive that essentially is overpopulated that you can set up a secondary structure nearby and guide a portion of your overgrown hive into that.

Chair Finnegan said technically the public comment period is closed but for the minutes if we could capture your comments into the minutes.

Mr. Peterson said I did write down thoughts and that would be in section 2 add a subsection C and just say “for the purposes of subsection “A”, hives that are principally for the purpose of raising new queens and that contain 10 or fewer frames will not be counted.”

Chair Finnegan said the reason I am hesitant is because I am not an expert in bees, and I know that City staff has worked on this...the only reason I suggested tabling was just so that we do not rush into an amendment that might have...

Vice Chair Byrd said my only concern is it that says temporary housing and as I was reading through the rest of the ordinance I was going “well what is a temporary housing?” because it is in connection to something that gets excluded. If we are clearer on what that is then we are clear on what is excluded up to the 30 days.

Ms. Dang said adding to what Mr. Russ said, I took temporary housing as when a swarm were to split into two and with an additional swarm on the property, it does not make the person noncompliant while they are figuring out what to do with that additional swarm that they may exceed what is in the table there. Or that they do not meet the flyaway barrier or some other requirement of the ordinance that they have 30 days to move the bees either elsewhere on their property or off the property.

Chair Finnegan said it sounds like the potential options available to us other than if we want to take action on this tonight. Change two to three [hives] for the 10,000 square feet or less properties. Introduce language about frames but...

Mr. Russ said I do not know that I know enough about how standardized things are to know what I would be describing on the fly, but it is something we could figure out I am sure.

Chair Finnegan said there is not an applicant waiting to build a building?

Ms. Dang said there are community members that are interested to keep bees or if they are keeping bees now want to become compliant. There is no urgency as far as...I mean the City is the applicant. I am not concerned if you all decide to table this request for staff to work on amending some of the language.

Chair Finnegan said if we do table it, we should get specific about what we would like to see ironed out.

Vice Chair Byrd said I am also curious, when people who have applied and had their application accepted, would they be required to inform the City of the date the swarm was acquired? Or would this be oh the City has not noticed there is a third in your yard because I always had two and that is when the 30 days counts?

Ms. Dang said I was envisioning that it would not become a problem until a neighbor were to complain that there were too many swarms. We would then inquire with the property owner what is going on and work with them to address it. I do not expect that they would have to inform [Community Development] every time.

Chair Finnegan said I am in favor of making it legal to keep bees, I just want to make sure we get the regulation right. I feel like I do not have enough information. There has been some suggestions and some good points brought up by Mr. Peterson that we want to make sure we are getting it right.

Commissioner Nardi said I suggest we table it. I am in favor of beekeeping. I appreciate the expertise. It makes sense to me from the descriptions and why we might consider modifying and it would be nice perhaps to have a next draft to look at all the language based on what we heard. I feel like then I would be ready [to vote].

Chair Finnegan said we do not want to table it with no direction. We want to table it and get direction or clarification on minimum hives, hive starting, how many days can you have these...is that what you meant?

Commissioner Nardi said right. Clarification based on the input or expertise and how that language would read and that would then come back to us and we would look again and have a conversation based on what we heard tonight. We know how much outreach was done and how much community involvement has already happened. This is a matter of massaging the language.

Vice Chair Byrd said my focus has been 2 (b) because it is the exception to subsection a. "Temporary housing", I am not sure we are clear on exactly what that is in the ordinance. As was mentioned before, the date the swarm was acquired, what do we mean when we are saying that? My first reading of this I had no issue with it because I was going this section there is a lot of great lines between two and three and one and two and so forth. If we are not clear about what that section means in practice, then...I do not like vague terms that can be later interpreted another way with new staff. I am not saying anything against the current staff. I am just saying once it is in the [Zoning] Ordinance 20 years from now, in theory there would be new staff and they might look at it and go "oh, I think that means this". Those have been my only concerns about what are we exactly saying to people that the City can actually enforce.

Chair Finnegan said I would like to see an amendment that would address the comment that was made about starting hives. That the necessities to starting hives is the best course of action to increase that from a minimum of two to three with the best course of action being staff adding a section 2 (c) and add the suggested amendment language.

Ms. Dang said we can work on that.

Commissioner Nardi said I see it like one, two, three, maybe four things to consider based on what is here, what we have talked about, the background that learned.

Ms. Dang said I will summarize here, consider in subsection 2, increasing the number of allowed beehives to two to maybe three or four. Work on clarifying subsection 2 (b). Consider adding subsection c about the raising of queens and then there was another matter about the number of frames. Hives that are less than 10 frames or smaller should not be counted as a hive, so we will research that.

Vice Chair Byrd said I make a motion to table this ordinance amendment request.

Commissioner Nardi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend tabling the Zoning Ordinance amendment request passed (4-0).

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: August 14, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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>.

After drafting some changes and responses, staff met with Dorn Peterson and Mike Hott, two local beekeepers. In brief, after seeing staff's updated proposal, Mr. Peterson expressed that he understood staff's concerns about staff safety, not wanting to open up beehives to determine if they are occupied or how many frames are inside ... and he thought the changes we proposed were a good compromise.

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, <sup>1</sup> 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

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

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:

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.<sup>2</sup> 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 Law<sup>3</sup> 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.<sup>4</sup>

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.

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

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

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

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:

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.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said since my concern was addressed, I will make a motion to approve the Zoning Ordinance amendment.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the Zoning Ordinance amendment passed (6-0). The recommendation will move forward to City Council on September 10, 2024.