To: Montgomery County Board of Supervisors

From: New River Valley Beekeepers' Association

The New River Valley Beekeeper's Association hereby requests the Board to consider amending Chapter 10 of the Montgomery County Code to permit beekeeping in residential zones of the county. As the largest beekeeping association in Virginia, with over 280 paid members, the majority being residents of Montgomery County, we believe that the current county zoning regulations are unnecessarily restrictive. We believe that, upon consideration of information that we can provide, you will agree.

While beekeeping is not specifically addressed in the current zoning ordinance, it is apparently prohibited by non-inclusion as a "by right" use and the absence of a provision for urban beekeeping. We would like to see beekeeping permitted in all residential zones, subject to common sense guidelines to ensure responsible, "good neighbor" beekeeping.

We offer the following points in support of our position:

- Honey bees are important pollinators and are an integral part of a balanced ecology.

- Honey bees are typically less aggressive than wasps, yellow jackets, and hornets, which are a natural part of the environment. In fact, our members who do bee removals from homes in the county find that some of the calls they receive are about other stinging insect species that have been misidentified as honeybees.

- The Commonwealth of Virginia has been promoting beekeeping, because honeybees are critical to many aspects of agriculture and everyone's well-being. In 2012, the Virginia General Assembly created the Beehive Grant Fund (Fund) for the purpose of promoting the establishment of new beehives in the Commonwealth. The program is administered by VDACS (Virginia Department of Agriculture and Consumer Services). Because bees range up to two miles from their hives in their search for food, colonies located on residential properties benefit nearby agricultural operations. The residents of residential zones of the county and their homes are a valuable pool of potential beekeepers and beehive sites.

- Beekeeping is allowed in many cities, including New York, San Francisco, Salt Lake City and Washington, DC. There are well accepted measures that beekeepers can take to minimize the potential for impacts on their neighbors. The City of Roanoke allows beekeeping, having written their ordinance with the advice of Dr. Richard Fell, Professor Emeritus of Entomology at Virginia Tech. Dr. Fell is a long time mentor of our Association. We are including below the pertinent language from the Roanoke zoning ordinance. Ordinances for other localities are available.

In summary, we hope that you will consider amending the current zoning ordinance to make it more "bee-friendly." If we can be of any further assistance please contact any of the officers listed below. Thank you for your consideration.

Sincerely,

Richard Reid, President, New River Valley Beekeepers' Association
James Hill, Vice President, New River Valley Beekeepers' Association
Sue Hossack, Secretary, New River Valley Beekeepers' Association
Jack Price, Treasurer, New River Valley Beekeepers' Association
Kent Murmann, Member, New River Valley Beekeepers' Association
Bob Whiton, Member, New River Valley Beekeepers' Association

Roanoke, Virginia, Code of Ordinances >> - CODE OF THE CITY >> Chapter 6 - ANIMALS AND FOWL >> ARTICLE VI. BEEKEEPING >>

ARTICLE VI. BEEKEEPING [4]

Sec. 6-108. Violation of article as nuisance. Sec. 6-109. Exceptions from article. Sec. 6-109.1. Definitions. Sec. 6-110. Location of beehives. Sec. 6-111. Water supply for bees. Sec. 6-112. Density requirements. Secs. 6-113, 6-114. Reserved.

Sec. 6-108. Violation of article as nuisance. In addition to any penalty imposed for a violation of any provision of this article, such violation is hereby declared a public nuisance and any person suffering injury or damage therefrom may seek the correction, removal or abatement of such nuisance through appropriate suit in equity.

(Ord. No. 24443, Ch. 6, § 4, 12-11-78)

Sec. 6-109. Exceptions from article. The provisions of this article shall not apply to the keeping of bees within an educational institution, museum, physician's office or laboratory for the purpose of study, observation or medical research or treatment, provided that such bees are not permitted to fly at large.

(Ord. No. 24443, Ch. 6, § 3, 12-11-78)

Sec. 6-109.1. Definitions. For the purposes of this article, the word "beehive" shall have the following meaning:

Beehive. The word "beehive" shall mean a single colony, hive or stand of bees, regardless of size.

(Ord. No. 29076, § 2, 5-2-88)
Sec. 6-110. Location of beehives. It shall be unlawful for any person to keep or place a beehive or cause or allow a beehive to remain:

Closer than ten (10) feet to the property line of adjoining property of anyone other than the person maintaining the beehive or his immediate family; or Closer than fifty (50) feet to any house or other building used for residential purposes by anyone other than the person maintaining the beehive or his immediate family or any apartment, hotel, motel, office, commercial establishment, church or school; or Closer than thirty (30) feet to any "street" as defined by Section 1-2 of this Code.

(Ord. No. 24443, Ch. 6, § 1, 12-11-78; Ord. No. 29076, § 1, 5-2-88)

Sec. 6-111. Water supply for bees. Every person owning, possessing or keeping any beehive shall maintain, within fifty (50) feet of each beehive, an adequate, accessible and useable supply of water for the bees.

(Ord. No. 24443, Ch. 6, § 2, 12-11-78; Ord. No. 29076, § 1, 5-2-88)

Sec. 6-112. Density requirements.

(a) No person shall keep, place or maintain more than four (4) beehives on any parcel of real property which contains ten thousand (10,000) square feet or less in area. With respect to parcels larger than ten thousand (10,000) square feet in area, one (1) additional beehive shall be permitted for each two thousand (2,000) square feet of area

in excess of ten thousand (10,000) square feet. Notwithstanding the foregoing, during the months of April, May and June (swarm season) only, a person shall be permitted to keep two (2) additional beehives, over and above those permitted during the balance of the year, on any parcel of real property.

(b) The density restrictions established by this section shall have no application to beehives kept, placed or maintained on any parcel of real property of one (1) acre or larger in size or on any parcel zoned RA, Residential-Agricultural District. (Ord. No. 29076, § 2, 5-2-88; Ord. No. 37350, § 1, 4-3-06)

Secs. 6-113, 6-114. Reserved.

FOOTNOTE(S):

--- (4) --- State Law reference— Beekeeping, Code of Virginia, § 3.1-610.1 et seq. (Back)

New River Valley Beekeepers' Association Contacts

- Richard Reid, President; 540-951-8342, rkereid@comcast.net
- James Hill, Vice President; 540-589-3937, jameshill@swva.net
- Jack Price, Treasurer; 540-745-3411, wp25244@west-point.org
- Sue Hossack, Secretary; 540-320-8454, sue@ot-care.com
- Mark Chorba, Past President: 540-231-6115, marco@vt.edu
- Jerry Borger, Former President; 540-557-7789, twoltcols@verizon.net

Other Local and State Contacts

- Dr Richard Fell, Professor Emeritus, Dept of Entomology, Virginia Tech, rfell@vt.edu
- Keith Tignor, VA State Apiarist, VDACS, (804) 786-3515, vabees@vdacs.virginia.gov

New River Valley Beekeepers Association

Proposed Amendments to Montgomery County, Virginia Code

The New River Valley Beekeepers Association is proposing the following amendments to Chapter 10 of the Montgomery County Code. The purpose of the amendments is to make beekeeping legal in the residential zones of the County and to provide a framework of common sense rules to address both the concerns of neighbors and the practical needs of the beekeeper. The Association has borrowed from the City of Roanoke beekeeping rules, which have been in existence for some time and are working well.

PROPOSED AMENDMENTS: Added or modified text will be indicated by underlining.

Sec. 10-61. - Definitions.

Agriculture, small scale: The production of plants and animals useful to humans as defined under general agriculture above, of no greater than three (3) animal units per acre and no more than ten (10) animal units total on the tract. For honeybees the limit shall be four (4) animal units on lots up to 10,000 square feet in area, and an additional animal unit shall be permitted for every 2,000 square feet of area greater than 10,000 square feet up to one (1) acre in area. No limit will apply to the number of honeybee animal units on parcels greater than one (1) acre in area.

Animal unit: The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; ~~or~~ one hundred (100) rabbits; or one (1) beehive.

Beehive: a single colony, hive or stand of bees, regardless of size.

Residential beekeeping: The keeping of honeybees in non-agriculturally zoned areas as an accessory use subject to the standards set out in section 10-41(19).

Sec. 10-41. - Supplemental district regulations.

19) Urban agriculture.

(a) *Residential chicken keeping* – Unchanged.

(b) *Residential beekeeping* as defined in section 10-61 of this chapter, is permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. The owner of the bees must reside on the property on which the bees are kept or have written permission from the property owner.
2. Beehives shall be located in the rear yard only and shall be setback at least ten (10) feet from side and rear property lines unless the owner of the beehive(s) obtains written permission from the applicable adjacent property owner. In the latter case, when the beehive(s) are less than ten (10) feet from the property line, they must be separated from the property line by a flight path barrier consisting of a fence or plantings at least six (6) feet in height.
3. Beehives shall be located no closer than fifty (50) feet to any house or other building used for residential purposes by anyone other than the person maintaining the beehive or his immediate family or any apartment, hotel, motel, office, commercial establishment, church or school unless the owner of the beehives obtains written permission from the other party/parties.
4. Beehives shall be located no closer than thirty (30) feet to any "street" as defined in Section 10-61.
5. No person shall keep, place or maintain more than four (4) beehives on any parcel of real property which contains ten thousand (10,000) square feet or less in area. With respect to parcels larger than ten thousand (10,000) square feet in area, one (1) additional beehive shall be permitted for each two thousand (2,000) square feet of area in excess of ten thousand (10,000) square feet.
6. Notwithstanding the foregoing, during the months of April, May and June (swarm season) only, a person shall be permitted to keep two (2) additional beehives, over and above those permitted during the balance of the year, on any parcel of real property.

7. The density restrictions established by this section shall have no application to beehives kept, placed or maintained on any parcel of real property of one (1) acre or larger

8. Water supply for bees. Every person owning, possessing or keeping any beehive shall maintain, within fifty (50) feet of each beehive, an adequate, accessible and useable supply of water for the bees.

9. Honeybees shall be kept primarily for the household's personal enjoyment. On-site commercial uses shall be prohibited. Off-site sale of surplus honey, beeswax or bees shall be permitted.

10. Residential beekeeping shall comply with chapter 3 and chapter 7, article III of the County Code, except that section 3-3 shall not be considered applicable to honeybees.

11. Paragraphs 1-10 of this section shall not apply to the keeping of bees within an educational institution, museum, physician's office, or laboratory for the purpose of study, observation, or medical research or treatment, provided that such bees are not permitted to fly at large.