ORDINANCE NO. 2015-O-04

AN ORDINANCE MODIFYING THE REVIEW PROCESS AND REQUIREMENTS FOR APIARIES IN THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE DISTRICT (CHAPTER 17-7-1 OF THE MIDVALE MUNICIPAL CODE) AND THE SINGLE FAMILY RESIDENTIAL (SF-2) ZONE DISTRICT (CHAPTER 17-7-2 OF THE MIDVALE MUNICIPAL CODE); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, Midvale City has found a number of areas that require amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, and/or include new provisions to further the purpose and intent; and

WHEREAS, it has been determined that the current review process and requirements for apiaries in the single-family residential zones of the City discourages beekeeping in the City; and

WHEREAS, it has been determined that bees are needed to allow flora to flourish within the City; and

WHEREAS, the Planning Commission held a public hearing on February 11, 2015 to review proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on January 28, 2015, and the Planning Commission forwarded a recommendation on such to the City Council on March 25, 2015; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on April 21, 2015, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on April 7, 2015; and

WHEREAS, the City Council has taken into consideration citizen testimony, planning and building analysis, and the Planning Commission recommendations, and has determined that this text amendment is appropriate and within the best interests of the
City as a whole in protecting and promoting the health, safety, welfare and aesthetic quality of Midvale City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The following chapters and sections of the Midvale Municipal Code are hereby amended as included in the attachment to this document.

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 25th day of April, 2015.

JoAnn B. Seghini, Mayor

ATTEST:
Rori Andreason, MMC
City Recorder

Date of first publication: May 7, 2015

Voting by City Council

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<th>Name</th>
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<tr>
<td>Stephen Brown</td>
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<td>Quinn Sperry</td>
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17-7-1.2 Use table.

If a use is not specifically designated, then it is prohibited.

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17-7-2.2 Use table.

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Eliminate Sections 17-7-1.11 (B) (1) (h) and 17-7-2.11 (B) (1) (h) in the ordinance and add the following language to new Sections 17-7-1.11 (B) (2) (i) and 17-7-2.11 (B) (2) (i):

Apiary. The purpose of this subsection is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

i. No more than the following number of colonies may be kept on any tract within the city, based upon the size of the tract upon which the apiary is situated:

(A) One third acre to Less than or equal to one-half acre in size: one colony
two colonies:

(B) More than one-half acre in size: two five colonies.

ii. A site plan shall be submitted for review by the planning commission community development department addressing the following:

(A) Any colony situated within twenty-five feet of a public or private property line shall require the establishment of a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof as approved by the planning commission community development department. Said barrier shall be parallel to the property line extending ten feet beyond the colony in each direction, forcing a flight pattern elevation of at least six feet above grade.

(B) A water source shall be provided on the property and no nearer than twenty feet to the hive to avoid bees congregating on nearby properties in a search for water.

(C) A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.

iii. In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:

(A) All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.
(B) All honey bee colonies shall be registered with the Utah Department of Agriculture and Consumer Services.

(C) Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(D) All colonies shall be maintained with marked queens. The colony shall be promptly re-queued if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be re-queued on a yearly basis.

(E) Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.

(F) Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

Upon receipt of information that any colony situated within the city is not being kept in compliance with the conditions set forth by the planning commission pursuant to the approved conditional use permit, may result in an investigation and subsequent hearing before the city’s hearing officer per Chapter 8.05 and the planning commission appeal authority per Chapter 17-3 of the Midvale Municipal Code may result and may result in the revocation of the conditional use permit.