

ORDINANCE No. 1053

AN ORDINANCE AMENDING CHAPTER 11 OF THE ROY CITY ZONING ORDINANCE BY ESTABLISHING SECTION 1112, ADDITIONAL REGULATIONS FOR LIMITED APIARY USES IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, the Roy City Council finds that there is a significant and compelling interest in limited apiary uses on single family residential properties within the city; and

WHEREAS, the Roy City Council finds that the impacts of such uses may be properly mitigated through careful and close regulation; and

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended the amendment to the City Council; and

WHEREAS, the Roy City Council has received and reviewed the recommendation of the Planning Commission and City Staff, finding it to be consistent with the goals and policies of the Roy City Zoning Ordinance and General Plan, and has reviewed and considered the same in a public meeting.

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that Chapter 11 of the Roy City Zoning Ordinance be amended to add Section 1112, to read as follows:

Section 1112 – Supplementary Regulations for Apiaries in Single-Family Residential Zones.

The purpose of this section is to provide supplementary regulations for limited apiary activities (the keeping of bees) in the single-family zoning districts of the city. It shall be unlawful to keep bees in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones except as provided in this section.

- 1) Allowance - All single-family residential properties in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones shall be allowed points for bee keeping as defined by this section according the following:
 - a) Points by Lot Size – Lots shall be assigned points by lot area, according to the following table. Points assigned are to be used under this section or Section 1111 inclusively.

15,000 square feet and larger	30 points
10,000 – 14,999 square feet	20 points
8,000 – 9,999 square feet	10 points
Less than 8,000 square feet	No points

- b) Allowance by Points – Apiary, or bee keeping shall be permitted by points according to the following table.

Bee keeping	10 points each hive
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- 2) Permit Required – A city permit is required for the keeping of bees under this section. Permits may only be issued to the property owner of record.
- a) Fee. The permit fee shall be set forth in the adopted Fee Schedule of the City.
 - b) Renewal. All permits issued under this section are subject to annual inspection and renewal.
 - c) Inspection. Inspections related to a permit issued under this section must be permitted as deemed necessary by the City.
 - d) Revocation. A permit may be revoked by the City for any violation of this section at any time.
 - e) Transfer of Permits. Permits under this section are issued to property owners of specific lots and may not be transferred or assigned to other persons or properties when ownership or residency changes.
 - f) Notice to Adjacent Neighbors. Upon receiving an application under this section, the Zoning Administrator shall cause notice of the application to be sent by mail to all owners of property immediately adjacent to the subject property.
 - g) Site Plan. An application for a permit under this section must be accompanied by a site plan indicating the lot, the primary residence, and the proposed placement of the structures or hives in compliance with the requirements of this section required by this section.
 - h) Zoning Administrator – The Zoning Administrator or his or her designee shall be responsible for the review of applications, issuance or denial of permits, inspections, renewals, investigation of complaints, and revocation of permits when necessary.
- 3) Regulations for Bee keeping – The issuance of a permit for bee keeping under this section shall be predicated upon compliance with the following.
- a) Registration. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code.
 - b) Personal Use Only. Bee keeping is allowed under this section for family food production and pleasure only. No sale of any kind is permitted.
 - c) Structure. Honeybee colonies shall be kept in hives with removable frames kept in sound and usable condition.
 - d) Location. Hives allowed under this section shall be located a minimum of 30 feet from any dwelling on an adjacent lot, 10 feet from any property line and 10 feet from any dwelling on the same lot.
 - e) Flyways. Any hive allowed under this section shall be located on the property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within 25 feet of an area providing


public access or from a property line, a flyway barrier at least 6 feet in height shall be established and maintained around the hive except as is necessary for access. Such a flyway shall consist of a solid wall, fence, dense vegetation, or a combination thereof extending at least 10 feet beyond the hive.

- f) Water. At a minimum, a convenient source of fresh water must be made continuously available to the colony between March 1 and October 31 of each year. The water source shall be located to minimize any nuisance created by bees seeking water on neighboring properties.

This Ordinance has been approved by the following vote of the Roy City Council:

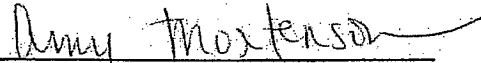
Councilman Tafoya	Absent <input type="checkbox"/>	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Councilman Stokes	Absent <input checked="" type="checkbox"/>	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>
Councilman Cragun	Absent <input type="checkbox"/>	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Councilman Hilton	Absent <input type="checkbox"/>	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Councilman Cordova	Absent <input type="checkbox"/>	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

This Ordinance shall become effective immediately upon passage. This Ordinance has been passed by the Roy City Council this 19 Day of February, 2013.



Joe H. Ritchie
Mayor

Attested and Recorded:



Amy Mortenson
City Recorder