

ORDINANCE NO. 1185

AN ORDINANCE AMENDING SECTION 9-3-040 AND TABLE 9-10-1 OF THE DRAPER CITY MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF BEEKEEPING REGULATIONS

WHEREAS, Section 9-3-040 of the DCMC (Definitions) lists the use “apiaries” as one of the activities under the term “Animal Specialties,” but the code is otherwise silent on where this activity may be conducted and how it should be regulated;

WHEREAS, the City from time to time receives requests from residents wishing to engage in this activity, but are denied permission to do so because the code contains no regulations to ensure that the use will be conducted responsibly and without becoming a nuisance to the surrounding neighborhood; and

WHEREAS, staff has researched other city codes containing beekeeping regulations and has borrowed from them to create an ordinance best suited for Draper; and

WHEREAS, the proposed text amendment is in harmony with the adopted General Plan, and will not be detrimental to the health, safety and general welfare of the community and its citizens; and

WHEREAS, the proposed text amendment has been reviewed by the Planning Commission and City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. In adopting this addition to Chapter 9-27 the City Council finds: 1) that well-maintained apiaries benefit mankind by providing agriculture, fruit, and garden pollination services; 2) that in the last 50 years the domesticated honeybee population, on which mankind depends for successful agricultural production, has experienced a dangerous decline; 3) that the regulations outlined in the proposed text amendment will mitigate any potential problems associated with the keeping of bees in populated areas; 4) that this amendment includes verbiage providing for regular city inspections to ensure compliance with all beekeeping regulations; and 5) that Joey Caputo, Apiary Inspector with the Utah Department of Agriculture and Food, has reviewed the proposed text amendment and has suggested some modifications, all of which have been incorporated into the submitted draft.

Section 2. Amendment. Section 9-3-040 and Table 9-10-1 of the DCMC are hereby amended to read as per Exhibits B and C of this document.

Section 3. Severability. If any section, part or provision of this ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this ordinance, and all sections, parts and provisions of this ordinance shall be severable.

Section 4. Effective Date. This ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH,
THIS 26th DAY OF JANUARY, 2016.

ATTEST:



Rachelle Conner, City Recorder

DRAPER CITY

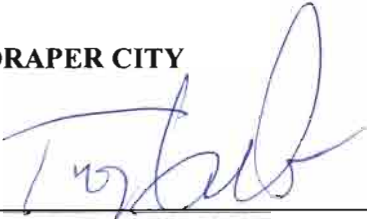

By: _____
Mayor Troy K. Walker



EXHIBIT B

**Table 9-10-1
Permitted and Conditional Uses Allowed in Residential Zones**

Use	Zones							
	RA1	RA2	RH	R3	R4	R5	RM1	RM2
Agricultural Uses								
Agricultural business	C	NP	NP	NP	NP	NP	NP	NP
Agriculture	P	P	C	P	P	P	P	P
Animals and fowl for recreation and family food production (subject to Sections 9-27-050 and 9-27-055 of this Title)	P (one animal unit per ½ acre) C (more than one animal unit per ½ acre)	C	NP	NP	NP	NP	NP	NP
Animal specialties	C	NP	NP	NP	NP	NP	NP	NP
Apiary	P	P	P	P	P	P	NP	NP
Residential Uses								
Day care, limited ²	C	C	C	C	C	C	C ⁴	NP
Dwelling, single-family ¹	P	P	P	P	P	P	C	C
Dwelling, single-family with accessory dwelling unit	See Chapter 9-31 of this Title							
Dwelling, two-family	NP	NP	NP	NP	NP	NP	P	P
Dwelling, multiple-family	NP	NP	NP	NP	NP	NP	P	P
Dwelling, temporary	P	P	P	P	P	P	P	P
Home Occupations ³	See Chapter 9-34 of this Title							
Pre-school, limited ²	C	C	C	C	C	C	C ⁴	NP
Residential facility for elderly persons	P	P	P	P	P	P	P	P
Residential facility for persons with a disability	P	P	P	P	P	P	P	P
Public and Civic Uses								
Cemetery	P	P	P	P	P	P	C	C
Charter schools	P	P	P	P	P	P	P	P
Church or place of worship	C	C	C	C	C	C	C	C
Convalescent care facility	NP	NP	NP	NP	NP	NP	C	C

1 See Chapter 9-30 of this Title for provisions for a Second Kitchen in a Single Family Dwelling

2 See Chapter 9-34 of this Title for applicable provisions

3 See Use Table regulations and specifications for Day Care, Limited and Pre-School Limited Home Occupations

4 In Detached Single-Family Dwellings Only

EXHIBIT C

Section 9-3-040 Definitions. As used in this Title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning.

Animal Specialties: The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, **apiaries**, and aviaries.

Apiary: The assembly of one or more colonies of bees at a single location.

Bee: any stage of development of the common domestic honey bee, *Apis mellifera* species.

Beekeeper: a person owning, possessing or controlling one or more colonies of bees.

Colony: A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen and brood.

Flyway Barrier: Solid wall, fence or dense vegetation which modifies the bee flight pattern.

Hive: Artificial or natural receptacle used to house a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

Undeveloped Property: Any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1185** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 26th day of January, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: February 4, 2016, through February 24, 2016



A handwritten signature in blue ink, appearing to read "Rachelle Conner", written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah