



NOTICE OF MEETING
MURRAY CITY PLANNING COMMISSION
5025 South State Street
MURRAY, UTAH 84107

**Electronic Meeting Only
August 20, 2020
6:30 p.m.**

Notice of Public Meeting

PUBLIC NOTICE IS HEREBY GIVEN that in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020, the Planning Commission of Murray City, Utah will hold an electronic only regular meeting at 6:30 p.m., Thursday, August 20, 2020. **The Chair of the Murray City Planning Commission has determined that due to the continued rise of COVID-19 case counts, meeting with an anchor location presents a substantial risk to the health and safety of those in attendance. No physical meeting location will be available.**

The public may view the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>.

If you would like to submit comments for an agenda item you may do so by sending an email, including your name and contact information, in advance of, or during the meeting to planningcommission@murray.utah.gov. *Comments are limited to 3 minutes or less and will be read into the meeting record.*

AGENDA:

BUSINESS ITEM:

1. Approval of Minutes
2. Conflict of Interest
3. Approval of Findings of Fact

CONDITIONAL USE PERMIT

4. Mike & Wilma Egbert
931 West Chesterbrook Cove
Accessory Dwelling Unit

Project #20-091

SUBDIVISION PROJECT

5. Matthew Avenue 3 Lot Subdivision
6450 & 6468 South 1300 East
Three Lot Subdivision

Project #20-090

GENERAL PLAN AMENDMENT / ZONE MAP AMENDMENT

6. Howland Partners, Inc Project #20-088
5157, 5177, 5217, 5283 South State Street & 151 East 5300 South
General Plan Amendment from General Commercial to Mixed-Use
7. Howland Partners, Inc Project #20-089
5157, 5177, 5217, 5283 South State Street & 151 East 5300 South
Zone Map Amendment from C-D to M-U

ORDINANCE TEXT AMENDMENT

8. Land Use Ordinance Text Amendment Project #20-077
Modifications to Section 17.65, Beekeeping Standards

OTHER BUSINESS

No agenda will begin after 10:00 p.m. without a unanimous vote of the Commission. Supporting materials are available for inspection at www.murray.utah.gov.

On 4th day of August 2020, at before 5:00 p.m., a copy of the foregoing notice was posted on the Murray City internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.



Jared Hall, Manager
Community Development Planning Division

--DRAFT--

The Planning Commission met on Thursday, August 6, 2020, at 6:30 p.m. for a meeting held electronically in accordance with HB 5002 an Amendment to the Open and Public Meeting's Act, allowing for electronic meetings to be held, without an anchor location, as long as the public has an opportunity to view the meeting and submit public comments. This meeting can be viewed online at www.murraycitylive.com. Public comments can be submitted via email at planningcommision@murray.utah.gov.

Present: Phil Markham, Chair
Scot Woodbury, Vice Chair
Travis Nay
Sue Wilson
Ned Hacker
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Melinda Greenwood, Community and Economic Development Director
Briant Farnsworth, Deputy City Attorney
Citizens

Excused Maren Patterson

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ned Hacker made a motion to approve the minutes from the July 2, 2020 and the July 16, 2020 Planning Commission meetings. Seconded by Phil Markham. A voice vote was made, motion passed 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact.

PRECISE PLUMBING – 4195 South 500 West #20 – Project #20-080

Russ Buhler was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit for a plumbing and heating contractor business at 4195 South 500 West #20. Contracting businesses are allowed in the Manufacturing (M-G) Zone, subject to Conditional Use Permit approval. The applicant has stated they will be using this as a

storage site for their equipment. Staff is recommending approval of the Conditional Use Permit.

Russ Buhler, 4195 South 500 West #20, Murray City, said he owns a small plumbing and heating company and wants to store things at this location. He has reviewed the five conditions of approval and will be able to comply with them.

The meeting was open for public comment. No comments were given and the public comment was closed.

A motion was made by Ned Hacker to approve a Conditional Use Permit to allow the operation of a plumbing and heating contractor business on the property located at 4195 South 500 West #20, subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction, including electrical for the installation of equipment.
3. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
4. No business-related parking or storage of vehicles is allowed along 500 West.
5. The applicant shall obtain a Murray City Business License for operations at this location.

Seconded by Sue Wilson.

Call vote recorded by Mr. Smallwood.

 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson
 A Scot Woodbury
 A Phil Markham

Motion passed 6-0.

BLACK DIAMOND AUTO COLLISION, INC – 4195 South 500 West #98 – Project #20-081

The applicant was not present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit for an auto sales business. Auto sales are allowed in the M-G Zone subject to Conditional Use Permit approval. This is a standard unit with two parking stalls and an overhead door. It does not have a restroom however the City's Building Official is asking for one to be installed. The parking stalls will need to be restriped due to the fact there is limited parking in the area and to allow the applicant adequate parking. Staff is recommending

approval of the Conditional Use Permit.

Mr. Markham asked if the building was outfitted for a restroom. Mr. Smallwood said he understands there is a shared restroom. He believes every unit is plumbed to allow for a restroom. The Building Official is the one requiring a restroom.

Mr. Woodbury noted that the applicant was not at the meeting, but he will be subject to the successful completion of all of the conditions in order to move forward with the business.

The meeting was open for public comment. No comments were given and the public comment was closed.

A motion was made by Phil Markham to approve a Conditional Use Permit for Black Diamond Auto Collision for auto sales at 4195 South 500 West #98 subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction.
3. The applicant shall install a restroom in the unit, which will require a Building Permit.
4. Storage of for-sale vehicles is only allowed within the walls of the unit. All parking outside the unit shall be used for customers and/or employees.
5. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
6. No business-related parking or storage of vehicles is allowed along 500 West.
7. The applicant shall obtain a Murray City Business License for operations at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson
 A Scot Woodbury
 A Phil Markham

Motion passed 6-0.

PEAK PROPERTY SOLUTIONS, INC – 4619 South Cherry Street – Project #20-082

Scott Blair was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit for a property maintenance contracting business at 4619 South Cherry Street. Contracting businesses are allowed in the M-G Zone subject to Conditional

Use Permit approval. The property has warehouse and office space with two restrooms. The property owner has been asked to restripe the parking lot to bring it up to code and install some landscaping. The garbage enclosure onsite will need to be fixed to meet City standards. Staff is recommending approval of the Conditional Use Permit.

Ms. Wilson and Mr. Smallwood discussed and reworded condition #5 regarding the dumpster enclosure.

Scott Blair, 1431 South Edison Street, Salt Lake City, said he has read the conditions of approval and will be able to comply with them.

Ms. Milkavich asked Mr. Blair what type of equipment he would be storing at this location. Mr. Blair replied he has paint sprayers, drywall texture, lawn mowers, landscaping supplies, table supplies and anything that would have to do with renovating or remodeling a home. Ms. Milkavich asked if there would be any chemicals stored at this location. Mr. Blair replied they have a flammable cabinet that will be in the unit to store gasoline, paint thinner and things of that nature. Mr. Hall added that the Fire Department will conduct an onsite inspection for the Business License. They will let the applicant know at that time if there are chemicals that need to be in cabinets or dealt with differently.

The meeting was open for public comment. No comments were given and the public comment was closed.

A motion was made by Sue Wilson to approve a Conditional Use Permit to allow the operation of a property management and maintenance contractor business on the property addressed 4619 South Cherry Street, subject to the following conditions, with a change to condition #5 as noted below:

1. The property owner shall work with city staff to provide the required 10' landscaping along the frontage of Cherry Street to meet the requirements of Section 17.68 as outlined in the staff report.
2. The applicant shall provide a minimum of four (4) striped parking spaces in the front parking area adjacent to the building, including an ADA compliant, van-accessible space.
3. The applicant shall comply with requirements of the Murray Fire Department and maintain open access for emergency vehicles.
4. The applicant shall not park any vehicles on Cherry Street.
5. An appropriate dumpster enclosure that meets the standards in Section 17.76.170 of the Land Use Ordinance is required.
6. The applicant shall obtain a Murray City Business License prior to beginning business operations at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson
 A Scot Woodbury
 A Phil Markham

Motion passed 6-0.

VERTICAL BRIDGE DEVELOPMENT LLC – 1044 West Potomac – Project #20-061

This item was withdrawn from the agenda. No action was taken on this item.

TACO BELL – 6001 South State Street – Project #20-084

This item was withdrawn from the agenda. No action was taken on this item.

JAMESTOWN #6 AND JAMESTOWN #8 SUBDIVISION AMENDMENT – 6330 South Colleton Circle & 6353 South Lorreen Place – Project #20-083

This item was withdrawn from the agenda. No action was taken on this item.

OTHER BUSINESS

Phil Markham made a motion to adjourn. Seconded by Sue Wilson.

A voice vote was made, motion passed 6-0.

The meeting was adjourned at 7:06 p.m.

Jared Hall, Planning Division Manager

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: Precise Plumbing & Heating

APPLICANT: Darwin Buhler

APPLICATION TYPE: Conditional Use Permit

I. REQUEST:

The applicant is requesting Conditional Use Permit approval to allow the operation of a plumbing and heating contracting business in the M-G Zone.

II. MUNICIPAL CODE AUTHORITY:

Section 17.152.060 of the Murray City Land Use Ordinance allows building contractors (Land Use #6600) in the M-G Zone subject to Conditional Use Permit review and approval by the Planning Commission.

III. APPEAL PROCEDURE:

Municipal Code Section 17.56.070 provides for an appeal of the planning commission's decision on a Conditional Use Permit to the Hearing Officer. An appeal must be presented in writing within 30 days after the date of decision of the planning and zoning commission.

IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public meeting held by the Planning Commission on August 6, 2020 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

- A. **That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With conditions the proposed use is desirable in this location and will contribute to the

general well-being of the community and this development.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

With conditions, the proposed use will not be detrimental to the health, safety or general welfare of people in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

The proposed use will contribute to the overall quality of the development and the area and is in harmony with the allowed uses in this zoning district and in the area.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for the review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission.

VI. CONCLUSION

Based on the analysis of the Conditional Use Permit application request for a plumbing and heating contractors business, and a survey of the site, staff concludes the following:

1. The proposed use for a plumbing and heating contractor business (LU #6600, Contract Construction Services) is allowed in the M-G Zoning District subject to Conditional Use approval.
2. With conditions as outlined in the staff report, the proposed use will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for a Conditional Use Permit allowing a

plumbing and heating contractor business on the property. The vote was 6-0 with Commissioners Hacker, Nay, Milkavich, Wilson, Markham and Woodbury in favor and none opposed. The approval is contingent on the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction, including electrical for the installation of equipment.
3. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
4. No business-related parking or storage of vehicles is allowed along 500 West.
5. The applicant shall obtain a Murray City Business License for operations at this location.

VIII. FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION
this 20th day of August, 2020.

Phil Markham, Chair
Murray Planning Commission

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: Black Diamond Auto Collision, LLC

APPLICANT: George Abdalla

APPLICATION TYPE: Conditional Use Permit

I. REQUEST:

The applicant is requesting Conditional Use Permit approval to allow the operation of an auto sales business at the subject property within the M-G Zone.

II. MUNICIPAL CODE AUTHORITY:

Section 17.152.060 of the Murray City Land Use Ordinance allows for auto sales (Land Use #5510) in the M-G Zone subject to Conditional Use Permit review and approval by the Planning Commission.

III. APPEAL PROCEDURE:

Municipal Code Section 17.56.070 provides for an appeal of the planning commission's decision on a Conditional Use Permit to the Hearing Officer. An appeal must be presented in writing within 30 days after the date of decision of the planning and zoning commission.

IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public meeting held by the Planning Commission on August 6, 2020 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

- A. **That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With conditions the proposed use is allowed in this location and will contribute to the general

well-being of the community and this development.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

With the stated conditions, the proposed use will not be detrimental to the health, safety or general welfare of people in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

The proposed use will contribute to the overall quality of the development and the area and is in harmony with the allowed uses in this zoning district and in the area.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for the review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission.

VI. CONCLUSION

Based on the analysis of the Conditional Use Permit application request for an auto sales business, and a survey of the site, staff concludes the following:

1. The proposed use for an auto sales business (LU #5510) is allowed in the M-G Zoning District subject to Conditional Use approval.
2. With conditions as outlined in the staff report, the proposed use will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for a Conditional Use Permit allowing an auto sales business on the property. The vote was 6-0 with Commissioners Hacker, Nay,

Milkavich, Wilson, Markham and Woodbury in favor and none opposed. The approval is contingent on the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction.
3. The applicant shall install a restroom in the unit, which will require a Building Permit.
4. Storage of for-sale vehicles is only allowed within the walls of the unit. All parking outside the unit shall be used for customers and/or employees.
5. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
6. No business-related parking or storage of vehicles is allowed along 500 West.
7. The applicant shall obtain a Murray City Business License for operations at this location.

VIII. FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION
this 20th day of August, 2020.

Phil Markham, Chair
Murray Planning Commission

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: Peak Property Solutions, Inc.

APPLICANT: Scott Blair

APPLICATION TYPE: Conditional Use Permit

I. REQUEST:

The applicant is requesting Conditional Use Permit approval to allow the operation of a property management contracting business and storage on the property located at 4619 South Cherry Street.

II. MUNICIPAL CODE AUTHORITY:

Section 17.152.030 of the Murray City Land Use Ordinance allows Contract Construction Services (LU #6600) such as property management contractors within the M-G Zoning District subject to Conditional Use Permit approval.

III. APPEAL PROCEDURE:

Municipal Code Section 17.56.070 provides for an appeal of the planning commission's decision on a Conditional Use Permit to the Hearing Officer. An appeal must be presented in writing within 30 days after the date of decision of the planning and zoning commission.

IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public meeting held by the Planning Commission on August 6, 2020 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

- A. **That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With compliance to city regulations, the proposed use will provide a service that will contribute to the area. The property improvements and a stable, active tenant are desirable for the community and the neighborhood.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

With conditions, the proposed use will not be detrimental to the health, safety or general welfare of people in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

The proposed use will contribute to the overall quality of development in the area considering landscaping, parking, and potential impacts to the surrounding area. The proposed use for a property management and maintenance contractor is in harmony with the allowed uses in this zoning district and will not detract from other uses found in the area.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for the review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission.

VI. CONCLUSION

Based on the analysis of the Conditional Use Permit application request for a property management and maintenance contractor business, and a survey of the site, staff concludes the following:

1. The proposed use for a property management and maintenance contractor (LU #6600), is allowed in the M-G Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for a Conditional Use Permit allowing a property management and maintenance contractor business on the property. The vote was 6-0 with Commissioners Hacker, Nay, Milkavich, Wilson, Markham and Woodbury in favor and none opposed. The approval is contingent on the following conditions:

1. The property owner shall work with city staff to provide the required 10' landscaping along the frontage of Cherry Street to meet the requirements of Section 17.68 as outlined in the staff report.
2. The applicant shall provide a minimum of four (4) striped parking spaces in the front parking area adjacent to the building, including an ADA compliant, van-accessible space.
3. The applicant shall comply with requirements of the Murray Fire Department and maintain open access for emergency vehicles.
4. The applicant shall not park any vehicles on Cherry Street.
5. If the applicant or property owner propose a dumpster, an appropriate enclosure that meets the standards in Section 17.76.170 of the Land Use Ordinance is required.
6. The applicant shall obtain a Murray City Business License prior to beginning business operations at this location.

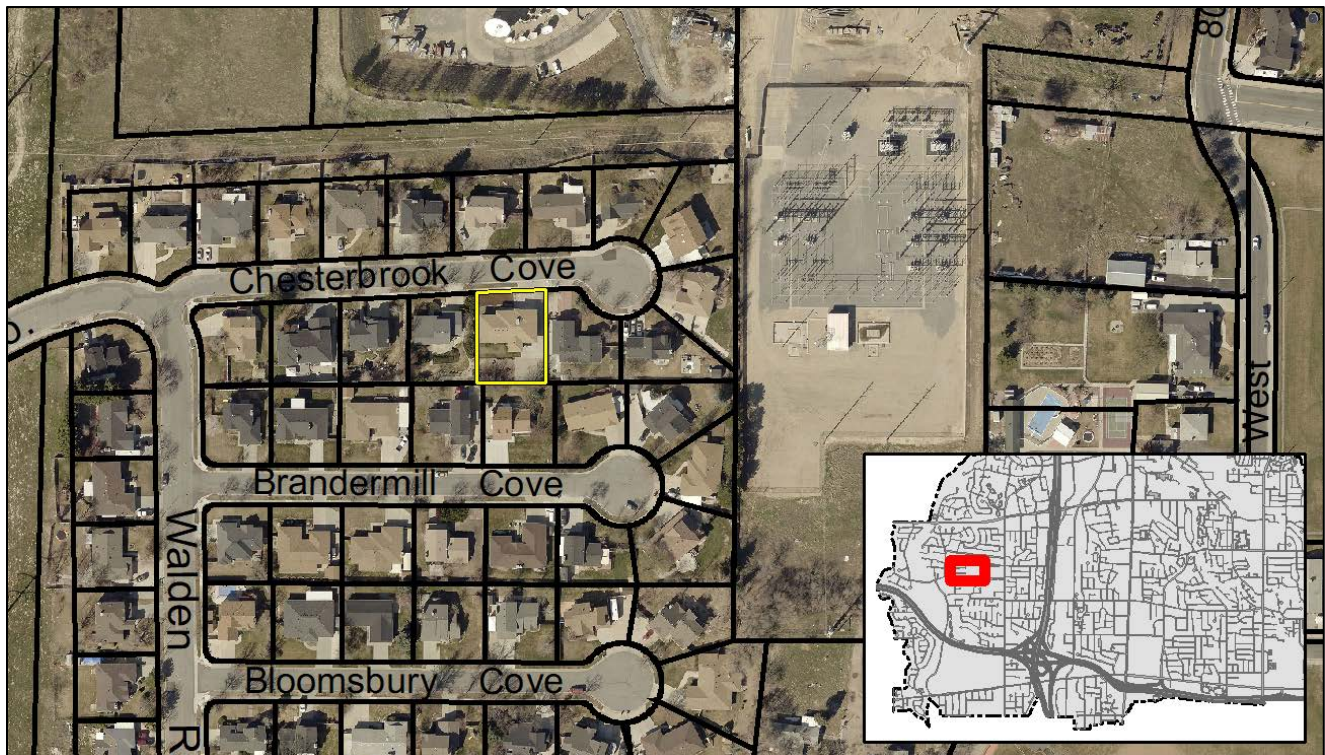
VIII. FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION this 20th day of August, 2020.

Phil Markham, Chair
Murray Planning Commission



AGENDA ITEM #4

ITEM TYPE:	Conditional Use Permit for an Accessory Dwelling Unit		
ADDRESS:	931 West Chesterbrook Cove	MEETING DATE:	August 20, 2020
APPLICANT:	Mike and Wilma Egbert	STAFF:	Zachary Smallwood, Associate Planner
PARCEL ID:	21-14-252-016	PROJECT NUMBER:	20-091
ZONE:	R-1-8, Low density single family		
SIZE:	.23 acre site 3,056 ft ² primary residence 825 ft ² ADU		
REQUEST:	The applicant is requesting Conditional Use Permit approval to allow the construction and operation of an accessory dwelling unit (ADU) on the subject property.		



I. LAND USE ORDINANCE

Section 17.78 of the Murray City Land Use Ordinance allows ADUs within all single-family residential zoning districts subject to Conditional Use Permit approval.

II. BACKGROUND

Project Location

The subject property is located in the Walden Ridge neighborhood east of Bullion Street at approximately 5700 South. The proposal is for the ADU to be located within the basement of the existing dwelling with a separate entrance on the east side of the property.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Single-Family Residential	R-1-8
South	Single-Family Residential	R-1-8
East	Single-Family Residential	R-1-8
West	Single-Family Residential	R-1-8

Project Description

The subject property is a single-family house located on approximately .23 acres (approximately 10,018 ft²) in the R-1-8 zone. The applicant would like to finish their basement and add an Accessory Dwelling Unit.

The applicant would like to obtain a Building Permit to finish the basement to install a second kitchen and living area with two bedrooms. The entrance to the ADU will be located on the east side of the main dwelling. The separate entrance will be accessed by way of a walk-out basement as shown on the site plan provided. Staff has conducted a review of the relevant ADU standards below and found that the applicant will be able to comply subject to conditions.

ADU Development Standards

Chapter 17.78 of the Murray City Land Use Ordinance details the following significant development standards required for accessory dwelling units:

- *The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and shall not exceed one thousand (1,000) square feet.*

The overall square footage of the existing home is 3,056 ft² according to the Salt Lake

County Assessor's website. The square footage of the proposed ADU is 825 ft², which is less than the 1,000 ft² allowed by the Murray City Land Use Ordinance. The 825 ft² represents 27% of the total which is allowed by the ordinance. With adequate parking, the ADU should have a minimal impact on the character of the single-family residential neighborhood in which it is located.

- *Accessory Dwelling Units shall not contain more than two (2) bedrooms.*

The proposed ADU contains two (2) bedrooms.

- *A separate entrance to the ADU shall not be allowed within the front or corner side yard area. Any separate entrance shall be located within the interior side or rear of the principal residence.*

The entrance to the proposed ADU is located in the side yard area along the east side of the single-family home that has a door to the outside. There is a connection to the main dwelling through the basement.

- *Installing separate utility meters and separate addresses for the ADU is prohibited.*

The applicant states that there are not separate meters, and none are proposed for the ADU. The Building Official has requested that the applicant provide baseboard heating to comply with Building Code. Permits for ADUs are tracked separately by City Staff to ensure compliance with all requirements of the ordinance and building codes.

- *Owner Occupancy Affidavits are required to ensure that the property owner utilizes either the Primary Dwelling or the Accessory Dwelling Unit as their principal residence.*

The purpose of this provision is to ensure that the subject property is well maintained and that any potential impacts of the ADU can be quickly addressed by the property owner. The affidavit is provided by the City and recorded with the Salt Lake County Recorder's office in order for any future property owners to be notified of the status of the accessory unit. A recorded copy of that affidavit must be provided to Murray City staff for record keeping and all future owners are required to reauthorize the unit in order to continue the use of the ADU. The affidavit must be submitted prior to occupancy of the ADU. The applicant is required by Code to live in either the Primary Dwelling Unit or the Accessory Dwelling Unit.

If the ADU is approved, a Residential Rental License will be required. Murray City ordinances do not allow temporary rentals in residential zones, such as those affiliated with AirBnB and VRBO. If the ADU is rented, it must be rented for more than 30 days at a

time.

- *Additional Parking Requirements. According to Subsection 17.78.040 (1), two (2) additional off street parking spaces must be provided for the accessory dwelling and in no case shall fewer than four (4) total off street spaces may be provided.*

The site plan submitted by the applicant shows an existing two-car garage and driveway leading to it. East of the driveway is a paved area leading to the rear yard area. The applicant states that this is where the occupants of the ADU will park their vehicles. Staff does not anticipate any concerns with parking resulting from this application.

- *The ADU may not be occupied by more than two related or unrelated adults and their children.*

Residential zoning allows up to four (4) unrelated adults to be considered a single “family”. Because ADUs are allowed in addition to the use of the property as a single-family dwelling, that allowance is reduced to two (2) unrelated adults for the ADU.

III. LAND USE ORDINANCE STANDARDS REVIEW

Murray City Code Section 17.56.060 outlines the following standards for review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

The proposed ADU provides additional housing options in the community and will contribute to the general well-being of the neighborhood while maintaining the existing single-family home aesthetic.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of person residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

With conditions, the proposed ADU can meet the requirements established by the Land Use Ordinance, and will not be detrimental to the health, safety, or general welfare of persons residing at this property or in the neighborhood.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

The applicant's proposed plan will not impact the residential character of the area or the home itself. Staff has not identified any negative impact on schools, utilities or streets for the proposed ADU.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has provided sufficient information for the review of the Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission.

IV. CITY DEPARTMENT REVIEW

Planning Division Staff circulated the proposed ADU plans to multiple Murray City Departments for review on August 3rd, 2020. The following comments have been provided by the departments:

- The Murray City Engineer recommends approval without additional conditions.
- The Murray City Building Official recommends approval subject to the following conditions:
 - Install interconnected smoke and CO detectors throughout the house.
 - Egress windows and window wells are required.
 - Provide baseboard heating in the ADU.
 - Access to circuit breaker panel required.
 - Outside combustion air required for furnace room.
- The Murray City Power Department recommends approval without additional conditions.
- The Murray City Fire Department recommends approval and states that the applicant follow fire code and alarm requirements.
- The Murray City Water and Wastewater Divisions recommends approval without additional conditions.

The preceding comments are addressed as conditions of approval in the final section of this report.

V. PUBLIC INPUT

Forty-one (41) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. As of the date of this report, Staff has not received any comments regarding this application.

VI. FINDINGS

Based on the analysis of the Conditional Use Permit application for an accessory dwelling unit and a survey of the surrounding area, staff concludes the following:

1. Accessory Dwelling Units are allowed in all single-family zoning districts subject to Conditional Use Permit approval.
2. Accessory Dwelling Units are supported by the goals and objectives for housing and land use within the Murray City General Plan.
3. With conditions, the proposed use will comply with Land Use Ordinance Standards for Accessory Dwelling Units.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission APPROVE a Conditional Use Permit to allow the construction and/or operation of an Accessory Dwelling Unit at the property addressed 931 West Chesterbrook Cove,** subject to the following conditions:

1. The project shall comply with all applicable building and fire codes standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. The property owner shall obtain a building permit for any proposed remodeling or construction on the site.
4. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
5. Access from the ADU to a circuit breaker panel shall be provided.
6. Appropriate egress windows and window wells shall be provided.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU, and will include general inspection of the items outlined in the Staff Report.

8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The property owner shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
11. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
12. The property owners shall obtain a residential rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used for temporary rentals such as an AirB&B or VRBO.

Attachments



NOTICE OF PUBLIC MEETING

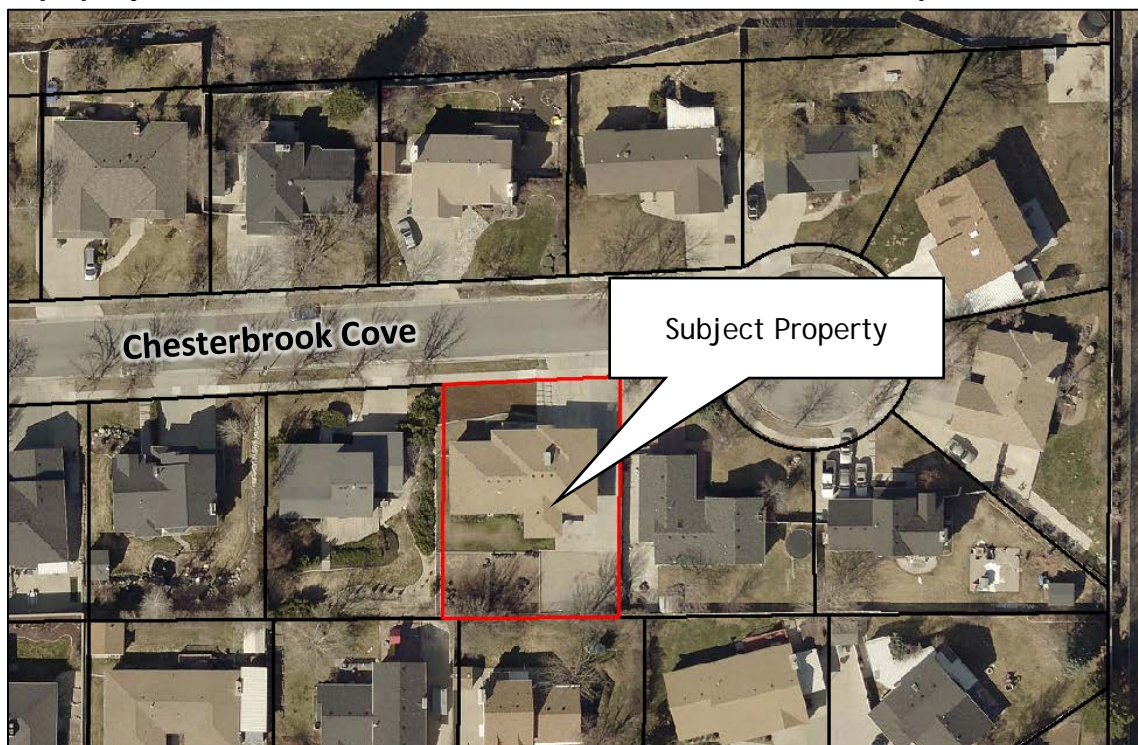
**** PUBLIC NOTICE IS HEREBY GIVEN** that in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020, the Planning Commission of Murray City, Utah will hold an electronic only regular meeting at 6:30 p.m., Thursday, August 20, 2020.

The Chair of the Murray City Planning Commission has determined that due to the continued rise of COVID-19 case counts, meeting with an anchor location presents a substantial risk to the health and safety of those in attendance. No physical meeting location will be available.

The public may view the meeting via live stream at www.murraycitylive.com or

<https://www.facebook.com/MurrayCityUtah/>. If you would like to submit comments for an agenda item, you may do so by sending an email (including your name and contact information) in advance of, or during the meeting to planningcommission@murray.utah.gov. *Comments are limited to 3 minutes or less and will be read into the meeting record.*

The Murray City Planning Commission will hold a public meeting regarding the following application: **Mike and Wilma Egbert are requesting Conditional Use approval to allow the construction and operation of an accessory dwelling unit on the property addressed 931 West Chesterbrook Cove. Please see the attached plans.**



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Planning Division at 801-270-2407, or e-mail to zsmallwood@murray.utah.gov. Written comments to the Planning Commission should be submitted to the Planning Division by 1:00 PM two (2) days prior to the meeting.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.



Figure 1: Site Plan

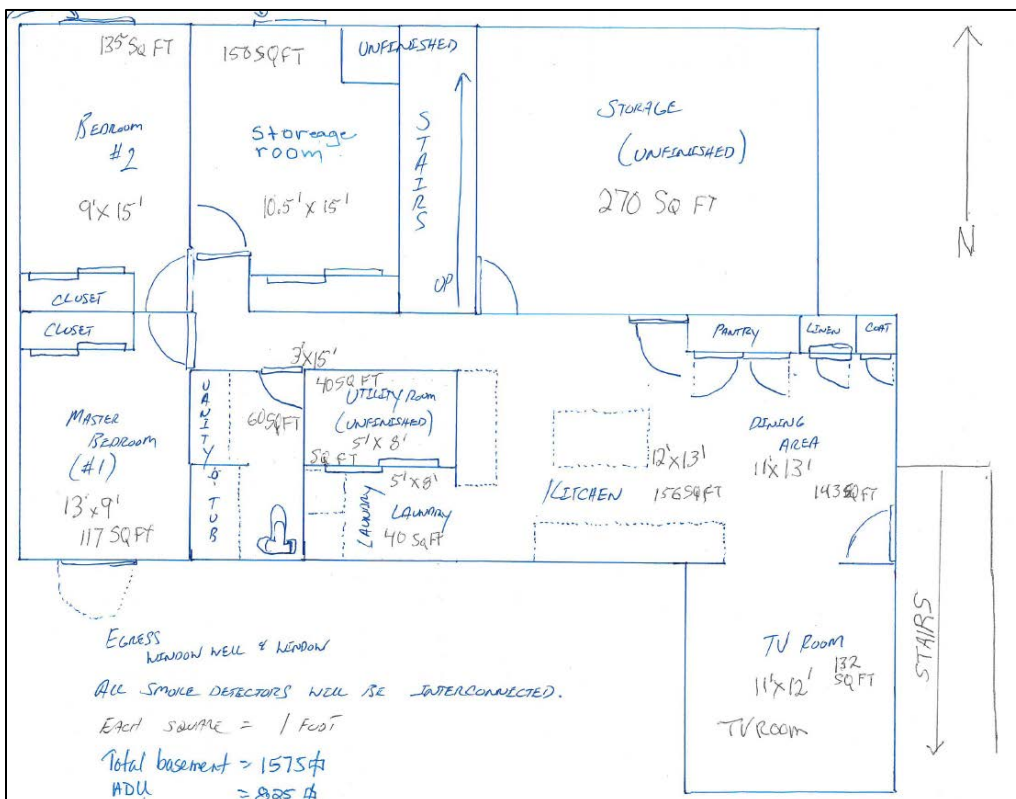


Figure 2: Accessory Dwelling Unit Floorplan

Project # 20-091

CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

☐ New Construction ☐ Land use change ☒ Remodel ☐ Addition

Subject Property Address: 931 W. Chesterbrook Cove

Parcel Identification (Sidwell)

Number: 21-14-252-016

Parcel Area: .23 acres Current Use: resident

Floor Area: 1575 Zoning Classification: R-1-8 LU# _____

Applicant

Name: Mike and Wilma Egbert

Ferry Miller
801-440-4658 cell
801-520-2456 wk

Mailing

Address: 931 W. Chesterbrook Cove

City, State,

ZIP: Murray, Utah 84123

Daytime Phone #: 801-266-2848 Fax #: _____

Email Address: megbert525@aol.com

Business or Project Name : N/A

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

Email address: _____

Describe your request in detail (use additional page if necessary): Approval

For A Basement Apartment, To include Kitchen, Two Bedrooms,
Office, Bathroom, TV Room, washer dryer Hookups

Authorized Signature: Michael Egbert Date: 7/28/20

Property Owners Affidavit

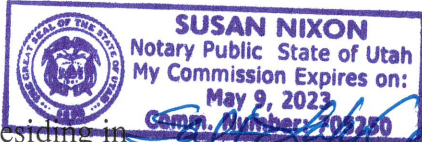
I (we) Michael & Wilma Ebert, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Wilma Ebert Michael Ebert
Owner's Signature Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

Subscribed and sworn to before me this 29 day of July, 2020.



Residing in Salt Lake City My commission expires: 5/9/23

Agent Authorization N/A

I (we), Mike & Wilma Ebert, the owner(s) of the real property located at 931 W. Chesterbrook Av., in Murray City, Utah, do hereby appoint Terry Miller, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Terry Miller to appear on my (our) behalf before any City board or commission considering this application.

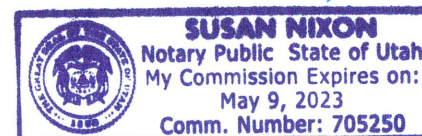
Wilma Ebert Michael Ebert
Owner's Signature Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

On the 12 day of August, 2020, personally appeared before me Michael & Wilma Ebert the signer(s) of the above Agent

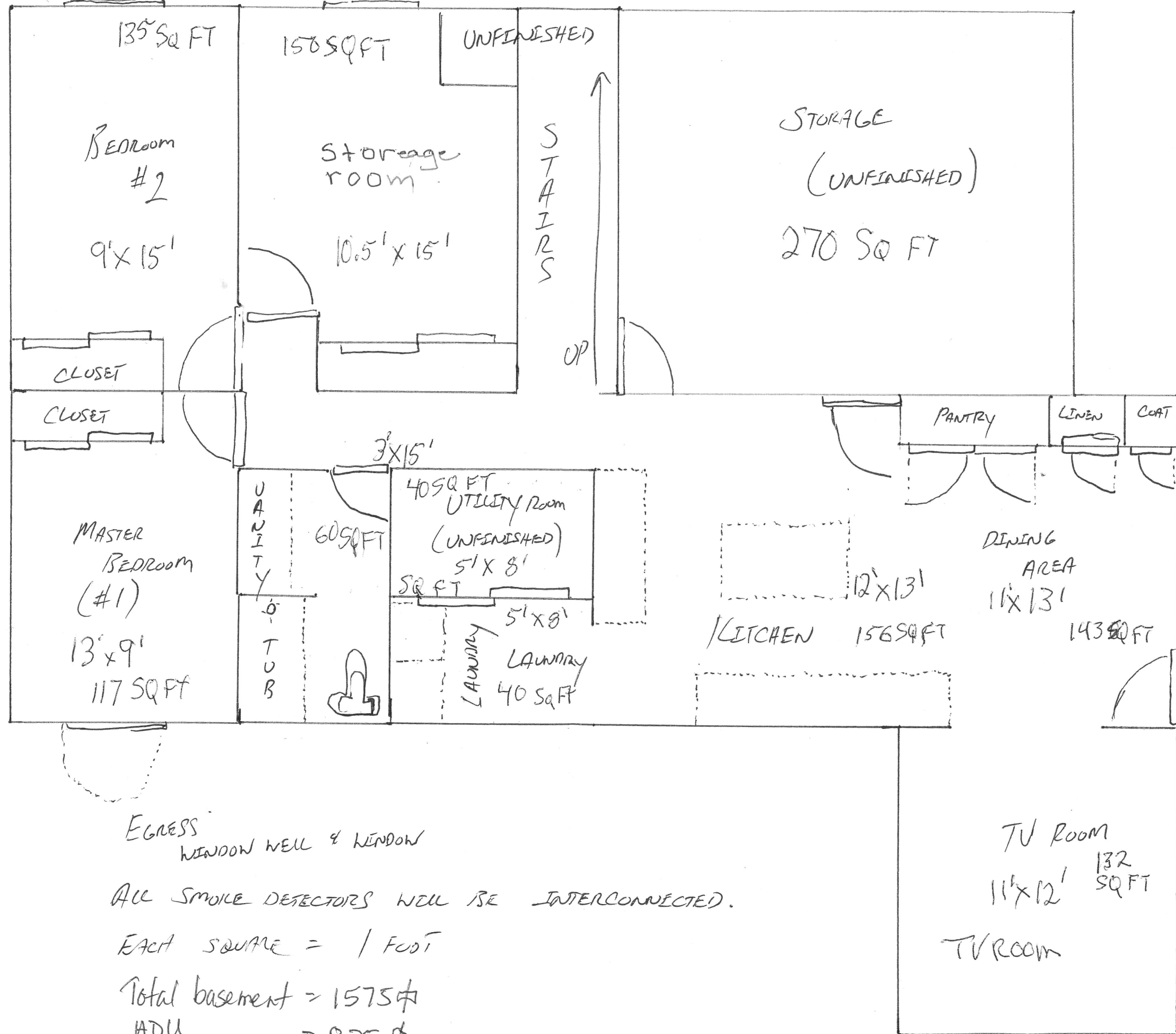
Authorization who duly acknowledge to me that they executed the same.



Residing in Salt Lake City My commission expires: 5/9/2023



EGRESS
WINDOWS
(DAYLIGHT)



EGRESS
WINDOW WELL & WINDOW

ALL SMOKE DETECTORS WILL BE INTERCONNECTED.

EACH SQUARE = 1 FOOT

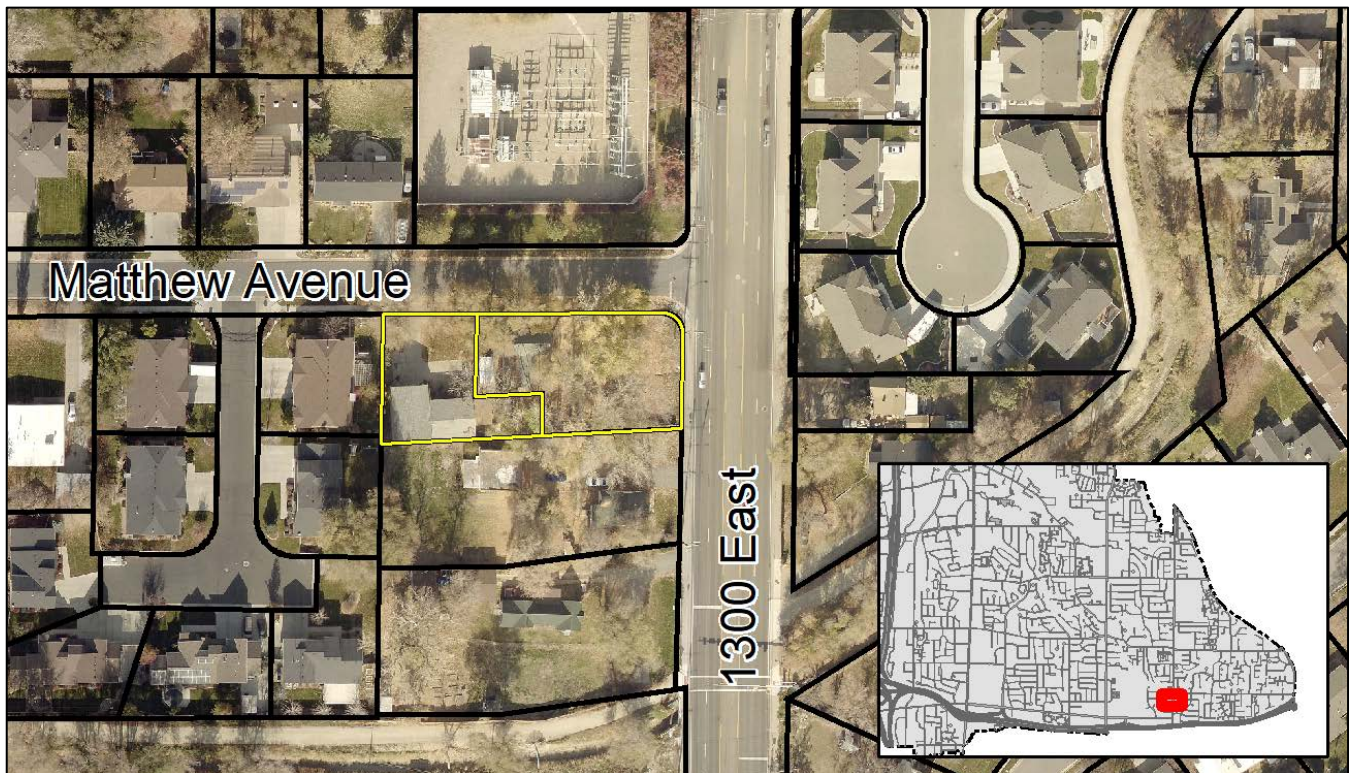
Total basement = 1575 #

ADU = 825 #



AGENDA ITEM #5

ITEM TYPE:	Preliminary + Final Subdivision Approval		
ADDRESS:	6450 + 6468 South 1300 East	MEETING DATE:	August 20, 2020
APPLICANT:	Russell Harris, Castlewood Development	STAFF:	Zachary Smallwood, Associate Planner
PARCEL ID:	22-20-277-022 + 22-20-277-021	PROJECT NUMBER:	20-090
ZONE:	R-1-6, Single Family Residential		
SIZE:	0.46 Acre Site		
REQUEST:	The applicant is requesting Preliminary and Final Subdivision approval for the Matthew Ave 3-Lot Subdivision.		



I. LAND USE ORDINANCE

Title 16, Subdivision Ordinance, Section 16.04.050(F) requires that applications for subdivision of property be reviewed and approved by the Murray City Planning Commission as the Land Use Authority. The proposed subdivision has been designed to meet the requirements of the R-1-6, Medium-Density Single-Family zone in the Murray City Land Use Ordinance, Chapter 17.96.

II. BACKGROUND

Project Location

The subject properties are located adjacent to the southwest corner of 1300 East and Matthew Avenue, which is approximately 6400 South. There are two existing single-family dwellings that are proposed to be demolished but have not yet been removed. The recording of the subdivision will create three new, vacant lots for the construction of single-family homes.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Public Utility (power)	R-1-8
South	Residential, Single Family	R-1-8
East	Residential, Single Family	R-1-8
West	Residential, Single Family	R-1-8

Project Description

The proposal is a single-family residential subdivision with a total of 3 new lots along an existing right-of-way, Matthew Avenue.

Process

The application before the Planning Commission is for Preliminary and Final Subdivision approval. If the Planning Commission approves the subdivision the applicant will work with the Engineering Division to complete a Final Plat. Once the Final Plat has been accepted by the City Engineer, it will be circulated for signatures of approval and finally presented to the Mayor for a signature, which will allow the recordation of the Plat at the Salt Lake County Recorder's Office.

Lot Area, Width, Setbacks, and Height Standards

The proposed subdivision has been designed to meet the requirements of Chapter 17.96 (R-1-6) of the Murray City Land Use Ordinance. Required setbacks have been indicated on each of the proposed lots to demonstrate the ability to comply when placing a new home. Staff has reviewed the Plat and finds that the requirements can be met on the proposed lots. The requirements are reviewed below:

- **Lot Area** – Each lot is required to have a minimum area of 6,000 square feet. The proposed lots are 6,596 ft² (Lot 1), 6,375 ft² (Lot 2), and 7,125 ft² (Lot 3).
- **Lot Width** – Each lot is required to have a minimum of thirty-five feet (35') of frontage along the public right-of-way, and a minimum lot width of sixty feet (60') at the 20' setback line.
- **Front Yard Setback** – Twenty feet (20')
- **Rear Yard Setback** – Twenty-five feet (25')
- **Interior Side Yard Setback** – Five feet (5') minimum., total of the two must be at least twenty feet (20')
- **Corner Side Yard Setback** – Twenty feet (20')
- **Height** – The maximum allowed height for main buildings is thirty feet (30')

Access

Access for the subdivision is via Matthew Avenue, an existing fifty-foot wide local street. Lot 3 has additional frontage along 1300 East, but no access has been proposed on that street. The plans submitted to staff have indicated a five-foot side walk and four foot park strip. This will need to be amended to meet the standards of the subdivision ordinance which requires a four-foot sidewalk and five and a half foot park strip.

Street Trees

Street trees will be required as part of the subdivision improvements at 30' on center along both sides of the new right of way.

Utilities

A utility plan is included as an attachment to this staff report. The applicant will need to work with the various utility companies to ensure that adequate service is provided. The following utility companies will need to provide will-serve letters to Murray City Engineering in order to finish the reviews by the Engineering Division:

- Jordan Valley Water Conservancy District

- Cottonwood Improvement District
- Rocky Mountain Power
- Dominion Energy
- Tanner Ditch Company

Purpose & General Plan Considerations

Section 17.96.010 states that the purpose of the R-1-6 Zone is to “provide areas for single-family medium density residential with an opportunity for varied housing styles and character” Staff finds that the proposed subdivision is in harmony with the purposes of the R-1-6 Zone.

The subject property is located within a large area of residentially developed property. The 2017 Murray City General Plan identifies the land use designation of the area as “Low Density Residential”, which is intended to provide opportunities for primarily single-family residential uses. The General Plan does not provide specific or detailed guidance regarding all aspects of potential development applications; rather, it provides objectives, principals, and best practices upon which to rely when reviewing potential development. Staff finds that the subdivision of the land as proposed in the application is in harmony with purpose and intent of the General Plan.

III. STATE AND MUNICIPAL CODE REVIEW STANDARDS

Murray City Code Title 16, Subdivision Ordinance, outlines the requirements for subdivision review. Utah State Code (10-9a-604) states that a subdivision plat may not be recorded until approved by the Land Use Authority of the City. The Planning Commission’s role as the Land Use Authority is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission makes investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan, Title 17 of City Code, and other pertinent documents as it deems necessary. After completing its review of the final plat, the Planning Commission shall approve or disapprove the final plat in accordance with Section 16.12.070 of City Code.

IV. CITY DEPARTMENT REVIEW

Planning Division Staff circulated the proposed subdivision plans to multiple Murray City Departments for review on August 3rd, 2020. The following comments have been provided by the departments:

- The Murray City Engineer recommends approval subject to the following conditions:

- Meet City subdivision requirements.
- Provide grading, drainage and utility plan and profile drawings.
- Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices where applicable.
- Provide Public Utility Easements on all lots.
- Obtain review and approval for water service from Jordan Valley Water Conservancy District.
- Obtain review and approval for the sewer line extension and sewer service from Cottonwood Improvement District.
- Provide a site geotechnical study and implement recommendations.
- Provide any required easements and vacate any unused easements within the proposed subdivision area.
- Provide a subdivision bond for proposed public improvements.
- Develop and implement a site Stormwater Pollution Prevention Plan (SWPPP) prior to beginning any site grading and construction work.
- Obtain a City Excavation Permit for work within City roadways.
- The Murray City Fire Department recommends approval and does not have any additional conditions.
- The Murray City Water Division recommends approval and states that water service is provided through Jordan Valley Conservancy District.
- The Murray City Wastewater Division recommends approval and states the following:
 - All specifications and work must meet Cottonwood Improvements specifications.
 - Lateral for Lot 1 should not cut across the adjacent property and should be tied straight into the new main that will be installed.
 - Lateral for lot 3 may have to be brought up to current standards and lined.
 - All work and detail must be approved by Cottonwood Improvement district.
- The Murray City Power Department recommends approval and states that service is provided through Rocky Mountain Power.

The preceding comments are addressed as conditions of approval in the final section of this

report.

V. PUBLIC COMMENTS

Fifty-nine (59) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. As of the date of this report, Staff has not received any comments regarding this application.

VI. FINDINGS

Based on the analysis of the Matthew Avenue 3-Lot Preliminary and Final Subdivision review and a survey of the surrounding area, staff concludes the following:

1. With conditions, the proposed subdivision complies with the standards of the Murray City Subdivision Ordinance.
2. The proposed lots comply with the development standards for properties found in Chapter 17.96 of the Murray City Land Use Ordinance.
3. The proposed subdivision is in harmony with the purposes of the R-1-6 Zone, representing appropriate residential development.
4. The proposed subdivision is in harmony with the purpose and intent of the Murray City General Plan, providing additional opportunities for appropriate residential development in the area.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission grant Preliminary and Final Subdivision Approval for the Matthew Avenue 3-Lot Subdivision on the properties addressed 6450 and 6468 South 1300 East** subject to the following conditions:

1. The applicant shall meet Murray City Engineering requirements including the following:
 - a. Meet City subdivision requirements.
 - b. Provide grading, drainage and utility plan and profile drawings.
 - c. Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices where applicable.
 - d. Provide Public Utility Easements on all lots.
 - e. Obtain review and approval for water service from Jordan Valley Water Conservancy

District.

- f. Obtain review and approval for the sewer line extension and sewer service from Cottonwood Improvement District.
 - g. Provide a site geotechnical study and implement recommendations.
 - h. Provide any required easements and vacate any unused easements within the proposed subdivision area.
 - i. Provide a subdivision bond for proposed public improvements.
 - j. Develop and implement a site Stormwater Pollution Prevention Plan (SWPPP) prior to beginning any site grading and construction work.
 - k. Obtain a City Excavation Permit for work within City roadways.
- 2. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
- 3. All lots within the subdivision shall comply with the requirements of the R-1-6 Zone as outlined in Chapter 17.96 of the Murray City Land Use Ordinance.
- 4. The project shall follow International Fire Code (IFC) regulations for fire access and hydrant locations.
- 5. The applicant shall obtain will-serve letters from the following utility providers:
 - a. Jordan Valley Water Conservancy District
 - b. Cottonwood Improvement District
 - c. Rocky Mountain Power
 - d. Dominion Energy
 - e. Tanner Ditch
- 6. The applicant shall meet the requirements of the Murray City Wastewater Division:
 - a. All specifications and work must meet Cottonwood Improvements specifications.
 - b. Lateral for Lot 1 should not cut across the adjacent property and should be tied straight into the new main that will be installed.
 - c. Lateral for lot 3 may have to be brought up to current standards and lined.
 - d. All work and detail must be approved by Cottonwood Improvement district.
- 7. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

Attachments



NOTICE OF PUBLIC MEETING

**** PUBLIC NOTICE IS HEREBY GIVEN** that in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020, the Planning Commission of Murray City, Utah will hold an electronic only regular meeting at 6:30 p.m., Thursday, August 20th, 2020. **The Chair of the Murray City Planning Commission has determined that due to the continued rise of COVID-19 case counts, meeting with an anchor location presents a substantial risk to the health and safety of those in attendance. No physical meeting location will be available.**

The public may view the meeting via the live stream at www.murraycitylive.com

or <https://www.facebook.com/MurrayCityUtah/>.

If you would like to submit comments for an agenda item, you may do so by sending an email (including your name and contact information) in advance of, or during the meeting to planningcommission@murray.utah.gov. *Comments are limited to 3 minutes or less and will be read into the meeting record.*

Representatives of Castlewood Development are requesting preliminary and final subdivision approval to create a 3-Lot Subdivision at the properties addressed 6450 and 6468 South 1300 East. Please see the attached plan.



This notice is being sent to you because you own property within 300 feet of the subject properties. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Planning Division at 801-270-2407, or e-mail to planningcommission@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated | August 7th, 2020

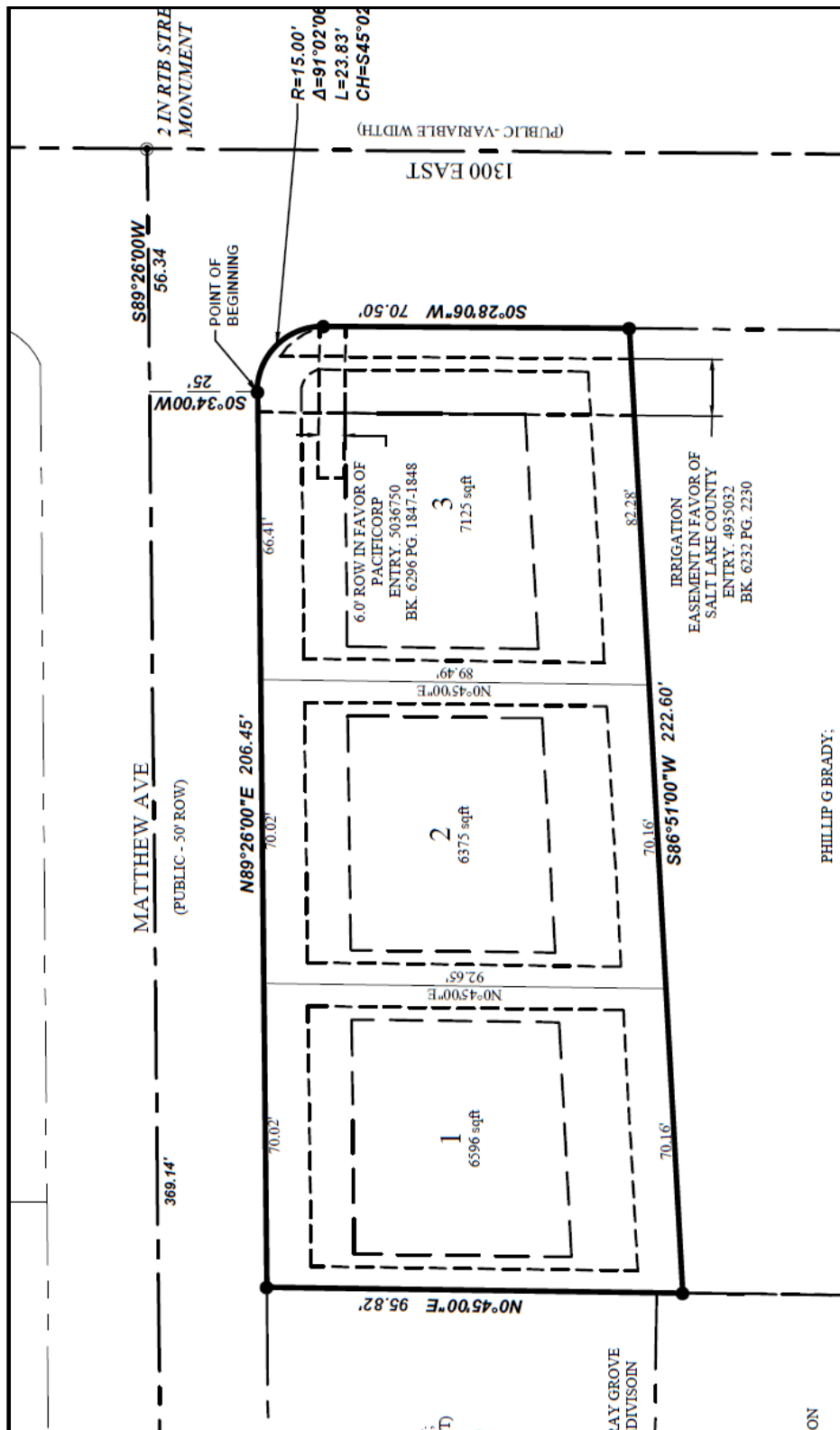


Figure 1: Proposed Subdivision

SUBDIVISION & FLAG LOT APPLICATION

Project # 20-090

Type of Application (check all that apply):

☒ Subdivision

☐ Conditional Use

☐ Concept Review

☐ Flag Lot

☐ Appeal

Subdivision Name: Matthew Ave 3 lots

Subject Property Address: 6468 1300 E

Parcel Identification (Sidwell) Number: _____

Parcel Area: 20096.34 SqFt Current Use: _____

Zoning Classification: R-1-6

Applicant
Name: Russell Harris

Mailing Address: 6900 South 900 East Suite 130

City, State, ZIP: Salt Lake City, Ut, 84047

Daytime Phone #: (801) 598-8848 Fax #: _____

Email Address: rharris@castlewooddevelopment.com

Business Name (If applicable): Castlewood Development

Property Owner=s Name (If different): Arrington Family Trust

Property Owner=s Mailing
Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

Describe your request in detail (use additional page if
necessary): Final subdivision submittal.

Authorized Signature: Craig P. Arrington Date: 7/23/2020

Property Owners Affidavit

I (we) CRAIG P. ARRINGTON, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

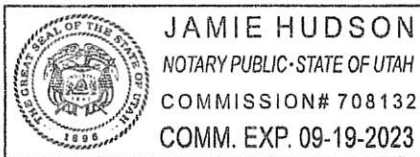
Craig P. Arrington
Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 23rd day of JULY, 20 20.

State of Utah

County of Salt Lake §



[Signature]
Notary Public
Residing in Salt Lake
My commission expires: 9.19.23

Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, in Murray City, Utah, do hereby appoint

Duaine Rasmussen, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Duaine Rasmussen to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

On the _____ day of _____, 20 _____, personally appeared before me

_____ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

State of Utah

County of Salt Lake §

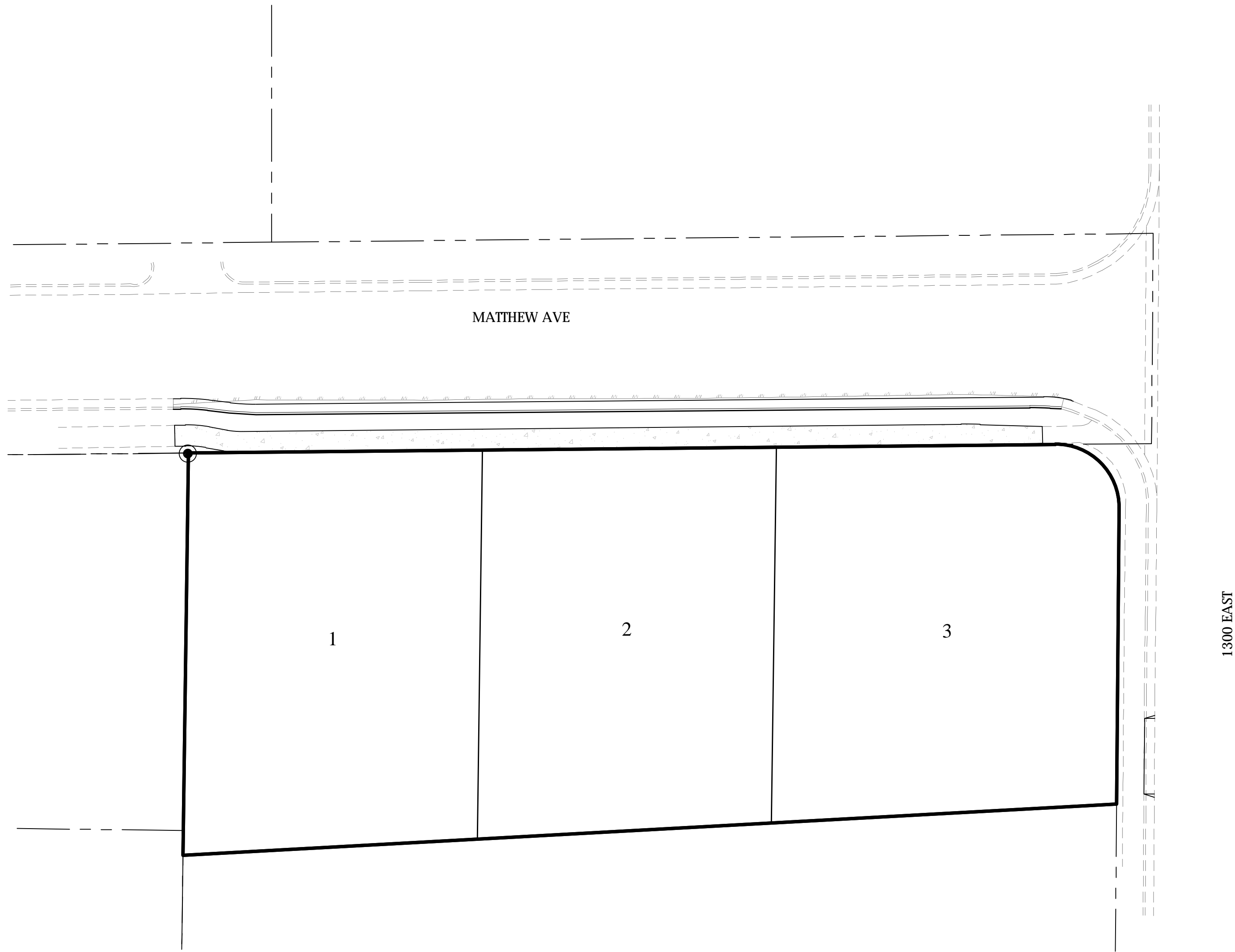
Notary Public
Residing in _____
My commission expires: _____

MATTHEW AVE 3 LOT SUBDIVISION

PREPARED FOR:
CASTLEWOOD DEVELOPMENT
LOCATED IN:
MURRAY, UT



VICINITY MAP
NTS



SITE MAP

Sheet List Table	
Sheet Number	Sheet Title
C1	COVER SHEET
C2	FINAL PLAT
C3	SITE & UTILITY PLAN
C4	GRADING & DRAINAGE PLAN
PP01	MATTHEW AVE

GENERAL NOTES

- CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
- ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL ADHERE TO MURRAY CITY STANDARD PLANS AND SPECIFICATIONS.
- ALL UTILITIES AND ROAD IMPROVEMENTS SHOWN ON THE PLANS HEREIN SHALL BE CONSTRUCTED USING REFERENCE TO SURVEY CONSTRUCTION STAKES PLACED UNDER THE SUPERVISION OF A PROFESSIONAL LICENSED SURVEYOR WITH A CURRENT LICENSE ISSUED BY THE STATE OF UTAH. ANY IMPROVEMENTS INSTALLED BY ANY OTHER VERTICAL OR HORIZONTAL REFERENCE WILL NOT BE ACCEPTED OR CERTIFIED BY THE ENGINEER OF RECORD.
- THIS DRAWING SET IS SCALED TO BE PRINTED ON A 24" X 36" SIZE OF PAPER (ARCH. D). IF PRINTED ON A SMALLER PAPER SIZE, THE DRAWING WILL NOT BE TO SCALE AND SHOULD NOT BE USED TO SCALE MEASUREMENTS FROM THE PAPER DRAWING. ALSO USE CAUTION, AS THERE MAY BE TEXT OR DETAIL THAT MAY BE OVERLOOKED DUE TO THE SMALL SIZE OF THE DRAWING.

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

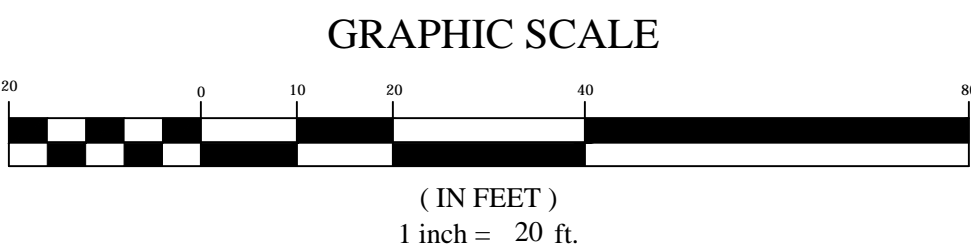
ENGINEER'S NOTES TO CONTRACTOR

- THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS, TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. IF UTILITY LINES ARE ENCOUNTERED DURING CONSTRUCTION THAT ARE NOT IDENTIFIED BY THESE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE CITY, THE OWNER, AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
- UNAUTHORIZED CHANGES & USES: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.
- ALL CONTOUR LINES SHOWN ON THE PLANS ARE AN INTERPRETATION BY CAD SOFTWARE OF FIELD SURVEY WORK PERFORMED BY A LICENSED SURVEYOR. DUE TO THE POTENTIAL DIFFERENCES IN INTERPRETATION OF CONTOURS BY VARIOUS TYPES OF GRADING SOFTWARE BY OTHER ENGINEERS OR CONTRACTORS, FOCUS DOES NOT GUARANTEE OR WARRANTY THE ACCURACY OF SUCH LINEWORK. FOR THIS REASON, FOCUS WILL NOT PROVIDE ANY GRADING CONTOURS IN CAD FOR ANY TYPE OF USE BY THE CONTRACTOR. SPOT ELEVATIONS AND PROFILE ELEVATIONS SHOWN IN THE DESIGN DRAWINGS GOVERN ALL DESIGN INFORMATION ILLUSTRATED ON THE APPROVED CONSTRUCTION SET. CONSTRUCTION EXPERTISE AND JUDGMENT BY THE CONTRACTOR IS ANTICIPATED BY THE ENGINEER TO COMPLETE BUILD-OUT OF THE INTENDED IMPROVEMENTS.

CONTACTS

ENGINEER & SURVEYOR
FOCUS ENGINEERING & SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047
(801) 352-0075
PROJECT MANAGER: ALEX STEWART
SURVEY MANAGER: SPENCER LLEWELYN

OWNER/DEVELOPER
CASTLEWOOD DEVELOPMENT
6900 S 900 E SUITE 130
SALT LAKE CITY, UTAH 84047
(801) 598-8848
CONTACT: RUSSELL HARRIS



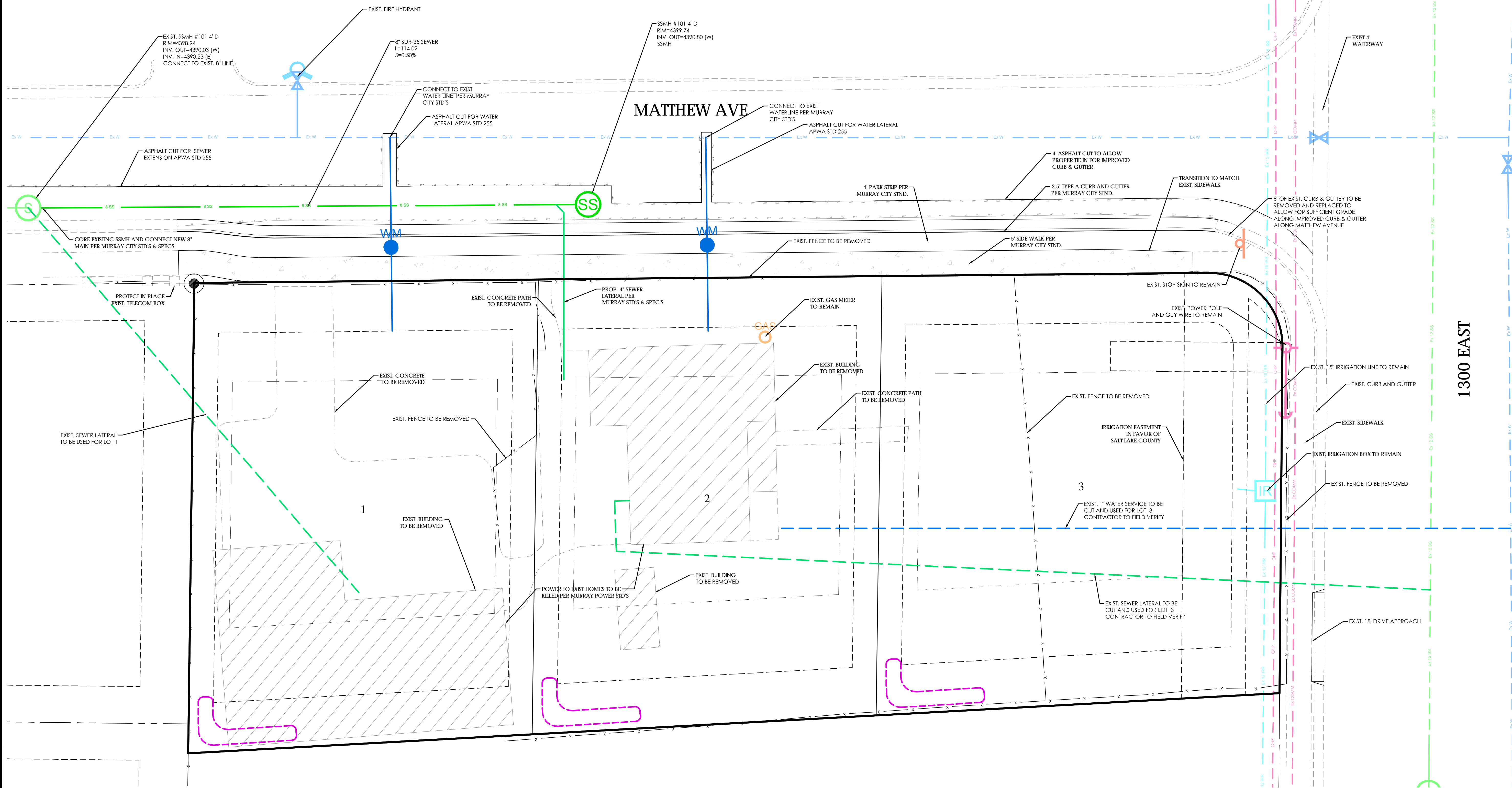
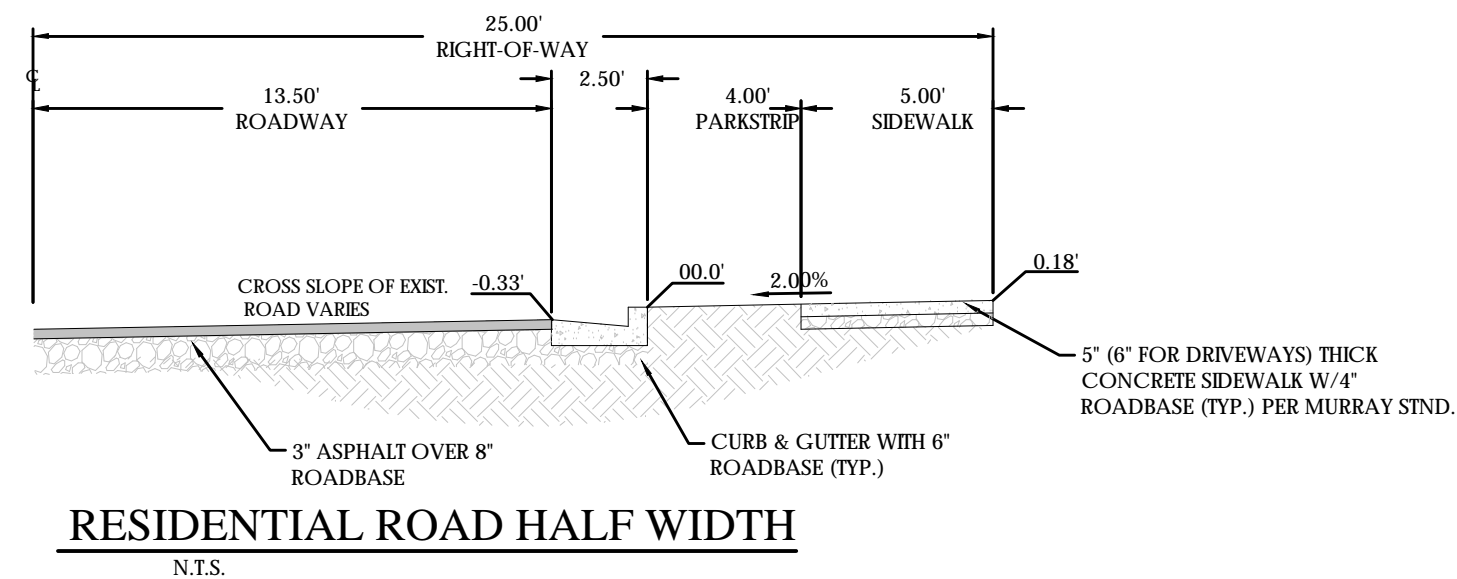
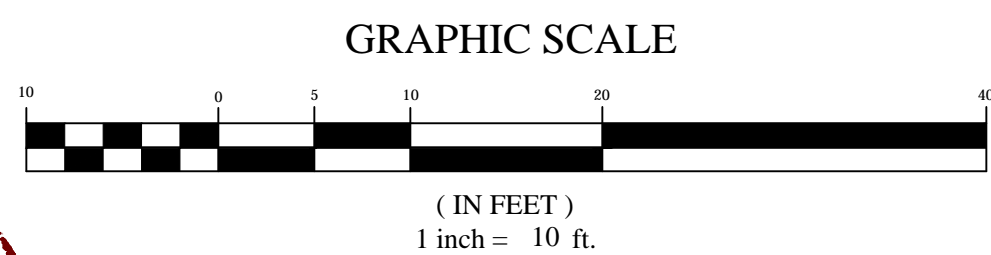
MATTHEW AVE 3 LOT SUBDIVISION
MURRAY, UTAH
COVER SHEET

REVISION BLOCK		DESCRIPTION
#	DATE	
1		
2		
3		
4		
5		
6		

COVER SHEET	
Scale: 1"=20'	Drawn: MEC
Date: 07/20/20	Job #: 20-0263
Sheet:	C1



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ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PHE: (801) 352-0075
www.focusutah.com

FOR
REVIEW
ONLY

MATTHEW AVE 3 LOT SUBDIVISION
MURRAY, UTAH
SITE & UTILITY PLAN

REVISION BLOCK		
#	DATE	DESCRIPTION
1	04-04-04	
2	04-04-04	
3	04-04-04	
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SITE & UTILITY PLAN

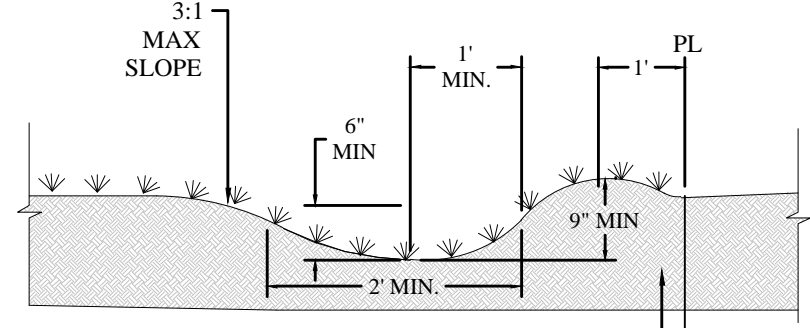
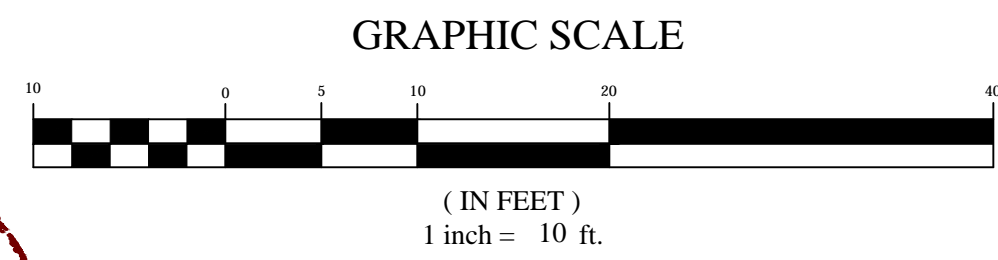
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Date: 07/20/20	Job #: 20-0263
Sheet:	

C3

	BOUNDARY
	ROW
	CENTERLINE
	LOT LINE
	EASEMENT
	15" STORM DRAIN
	8" SANITARY SEWER
	8" CULINARY WATER
	8" SW
	CONTOUR MAJOR
	CONTOUR MINOR
	EXIST. STORM DRAIN
	EXIST. SANITARY SEWER
	EXIST. CULINARY WATER
	EXIST. CONTOUR MAJOR
	EXIST. CONTOUR MINOR
	SIGN
	STREET LIGHT
	SD MH, INLET, AND COMBO
	SEWER MANHOLE
	CULINARY VALVE, TEE & BEND
	SECONDARY VALVE, TEE & BEND
	WATER BLOW-OFF
	FIRE HYDRANT
	STREET MONUMENT (TO BE SET)
	EXIST. STREET MONUMENT
	EXIST. SD INLET & MH
	EXIST. SEWER MH
	EXIST. VALVE, TEE, & BEND
	EXIST. FIRE HYDRANT
	SPOT ELEVATION



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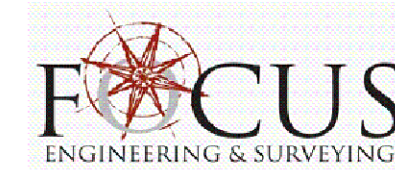


NOTE: DRAINAGE SWALES TO BE CREATED
ALONG LOT LINES TO PREVENT STORM RUN-OFF
FROM IMPACTING ADJACENT PROPERTIES.

DRAINAGE BERM DETAIL

Project: 20-0263 MATTHEW AVE 3 LOTS

Location: MURRAY Utah
Date: 7/9/2020
Designer: MEC



100-Year Defention Sizing

Intensity Table

Intensity Table: Per NOAA Atlas 14
Return Period: 100 years

Return Period: 100 year
Allowable Discharge: 0.30 cfs/acre

Allowable Discharge:	0.20 cfs/acre	Per MUD by Standards
----------------------	---------------	----------------------

Storm Drain Discharge
Other Discharges:

Storm Drain Discharge
Other Discharges:

Total Discharge:

Source:

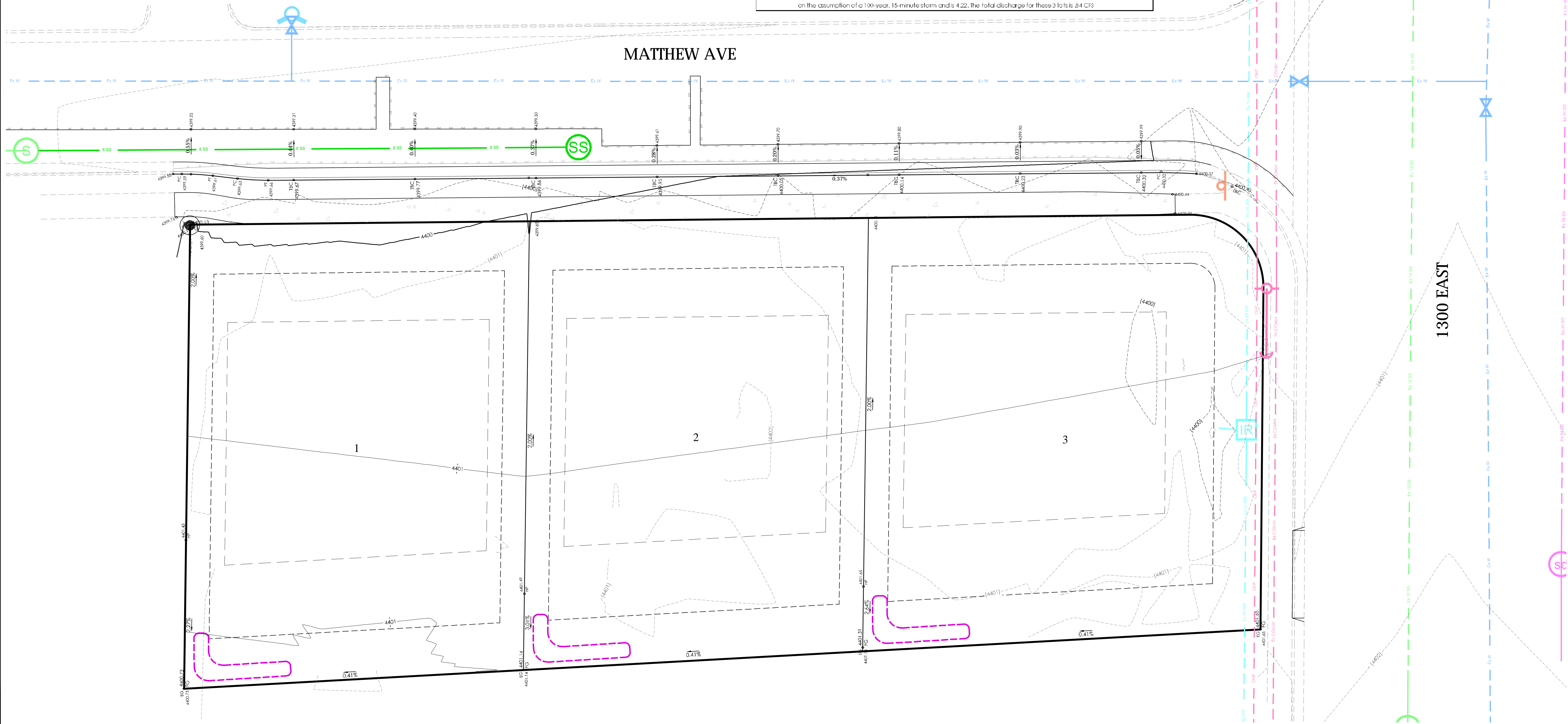
Surface Type
Ballfield

Building	4,900	0.85	3,825
Drives	1,200	0.85	1,020
Roadway and Sidewalk	2,520	0.85	2,142
Landscape	10,876	0.15	1,631
Totals	19,096		8,618
Weighted "C" Value		0.45	

Duration	Intensity	Run

m/s	h/s	Ac		c \bar{c}		$\bar{c}w$	Discharge		Storage	
							c \bar{c}	$\bar{c}w$	$\bar{c}w$	$\bar{c}w$
15.0	4.22	0.45	0.44	0.83		751	0.009	79	673	
30.0	2.84	0.45	0.44	0.56		1,011	0.009	158	854	
60.0	1.76	0.45	0.44	0.35		1,254	0.009	316	938	
120.0	0.95	0.45	0.44	0.19		1,336		631	719	
180.0	0.64	0.45	0.44	0.13		1,358	0.009	947	421	
300.0	0.35	0.45	0.44	0.07		1,421	0.009	1,884	308	
720.0	0.21	0.45	0.44	0.04		1,769	0.009	3,788	2,018	
1440.0	0.11	0.45	0.44	0.02		1,863	0.009	7,575	-5,712	

Calculations are based on the Rational Method ($Q=CIA$). The weighted C-value is .45. The intensity value is based on the assumption of a 100-year, 15-minute storm and is 4.22. The total discharge for these 3 lots is .84 CFS.



MATTHEW AVE 3 LOT SUBDIVISION
MURRAY, UTAH
GRADING & DRAINAGE PLAN

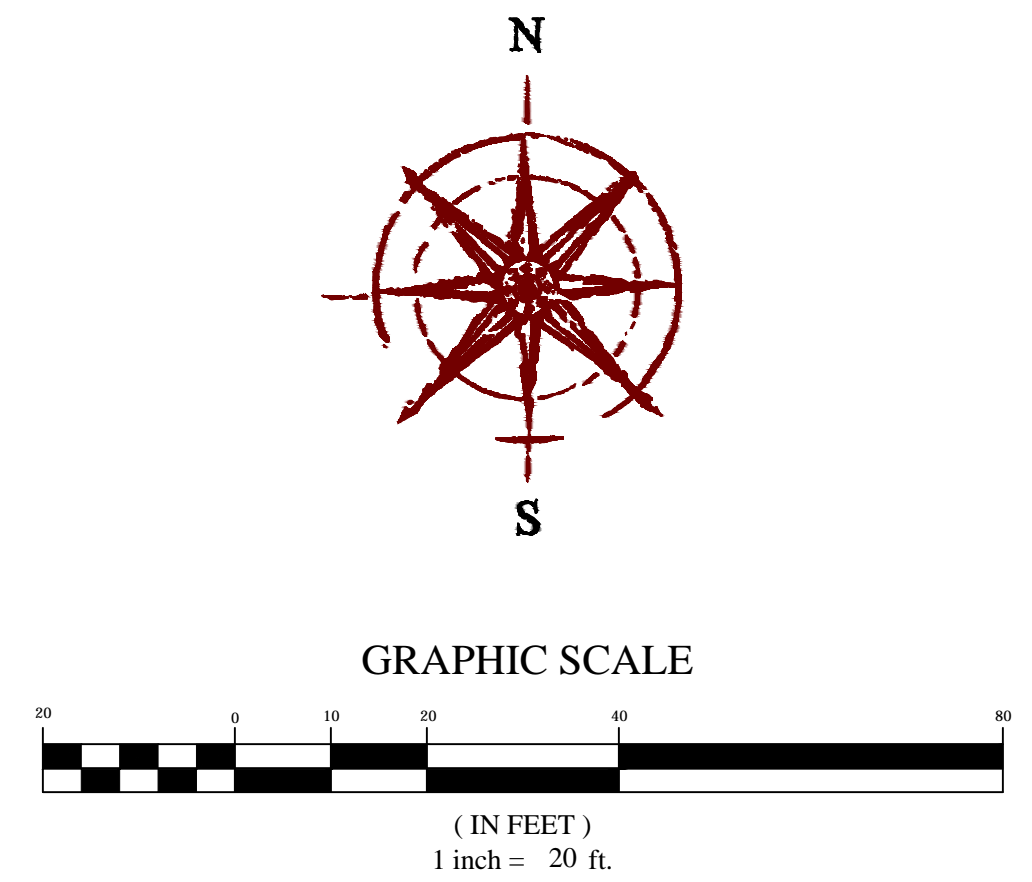
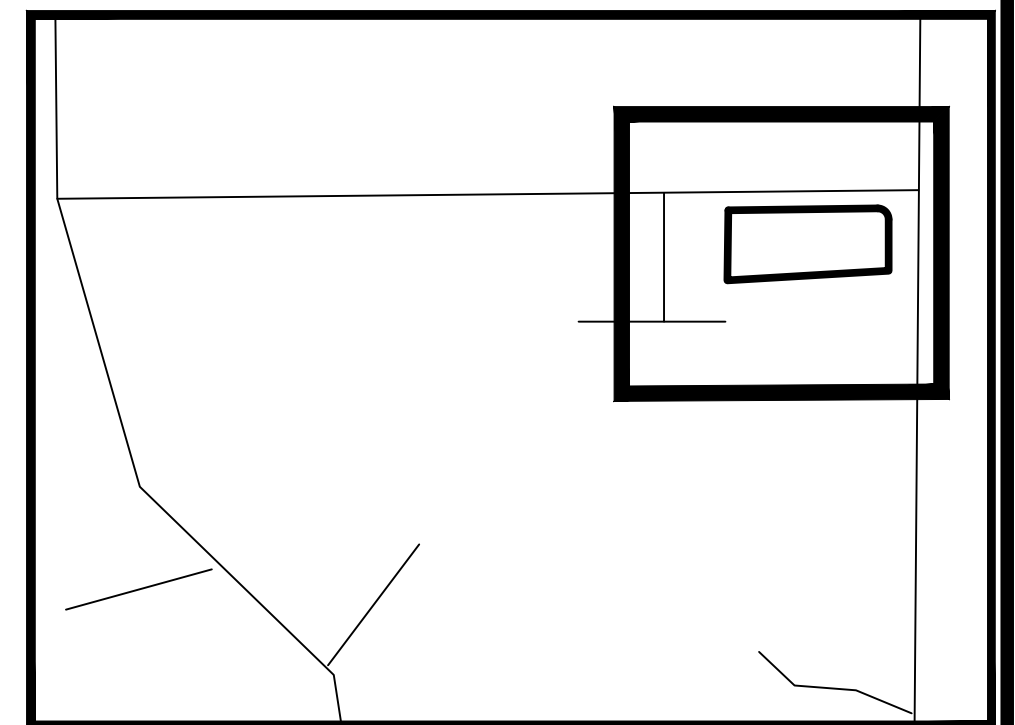
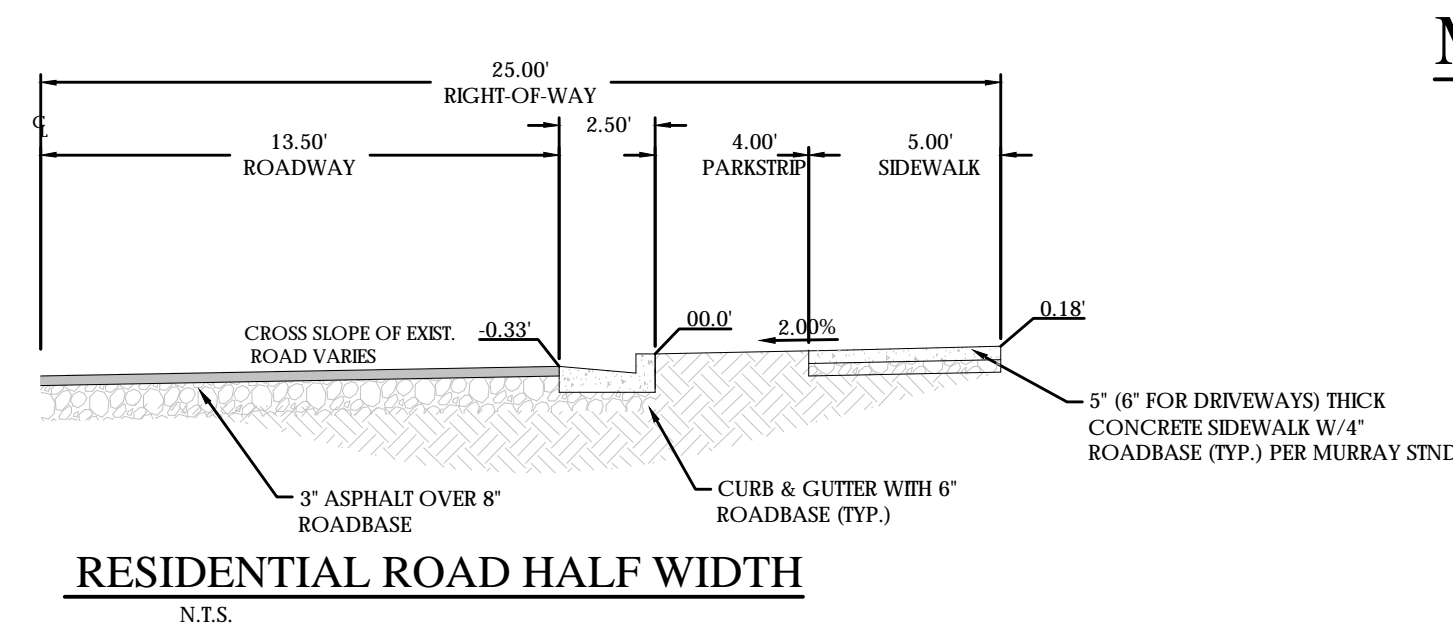
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5	10-10-20	10-10-20
6	10-10-20	10-10-20

GRADING & DRAINAGE PLAN

Scale: 1"=10'	Drawn: MEC
Date: 07/20/20	Job #: 20-0263
Sheet:	

C4

Z:\2020\20-0263 Matthew Avenue 3 Lot\design 20-0263\dwg\sheets\C-4 GRADING & DRAINAGE PLAN.dwg



FOR
REVIEW
ONLY

MATTHEW AVE 3 LOT SUBDIVISION

MURRAY, UTAH

MATTHEW AVE

REVISION BLOCK		DATE	DESCRIPTION
#	1	04-20-20	
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	3	04-20-20	
	4	04-20-20	
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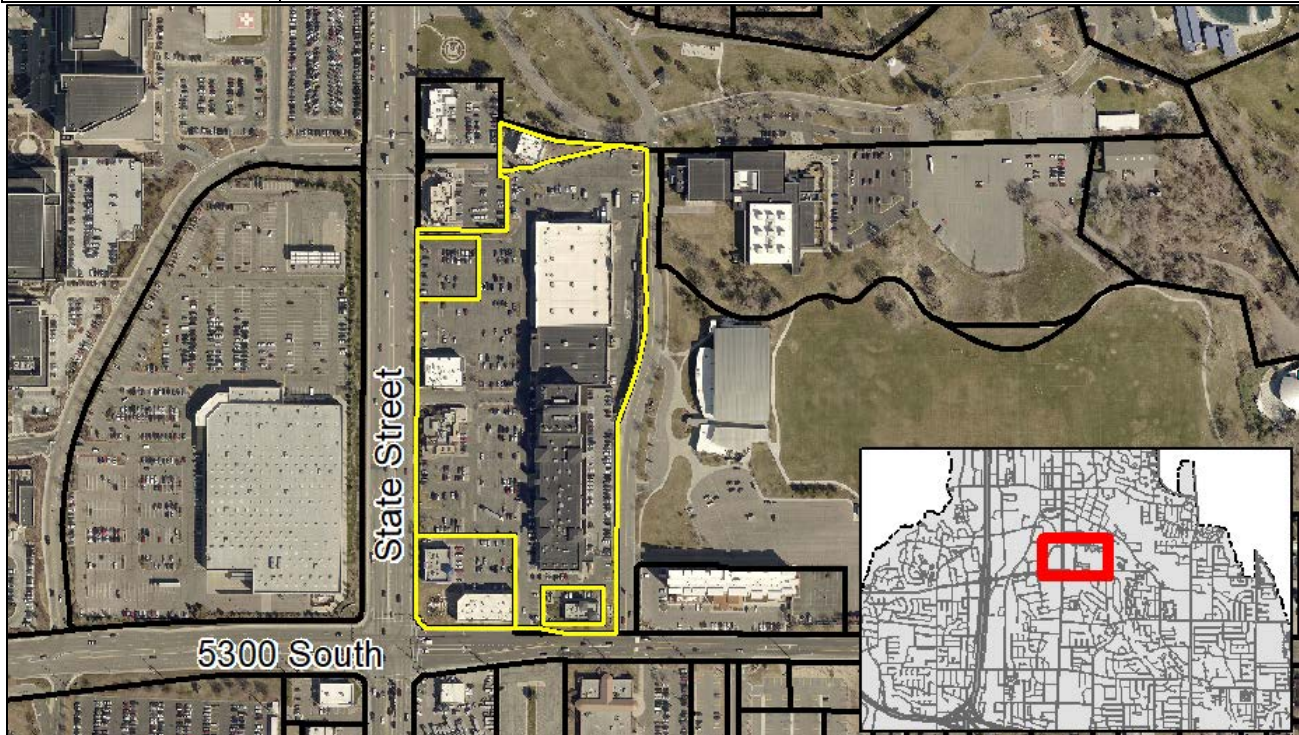
MATTHEW
AVE

Scale: 1"=20'	Drawn: MEC
Date: 07/20/20	Job #: 20-0263
Sheet:	
PP01	



AGENDA ITEMS #6 & #7

ITEM TYPE:	General Plan Amendment / Zone Map Amendment		
ADDRESS:	5283, 5157, 5217, and 5177 South State Street, and 151 East 5300 South	MEETING DATE:	August 20, 2020
APPLICANT:	Howland Partners Inc.	STAFF:	Jared Hall, Planning Division Manager
PARCEL IDs:	22-07-304-030, 22-07-304-031, 22-07-304-028, 22-07-304-029, 22-07-304-027	PROJECT NUMBER:	20-088 20-089
CURRENT ZONE:	C-D, Commercial Development	PROPOSED ZONE:	M-U, Mixed Use
LAND USE DESIGNATION	General Commercial	PROPOSED DESIGNATION	Mixed Use
SIZE:	13.22 acres		
REQUEST:	The applicant would like to amend the Future Land Use Map designation and Zoning of the subject property to support future redevelopment of the property as a mixed use project.		



I. BACKGROUND & REVIEW

Background

The subject property is an active, 13+ acre shopping center called the Pointe @ 53rd. The property is currently a mix of retail “box” stores (including Best Buy and Barnes & Noble), offices, strip retail shops and restaurant pad sites. The center includes surface parking and a parking structure. Because of the location near the downtown, the adjacency to Murray Park, and proximity to both the Intermountain Medical Center and the transit opportunities at Murray Central Station, the property owners are currently interested in reimagining and potentially redeveloping the existing shopping center as a true mixed use project, which would include higher density, multi-family housing on the site. A potential mixed use development would require the requested amendments to the Future Land Use Map and Zoning Map.

Surrounding Land Uses & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Commercial, park	C-D, O-S
South	Commercial (across 5300 South)	C-D
East	Park, hotel	O-S, C-D
West	Commercial, hospital (across State Street)	C-D

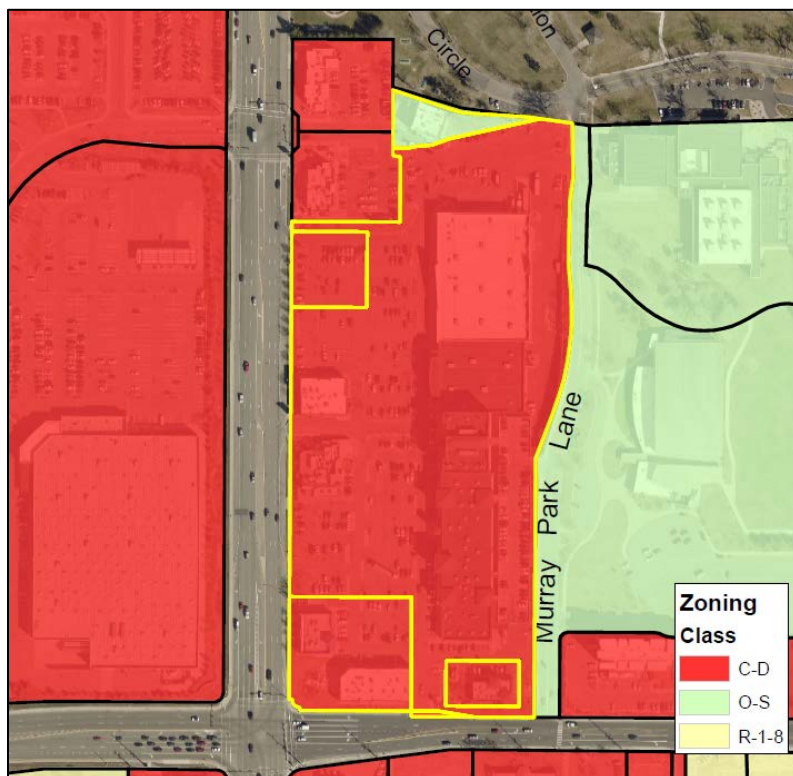


Figure 1: Zoning Map segment, subject property highlighted

Zoning Districts & Allowed Land Uses

- Existing: The existing Commercial Development (C-D) Zone allows hotels, retail stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, vehicle sales, rental, and repairs, convenience stores and gas stations, and athletic clubs. No residential uses are allowed in the C-D Zone.
- Proposed: The proposed Mixed Use (M-U) Zone allows for residential uses such as townhomes, apartments, and condominiums but requires those residential developments to include commercial components on the ground floor. Other allowed uses include hotels, transportation services, department stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, manufacturing, and wholesale trade (both with restrictions). No auto-oriented businesses and services (e.g. vehicle sales, rental, or repair) are allowed in the Mixed Use Zone.

Regulations

The regulations for setbacks, height, parking, buffering and other considerations are distinct between the existing C-D Zone and the proposed M-U Zone. A brief summary of some of the more directly comparable requirements is contained in the table below.

	C-D Zone (existing)	M-U Zone (proposed)
Height of Structures	35' max if located within 100' of residential zoning. 1' of additional height per 4' of additional setback from residential zoning	50' max if located within 100' of residential zoning. 1' of additional height per 1' of additional setback from residential zoning.
Landscaping and Buffer Requirements	10' along all frontages 10% min coverage 10' buffer required adjacent to residential 5' buffer where parking abuts property line.	Building setbacks from frontages must be landscaped (where allowed) 15% min coverage (required as open space, to include amenities) 10' buffer required adjacent to residential 10' buffer where parking abuts property line.
Parking	Retail – 1 per 200 sf net Medical/Dental Office – 1 per 200 sf net General Office – 4 per 1,000 sf net	Retail – 1 per 265 ft ² net Medical/Dental Office – 1 per 265 sf net General Office – 3 per 1,000 sf net

	Special Requirements: none	Special Requirements: Buildings exceeding 4 stories in height must provide 75% of the parking within the exterior walls or within a structure (podium).
Building Setbacks	20' front setback from property line.	Between 15' and 25' from the back of curb (effectively between 0' and 10' from property line). Greater setbacks are allowed for courtyards or plazas.
Public Improvements	Standard (typically 5' sidewalk, 5' park strips)	7' sidewalks, 8' park strips or 15' paved sidewalks with tree wells. Street trees and street furniture (benches, bicycle racks) are required.

One of the most significant differences between the C-D and M-U Zones is the requirement for buildings in the M-U to be located very near the street. The aerial photo of the subject property (shown on the left) is a good example of a shopping center developed with the setback requirements of the C-D Zone. The graphics added to the aerial photo on the right show the buildings placed close to the street, as required by the M-U Zone.

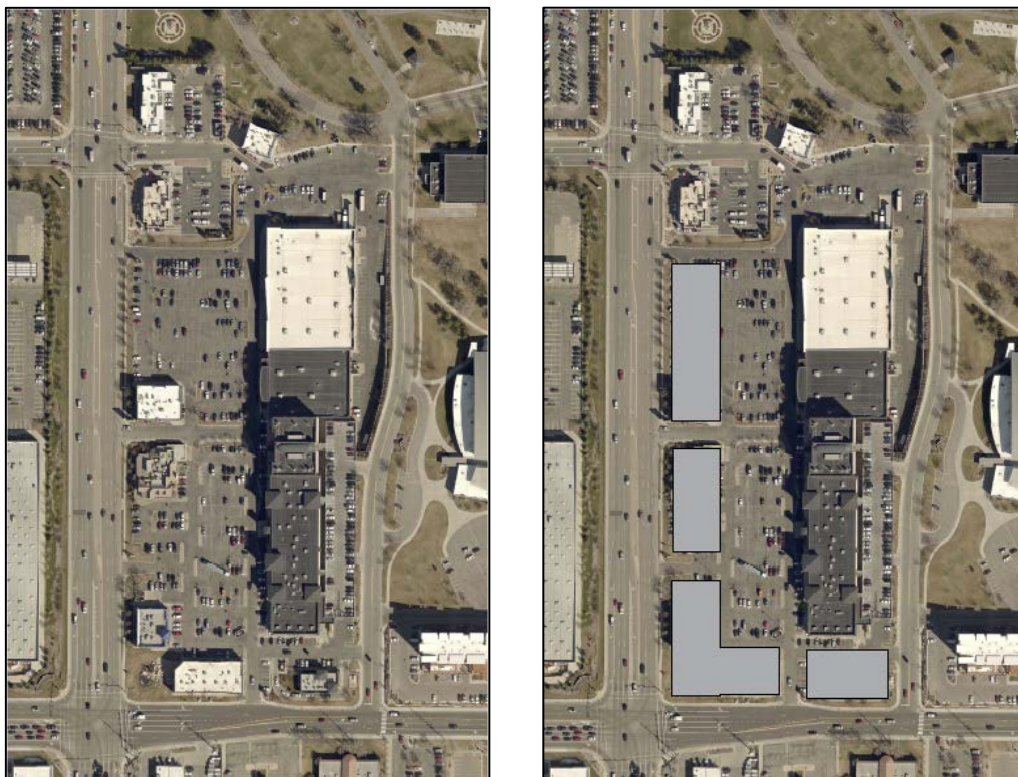


Figure 2: Aerial photos of the property illustrating building placement in the C-D and M-U Zones.

Other regulations included in the M-U Zone that are absent in the existing C-D Zone are intended to foster an active street frontage and encourage more pedestrian activity. For example, the M-U Zone prohibits the outdoor parking of large commercial vehicles and other equipment. The M-U Zone also requires new buildings to include ground floor windows with clear glass on building facades along street frontages, and includes language prohibiting blank walls and requiring entries along street frontages as well.

Differences in the public improvements required in the M-U Zone are also intended to foster an active street frontage. As indicated in the table, new development in the M-U Zone requires minimum 7' wide sidewalks with 8' wide park strips, or a total of 15' paved sidewalks with tree wells and street furniture.



Subject property, C-D Zone improvements.



M-U Zone improvements, Vine Street.

Residential Allowed

Residential uses are not allowed in the C-D Zone, but the proposed M-U Zone is intended to foster development that mixes commercial and higher density, multi-family uses. Multi-family uses must be accompanied by commercial development in the same project, and the residential density that is allowed is based on a project's proximity to the nearest transit center (in this case, the Murray Central Station).

- Density Allowed in the M-U Zone: The table below illustrates residential densities allowed in the M-U Zone.

Project distance to transit station	Residential density allowed
within ¼ mile	up to 100 units per acre
within ½ mile	up to 80 units per acre
within 1 mile	up to 50 units per acre
more than 1 mile	up to 40 units per acre

The subject property is located (measuring closest points in a straight line as prescribed by ordinance) .33 miles from the Murray Central Station. The allowed residential density of the property if rezoned to M-U would be up to 80 units per acre.

- Commercial Required in the M-U Zone: The M-U Zone allows residential uses but requires commercial components. Residential and commercial components can be mixed either vertically (with commercial on the ground floor of residential buildings fronting public and private streets) or horizontally (with commercial buildings that are equivalent to the square footage that would otherwise have been required on the ground floor.

General Plan & Future Land Use Designations

Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for all properties in Murray City. The designation of a property is tied to corresponding purpose statements and zones. These "Future Land Use Designations" are intended to help guide decisions about the zoning designation of properties.

- Existing: The subject property is currently designated as "General Commercial." No dwelling units of any kind are contemplated by this designation. The General Commercial designation is intended primarily for larger retail destinations and shopping centers. The only corresponding zoning designation identified for General Commercial is the C-D, Commercial Development Zone. The General Plan's description recognizes the shift in these types of "retail destinations" in spite of the limited corresponding zoning designation, and states: "High density, multi-family residential complexes will only be considered as part of a larger master-planned

mixed-use development.” While the corresponding C-D Zone does not currently support mixed-use developments, these statements lend support to the proposed amendment.

- Proposed: The applicants have proposed amending the Future Land Use Map designation of the property to “Mixed Use.” The Mixed Use designation is intended for city center and transit station areas and along centers and corridors. Both residential and commercial uses are contemplated in the same areas and/or on the same properties. The designation is also intended to allow high-density, multi-dwelling structures at an urban scale. Corresponding zoning designations include the M-U, Mixed Use Zone and the T-O-D, Transit Oriented Development Zone.

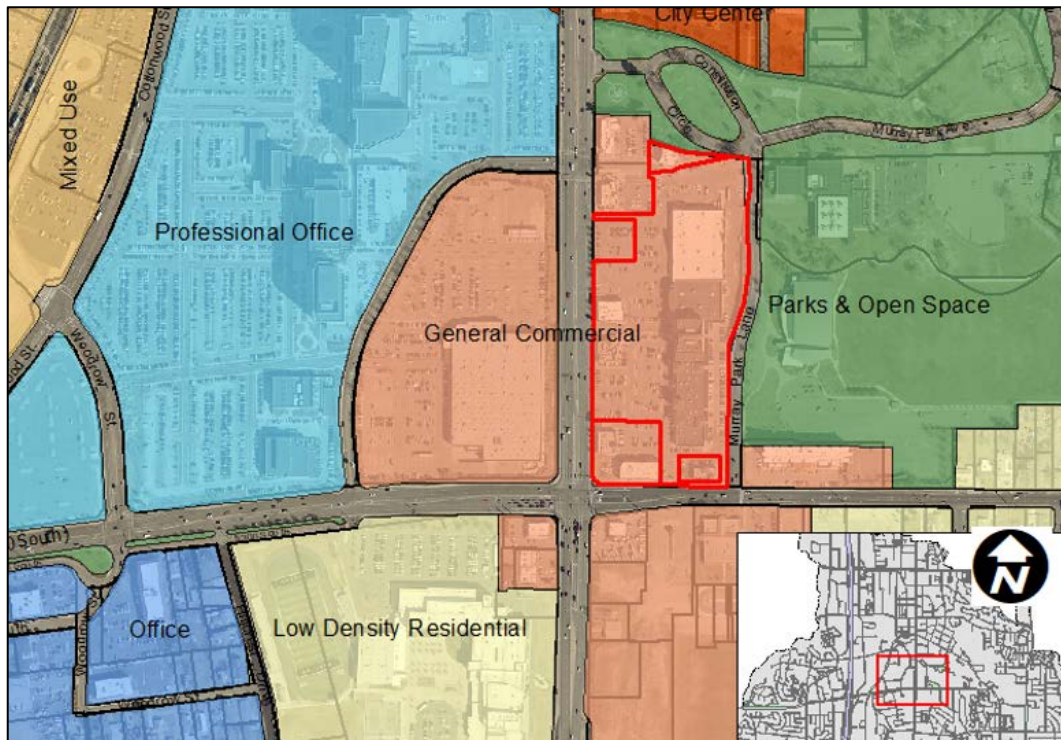


Figure 3: Future Land Use Map segment, subject property highlighted.

Compatibility

The Mixed Use designation is intended for areas near, in, and along centers and corridors, and near transit stations. While the subject property was not included in the Mixed Use designation at the adoption of the General Plan in 2017, it is located near a significant transit station (Murray Central) and along a significant corridor (State Street). The subject property is also located adjacent to a locally and regionally significant open space (Murray Park), and is very near Murray’s downtown: Vine Street is just over ¼ a mile to the north, and the closest property located in the Murray City Center District (MCCD) Zone is 510 feet away. Taken

together and considered with the busy commercial activity that already exists on the site, these circumstances demonstrate that the subject property has significant compatibility with the Mixed Use developments expected in Murray's downtown area. Staff finds that the request to amend the land use designation is appropriate.

II. CITY DEPARTMENT REVIEW

The applications were made available for review by City Staff from various departments on August 3, 2020. The following comments were received from reviewing staff:

- The Murray City Engineer and Public Works stated that they do not support the proposed amendment to the General Plan and Zoning Map. Their statement is as follows: "In general, we do not support spot zone changes that result in developments that significantly impact utility and transportation infrastructure. This location has not been master planned for a Mixed-Use (MU) development. The City may not be able to provide efficient and reliable utility services and transportation infrastructure to support the residential densities allowed in the MU zone. We're also concerned the ensuing development could result in substantial parking and traffic bleed into Murray Park."
- The Murray City Wastewater Division expressed concerns that the change in zoning could have a significant impact on the capacity of the sewer system, and that while the previous master plan accounted for the higher densities of the MCCD area and existing M-U Zoned areas, additional areas to be rezoned were not contemplated. The Wastewater Division is in the process of updating the master plan and recommends that the proposed changes not move forward until all the updated information from the new master plan is available.
- The Murray City Water Division recommends approval without conditions and did not have concerns with the proposed changes.
- The Murray City Power Department recommends approval without conditions and did not have concerns with the proposed changes.

The preceding comments are addressed as conditions of approval in the final section of this report.

III. PUBLIC COMMENTS

42 Notices were mailed to property owners within 500' of the subject property, and to affected entities. As of the writing of this report no comments have been received regarding the applications.

IV. ANALYSIS & CONCLUSIONS

A. Is there need for change in the Zoning at the subject location for the neighborhood or community?

The subject property has the potential to contribute more fully to the goals and objectives of the General Plan and become an important part of the redevelopment of Murray's downtown.

B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?

The proposed M-U Zone would allow higher density housing on the site in addition to the commercial uses, which are already developed on the site. Allowing a mixed use project redevelopment will further enhance the existing commercial, and at the same time allow residential uses adjacent to a significant open space amenity.

C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?

Some concerns have been raised about the current capacity for sewer, although capacity was modeled and provided for in the adjacent district. Other utilities (water, power) have indicated ability to serve the potential development that would be allowed by a Mixed-Use Zone. Transit options and compact development contemplated by the Mixed Use Zone are intended to promote pedestrian and other active transportation in lieu of vehicle traffic, and this site is ideally located close to large amenities, shopping, services and transit. These combined factors will reduce potential for heavy traffic impacts.

V. FINDINGS

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. The proposed amendment to the Future Land Use Map of the 2017 Murray City General Plan has been considered based on the circumstances of the subject property and is in harmony with the purpose and intent of the proposed Mixed Use designation.
3. The proposed Zone Map Amendment from C-D, Commercial Development to M-U, Mixed Use has been considered based on the characteristics of the site and surrounding area, the potential impacts of the change, and supports the policies and objectives of the 2017 Murray City General Plan.
4. The proposed amendment of the Zoning Map from C-D, Commercial Development to M-U, Mixed Use is supported by the description and intent statements for the General Commercial land use designation which recognizes the appropriateness of mixed use developments including high-density, multi-family housing in the General Commercial designation.

VI. STAFF RECOMMENDATION

The requests have been reviewed together in the Staff Report and the findings and conclusions apply to both recommendations from Staff; however, the Planning Commission must take actions on each request individually. Two separate recommendations are provided below:

REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN

Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designating the property located at 5283, 5157, 5217, and 5177 South State Street, and 151 East 5300 South from General Commercial to Mixed Use.**

REQUEST TO AMEND THE MURRAY CITY ZONING MAP

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the requested amendment to the Zoning Map designation of the property located at 5283, 5157, 5217, and 5177 South State Street, and 151 East 5300 from C-D, Commercial Development to M-U, Mixed Use.**



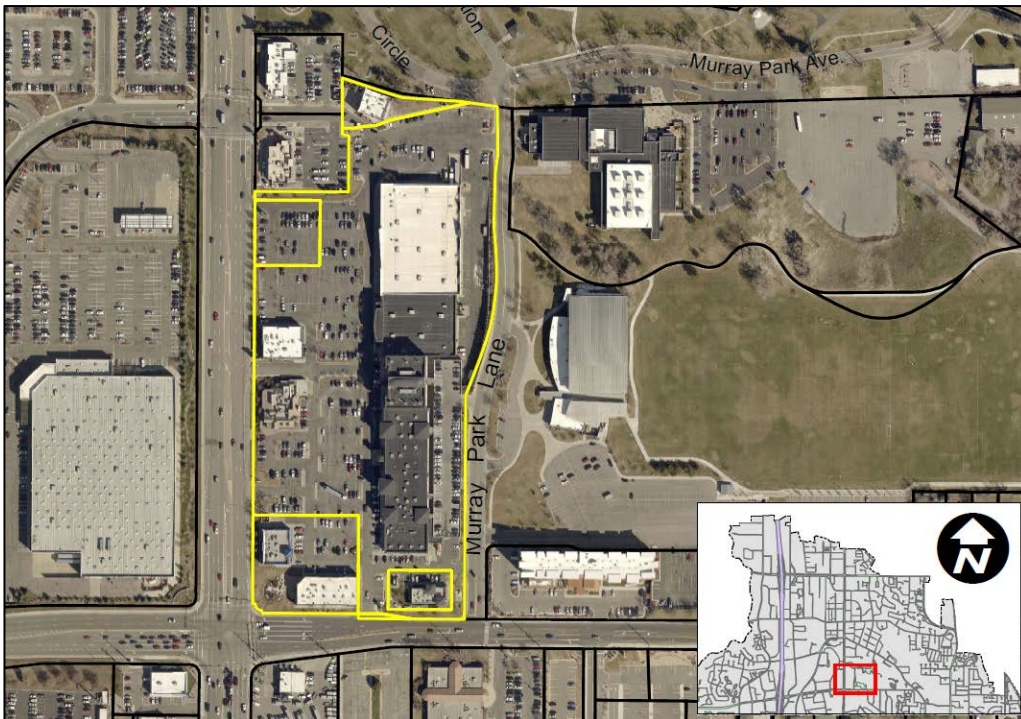
NOTICE OF PUBLIC MEETING

**** PUBLIC NOTICE IS HEREBY GIVEN** that in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020, the Planning Commission of Murray City, Utah will hold an electronic only regular meeting at 6:30 p.m., Thursday, August 20, 2020. **The Chair of the Murray City Planning Commission has determined that due to the continued rise of COVID-19 case counts, meeting with an anchor location presents a substantial risk to the health and safety of those in attendance. No physical meeting location will be available.**

The public may view the meeting via live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. If you would like to submit comments for an agenda item, you may do so by sending an email (including your name and contact information) in advance of, or during the meeting to planningcommission@murray.utah.gov. *Comments are limited to 3 minutes or less and will be read into the meeting record.*

The Murray City Planning Commission will hold a public meeting regarding the following application: **Representatives of Howland Partners Inc. are requesting the following amendments to the Murray City General Plan and to the Zoning Map for the properties located at 5283, 5157, 5217, 5177 South State Street and 151 East 5300 South:**

- 1.) Amend the Future Land Use Map designation of the property from Commercial General to Mixed Use.
- 2.) Amend the Zoning Map Amendment for the property from R-1-8, Low Density Single-Family Residential to R-M-10, Medium Density Multi-Family Residential.



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Jared Hall with the Murray City Planning Division at 801-270-2420 or e-mail to jhall@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated | July 23, 2020

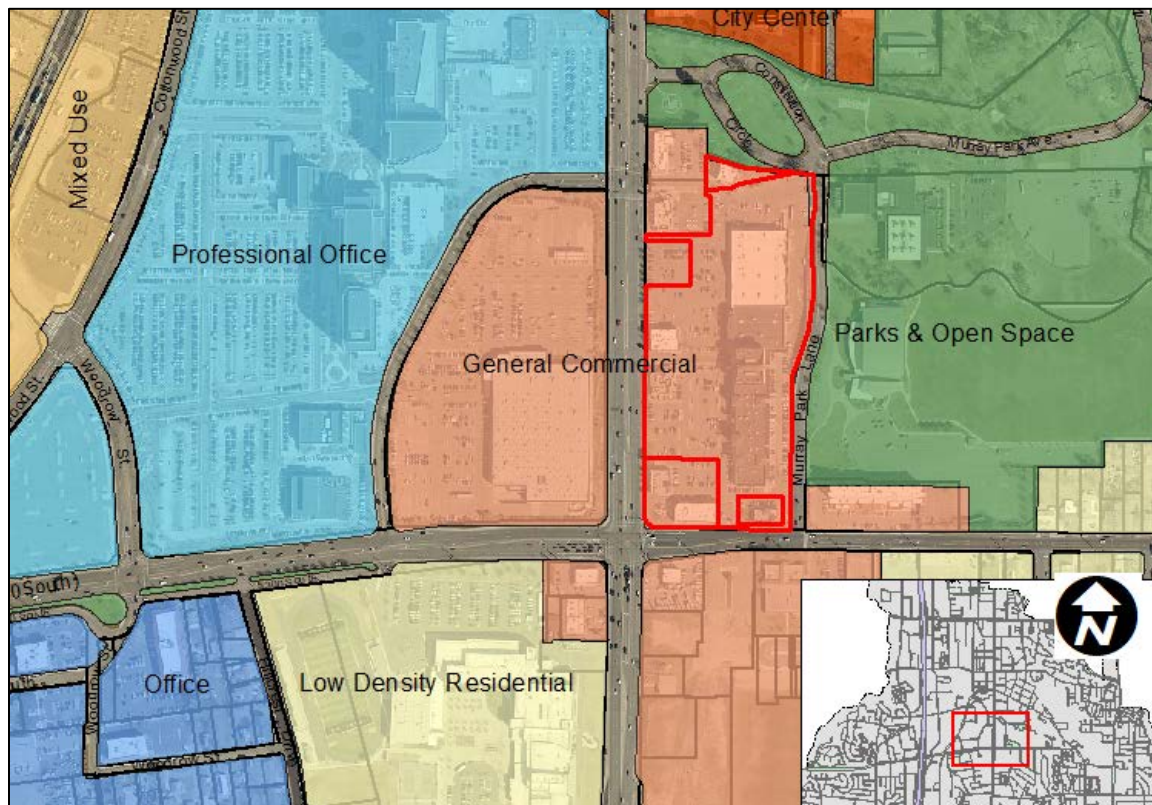


Figure 1: Future Land Use Map segment, subject properties highlighted

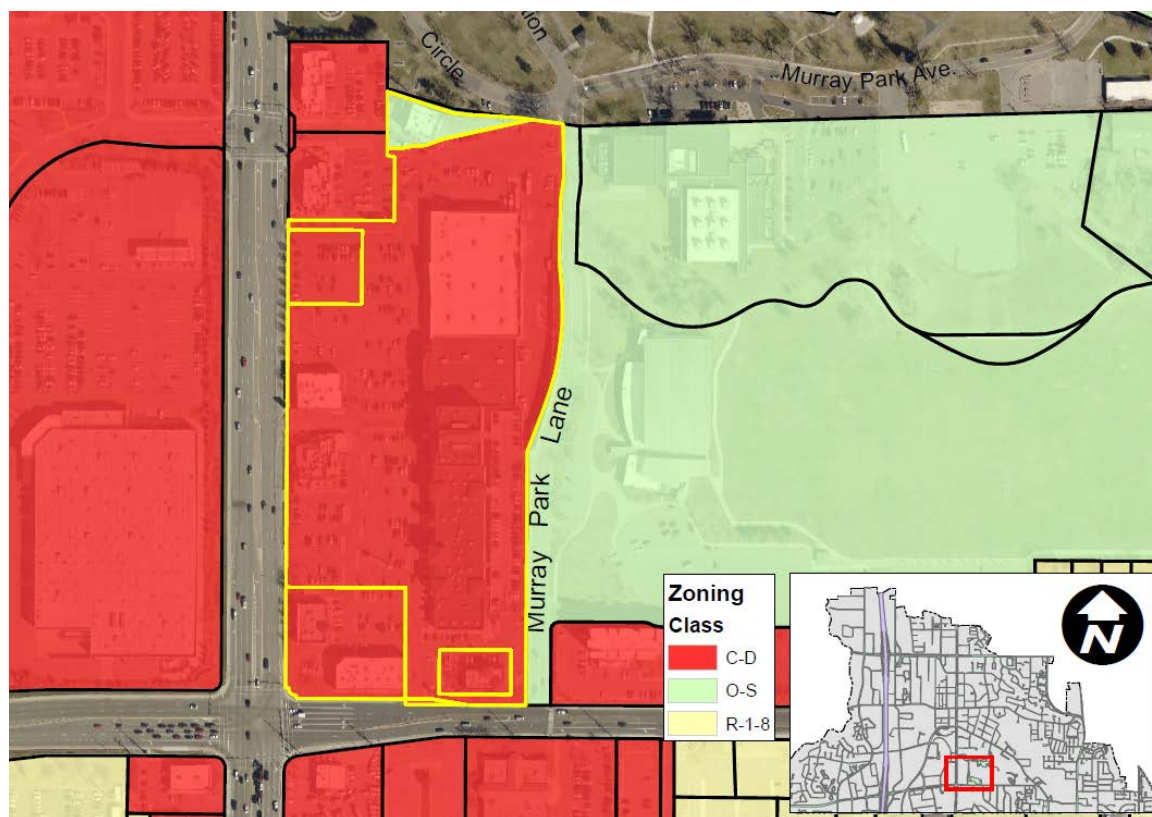


Figure 2: Zoning Map segment, subject properties highlighted

GENERAL PLAN AMENDMENT APPLICATION

Type of Application (check all that apply):

☐ Text Amendment

☒ Map Amendment

Project # 20-088

Subject Property Address: 5283, 5157, 5217, 5177 South State, Murray
151 East 5300 South Murray

Parcel Identification (Sidwell) Number: 22-07-304-030 22-07-304-028
22-07-304-031 22-07-304-029
22-07-304-027

Parcel Area: 13.222 Current Use: Commercial

Land Use Designation: C-D Proposed Designation: M-U

Applicant Name: Howland Partners, Inc.

Mailing Address: 9450 S. Redwood Road

City, State, ZIP: South Jordan, UT 84095

Daytime Phone #: 801-253-8950 Fax #: 801-253-8951

Email Address: Gary@Howlandinc.com; Tina@Howlandinc.com

Business Name (If applicable): Howland Partners Inc.

Property Owner=s Name (If different): George M. James Family Limited Partnership
The Pointe 253rd LC, JFRB-532, LLC

Property Owner=s Mailing Address: 9450 S. Redwood Road

City, State, Zip: South Jordan, UT 84095

Daytime Phone #: 801-253-8950 Fax #: 801-253-8951 Email: Gary@Howlandinc.com
Tina@Howlandinc.com

Describe your request in detail (use additional page if necessary):

The owners desire to revise the General Plan to allow
for residential apartments to be built above commercial
retail space where Barnes & Noble and Best Buy currently stand.

Authorized Signature: [Signature] Date: 7/21/2020

Property Owners Affidavit

Project # _____

I (we) Deanna Butler, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

George M. James Family Limited Partnership
Deanna J. Butler
Owner's Signature

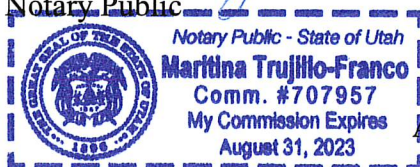
Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

Subscribed and sworn to before me this 16th day of July, 20 20.

Martina Trujillo-Franco
Notary Public



Residing in Salt Lake City Utah
My commission expires: August 31, 2023

Agent Authorization

I (we), Deanna Butler, the owner(s) of the real property located at 5283 S. State Street, in Murray City, Utah, do hereby appoint Howard Portres, Jr., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

George Howard or Tina Franco to appear on my (our) behalf before any City board or commission considering this application.

George M. James Family Limited Partnership
Deanna J. Butler
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

On the 16th day of July, 20 20, personally appeared before me Deanna J. Butler the signer(s) of the above Agent

Authorization who duly acknowledge to me that they executed the same.

Martina Trujillo-Franco
Notary public

Residing in: Salt Lake City Utah
My commission expires: August 31, 2023



Property Owners Affidavit

Project # _____

I (we) Gary Z. Howland, CEO of Howland Partners Inc., being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

The Property is 5800 E. 5th St. by Howland Partners Inc. Its Manager

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §



Subscribed and sworn to before me this 20th day of July, 20 20.

Martina Trujillo-Franco
Notary Public

Residing in Salt Lake City, Utah
My commission expires: August 31, 2023

Agent Authorization

I (we), Gary Z. Howland, CEO of Howland Partners Inc., the owner(s) of the real property located at 5817, 5177 S STATE ST, 151 E 5300 S, in Murray City, Utah, do hereby appoint Howland Partners Inc., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Gary Howland or Tina Franco to appear on my (our) behalf before any City board or commission considering this application.

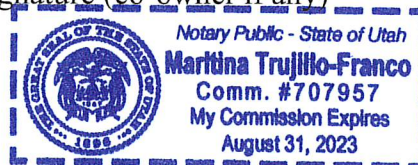
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Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §



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before me Gary Z. Howland the signer(s) of the above Agent

Authorization who duly acknowledge to me that they executed the same.

Martina Trujillo-Franco
Notary public

Residing in: Salt Lake City, Utah
My commission expires: August 31, 2023

Property Owners Affidavit

Project # _____

I (we) Ronald C. Gurnell, Manager, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

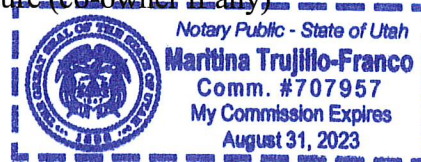
JFR 532 LLC
[Signature]
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

§



Subscribed and sworn to before me this 2nd day of July, 2020.

[Signature]
Notary Public

Residing in Salt Lake City, Utah
My commission expires: August 31, 2023

Agent Authorization

I (we), Ronald C. Gurnell, Manager, the owner(s) of the real property located at 5157 S. State Street, in Murray City, Utah, do hereby appoint Howard Hootner Jr., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Gary Howard or Tina Franco to appear on my (our) behalf before any City board or commission considering this application.

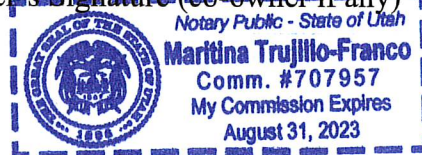
JFR 532 LLC
[Signature]
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

§



On the 2nd day of July, 2020, personally appeared
before me Ronald Gurnell the signer(s) of the above Agent

Authorization who duly acknowledge to me that they executed the same.

[Signature]
Notary public

Residing in: Salt Lake City, Utah
My commission expires: August 31, 2023



5300 S & State St

Google Earth

THE POINTE @ 53RD
PROPERTY DESCRIPTION

A TRACT OF LAND WHICH IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MURRAY CITY, SALT LAKE COUNTY, UTAH, SAID TRACT IS MORE PARTICULARLY DESCRIBED AS, BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF STATE STREET; POINT BEING MORE PARTICULARLY DESCRIBED AS SOUTH 89°59'23" EAST 896.04 FEET TO THE EAST RIGHT OF WAY LINE, AND 1313.70 FEET SOUTH 00°04'38" WEST ALONG SAID RIGHT OF WAY LINE, FROM THE WEST QUARTER CORNER OF SAID SECTION 7, THENCE NORTH 00°04'38" EAST 744.40 FEET; THENCE SOUTH 89°55'22" EAST 209.12 FEET; THENCE SOUTH 80°18'37" EAST 5.94 FEET; THENCE NORTH 00°04'38" EAST 130.00 FEET; THENCE NORTH 80°19'29" WEST 15.50 FEET; THENCE NORTH 00°00'31" WEST 129.95 FEET; THENCE SOUTH 71°48'51" EAST 120.81 FEET; THENCE SOUTH 74°59'50" EAST 24.84 FEET; THENCE SOUTH 86°18'25" EAST 133.45 FEET; THENCE SOUTH 82°21'39" EAST 84.77 FEET; THENCE SOUTH 01°14'54" EAST 108.30 FEET; THENCE SOUTH 07°51'48" WEST 45.45 FEET; THENCE SOUTH 01°12'52" WEST 121.24 FEET; THENCE SOUTH 05°10'37" EAST 55.50 FEET TO THE BEGINNING OF A RADIUS OF 550.00 FEET TO THE RIGHT; THENCE SOUTHWESTERLY 250.66 FEET ALONG THE CURVE THROUGH A DELTA OF 26°06'46" (CHORD BEARS SOUTH 7°52'46" WEST 248.50 FEET); THENCE SOUTH 20°56'09" WEST 94.96 FEET; THENCE SOUTH 00°04'38" WEST 514.02 FEET TO THE NORTH RIGHT OF WAY LINE OF 5300 SOUTH STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 89°52'50" WEST 119.58 FEET; THENCE NORTH 80°57'10" WEST 71.54 FEET; THENCE NORTH 89°53'32" WEST 54.37 FEET; THENCE NORTH 89°53'22" WEST 220.89 FEET; THENCE NORTH 0°06'38" EAST 5.94 FEET TO THE BEGINNING OF A 15.50 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT; THENCE NORTHWESTERLY 24.34 FEET ALONG THE ARC OF SAID CURVE THROUGH A DELTA OF 89°58'01" (CHORD BEARS NORTH 44°54'21" WEST 21.91 FEET); THENCE NORTH 89°54'37" WEST 6.03 FEET; THENCE NORTH 00°04'38" EAST 203.48 FEET TO THE POINT OF BEGINNING

CONTAINS 5 LOTS: 575,957 SF OR 13.222 ACRES

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Project # 20-089

- ☒ Zoning Map Amendment
☐ Text Amendment
☐ Complies with General Plan
☐ Yes ☒ No

Subject Property Address:

5283, 5157, 5217, 5177 South State, Murray
151 East 5300 South, Murray

Parcel Identification (Sidwell) Number:

22-07-304-030 22-07-304-028
22-07-304-031 22-07-304-029

Parcel Area:

13.222

Current Use:

22-07-304-027
Commercial

Existing Zone:

C-D

Proposed Zone:

MU

Applicant

Name:

Howland Partners, Inc.

Mailing Address:

9450 S. Redwood Road

City, State, ZIP:

South Jordan, UT 84095

Daytime Phone #:

801-253-8950

Fax #:

801-253-8951

Email address:

Gary@Howlandinc.com; Tina@Howlandinc.com

Business or Project Name:

The Pointe @ 53rd

Property Owner's Name (If different):

George M. Jones Family Limited Partnership

The Pointe @ 53rd, LLC, JFRE-532, LLC

Property Owner's Mailing Address:

9450 S. Redwood Road

City, State, Zip:

South Jordan, UT 84095

Daytime Phone #:

801-253-8950

Fax #:

801-253-8951

Email:

Gary@Howlandinc.com
Tina@Howlandinc.com

Describe your reasons for a zone change (use additional page if necessary):

The owners desire to revise the current property zone from
Commercial (C-D) to Multi-use (M-U) to allow for residential
apartments to be built above commercial retail space where
Barnes & Noble and Best Buy currently stand.

Authorized Signature:

[Signature]

Date:

7/21/2020

Property Owners Affidavit

I (we) Deanna Butler, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

George M. James Family Limited Partnership

Deanna Butler
Owner's Signature

Co- Owner's Signature (if any)

State of Utah

§

County of Salt Lake



Subscribed and sworn to before me this 16th day of July, 2020.

Martina Trujillo-Franco

Notary Public

Residing in Salt Lake City, Utah My commission expires: August 31, 2023

Agent Authorization

I (we), Deanna Butler, the owner(s) of the real property located at

5283 S State Street, Murray, Utah, in Murray City, Utah, do hereby appoint

Lowland Partners, Inc., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Gary Lowland or Tina Franco to appear on my (our) behalf before any City board or commission considering this application.

George M. James Family Limited Partnership

Deanna Butler
Owner's Signature

Co-Owner's Signature (if any)

State of Utah

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CEO of Howland Partners, Inc, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

The Pointe 53rd, LLC, by Howland Partners, Inc. Its Manager

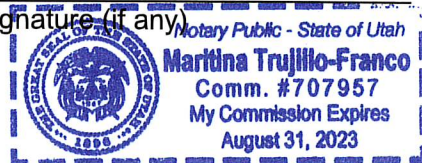
Owner's Signature

Co- Owner's Signature (if any)

State of Utah

§

County of Salt Lake



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Martina Trujillo-Franco
Notary Public
Residing in Salt Lake City, Utah

My commission expires: August 31, 2023

Agent Authorization

I (we), Gary Howland
CEO of Howland Partners, Inc, the owner(s) of the real property located at

5217, 5775 State St, 151 E. 5300S, in Murray City, Utah, do hereby appoint

Howland Partners Inc, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Gary Howland or Tina Franco to appear on my (our) behalf before any City board or commission considering this application.

The Pointe 53rd, LLC, by Howland Partners, Inc. Its Manager

Owner's Signature

Co-Owner's Signature (if any)

State of Utah

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Residing in Salt Lake City, Utah

My commission expires: August 31, 2023

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JFRG-532, LLC

[Signature]

Owner's Signature

State of Utah

§

County of Salt Lake

Co- Owner's Signature (if any)



Subscribed and sworn to before me this 20th day of July, 2020.

Martina Trujillo-Franco

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JFRG-532, LLC

[Signature]

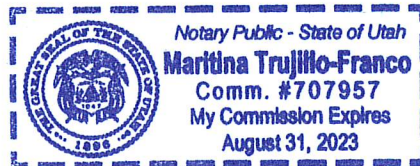
Owner's Signature

Co-Owner's Signature (if any)

State of Utah

§

County of Salt Lake



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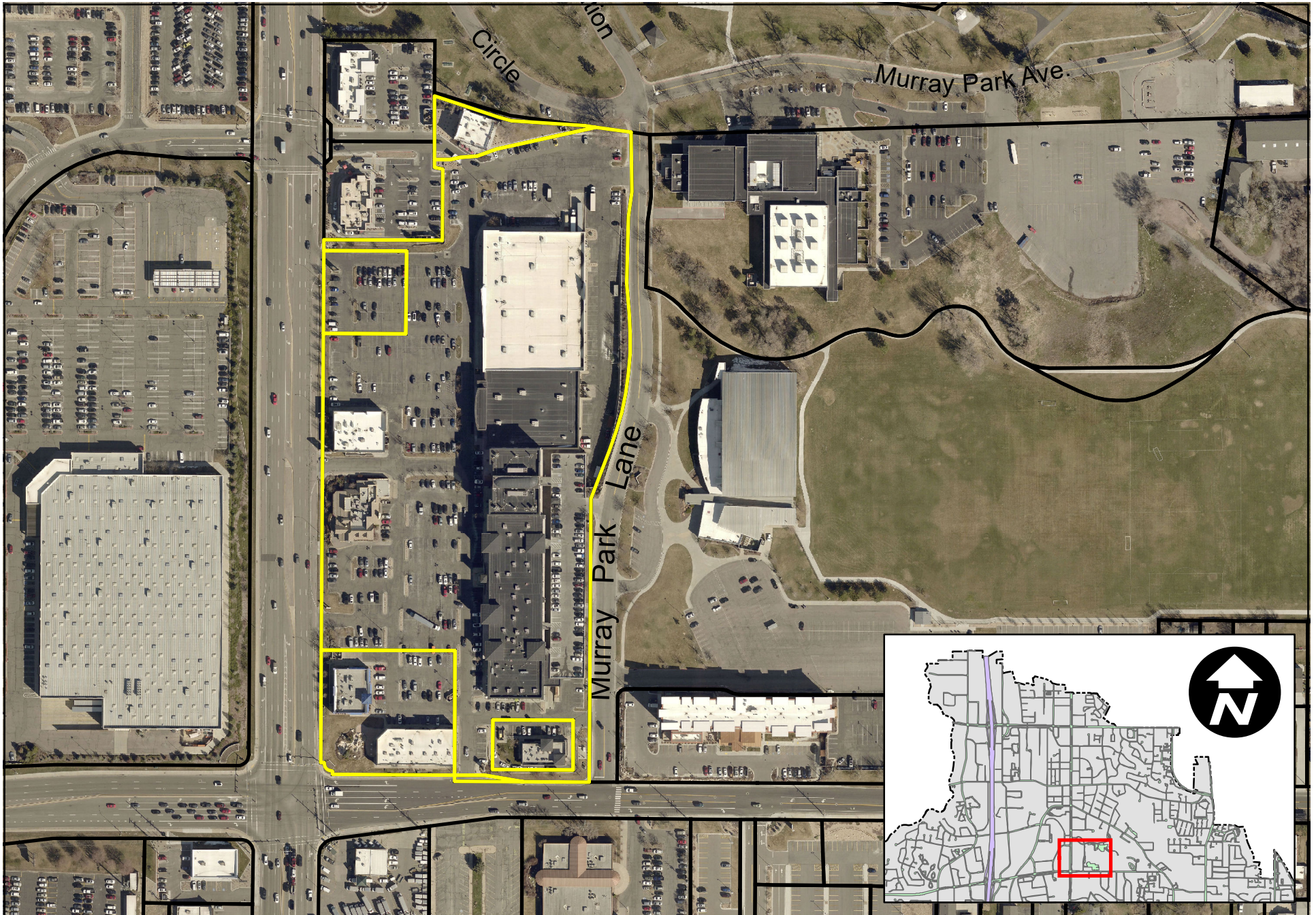
Ronald Gurrell the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Martina Trujillo-Franco

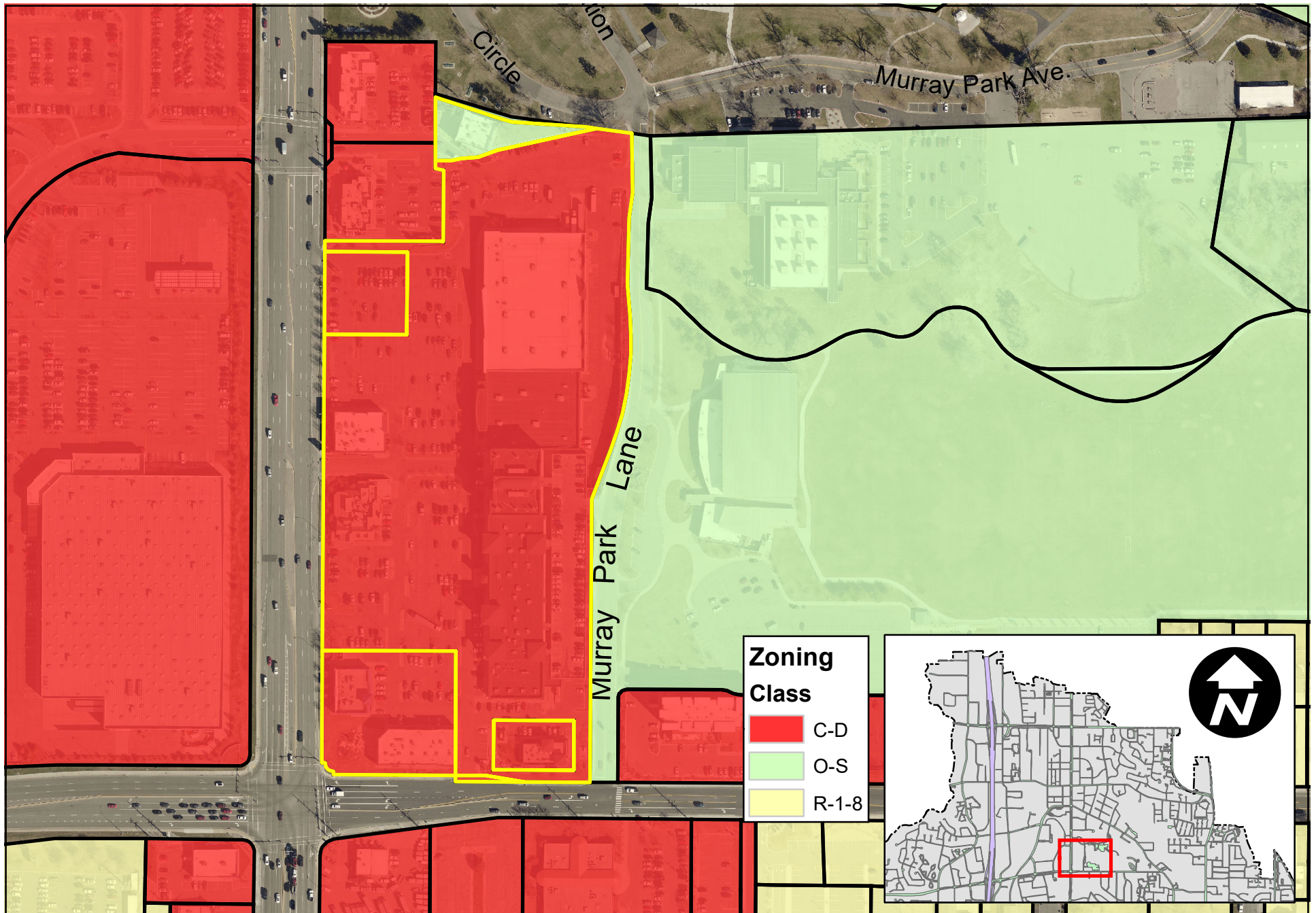
Notary Public

Residing in Salt Lake City, Utah My commission expires: August 31, 2023

5157, 5177, 5217, 5283 South State Street + 151 East 5300 South



5157, 5177, 5217, 5283 South State Street + 151 East 5300 South





AGENDA ITEM #8			
ITEM TYPE:	Text Amendment to Section 17.65, Beekeeping Standards		
APPLICANT: Community & Economic Development, Planning Division		MEETING DATE:	August 20, 2020
CURRENT ZONE:	Single-Family Residential Zones	STAFF:	Susan Nixon, Associate Planner
REQUEST:	Allowed in all Zones where there is a single-family detached dwelling	PROJECT NUMBER:	20-077
		APPLICABLE ZONE:	All Zones

I. BACKGROUND & REVIEW

Background

The proposed ordinance amendment to Title 17.65, Beekeeping Standards, (LU#8156 Apiaries) would be amended to include all properties used as single-family detached homes regardless of the zoning. Regulations would be simplified to be “subject to registration with the Utah Department of Agriculture and following Salt Lake County Health Department requirements” (see attached).

Analysis and Practical Implementation

After several years of review and modifications, Murray City elected officials adopted Section 17.65, Beekeeping Standards, on October 18, 2016. Since that time, it has come to our attention that the adopted code is too stringent and difficult for Murray citizens to meet. Murray City has received no applications for Beekeeping. In recent conversations with the State Apiary Department (a division of the Utah Department of Agriculture), it was indicated that since Murray’s adoption of Title 17.65, there has been a 60% reduction of hive registrations in Murray City. It was indicated by Kristopher Watkins of the Utah Department of Agriculture that our code is too restrictive and citizens cannot comply, therefore the registrations with the Department of Agriculture have significantly dropped because citizens do not want to be targeted as “out of compliance” to the Murray City’s regulations. With this proposed amendment, a Murray City application would no longer be required, and regulations and compliance would largely be handled through the Utah Department of Agriculture and Salt Lake County Health Department. Murray City staff would only be responsible to verify numbers of hives versus lot size. Murray City does not have the expertise or staff to inspect hives for compliance and would refer issues to the County inspector(s).

Current and Proposed Changes

- Allowance: Murray City Code 17.65 currently allows for Apiaries (LU#8156) in single family residential zones (R-1-6, R-1-8, R-1-10, R-1-12) as: “Apiaries (includes all processes involved in honey production; on lots 8,000 square feet or larger; noncommercial only).” In the A-1 zone Apiaries are allowed as a permitted use “established to provide areas where agricultural uses and open spaces can be encouraged and maintained. This district is intended to include activities normally related to the conduct of light agricultural uses and residential living.”

The changes proposed by staff include removing the list of allowed zones in favor of allowing apiaries as accessory uses in all zones “on properties in use for single-family, detached homes”.

- Lot Size / Number of Hives: The number of hives are currently limited by the lot size. Staff recommends that lot size and the number of hives allowed be maintained, amending the minimum lot size be 4,000 square feet.
 - a. Four thousand (4,000) square foot to Eight thousand (8,000) square foot lots are permitted no more than two (2) hives;
 - b. Nine thousand (9,000) square foot lots are permitted no more than three (3) hives;
 - c. Ten thousand (10,000) square foot lots are permitted no more than four (4) hives;
 - d. Eleven thousand (11,000) square foot lots are permitted no more than five (5) hives;
 - e. Twelve thousand (12,000) square foot lots are permitted no more than six (6) hives.
- Other Requirements: The current ordinance requires items such as Certificates of Insurance, Hold Harmless agreements between an applicant and Murray City, site plans, as well as applications and a fees. Staff proposes removing these requirements from the ordinance and requiring only registration with the Utah Department of Agriculture and compliance with Salt Lake County Health Department regulations for apiaries.

Staff Review

Staff worked with personnel from the Utah Department of Agriculture and the Salt Lake County Health Department in preparing the proposed changes. Additionally, staff reviewed current codes from other cities in the Salt Lake Valley allowing beekeeping.

City	Minimum Area Required	Zones allowed	Meet County Health Regs	Register with Dept of Ag
Draper	1 hive per 4,000 ft ² lot	Single Family Residential	Yes	Yes
Herriman	2 hives per 10,000 ft ² lot; max of 4 hives	Single Family Residential	No	Yes

Taylorsville – No ordinance	N/A	N/A	N/A	N/A
Holladay	2 hives with minimum 8,000 ft ² .; larger lots max of 8 hives	Single Family Residential	N/A	Yes
Ogden	None	Residential Zones	N/A	Yes
Salt Lake City	No minimum for 5 hives; ½ acre may have up to 10 hives	Residential Lots	Yes, whichever code is more restrictive	Yes
South Jordan	1/4-1/2 ac =2 hives 1/2-1 ac = 4 hives	Residential Lots	N/A	Yes
South Salt Lake	3 hives with minimum 4,500 ft ²	Single Family Residential	Yes	Yes
West Jordan	N/A	All Zones	Yes	Yes

II. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on Monday, August 3, 2020 where the proposed amendment was considered by City Staff from various departments. There were no comments or concerns indicated.

III. PUBLIC INPUT

Notices were sent to Affected Entities for this Text Amendment. As of the date of this report there has not been any comment regarding this application.

IV. FINDINGS

Based on the analysis of the proposed text amendment and review of the Murray City General Plan and Land Use Ordinance, staff concludes the following:

1. The requested text amendment has been carefully considered based on the characteristics of practical application and oversight from those with expertise.
2. The proposed text amendment is consistent with the purpose of Title 17, Murray City Land Use Ordinance.
3. The proposed text amendment is consistent with the Goals & Policies of the Murray City General Plan.
4. The proposed text amendments will allow Murray City residents the ability to have apiaries in conjunction with their residential dwellings in all zones. .

V. STAFF RECOMMENDATION

1. Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council to amend Title 17.65 as attached to this report, extending to all properties used as single-family detached homes, subject to registration with the Utah Department of Agriculture and following Salt Lake County Health Department requirements.**

CHAPTER 17.65
BEEKEEPING STANDARDS

SECTION:

17.65.010: Purpose

17.65.020: Applicability

17.65.030: Definitions

17.65.040: Development Standards

~~17.65.050: Enforcement~~

17.65.010: PURPOSE:

The purpose of this chapter is to enable the keeping of ~~a limited number of~~ bees on all properties used as a single-family ~~detached homes residential lots~~ for purposes of family food production. This chapter is intended to facilitate residential agriculture purposes while preserving the health of both humans and bees, minimizing nuisances to neighboring property owners, ~~as well as preventing rodent, insect, vermin, pest, and disease proliferation. This chapter establishes certain requirements of sound beekeeping practices which are intended to avoid problems that may otherwise be associated with beekeeping in populated areas.~~ (Ord. 16-39)

17.65.020: APPLICABILITY:

A. Apiaries are permitted as an accessory use on all properties used as single-family detached homes, subject to registration with the Utah Department of Agriculture and following Salt Lake County Health Department, Honeybee Management, requirements.

~~—A. This chapter applies only to single-family residential zoning districts that have lot~~

A. On all properties used as single-family detached homes, subject to registering with the Utah Department of Agriculture and following Salt Lake County Health Department, Honeybee Management, requirements”.

~~sizes of eight thousand (8,000) square feet or more. The specific zoning districts in which beekeeping is allowed are the following: R-1-6, R-1-8, R-1-10, and R-1-12.~~

~~—B. Bees may only be kept on single-family residential property. It shall be unlawful to keep bees on a multiple-family lot. (Ord. 16-39)~~

17.65.030: DEFINITIONS:

The following words and phrases when used in this chapter shall be construed as defined in this section:

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

BEE: All life stages of the common domestic honeybee, *Apis mellifera* species.

BEEKEEPER: A person who owns or has charge of one or more colonies of bees.

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hives and hive components, honey harvesting equipment, bee calming equipment, and personal protective gear.

COLONY: An aggregate of bees consisting principally of workers, but having one queen and, at times, drones, brood, combs, honey, and a hive box inhabited by bees.

~~FLYWAY BARRIER: A partition made from a solid material, or dense vegetation, which blocks a bee from access to an adjacent area unless the bee flies up and over the partition; this is designed to deter bees from flying at a height where they would engage humans or animals.~~

~~HIVE: The box, wooden ware, or similar structure that a colony of bees inhabits. (Ord. 16-39)~~

17.65.040: DEVELOPMENT STANDARDS:

A. General Provisions:

~~1. Permit Required: Persons seeking to keep bees shall first obtain a Beekeeping Permit. Applicants may be Beekeepers on the residential property of another, as long as all requirements have been satisfied and permission has been granted from the property owner to keep an apiary and verified in writing. Applications shall be submitted to the Community and Economic Development Division. Beekeepers who owned or operated an apiary prior to the effective date hereof and who continue to do so after the effective date hereof, shall have thirty (30) days after such effective date to apply for a Beekeeping Permit.~~

~~a. At the time of application for a Beekeeping Permit, the applicant shall:~~

~~(1) Submit a scaled site plan of the proposed apiary showing placement of the hive(s), the flyway barrier and compliance with all applicable requirements outlined in this chapter;~~

~~(2) Provide a Certificate of Insurance from property owner's homeowner's insurance company verifying that Beekeeping is covered by the insurance policy covering the property where the apiary will be located;~~

~~(3) Provide a certificate of completion or similar documentation, from a Beekeeping training course provided by an entity approved by the City. The Division shall maintain a list of approved courses. Beekeepers are required to stay current and demonstrate their knowledge of colony health and management;~~

~~(4) Submit a properly executed hold harmless agreement between the applicant (if the location of the apiary is owned by a third party, then the property owner as well) and the City, waiving any liability for any loss or injury resulting from the design, construction or operation of the apiary;~~

~~(5) Pay a One Hundred Dollar (\$100.00) nonrefundable initial permit fee.~~

~~(6) Provide written consent of the property owner, if the apiary will be located on residential property not owned by the applicant. The property owner will be required to sign the application as well.~~

~~b. Show proof of state registration. State registration must be maintained for the life of the hive.~~

~~2. Compliance: The keeping by any person of hives not in compliance with this chapter is prohibited. In addition to the requirements set forth in this chapter, all beekeepers shall maintain their hives in compliance with the Utah Bee Inspection Act or any successor thereto, as amended.~~

~~1. 3. Quantity Of Hives Permitted: A lot shall not exceed the quantity of hives as determined below:~~

~~a. Four thousand (4,000) to Eight thousand (8,000) square foot lots are permitted no more than two (2) hives;~~

~~b. Nine thousand (9,000) square foot lots are permitted no more than three (3) hives;~~

~~c. Ten thousand (10,000) square foot lots are permitted no more than four (4) hives;~~

~~d. Eleven thousand (11,000) square foot lots are permitted no more than five (5) hives;~~

~~e. Twelve thousand (12,000) square foot lots are permitted no more than six (6) hives.~~

- ~~—4. Hives Required: Bees shall be kept in hives.~~
- ~~—5. Apiary Identification Signs:~~
 - ~~—a. On the entrance side of the apiary a waterproof sign must be conspicuously displayed which states the name, address and telephone number of the owner or person in possession of the apiary.~~
 - ~~—b. On the entrance side of the property where bees are kept a waterproof sign identifying the beehives shall be affixed and maintained that states the name, address and telephone number of the owner or person in possession of the apiary. The sign shall be lettered in black at least one inch (1") in height on a white or light background.~~
- ~~—6. Sales: Products generated, such as honey, may not be sold from a residential property.~~
- ~~—B. Requirements:~~
 - ~~—1. Lot Requirements:~~
 - ~~—a. Apiaries are permitted in a fenced rear yard or completely fenced corner side yard. No hives may be kept in any front or side yard area;~~
 - ~~—b. Hives shall be located ten feet (10') away from all property lines;~~
 - ~~—c. Hives shall be located ten feet (10') away from dwellings on lot;~~
 - ~~—d. Hives shall be located twenty five feet (25') away from dwellings on adjacent lots.~~
 - ~~—2. Hive Structure Requirements:~~
 - ~~—a. Only hives with removable frames are permitted in order to allow for inspection, and kept in sound and usable condition. Top bar hives are only permitted if they are fitted with removable frames;~~
 - ~~—b. Hives shall be placed a minimum of six inches (6") above ground;~~
 - ~~—c. Hives can be stacked, not to exceed six feet (6') in height; each stack constitutes one hive;~~
 - ~~—d. Hives shall be separated from adjacent properties, public walks, or a street by a flyway barrier at least six feet (6') high and extending ten feet (10') in either direction.~~
 - ~~—3. Health And Sanitation Requirements:~~
 - ~~—a. A convenient source of fresh water is required to be placed on property, preferably placed between hive and any source of water on an adjacent property in order to prevent bees from seeking the adjacent property water sources;~~
 - ~~—b. No bee comb, dead bees, or related apiary debris shall be left upon grounds to mitigate pest proliferation;~~
 - ~~—c. Only active hives are permitted; unoccupied hives, and all other beekeeping equipment that is not in use is required to be securely stored indoors to prevent disease proliferation, or colonization from an aggressive bee, hornet, or wasp species. (Ord. 16-39)~~

17.65.050: ENFORCEMENT:

Violation of any provision of this chapter is punishable as provided in chapter 17.172 of this title. (Ord. 16-39)



Applying for a Residential Beekeeping Permit

Residential Beekeeping is a permitted use within any single-family residential zoning district for the purposes of family food production. This application is designed to ensure compliance with Murray City beekeeping standards and the registration of beekeeping properties within the City. A beekeeping permit will only be issued once a completed application is submitted and after an inspection has been performed by Murray City staff. It is the applicant's responsibility to comply with all State and Murray City beekeeping standards. Compliance with those standards must be continually adhered to and the violation of any state or local standards will justify potential revocation of this permit.

Utah Department of Agriculture and Food:

- For information regarding UDAF beekeeping regulations and registration, visit <http://ag.utah.gov/plants-pests/beekeeping.html>

Beekeeping Standards:

- **Quantity of Hives:**
 - 8,000 square foot lots are permitted no more than two (2) hives;
 - 9,000 square foot lots are permitted no more than three (3) hives;
 - 10,000 square foot lots are permitted no more than four (4) hives;
 - 11,000 square foot lots are permitted no more than five (5) hives;
 - 12,000 square foot lots or greater are permitted no more than six (6) hives.
- **Apiary Identification Signs:**
 - Each apiary must have a waterproof sign conspicuously displayed which states the name, address and telephone number of the owner or person in possession of the apiary.
 - On the entrance side of the property where the apiaries are located, a waterproof sign must be posted that states the name, address, and telephone number of the owner or person in possession of the apiary. The sign must be lettered in black at least one inch in height on a white or light background.

- **Lot Requirements:**
 - Apiaries are permitted only within a fenced rear yard or completely fenced corner-lot side yard. No hives may be kept in any front or interior side yard area;
 - Hives must be located a minimum of ten (10) feet from all property lines;
 - Hives must be located a minimum of ten (10) feet from all dwellings on the lot;
 - Hives must be located a minimum of twenty-five (25) feet from dwellings on adjacent lots.
- **Hive Structure Requirements:**
 - Hives must include removable frames for inspection and kept in a sound and usable condition. Top-bar hives are only permitted if they are fitted with removable frames;
 - Hives must be placed a minimum of six (6) inches above the ground;
 - Hives may be stacked with each stack not to exceed six (6) feet in height. Each stack constitutes one (1) hive;
 - Hives must be separated from adjacent properties, public walks, or a street by a flyway barrier at least six (6) feet high and extending ten (10) feet in either direction.
- **Health and Sanitation Requirements:**
 - A convenient source of fresh water is required to be placed on the property, preferably placed between the hive(s) and any source of water on an adjacent property;
 - No bee comb, dead bees, or related apiary debris may be left upon the ground in order to mitigate pest proliferation;
 - Only active hives are permitted; unoccupied hives, and all other beekeeping equipment that is not in use is required to be securely stored indoors. This helps prevent disease proliferation, or colonization by aggressive bee, hornet, or wasp species.

*A complete list of beekeeping standards can be found in Chapter 17.65 of the Murray City Land Use Ordinance. A copy of that ordinance is attached to this application for your convenience.

Application Process/Checklist:

Step 1. Contact the Community & Economic Development Division. Meet informally with a member of the Community & Economic Development Division staff to obtain application materials and receive assistance with the application process.

Step 2. Submit Application. Please use the following checklist to ensure completeness of application.

- ☐ Completed application form.
- ☐ Application fee \$100.00.
- ☐ Property Owner's Affidavit (i.e. a written statement made before a notary). For your convenience, an affidavit has been provided as part of this application packet.

- ☐ Hold harmless agreement between the applicant and Murray City (document waiving the City from liability of any loss or injury resulting from the beekeeping activity). For your convenience, a hold harmless agreement has been provided as part of this application packet.
- ☐ Copy of certificate of insurance from the property owner's homeowner insurance company verifying that the policy provides coverage for beekeeping.
- ☐ Copy of registration with the Utah Department of Agriculture and certificate of completion of a beekeeping course.
- ☐ Written and signed consent by property owner if apiary is to be kept on a property not owned by the operator of the hives.
- ☐ One (1) copy of a legible site plan proposal. The site plan should include the following information:
 - ☐ The location of the hive(s), flyway barrier, fresh water source location on the property, and all other structures located on the property.
 - ☐ Accurate dimensions of the subject property, drawn to scale (i.e. 1"=10', 1"=30', etc.), with north arrow and date of drawing. Sheet size should be a minimum of 18" x 24".
 - ☐ Property lines, adjoining streets, rights-of way, waterways, easements, etc. with dimensions.
- ☐ Submit one (1) reduced 8 1/2 x 11 inch copy of all development plans.
 *All plans submitted with the application will not be returned to the applicant and are the property of Murray City.

Step 3. Community Development Staff Inspection and Decision. Staff will issue a permit or provide notification of denial of the application within 10 business days of submittal.



MURRAY CITY RESIDENTIAL BEEKEEPING APPLICATION

Applicant Information

Name(s): _____

Business Name *(if applicable)*: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Phone: _____ Alternate Phone: _____

Property Owner Information

(If separate from applicant)

Name(s): _____

Business Name *(if applicable)*: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Phone: _____ Alternate Phone: _____

Property & Beehive Information

Property Address: _____

Parcel Identification Number: _____

Property Size *(Square Feet)*: _____ Zoning Classification: _____

Number of Beehives: _____ Hive Location: _____

Description of beehive activity (use additional page if necessary): _____

Authorized Signature: _____ Date: _____

Property Owners Affidavit

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

Residing in _____

My commission expires: _____

Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, in Murray City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _____ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature (co-owner if any)

On the _____ day of _____, 20 _____, personally appeared before me

_____ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary public

Residing in _____

My commission expires: _____

Attachments

**Salt Lake Valley Health Department
Health Regulation**

#7

**GENERAL SANITATION
REGULATION**

**Adopted by the Salt Lake Valley Board of Health
September 7, 1989**

**Amended
March 1, 2007**

**Under Authority of Section 26A-1-114
Utah Code Annotated, 1953, as amended**

to rabies; or has bit a human being; the owner of the rabies-exposed animal or animal that bit a human being shall report the incident to the local animal services agency, the Department, or the Utah State Department of Health.

4.10.4. Veterinarians, groomers, kennel operators, animal day cares, and others accommodating animals from multiple families at the same time shall be responsible for determining that dogs, cats, and ferrets are currently vaccinated for rabies prior to accepting the animal from their owners or caretakers for temporary housing, grooming, or other care on their premises.

4.11. **Physical Facilities for Kennels and Grooming Facilities.** Properly installed hot and cold potable water shall be available for proper sanitation.

4.12. **Requirements for Honeybee Management.**

4.12.1. It shall be unlawful for any person to maintain or locate a beehive on any property in a way that threatens public health or safety, or creates a nuisance. In a residential area, an apiary is not to exceed three stacks of five boxes each or an equivalent capacity.

4.12.2. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals on adjacent property or areas of public access.

4.12.3. A hive shall be supplied with adequate accessible fresh water continuously between March 1 and October 31 of each year. The water shall be in a location minimizing the nuisance created by bees seeking water on neighboring property.

4.12.4. A hive shall be located so the bees' flight pattern is six feet or more above frequently used areas of public access.

4.12.5. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

4.13. **Pigeon Loft Maintenance.**

4.13.1. Each domestic pigeon loft shall be operated and maintained clean and sanitary to prevent insect and/or rodent propagation, odors, nuisances, or conditions for the transmission of disease.

4.13.2. Domestic pigeons shall be confined to an approved pigeon loft except during controlled exercise periods.

4.14. **Wild Pigeon and Starling Control.** It shall be unlawful for the owner of any property to permit wild pigeons or starlings to roost or harbor in any area if a nuisance or odor is



[Home](#) » [Farmers and Ranchers](#) » [Plant Industry](#) » [Apiary Inspection and Beekeeping](#) » County Apiary Inspectors

County Apiary Inspectors

Bee inspectors are available to assist beekeepers in Utah. Contact your county bee inspector or UDAF Apiary Program with questions or concerns. If your county does not have a bee inspector, please contact a state inspector.

UDAF Apiary Program

(801) 982-2313

County	Name	Phone	Email
Box Elder	Martin James	(435) 760-0805	martin@slideridgehoney.com
Cache	Martin James	(435) 760-0805	martin@slideridgehoney.com
Grand	Jerry Shue	(435) 260-8581	shue.jerry@gmail.com
Iron	Blaine Nay	(435) 590-7569	blaine@nay.org
Kane	Rob Brinkerhoff	(435) 644-8192	rob.brinkerhoff@gmail.com
Millard	Michael Stephenson	(435) 864-5343	stephensonhoney@gmail.com
Salt Lake	Peter Somers	(801) 874-2999	801874BZZZ@gmail.com
Sanpete	John Scott	(435) 851-6101	scottjg@ldschurch.org
Tooele	Kelly Keele	(435) 830-3888	
Washington	Casey Lofthouse	(435) 467-2787	cblofty@cpaz.net

If you reside in a county without an inspector, section 4-11-5 of the Bee Inspection Act states that the board of county commissioners can appoint one upon petition of five or more persons who raise bees. The list of beekeepers currently registered in Utah can be found [here](#) (then click 1201).

This entry was last updated on [July 10, 2020](#).

PLANT INDUSTRY DIVISION

Robert Hougaard
Director of Plant
Industry

Division Contact Information

(801) 982-2305

[udaf-
plantdivision@utah.gov](mailto:udaf-plantdivision@utah.gov)

PROGRAMS & LINKS

[Apiary \(Beekeeping\)
Program](#)

[Compliance Specialists](#)

[Feed Program](#)

[Fertilizer Program](#)

[Grain Program](#)

[Hay Program](#)

[Insects and Pests
Program](#)

[Noxious Weeds
Program](#)

[Nursery Program](#)

[Organic Certification](#)

[Pesticides Program](#)

[Plant Commodity,
Grading, and Shipping](#)

[Seed Program](#)

UDAF Contact Information:

(801) 982-2200
agriculture@utah.gov

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R68. Agriculture and Food, Plant Industry.

R68-1. Utah Bee Inspection Act Governing Inspection of Bees.

R68-1-1. Authority.

Promulgated under the authority of Section 4-11-103.

R68-1-2. Registration.

1) Every owner or person coming into possession of one or more colonies of bees within the State of Utah shall register with the Department of Agriculture and Food in accordance with the provisions in Section 4-11-104.

2) The Utah Department of Agriculture and Food may waive the registration fee for youth non-profit groups using hives for educational purposes.

R68-1-3. Apiary Identification.

1) Each apiary location shall be identified by a sign showing the owner's registration number issued by the Utah Department of Agriculture and Food, unless the apiary is located on property owned by the beekeeper.

2) The registration number shall be at least one inch in height, easily readable and displayed in a conspicuous location in the apiary; or similar identification conspicuously displayed on one or more hive bodies within the apiary. Any apiary not so identified shall be considered abandoned and shall be subject to seizure and destruction as provided for in Section 4-11-114.

R68-1-4. Assistance in Locating Apiaries.

1) All beekeepers shall personally assist the department or county bee inspectors in locating their apiaries, or provide accurate and detailed information as to location of all bee hives under their control or possession.

2) Bee inspectors shall make a good faith effort to contact the beekeeper prior to an inspection.

R68-1-5. Salvage Operations.

1) All salvage operations with respect to wax, hives and appliances from diseased colonies shall be performed in a tightly screened enclosure using the following procedure:

a) frames and comb held for at least 30 minutes in boiling water (212 degrees F) before any wax is removed;

b) after removal from the boiling water the frames are destroyed or boiled for a minimum of 20 minutes in a solution of lye water containing no less than 10 pounds of lye (Sodium Hydroxide) for each 100 gal. of water; and

c) hive bodies, supers, covers and bottom boards are thoroughly scorched or boiled for a minimum of 20 minutes in the lye water solution.

KEY: beekeeping

Date of Enactment or Last Substantive Amendment: November 23, 2015

Notice of Continuation: August 24, 2015

Authorizing, and Implemented or Interpreted Law: 4-11-103

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KEY: beekeeping

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Notice of Continuation: August 24, 2015

Authorizing, and Implemented or Interpreted Law: 4-11-103

Effective 7/1/2017

Chapter 11 Utah Bee Inspection Act

4-11-101 Title.

This chapter is known as the "Utah Bee Inspection Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-102 Definitions.

As used in this chapter:

- (1) "Abandoned apiary" means any apiary to which the owner or operator fails to give reasonable and adequate attention during a given year as determined by the department.
- (2) "Apiary" means any place where one or more colonies of bees are located.
- (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax, or hives.
- (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives.
- (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.
- (6)
 - (a) "Beekeeper" means a person who keeps bees.
 - (b) "Beekeeper" includes an apiarist.
- (7) "Colony" means an aggregation of bees in any type of hive that includes queens, workers, drones, or brood.
- (8) "Disease" means any infectious or contagious disease affecting bees, as specified by the department, including American foulbrood.
- (9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle that may be used to house bees.
- (10) "Package" means any number of bees in a bee-tight container, with or without a queen, and without comb.
- (11) "Parasite" means an organism that parasitizes any developmental stage of a bee.
- (12) "Pest" means an organism that:
 - (a) inflicts damage to a bee or bee colony directly or indirectly; or
 - (b) may damage apiary equipment in a manner that is likely to have an adverse effect on the health of the colony or an adjacent colony.
- (13) "Raise" means:
 - (a) to hold a colony of bees in a hive for the purpose of pollination, honey production, or study, or a similar purpose; and
 - (b) when the person holding a colony holds the colony or a package of bees in the state for a period of time exceeding 30 days.
- (14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant colony or subsequent colony on the same equipment.

Amended by Chapter 136, 2019 General Session

4-11-103 Department authorized to make and enforce rules.

- (1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules necessary for the administration and enforcement of this chapter.
- (2) The rules described in Subsection (1) shall include provisions for the identification of each apiary within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-104 Bee raising -- Registration required -- Application -- Fees -- Renewal -- License required -- Application -- Fees -- Renewal.

- (1) A person may not raise bees in this state without being registered with the department.
- (2) Application for registration to raise bees shall be made to the department upon tangible or electronic forms prescribed and furnished by the department, within 30 days after the person:
 - (a) takes possession of the bees; or
 - (b) moves the bees into the state.
- (3) Nothing in Subsection (2) limits the requirements of Section 4-11-111.
- (4) An application in accordance with this chapter shall specify:
 - (a) the name and address of the applicant;
 - (b) the number of bee colonies owned by the applicant at the time of the application that will be present in the state for a period exceeding 30 days; and
 - (c) any other relevant information the department considers appropriate.
- (5) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection 4-2-103(2), the commissioner shall issue a registration to the applicant valid through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.
- (6) A bee registration is renewable for a period of one year upon the payment of an annual registration renewal fee as determined by the department pursuant to Subsection 4-2-103(2).
- (7) Registration shall be renewed on or before December 31 of each year.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-105 County bee inspector -- Appointment -- Termination -- Compensation.

- (1) The county executive upon the petition of five or more persons who raise bees within the respective county shall, with the approval of the commissioner, appoint a qualified person to act as a bee inspector within the county.
- (2) A county bee inspector shall be employed at the pleasure of the county executive and the commissioner and is subject to termination of employment, with or without cause, at the instance of either.
- (3) Compensation for the county bee inspector shall be fixed by the county legislative body.
- (4) To be appointed a county bee inspector, a person shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.
- (5) A record concerning bee inspection shall be kept by the county executive or commissioner.
- (6) The county executive and the commissioner shall investigate a formal, written complaint against a county bee inspector.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-106 Hives to have removable frames -- Consent of county bee inspector to sell or transport diseased bees.

- (1) A person may not house or keep bees in a hive unless the hive is equipped with movable frames to all the hive's parts so that access to the hive can be had without difficulty.
- (2) No person who owns or has possession of bees (whether queens or workers) with knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of the county bee inspector or the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-107 Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by department -- Election to transport bees to wax-salvage plant.

- (1) The county bee inspector or the department may inspect:
 - (a) all apiaries within the county at least once each year; and
 - (b) immediately any apiary within the county that is alleged in a complaint to be severely diseased, parasitized, or abandoned.
- (2) If, upon inspection, the inspector determines that an apiary is diseased or parasitized, the inspector may take the following action based on the severity of the disease or parasite present:
 - (a) prescribe the course of treatment that the owner or caretaker of the bees shall follow to eliminate the disease or parasite;
 - (b) personally, for the purpose of treatment approved by the department, take control of the afflicted bees, hives, combs, broods, honey, and equipment; or
 - (c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and all appliances that may have become infected.
- (3) If, upon reinspection, the inspector determines that the responsible party has not executed the course of treatment prescribed by Subsection (2), the inspector may take immediate possession of the afflicted colony for control or destruction in accordance with Subsection (2)(b) or (c).
- (4)
 - (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action proposed by an inspector under this section may, at the owner's expense, have the department examine the alleged diseased bees.
 - (b) The decision of the commissioner with respect to the condition of bees at the time of the examination is final and conclusive upon the owner and the inspector involved.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-108 County bee inspector -- Disinfection required before leaving apiary with diseased bees.

- (1) Before inspecting the premises of any apiary, an inspector and any assistant of an inspector shall disinfect any equipment that will be used in the inspection.
- (2) Before leaving the premises of any apiary, the bee inspector, or any assistant, shall thoroughly disinfect any part of the inspector's own person, clothing, or any appliance that has come in contact with infected material.
- (3) The method of disinfection required by Subsection (2):

- (a) may be determined by the department; and
- (b) shall be sufficient to destroy disease, parasites, and pathogens encountered.
- (4) A county bee inspector shall maintain a record of each inspection, including disinfection practices.
- (5) The county executive or the commissioner may review a county bee inspector's records kept in accordance with Subsection (4).

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-109 Inspection of apiaries where queen bees raised for sale -- Honey from apiaries where queen bees raised for sale not to be used for candy for mailing cages unless boiled.

- (1)
 - (a) At least twice each summer the county bee inspector may inspect each apiary in which queen bees are raised for sale.
 - (b) A person may not sell or transport any queen bee from an apiary that is found to be infected with disease without the consent of the county bee inspector or the department.
- (2) No person engaged in raising queen bees for sale shall use any honey for making candy for mailing cages that has not been boiled for at least 30 minutes.
- (3) A person rearing queens shall follow standard methods for minimizing or eliminating unmanageably aggressive stock.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-110 Enforcement -- Inspections authorized -- Warrants.

- (1) The department and all bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.
- (2) If admittance is refused, the department, or the bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-111 Importation of bees or appliances into state -- Certification required -- Inspection discretionary -- Authority to require destruction or removal of diseased bees and appliances.

- (1)
 - (a) A person may not bring or import any bees in packages or hives or bring or import any used beekeeping equipment or appliances into this state without obtaining a certificate from an inspector authorized in the state of origin certifying that:
 - (i) the bees, apiary equipment, or appliances have been inspected within the current production season; and
 - (ii) all diseased colonies in the apiary at the time of the inspection were destroyed or treated.
 - (b) A person bringing or importing bees into the state shall advise the department of the address of the bees' destination and furnish the department with a copy of the certificate of inspection upon entry into the state.
 - (c) A person intending to hold bees in the state for a period of time exceeding 30 days shall comply with Section 4-11-104.
- (2)

- (a) A person may not bring or import any used apiary equipment, except after obtaining a certificate from an inspector authorized in the state of origin certifying that all potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized immediately before importation.
- (b) A person bringing or importing used apiary equipment shall advise the department of the address of the destination in the state and furnish the department with a copy of the certificate of inspection upon entry into the state.
- (3) Used apiary equipment or appliances that have been exposed to terminal disease may not be sold without the consent of the bee inspector or the commissioner.
- (4) In lieu of the certificate required by Subsection (1), the certificate may be a Utah certificate.
- (5)
 - (a) If the department determines it is necessary for any reason to inspect any bees, apiary equipment, or appliance upon arrival at a destination in this state, and upon this inspection finds terminal disease, the department shall cause all diseased colonies, appliances, and equipment to be either:
 - (i) destroyed immediately; or
 - (ii) removed from the state within 48 hours.
 - (b) The costs of complying with Subsection (5)(a)(i) or (ii) shall be paid by the person bringing the diseased colonies, appliances, or equipment into the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-112 Quarantine authorized.

The commissioner, in order to protect the bee industry of the state against bee health or management issues, may quarantine the entire state, an entire county, or any apiary or specific hive within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-113 Unlawful acts specified.

It is unlawful for a person to:

- (1) extract honey in any place where bees can gain access either during or after the extraction process;
- (2) maintain any neglected or abandoned hives, apiary equipment, or appliances other than in an enclosure that prohibits the entrance of bees;
- (3) raise bees without being registered with the department; or
- (4) knowingly sell a colony, apiary equipment, or appliance that is inoculated with terminal disease pathogens.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-114 Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.

- (1) It is a public nuisance to keep an abandoned or diseased apiary, apiary equipment, or appliance anywhere other than in an enclosure that prohibits the entry of bees.
- (2) Items listed in Subsection (1) are subject to seizure and destruction by the county bee inspector.

- (3) Upon discovery of, or receipt of a written complaint concerning, an abandoned apiary site, apiary equipment, or appliance, the bee inspector shall attempt to notify the registered owner, if any.
- (4)
 - (a) A registered owner notified under Subsection (3) shall remove the abandoned apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.
 - (b) The bee inspector or the department shall verify the removal or protection in accordance with Subsection (4)(a) at the expiration of the 15-day period.
 - (c) If a registered owner does not comply with Subsection (4)(a), the bee inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and appliances.
- (5) A bee inspector or the department may seize and destroy an abandoned apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or appliances do not indicate a registered owner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-115 Maintaining gentle stock.

A beekeeper may not intentionally maintain an aggressive or unmanageable stock, whether African or European in origin.

Renumbered and Amended by Chapter 345, 2017 General Session



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[Plant Industry](#)

CREATING A NEW REGISTRATION:

On the Licensing Webpage, follow the instructions below.

1. Click on the "New License Application" tab at the top of the screen (it is the 5th tab over).
2. Click on the button labeled 1201 "As a Beekeeper."
3. Select your hive count.
4. Enter your name, address and contact information.
5. Click "Save Customer Information."
6. Enter the number of hives and add your apiary location(s).
7. Click "Pay now" to checkout.

ONLINE REGISTRATION RENEWAL:

On the Licensing Webpage, follow the instructions below. If you do not know your PIN, please contact UDAF licensing specialist **Rhonda Overman (801) 982-2312** or email rhooverman@utah.gov

1. Click on the "Renew my license" tab at the top of the screen (it is the 3rd tab over).
2. Enter license number and PIN. **Steps 3-6 should be saved from the previous year. If you have any updates, please make them before checkout.*
3. Select your hive count.
4. Enter your name, address and contact information.
5. Click "Save Customer Information."
6. Enter the number of hives and add your apiary location(s).
7. Click "Pay now" to checkout.

This entry was last updated on [April 17, 2020](#).

PROGRAMS & LINKS

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UTAH DEPARTMENT OF AGRICULTURE AND FOOD

350 N. Redwood Road
P.O. Box 146500
Salt Lake City, UT 84114-6500
(801) 982-2313 Information (385) 465-6025 FAX

APPLICATION FOR A BEEKEEPER LICENSE (1201)

1 to 20 Hives—Fee \$10.00
21 to 100 Hives—Fee \$25.00
101+ Hives—Fee \$50.00

In compliance with provisions of the Utah Bee Inspection Act passed by the 1979 Legislature and Administrative Code of 2015, I hereby apply for a Beekeeper's Registration for the year of _____.

Name of beekeeper _____

Mailing address _____

City, State, Zip _____

Phone _____ Email _____

**Contact information is necessary to alert the beekeeper regarding disease and pest issues and to arrange for honey bee health inspections. Beekeepers may also request an inspection if they have a disease or pest concern.*

Number of bee colonies _____

Address, city and zip of beeyards (if bees are only at the mailing address you may leave this blank):

1) _____

2) _____

3) _____

4) _____

5) _____

**If bees are at more than five different locations, please list on back*

Signature of Applicant

Date

Please make check or money order payable to Utah Department of Agriculture and Food

OFFICE USE ONLY

Approved By

Date



Utah Department of Agriculture and Food

[License Info ▼](#) [My Licenses ▼](#) [Renew Single License](#) [Company-Wide Licenses ▼](#)
[New License Application](#) [UDAF Employee Options ▼](#) [Help ▼](#) [Home](#) [Logout](#)

License Graduated Fees

Beekeeper License Fees

License type 1201

Count of Hives	License Fee
0 - 20	\$10.00
21 - 100	\$25.00
More than 100	\$50.00

Nurseryman License Fees

License type 1801

Gross Sale (\$)	License Fee
\$0.00 - \$5,000.00	\$40.00
\$5,001.00 - \$100,000.00	\$80.00
\$100,001.00 - \$250,000.00	\$120.00
\$250,001.00 - \$500,000.00	\$160.00
\$500,001.00 - \$9,999,999.00	\$200.00

Nursery Outlet License Fees

License type 1803

Gross Sale (\$)	License Fee
\$0.00 - \$5,000.00	\$40.00
\$5,001.00 - \$100,000.00	\$80.00
\$100,001.00 - \$250,000.00	\$120.00
\$250,001.00 - \$500,000.00	\$160.00
\$500,001.00 - \$9,999,999.00	\$200.00

Egg Production - Small License Fees

License type 2401

Yearly Production (doz)	License Fee
0 - 6,000	\$100.00
6,001 - 30,000	\$200.00
30,001 - 150,000	\$300.00
More than 150,000	\$400.00

Organic Certificate Crop, Livestock, and Processor License Fees

License types: 6001, 6002, and 6003

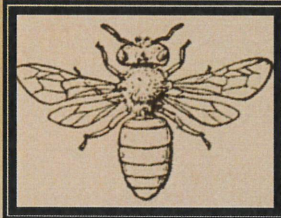
Gross Sale (\$)	License Fee
\$0.00 - \$5,000.00	\$0.00
\$5,001.00 - \$10,000.00	\$100.00
\$10,001.00 - \$15,000.00	\$180.00
\$15,001.00 - \$20,000.00	\$240.00

UTAH

HONEY BEE REGISTRATION

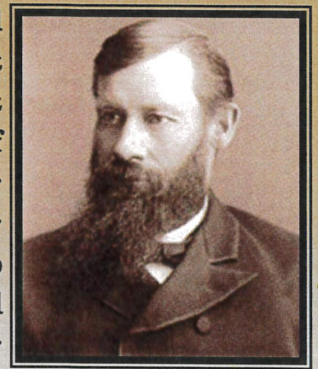
★ ★ ★ HISTORY, PURPOSE AND BENEFITS ★ ★ ★

In 1892, beekeepers successfully lobbied the Utah territorial legislature to pass the first bee inspection act. The legislation was needed to reduce the spread of deadly foulbrood diseases, which had become rampant.



The law allowed beekeepers to elect a honey bee inspector in every county. Later, registration was introduced to help bee inspectors communicate American foulbrood outbreaks to beekeepers at risk. These efforts significantly reduced the spread of foulbrood.

Over a century has passed since the first bee law, but inspection is still relevant today! Despite the advent of antibiotics and other advances in beekeeping, American foulbrood continues to threaten beekeepers and Utah's honey industry. Registration and inspection serve to mitigate the spread of this disease and other threats to honey bees.



The distinguished entomologist A.J. Cook helped organize the Utah Beekeepers Association, which lobbied for passage of Utah's first bee law.

BENEFITS OF REGISTRATION

Benefits to Individual Beekeepers

As a registered beekeeper, the Utah Department of Agriculture and Food (UDAF) will provide you with:

- Health inspection and lab testing services.
- Alerts regarding outbreaks of American foulbrood or other diseases or pests of concern in your area.
- Warnings if there are movements of Africanized honey bees in the state.



As a registered beekeeper, you may request a health inspection if you have any concerns regarding diseases or pests. The inspection and testing services provided are complementary. To request an inspection contact your state or county bee inspector.

Benefits to the Beekeeping & Specialty Crop Industry

Honey bee pests and diseases have the capacity to cause great economic devastation. State and county bee inspectors help detect and mitigate these problems. These early detection and rapid response efforts help prevent the maladies from becoming epidemic. This provides stability to the beekeeping industry and ensures that bees will be available for pollination services to crop growers.

What happens to registration fees?

The modest registration fees are used to provide sanitation supplies to bee inspectors, dispose of abandoned beekeeping equipment and assist in the treatment or destruction of colonies infected with American foulbrood. Fees also provide funds for statewide honey bee health surveys and Africanized honey bee monitoring.

REGISTER YOUR BEEHIVES

Online honey bee registration:

<http://ag.utah.gov/plants-pests/beekeeping.html>

To request an inspection call:

801-982-2313



Photo of A.J. Cook courtesy of Michigan State University Department of Entomology



2019 Summary of Accomplishments

The Utah Department of Agriculture and Food (UDAF) coordinates a statewide honey bee inspection program in cooperation with the state's County Bee Inspectors. The program's objective is to protect managed colonies from abiotic and biotic threats through inspection and education. Below is a summary of the state's accomplishments for 2019.



State Inspections

- ◆ Over 1,500 hives in 156 apiaries were inspected for various maladies.
- ◆ Diseases were field diagnosed and lab verified.
- ◆ Inspectors worked with beekeepers to treat or destroy hives infected with American foulbrood.



INSPECTION RESULTS

Number of hives infected

American foulbrood—22

European foulbrood—115

Chalkbrood—70

Parasitic mite syndrome—45

Small hive beetle—6



National Bee Survey

Utah participated in the USDA National Honey Bee Survey, which monitors for exotic pests and assesses overall colony health nationwide. 24 apiaries were sampled and no exotic pathogens or pests were detected.



Outreach & Education

- ◆ Taught four advanced trainings on honey bee disease and pest diagnostics across the state.
- ◆ Hosted the 4th annual Utah Honey Bee Health Conference in Tooele.



Pollinator Protection

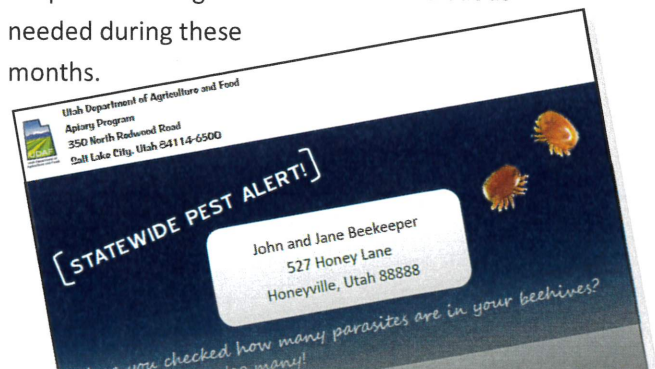
UDAF conducted extensive public education efforts regarding best practices to protect bees from pesticide exposure and creating pollinator-friendly habitat:

- ◆ Pollinator protection displays and literature placed in the pesticide section of dozens of retail stores.
- ◆ Three intensive trainings of applicators on ways to prevent pesticide poisonings of bees.
- ◆ Distributed hundreds of bee-friendly seed packet mix at events around the state.



Varroa Mite Alert

Registered beekeepers in the state were sent a postcard alert to warn of excessive Varroa mite infestations from the months of August through October. Beekeepers were urged to monitor and treat as needed during these months.



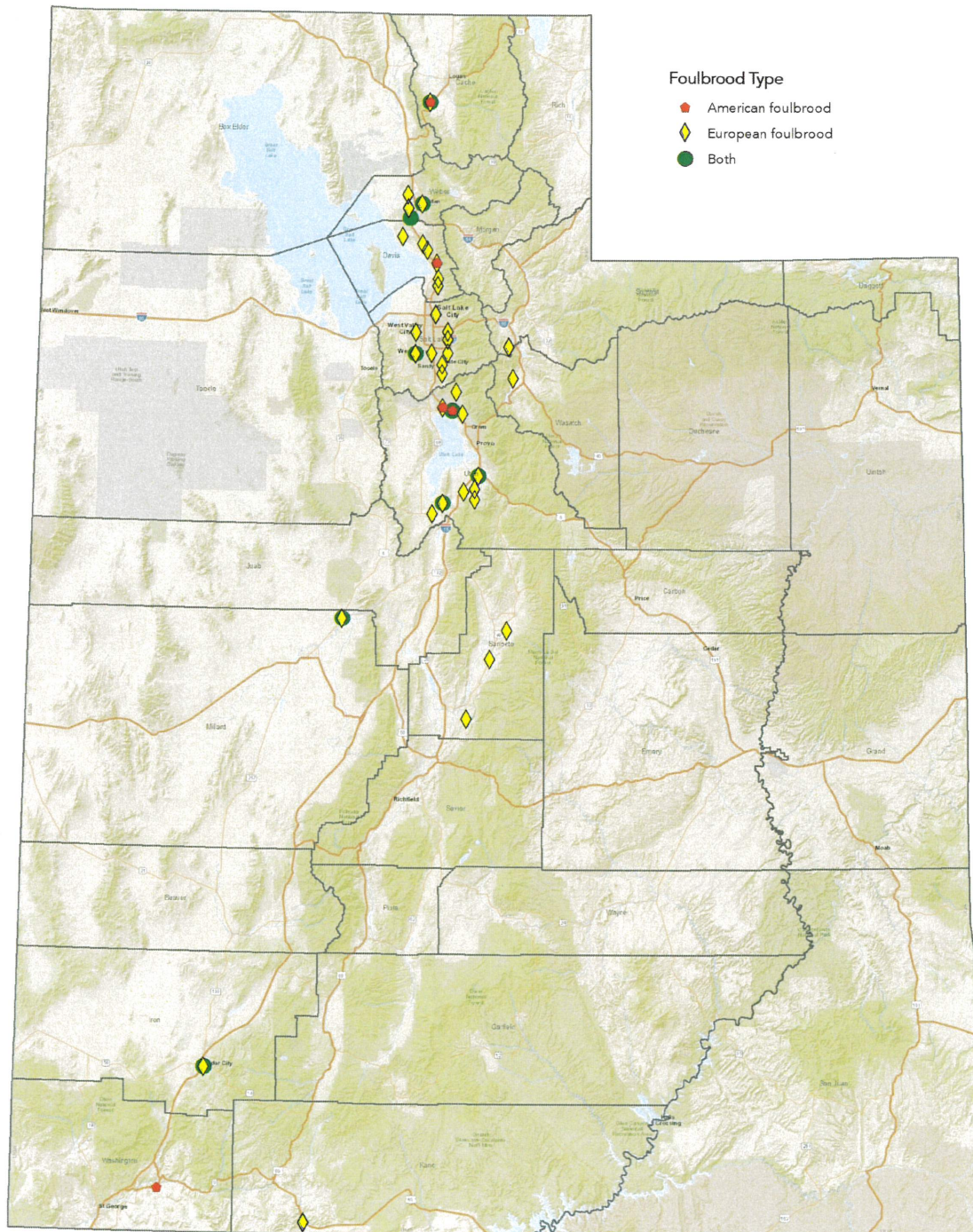
For more information about Utah's Apiary Program visit:

<http://ag.utah.gov/plants-pests/beekeeping.html>

To request an inspection call: 801-538-4912



Foulbrood Detections—2019



AMERICAN FOULBROOD

PREVENTION
DIAGNOSIS
CONTROL

American foulbrood (AFB) is the most devastating of the honey bee brood diseases. It is easily transmittable and highly deadly. The condition is caused by the spore-forming bacteria *Paenibacillus larvae*. Just a small number of spores can infect healthy three-day old larvae. While the bacterium can be killed by antimicrobials or environmental extremes, the millions of spores it produces are extremely resilient and can remain viable in honey and beekeeping equipment for over 40 years.

Spread of the Disease

The disease is transmitted in various ways:

- In infected colonies, young worker honey bees inadvertently spread the spores throughout the hive when they attempt to remove spore-laden dead larvae.
- Robber bees from uninfected hives may take the pathogen back to their hives when they forage honey from a colony that is infected with the disease.
- Humans can transmit the disease by exposing a healthy colony to contaminated bees or equipment such as frames, boxes, or tools.

Prevention

Preventing a hive from becoming infected is the easiest and best method for managing the disease:

- When purchasing a colony, find out if it was treated with antibiotics. Medicines may be masking symptoms of an already infected colony; the hive will likely become symptomatic if treatment ends.
- Before purchasing or accepting used beekeeping equipment contact a bee inspector to have it examined for the disease.
- Never switch frames, boxes, or other equipment from an infected hive to a hive that is free from the disease.
- Sterilize tools and personal protective equipment after working in a hive you suspect is infected.
- Don't share unsterilized tools or equipment with other beekeepers.
- Put unused beekeeping equipment in a bee-proof location.
- Prophylactic use of bacteriophages (phage) therapy may prevent infections.
- Antibiotics can be used preventatively in specific high-risk circumstances, but only under the direction of a licensed veterinarian.

KNOW THE SYMPTOMS

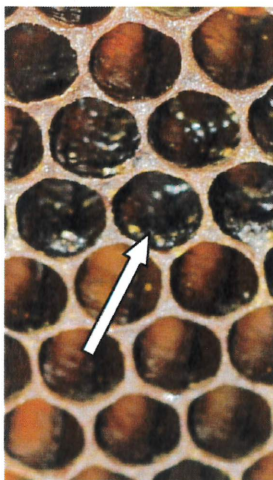


Figure 1

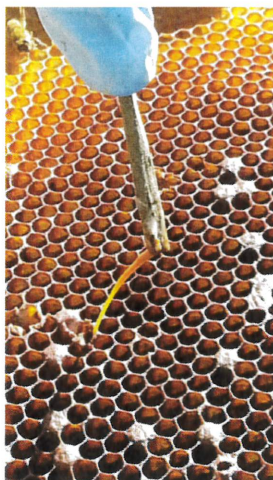


Figure 2

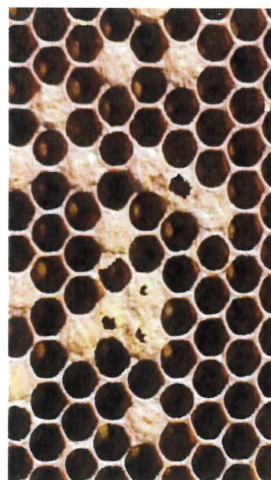


Figure 3

In order to make a proper diagnosis, be familiar with signs of the disease: Fig. 1: Prepupae form dark "scales" in their cells, which the bees have difficulty removing. Fig. 2: Cell caps may appear sunken and dark in color and "ropy" when penetrated. Fig. 3: Spotty brood pattern with small perforations appear in the capping. Other symptoms include dead brood that are tan to dark brown, pupae found with extruded tongues, and a distinct, foul odor. These visual symptoms are helpful in diagnosis, however other brood maladies have similar symptoms. Testing dead brood is the best way to know if a colony is infected. Testing is available through your bee inspector.

Management

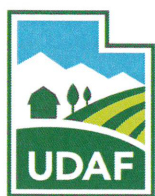
Destruction of beekeeping equipment by burning or deep burial is the safest and most effective way to control the disease. However if the disease is detected early enough, a beekeeper may want to pursue treatment options.

- BroodSafe™ is a phage therapy that is effective in treating AFB. Beekeepers may obtain this product without a VFD or

prescription from a veterinarian.

- Oxytetracycline and tylosin are antibiotics that are approved for treatment of AFB.
- To obtain antibiotics, a veterinarian must either write a Veterinary Feed Directive (VFD) or prescription. A list of veterinarians that will work with beekeepers can be found at the UDAF web address below.

- Some strains of AFB have become resistant to antibiotics.
- If treatment is unsuccessful burning or deep burial of the equipment is the most prudent course of action. This is necessary due to the long-lived infectious spores that are left behind on exposed equipment.



Contact Information and Resources

This informational factsheet is brought to you by the Utah Department of Agriculture and Food.

To request a free health inspection call 801-982-2313 or email udaf-apiary@utah.gov

Information about phage therapy can be found at www.broodsafes.com

Find veterinarians that can prescribe antibiotics at: <https://ag.utah.gov/farmers/plants-industry/apiary-inspection-and-beekeeping/find-an-apiary-veterinarian/>



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County Apiary Inspectors

Bee inspectors are available to assist beekeepers in Utah. Contact your county bee inspector or UDAF Apiary Program with questions or concerns. If your county does not have a bee inspector, please contact a state inspector.

UDAF Apiary Program

(801) 982-2313

County	Name	Phone	Email
Box Elder	Martin James	(435) 760-0805	martin@slideridgehoney.com
Cache	Martin James	(435) 760-0805	martin@slideridgehoney.com
Grand	Jerry Shue	(435) 260-8581	shue.jerry@gmail.com
Iron	Blaine Nay	(435) 590-7569	blaine@nay.org
Kane	Rob Brinkerhoff	(435) 644-8192	rob.brinkerhoff@gmail.com
Millard	Michael Stephenson	(435) 864-5343	stephensonhoney@gmail.com
Salt Lake	Peter Somers	(801) 874-2999	801874BZZZ@gmail.com
Sanpete	John Scott	(435) 851-6101	scottjg@ldschurch.org
Tooele	Kelly Keele	(435) 830-3888	
Washington	Casey Lofthouse	(435) 467-2787	cblofty@cpaz.net

If you reside in a county without an inspector, section 4-11-5 of the Bee Inspection Act states that the board of county commissioners can appoint one upon petition of five or more persons who raise bees. The list of beekeepers currently registered in Utah can be found [here](#) (then click 1201).

This entry was last updated on [July 10, 2020](#).

PLANT INDUSTRY DIVISION

Robert Hougaard
Director of Plant
Industry

Division Contact Information

(801) 982-2305

[udaf-
plantdivision@utah.gov](mailto:udaf-plantdivision@utah.gov)

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UDAF Contact Information:

(801) 982-2200

agriculture@utah.gov

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Apiary Inspection and Beekeeping



The Utah Apiary Program conducts apiary inspections to help beekeepers diagnose pest and disease issues in their hives. These inspections help to better understand the health of honey bees and monitor for exotic honey bee pests in the State of Utah. Beekeepers may request an inspection from either the Utah Department of Agriculture and Food or their county bee inspector. Some counties do not have a bee inspector, if you need an inspection in one of the counties without a county inspector please contact a state inspector.

There is no charge for inspections, testing services, or health certification for registered beekeepers.

[Click Here to Schedule with a State Honeybee Inspector](#) or call (801) 982-2313

[Click Here for County Beekeeping Inspectors Contact List](#)

[Click Here to Register as a Beekeeper](#)

+ Submit a Sample for Lab Testing

+ Foulbrood Information

+ Varroa Mites

+ Honeybee Health Reports

PLANT INDUSTRY DIVISION

Robert Hougaard

Director of Plant Industry

Division Contact Information

(801) 982-2305

udaf-plantdivision@utah.gov

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+ Fact Sheets

+ Honey

+ Special Districts

+ Bee Research

+ Additional Information on Beekeeping in Utah

- Apiary Rules and Regulations

In 1892, beekeepers successfully lobbied the Utah territorial legislature to pass the first bee inspection act. The legislation was needed to reduce the spread of deadly foulbrood diseases, which had become rampant. Today beekeepers deal with many new threats in addition to old ones like foulbrood. The Utah Bee Inspection Act is designed to help protect Utah's bees and beekeepers. Below are links to the current version of the Utah Bee Inspection Act and the rules governing it. Beekeepers should check with their city and county to see what ordinances (if any) they have that relate to bees and beekeeping.

[Utah Bee Inspection Act](#)

[Bee Inspection Act Rules](#)

+ Africanized Honeybees

This entry was last updated on [April 17, 2020](#).

UDAF Contact Information:

(801) 982-2200
agriculture@utah.gov

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DRAPER CITY

9-27-240: OWNERSHIP AND MAINTENANCE OF APIARIES:

A. Purpose: The purpose of this section is to establish certain requirements of sound beekeeping practice that are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

B. Apiary Standards: It is unlawful to maintain apiaries in Draper City unless the following standards are met:

1. Hive(s) shall be placed on property so that the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals on adjacent property or areas of public access. When hive(s) are located within twenty feet (20') of a property line or public right of way, a five foot (5') high flyway barrier is required. When hive(s) are located within five feet (5') of the property line, the opening of the hive shall not face the property line. Hive(s) shall not be permitted in front yards. On lots that are ten thousand (10,000) square feet or less, hive(s) shall not be permitted in side yards.

2. Hive(s) shall be supplied with adequate accessible fresh water continuously between March 1 and October 31 of each year. The water shall be in a location minimizing the nuisance created by bees seeking water on neighboring property.

3. A person shall not locate or allow hive(s) on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

4. Lots may contain one hive per four thousand (4,000) square feet, with the number of hives rounded down to the nearest whole number. Regardless of lot size, so long as all lots within a radius of at least two hundred feet (200') from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies.

C. Apiary Permitted: An apiary is permitted in all single-family residential zoning districts subject to compliance with the Salt Lake City-County health department, general sanitation regulations, section 4.12, or its successor relating to honeybee management.

D. Registration Of Beekeeper: Each beekeeper shall be registered with the Utah department of agriculture and food. Hive(s) shall be operated and maintained as provided in the Utah bee inspection act set forth in title 4, chapter 11 of the Utah state code, as amended. Hive(s) on property not owned by the beekeeper shall be conspicuously marked with the state registration number.

E. Inspection: A designated city official shall have the right to inspect any apiary for the purpose of ensuring compliance with this section between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice. (Ord. 1184, 1-12-2016)

HERRIMAN CITY

10-29-11: APIARIES:

An apiary is allowed in any zone which allows single-family residential, with the following requirements:

- A. Lots may contain two (2) hives per ten thousand (10,000) square feet, but not more than four (4) hives or equivalent capacity. Hives shall be located in the side or rear yard.
- B. If required by State law, each beekeeper shall be registered with the Utah Department of Agriculture and Food.
- C. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- D. Hives shall be placed at least five feet (5') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive, provided, however, that this requirement may be waived if permission is attained in writing by the adjoining property owner.
- E. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
- F. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and State registration number, if any.
- G. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
- H. A fence may be required upon complaint from the neighbor. (Ord. 2017-54, 12-13-2017)

HOLLADAY CITY

CHAPTER 8.13

BEEKEEPING SECTION:

8.13.010: Regulations

8.13.010: REGULATIONS:

A. Purpose: The purpose of this section 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.

B. Certain Conduct Unlawful: Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public safety or creates a nuisance.

C. Colony Conditions: Notwithstanding compliance with the various requirements of this section, 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.

D. Hive Registration: All honeybee colonies shall be registered with the Utah department of agriculture and consumer services.

E. Setbacks And Fencing Of Flyways: No colony may be placed closer than five feet (5') of any rear or side yard property line. Any colony situated within twenty five feet (25') of a public or private property line shall require the establishment of a flyway barrier at least six feet (6') in height consisting of a solid wall, fence, dense vegetation or combination thereof. Said barrier shall be parallel to the property line extending ten feet (10') beyond the colony in each direction, forcing a flight pattern elevation of at least six feet (6') above grade.

F. Water: A water source shall be provided on the property.

G. General Maintenance: 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 beeproof enclosure.

H. Queens: The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Preferably, queens shall be selected from European stock bred for gentleness and nonswarming characteristics.

I. Colony Densities: It shall be unlawful to keep more than the numbers of colonies allowed by subsection 13.76.240D of this code on any tract, lot or parcel of land within the city of Holladay.

J. Utah State Beekeeping Inspection Act: Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah department of agriculture and consumer services.

K. Identification: The beekeeper shall conspicuously post a sign setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.

L. Noncompliance: Upon receipt of information that any colony situated within the city is not being kept in compliance with the conditions set forth by this section, the community development director shall cause an investigation to be conducted.

1. If the city finds that grounds exist to believe that one or more violations have occurred he shall send written notice to the beekeeper to cure the violation within a reasonable time frame as per the notice. If the violation has not been corrected after notice having been given, a hearing shall be scheduled before the city's hearing officer as set forth in title 7 of this code.

2. If the hearing officer finds that the colony or colonies have been kept in violation of this section, he may order that the bees be relocated on the property, removed from the property, or if no other satisfactory remedy exists, then he may order the bees destroyed.

3. The provisions of this subsection shall not be construed to require the conduct of a hearing for the destruction of: a) any bee colony not residing in a hive structure intended for beekeeping, or b) any swarm of bees, or c) any colony residing in a standard or manmade hive which by virtue of its condition, has obviously been abandoned by the beekeeper. (Ord. 2014-08, 6-5-2014)

TABLE 13.76.240.4

Single-Family Residential (R-1)	Colonies
Less than 8,000 square feet	None allowed
8,000 square feet to 16,000 square feet	2
Over 16,000 square feet to ¹ / ₂ acre	4
Over ¹ / ₂ acre but less than 1 acre	6
1 acre and over	8
Exemption - 1 acre and over	Where all hives are situated at least 200 feet in any direction from all property lines of the lot/parcel on which the apiary is situated, there shall be no limit to the number of colonies
Exemption - 1 acre and over	So long as all abutting property that is within a radius of 200 feet from any hive, remains undeveloped property, there shall be no limit to the number of colonies

OGDEN CITY

13-4-4: HIVE CONSTRUCTION, LOCATION AND WATER SUPPLY:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. In residential zones or neighborhoods:

1. Placement: Hives shall not be located in a front yard. Hives shall be located at least twenty five feet (25') from any adjoining property line or street right of way line unless shielded by a flyway barrier. If shielded by a flyway barrier, hives shall be located at least five feet (5') from any adjoining property line or street right of way line.

2. Rooftop Hives: Rooftop hives shall be situated in such a way as to minimize impact on adjacent properties.

3. Design And Water Supply: Hives shall be placed at least six inches (6") above the ground, and shall not exceed seven feet (7') in overall height above ground or rooftop level. This includes all brooders, supers, stands and any other components of the hive. Hive entrances shall be oriented away from the nearest adjacent dwelling if less than twenty five feet (25') from the hive. A supply of fresh water shall be maintained on the owner's property where it is readily accessible for bees to prevent them from congregating at neighboring swimming pools or other sources of water on nearby properties.

C. Hives shall be operated and maintained as provided in the Utah bee inspection act, Utah Code Annotated, title 4, chapter 11, as amended, and in accordance with all applicable state and local laws and policies.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

(Ord. 2014-7, 2-4-2014)



SALT LAKE CITY ORDINANCE

No. 71 of 2009

(Amending Section 8.04.010 to Add Definitions Related to Beekeeping and Enacting Chapter 8.10 to Establish Beekeeping Regulations)

An Ordinance Amending Section 8.04.010, *Salt Lake City Code*, to add definitions related to beekeeping and enacting Chapter 8.10, *Salt Lake City Code*, to authorize beekeeping subject to certain regulations.

WHEREAS, honeybees benefit mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products; and

WHEREAS, bees, via pollination, are responsible for 15 to 30 percent of the food eaten by U.S. consumers, and

WHEREAS, in the last 50 years the domesticated honeybee population, on which most farmers depend for pollination, has declined by about 50 percent, and

WHEREAS, Salt Lake City allowed apiaries in agriculturally zoned areas until the 1980s when concerns about killer bees led to the prohibition of apiaries in the City, and

WHEREAS, domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes, and other characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honeybees can be maintained within populated areas in without causing a nuisance if properly located, managed, and maintained, and

WHEREAS, the City Council of Salt Lake City, Utah, (i) desires to amend Section 8.04.010, *Salt Lake City Code*, to add definitions related to beekeeping and to enact Chapter 8.10, *Salt Lake City Code*, to authorize beekeeping subject to certain regulations as set forth below, and (ii) finds such action reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. **Amending Section 8.04.010.** That Section 8.04.010 of the *Salt Lake City Code*, shall be, and hereby is, amended to include definitions of "Apiary," "Beekeeper," "Beekeeping Equipment," "Colony," "Hive," and "Honeybee" which shall be inserted in alphabetical order and shall read as follows:

APIARY: Any place where one (1) or more colonies of bees are located.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

COLONY: Bees in any hive including queens, workers, or drones.

HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HONEYBEE: The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

SECTION 2. **Enacting Chapter 8.10.** That Chapter 8.10 of the *Salt Lake City Code* shall be, and hereby is, enacted to authorize beekeeping subject to certain regulations, as follows:

Chapter 8.10

BEEKEEPING

8.10.010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

8.10.020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

8.10.030: HIVES ON RESIDENTIAL LOTS:

A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

B. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

8.10.040: BEEKEEPER 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, as amended.

8.10.050: HIVES:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.

C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

8.10.060: FLYWAYS:

A hive shall be placed on 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 fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

8.10.070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

8.10.080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations shall apply.

8.10.100: VIOLATIONS:

A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04.510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

SECTION 3. **Effective Date:** This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this 1st day of December, 2009.

Bill No. 71 of 2009.

Published: January 9, 2010.

SOUTH JORDAN CITY

17.130.040.040: BEEKEEPING:

Honeybees may be kept as an accessory use on residential lots that are a minimum of one-fourth (1/4) acre in area. The number of honeybee colonies allowed on lots is as follows:

Lot Size	Number Of Colonies
1/4 acre to 1/2 acre	2
1/ 2 acre to 1 acre	4
Over 1 acre	1 additional colony for each additional 1/2 acre increment

Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition. Each person keeping bees is required to register and obtain a license from the Utah Department of Agriculture and Food. Other regulations (State and Federal), such as those found in chapter 11, title 4 of the Utah State Code, are to be followed as well.

A. Location: Hives may not be located in the front or the street side yard of any property. Hives shall be located at least twenty five feet (25') from any adjoining property line or public street if not shielded by a "flyway barrier". If shielded the required setback shall be ten feet (10') from all property lines or public street. Hives shall be properly shielded from any adjacent night lighting on adjoining properties. The shielding shall be the bee owner's responsibility as to prevent bees from being attracted to neighboring properties and to prevent creation of nuisance conditions for the neighboring property owners.

B. Location Restrictions: Beehives may not be located within five hundred feet (500') of a public or private school property. Beehives and/or apiaries may not be located in water source recharge areas and protection zones in accordance with title 16, chapter 16.50 of this Code.

C. Fences And Shrubs: For any beehive located within twenty five feet (25') of a property line, a solid fence or dense hedge, known as a "flyway barrier", at least six feet (6') in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall extend at least ten feet (10') from the hive in any direction along adjacent property lines. No such flyway barrier shall be required if a hive is located at least twenty five feet (25') from any property line or public street.

D. Design And Water Supply: Hives shall not exceed seven feet (7') in overall height above ground level. This includes all brooders, supers, stands and any other components of the hive. Hives shall be oriented away from the nearest property line. A supply of fresh water shall be maintained on owner's property where it is readily accessible for bees to prevent them from congregating at neighboring swimming pools or other sources of water on nearby properties.

E. Nuisance: Bees and associated beehives may be ordered removed from property if they are determined to be a nuisance in accordance with title 8, chapter 8.24 of this Code or applicable State law. (Ord. 2011-18, 3-6-2012)



- **6.16.100 - General requirements for domestic beekeeping.**

- A. An **apiary**, consisting of not more than three (3) hives or an equivalent capacity, may be maintained in a side yard or rear yard of a parcel in single-family residential (R1) zones having a minimum lot area of four thousand five hundred (4,500) square feet.
- B. Residents renting or leasing property shall be required to submit a notarized affidavit from the property owner granting the applicant permission to maintain an **apiary**.
- C. All apiaries shall comply with Salt Lake County health department regulations, as amended.
- D. Parcels in single-family residential zones that contain more than two residential dwelling units or a non-conforming multifamily structures shall not be eligible to maintain an **apiary**.
- E. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Utah Code, as amended. Proof of registration shall be sent to the city.
- F. Apiaries shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.
- G. If any portion of an **apiary** is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an **apiary** is located, as measured from the nearest point on the hive to the property line, a flyway barrier of at least six feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet above ground level over property lines in the vicinity of the **apiary**.
- H. Each beekeeper shall ensure that a convenient source of water is available to the colony in a manner which is appropriate for providing water to bees, continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
- I. Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an **apiary** site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- J. The keeping of bees for commercial enterprises is prohibited in any zone outside of the agricultural (A-1) zone.

(Ord. No. 2015-04, 4-22-2015)

- **6.16.110 - Requirements for hives.**

- A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable conditions.

- B. Hives shall be placed at least five feet from any property line and six inches above the ground, as measured from the ground to the lowest portion of the hive with clear space underneath; provided, however, that the five-foot requirement may be waived in writing by the adjoining property owner.
- C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
- D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

(Ord. No. 2015-04, 4-22-2015)

- **6.16.120 - Nuisance conduct.**

It shall be unlawful for any person to keep beehives in a manner that is contrary to the provisions of this chapter or in a manner that threatens public health or safety, or creates a nuisance. In such cases, the city may apply for and receive an order of abatement to remove **apiaries** or bee colonies.

WEST JORDAN CITY

6-3H-1: HONEYBEE MANAGEMENT:

The keeping of honeybees is allowed in all zoning districts within the city of West Jordan subject to compliance with the Salt Lake Valley health department, general sanitation regulation requirements, section 4.12, or its successor relating to honeybee management. (Ord. 12-20, 9-26-2012)

6-3H-2: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah department of agriculture and food process and hives shall be operated and maintained as provided in the Utah bee inspection act set forth in title 4, chapter 11 of the Utah code, as amended. (Ord. 12-20, 9-26-2012)

6-3H-3: HIVES ON LOTS:

On lots less than twenty thousand (20,000) square feet, hives shall be located no less than five feet (5') from any property line. Hives located between five feet (5') and fifteen feet (15') from any property line shall be surrounded by a six foot (6') flyway consisting of a fence, wall or dense foliage.

On all lots, if the apiary is located in an area that borders a public walk or street, the area shall be separated from the public walk or street by a fence or wall in compliance with title 13 of this code. (Ord. 12-20, 9-26-2012)

(Ord. 12-20, 9-26-2012)



August 6, 2020

Notice of Public Meeting

PUBLIC NOTICE IS HEREBY GIVEN that in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020, the Planning Commission of Murray City, Utah will hold an electronic only regular meeting at 6:30 p.m., Thursday, August 20, 2020. ***No physical meeting location will be available.***

The public may view the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>.

If you would like to submit comments for an agenda item, you may do so by sending an email (including your name and contact information) in advance of, or during the meeting to planningcommission@murray.utah.gov. *Comments are limited to 3 minutes or less and will be read into the meeting record.*

This notice is to inform you of a Planning Commission meeting scheduled for Thursday, August 20, 2020 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

Murray City Community Development Planning Division, applicant, has requested a Land Use Text Amendment, specifically, to Section 17.65, Beekeeping Standards.

Public input is welcome at the meeting and will be limited to 3 minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. If you have questions or comments concerning this proposal, please call Jared Hall or Susan Nixon, with the Murray City Community & Economic Development Department at 801-270-2420, or by email at jhall@murray.utah.gov or snixon@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 20th day of August, 2020, at the hour of 6:30 p.m. of said day the Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to a Land Use Ordinance Text Amendment for modifications to Section 17.65, Beekeeping Standards. The public may view the meeting via the live stream at www.murraycitylive.com. If you would like to submit comments for this agenda item you may do so by sending an email in advance or during the meeting to planningcommission@murray.utah.gov. No physical meeting location will be available.

Jared Hall, Manager
Community & Economic Development