

Recommended Further Additional Revisions to Ordinance Bill No. 6-19
(Addressing Concerns Raised During 5-13-19 Council Public Hearing)

(Additional proposed revisions identified in **bold double underline** and ~~**bold double strikethrough**~~)

Keeping of Bees:

Sec. 50.720. Keeping of bees.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

Bees means honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form, excluding African honey bees.

Hive means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(b) Location. Bees may be kept at any residence, community garden, on any lot owned by a school, government agency or religious organization, or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.

(c) Standards. Except where the keeping of livestock and other animals is allowed under the UDC, bees kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:

(1) A maximum of five hives may be kept on a property; provided, however, the maximum number of hives may be temporarily increased to seven only during the months of April through August of each calendar year to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms.

(2) Hives shall comply with the setback requirements of the zone in which they are located. Where a main building is located on a property, hives shall be located in the side or rear yard.

(3) If a hive is located within 25 feet of a property line, either:

(A) A flyaway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of 10 feet in either direction of the hive. The flyaway barrier shall consist of a wall, fence, dense vegetation or a combination thereof; or

(B) The hive shall be elevated a minimum of 10 feet above ground level.

~~(4) Hives must be positioned such that the opening is pointed into the beekeeping property and not toward any adjoining property.~~

~~(5)~~(4) A constant supply of water shall be provided for the bees within 15 feet of each hive on the property where the bees are located; and

~~(6)~~(5) Each beekeeper shall ensure that no bee comb or wax is left upon the property grounds to prevent robbing from other bees and attracting predators.

~~(7)~~(6) Hives shall be maintained in a condition such that the bees do not produce noise or odor that creates a nuisance for adjacent properties;

~~(8)~~(7) If a hive or group of hives is located at a community garden or on any lot owned by a school, government agency, or religious organization, a sign warning of hives shall be installed at the primary public entrance to the property. Warning signs shall be at least 10 inches by 10 inches.

(d) Bees not in compliance deemed nuisance. Bees not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.

(e) Violation. Except as otherwise provided under the UDC, it shall be unlawful to keep bees in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:

(1) \$250.00 for the first violation;

(2) \$500.00 for the second violation; and

(3) \$750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping bees for ten years.

City Acquisition of Encumbered Property, Easements, and Right-of-Way:

Sec. 200.050. - Acquisition of property, easements and right-of-way.

(a) The developer shall obtain all rights-of-way necessary for street improvements, easements for sewer, drainage and water lines, and fee title to property for parks, pumping stations and reservoirs needed to construct the required facilities identified in the Urban Growth Preliminary Declaration. If the developer is unable to acquire any necessary property, easements, or right-of-way after documented good faith attempts to negotiate and purchase the same, the developer shall prepare the legal descriptions thereof and transmit them to the City Attorney. The City Attorney shall refer the matter to the Council which shall, after public hearing, proceed to determine whether the developer made good faith attempts to acquire the property, easement or right-of-way, and whether to acquire the property, easement, or right-of-way through exercise of eminent domain. The hearing shall be conducted in the manner provided for quasi-judicial hearings in matters other than quasi-judicial land use matters.

(b) The City Attorney and other city departments shall keep account of time and expenses incurred in acquiring the property, easements, and rights-of-way, including the amount of court costs and attorney fees awarded the other party by the court, and the developer shall pay all such expenses together with the amount of the judgment or settlement. In instances where the City and the developer have responsibility for acquiring abutting portions of right-of-way at the same time, the expenses delineated in this subsection shall be shared in proportion to the area acquired by each party.

- (c) Any settlement of a condemnation action must be concurred in by the developer; provided, however, the developer shall be bound by a final judgment rendered in any eminent domain action unless, within ten days of the verdict being rendered, the developer notifies the City Attorney, in writing, of the developer's intention to abandon the development. If the developer, at any time, decides to abandon the development, the developer shall pay to the City all costs incurred in preparing for and prosecuting the action, including any costs and attorney fees awarded the defendant in the action.
- (d) All property, easements, and rights-of-way acquired by the developer shall be acquired by the developer in the name of, and conveyed to, the City, free of all liens and encumbrances, no later than the time of recording of the final plat. If the property acquired by the developer is subject to an easement held by a federal, state, or local governmental entity, **the Director may accept the conveyance if the City's planned uses of the encumbered area are consistent with the terms of the easement. If the City's planned uses of the encumbered area are not consistent with the terms of the easement,** the ~~developer applicant~~ may request relief from the provisions of this subsection ~~as follows:~~

~~1) Decisions made after *[insert effective date of ordinance]*.~~

~~The applicant may request relief from this subsection through a Class 2 adjustment, pursuant to SRC chapter 250. Notwithstanding SRC 250.005(d)(2), a Class 2 adjustment for relief pursuant to this subsection may be approved if the following criteria are met:~~

~~(A) The City's planned uses of the encumbered area are consistent with the terms of the easement;~~

~~(B) The applicant has made good faith efforts to remove the encumbrance;~~

~~(C) Feasible alternatives exist for the relocation or modification of any City improvements within the encumbered area should the City's use come into conflict with the existing easement; and~~

~~(D) The City will not incur substantial cost to relocate or modify any City improvements within the encumbered area should the City's use come into conflict with the existing easement.~~

~~(A) There are no feasible alternatives to relocate the planned City facilities that would eliminate the need to acquire the encumbered area;~~

~~(B) The applicant has made good faith efforts to remove the encumbrance;~~

~~(C) The Director determines that the likelihood that the City facilities will need to be modified or relocated is small, and the cost of such modification or relocation can be adequately mitigated, and~~

~~(D) The easement holder has consented in writing to allow the City's planned use in the encumbered area, in a form acceptable to the City Attorney. At a minimum, the easement holder's consent shall provide a reasonable time for the City to relocate or modify the City's facilities to accommodate the easement.~~

~~(2) Decisions made prior to *[insert effective date of ordinance]*.~~

~~The applicant may seek relief from the provisions of this subsection through modification of the land use decision. For an urban growth preliminary declaration, the applicant may seek an amendment pursuant to SRC 200.030.~~

Bike Parking Area Access:

Sec. 806.060. - Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking areas shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) Location. ~~Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance. Except as otherwise provided in this section, bicycle parking shall be located outside a building.~~
- (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance **that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.** ~~Bicycle parking areas shall not require users to lift their bikes over stairs or the bike rack itself, except in the case of wall or ceiling racks, in order to access bicycle parking.~~
- (c) Dimensions. ~~Except as provided in subsection (f) of this section, Bicycle parking spaces shall be a minimum of six feet by two feet, and shall be served by a minimum four foot wide access aisle. bicycle parking areas shall meet the following dimension requirements:~~
- (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
- (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- ~~(e)~~ Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards. Bicycle racks shall accommodate the bicyclists own locking device.

- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 800-x.
- (f) Bicycle lockers. Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
- (1) Lockers, except for pie-shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height;
 - (2) Pie-shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;
 - (3) Lockers shall be served by a minimum four-foot-wide access aisle in front of each locker opening. Access aisles may be located within the public right-of-way; and
 - (4) Lockers shall be securely anchored.