

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, AMENDING CITY CODE RESTRICTIONS AND REGULATIONS FOR KEEPING ANIMALS.

WHEREAS, Utah Code § 10-9a-102 grants the Bluffdale City Council (the “City Council”) authority to enact or amend ordinances that it considers necessary or appropriate for the use and development of land in the City of Bluffdale (the “City”); and

WHEREAS, the City Council desires to change the distance requirements between buildings from 20 feet to 10 feet; and

WHEREAS, the Bluffdale Planning Commission has held a public hearing and gave its recommendation to the City Council; and

WHEREAS, the City Council has held a public hearing and reviewed the subject text amendment and finds that the subject text amendment will enhance the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

SECTION 1. Amendment. The City Council hereby amends BCC 3.10.010 (Definitions) and 3.10.080 (Denial, Suspension, or Revocation of Business License), as shown in Exhibit A.

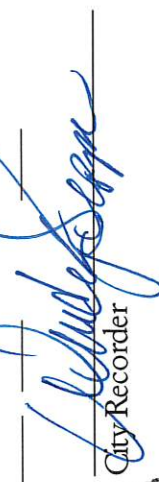
SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, ON THIS 26TH DAY OF AUGUST, 2020 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Councilmember Aston	X	—	—	—
Councilmember Crockett	X	—	—	—
Councilmember Gaston	X	—	—	—
Councilmember Hales	X	—	—	—
Councilmember Kallas	X	—	—	—

Mayor: 
Derk P. Timothy

City Recorder: 
City Recorder

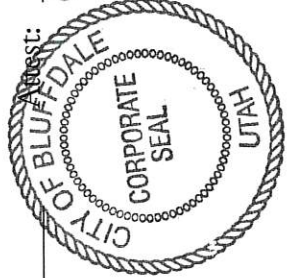


EXHIBIT A

(Deletions in strikethrough, additions in underline)

11.20.020: General Definitions

... BEE COLONY: A group of bees made up of a queen, drones and workers.
PYGMY GOATS: Pygmy goats include dwarf and pygmy breed goats as well as miniature goats (a standard goat bred to a dwarf or pygmy goat)^{TS1}.
LARGE ANIMALS: Cows, horses, sheep, goats, pigs or hogs, and other similar animals for agricultural or domesticated purposes.

... 11.16.280: KEEPING OF ANIMALS:

A. The keeping of large animals is allowed as follows:
In the A-5, R-1-43, and R-1-87 zones, on lots greater than one-half (1/2) acre it is permitted to keep two (2) cows, two (2) horses, five (5) sheep, five (5) goats, or two (2) pigs/hogs per one-half (½) acre. Twenty-five (25) chickens or twenty (25) pheasants or similar fowl are equal to one large animal.

1. Young pigs/hogs, born of personal stock, are counted as adults at 12 weeks and all other young animals born of personal stock are counted as adults at 6 months. Any unlisted animal will be compared with those listed by size and weight by the Zoning Administrator or designee.

B. Table of allowed animal uses:

Animals	Zone	Lot Size	Number
Chickens	All Residential Single Family Zones, except R-1-43 and R-1-87	greater than or equal to 5000 SF	3 per 5000 SF
Bees	R-1-10, R-1-43, and R-1-43: CRO/PRD Zones	greater than 10,000 SF	2 colonies on lots less than or equal to 0.50 acres, 4 colonies on lots greater than 0.50 acres (up to 1.0 acre), with 1 additional colony for each additional 0.50 acres.
Pygmy Goats, in zones where large animals are not allowed	R-1-10 (Not permitted in CRO developments in the R-1-43 zones (i.e. Parry Farms and Spring View Farms)	greater or equal to 10,000 SF	2 per lot maximum
Large Animals	R-1-43, R-1-87, A-5*, which are not developed as a CRO zone (i.e. Parry Farms and Spring View Farms)	On lots greater than or equal to 0.50 acres per existing code (see 11-16-280 above). On lots less than 0.50 acre, standards in the following column shall govern	2 Horses, cows, or pigs or 5 sheep or goats, or 25 chickens, fowls, or pheasants (equal to 1 large animal) on lots less than 0.50 acre

* These standards do not apply to properties located in the A-5 Zone which are at least 5 contiguous acres in size. Properties in the A-5 Zone which are not 5 acres or more in size shall adhere to the animal limits set forth in the R-1-43 Zone and 11-16-280.

C. In addition, the following standards shall apply for raising chickens:

1. Chickens may not be permitted to roam beyond the locational requirements for enclosures, pen, coops, and run areas.
2. Accessory structures housing chickens shall be a minimum of twenty feet (20') from the nearest primary structure or habitable dwelling on adjoining properties.
3. Slaughtering/processing chickens is not allowed.
4. Owners are responsible for the maintenance and cleanliness of chicken facilities.
5. Chicken Care And Maintenance Guidelines: [TS2]The raising of residential chickens and egg production shall be done in such a way that the use is clearly subordinate to the residential character of the property with no significant impacts or nuisances being created for the residential neighborhood in general and adjoining property owners in particular.
6. Feed Containers: The storage and accessibility of chicken feed shall be so handled to discourage rodents, other vermin, and predators.
7. Nuisance: Property owners will ensure that the raising of residential chickens and egg production is properly conducted and monitored to not create impacts to neighbors. Approval to raise residential chickens shall include the construction and maintenance of adequate and comely coops, pens, enclosures, and property fencing that will confine chickens to the property and that do not adversely affect neighborhood property values. The maintenance and cleanliness of facilities and equipment shall be the ongoing responsibility of the property owner.
8. Roosters are not allowed in the R-1-10 zone, or the CRO and PRD subdivisions within the R-1-43 zone.

11.350.030: TABLE OF PERMITTED, CONDITIONAL, AND ACCESSORY USES FOR RESIDENTIAL ZONES:

Use	A-5	R-1-43	R-1-10	R-1-87	R-MF
Buildings for the confinement or protection of animals	A	A	A	A	N

The keeping of 2 cows, 2 horses, 5 sheep, 5 goats, or 2 pigs/hogs per ½ acre. 25 chickens or 25 pheasants or similar fowl are equal to 1 large animal	P ¹	P	N	P	N
---	----------------	---	---	---	---

...

Note:

1. Young pigs/hogs, born of personal stock, are counted as adult at 12 weeks and all other young animals born of personal stock are counted as adults at 6 months. Any unlisted animal will be compared with those listed by size and weight by the Zoning Administrator or designee. These standards do not apply to properties located in the A-5 Zone which are at least 5 contiguous acres in size. Properties in the A-5 Zone which are not 5 acres or more in size shall adhere to the animal limits set forth in the R-1-43 Zone.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, August 26, 2020**

Wendy Aston was in favor of using lot size to determine the ability to keep small animals and gave specific examples. She supported the keeping of chickens and bees but not pygmy goats because they are currently considered a large animal. Dave Kallas commented that pygmy goats are very small and quiet.

Mark Hales stated that property owners should be allowed to keep the animals they desire on their property.

Jeff Gaston commented that animals are approved to specific sections of the City. If residents want to keep animals, they should move to those areas.

Dave Kallas suggested that the requirement be 10,000 square feet and that residents be allowed to have two beehives. He commented that beehives pose an issue because they split. Mr. Crowell stated that there is an argument as to whether bees should be categorized as small animals. He was not sure if beehives are addressed in the R-1-43 zone.

Mayor Timothy opened the public hearing. There were no public comments. The public hearing was closed.

Dave Kallas moved to approve Ordinance Number 2020-19, amending Titles 11-2, 11-16 and 11-35 regarding Chicken and Small Animal Requirements in the R-1-43 and R-1-10 Zones, amending the existing Animal Code and creating a New Section, “Keeping of Animals” with the correction to the revised proposed ordinance table under pygmy, to add under lot size “greater than or equal to”. Mark Hales seconded the motion.

Mayor Timothy reopened the public hearing to allow for a delayed response online.

Ulises Flynn submitted the following comment online: “I think the division should lie in lot size. and maybe have 7,000 to 10,000 square feet as a cutoff. It would be better to do that versus a geographical split, to avoid west versus east issue.”

Mayor Timothy closed the public hearing.

Vote on motion: Mark Hales-Aye; Wendy Aston-Aye; Jeff Gaston-Aye; Traci Crockett-Aye; Dave Kallas-Aye. The motion passed unanimously.

10. PUBLIC HEARING – Consideration and Vote on Ordinance 2020-12, Repealing Title 11, Chapter 27 (Residential Facilities for Elderly or Disabled Persons), and Enacting Title 14 (Residential Facilities for the Handicapped), Staff Presenter, Todd Sheeran.

Mr. Sheeran presented the staff report and stated that the intent is to allow for housing that provides flexibility to eliminate potential barriers to housing opportunities. The intent was to allow someone