



TOWN OF JEROME

Post Office Box 335, Jerome, AZ 86331 (928) 634-7943

P&Z Resolution No. 2021-11 Code amendments related to beekeeping

WHEREAS the Town of Jerome would like to amend Sections 201, 502, 503, 504, and 505 of the Jerome Zoning Ordinance; and

WHEREAS the proposed amendments include, but are not limited to, amending the ordinance to allow for the keeping of bees within the town limits; and

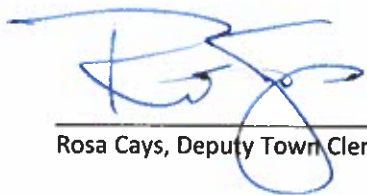
WHEREAS on June 16, 2021, the Jerome Planning and Zoning Commission held a hearing and provided public notice in accordance with Section 301.C. of the Jerome Zoning Ordinance; and

WHEREAS a notice was published in the *Verde Valley Independent* newspaper on May 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the commission hereby recommends that the Town Council of Jerome amend Sections 201, 502, 503, 504, and 505 of the Jerome Zoning Ordinance related to the keeping of bees.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on June 16, 2021.

ATTEST:



Rosa Cays, Deputy Town Clerk

APPROVED:



Lance Schall, Chair

Attachment – redline version of proposed text amendments

Section 201 - Definitions

Antique - a product that is sold or exchanged because of value derived, because of oldness as respects the present age, and not simply because same is not a new product.

Apartment - a room or suite of two (2) or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one (1) family.

Apartment House - A building containing apartments with two (2) or more families living independently of each other.

Apiary – one or more hives or colonies of bees at one location.

Appeal - an action which permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant seeks redress.

Area, open - (see Open Area).

ARS - Arizona Revised Statutes (Arizona State Law).

Artist - one who practices an art in which imagination and taste presides over the execution. This is not deemed to include the business of teaching the mechanics of the art.

Attached building - (see Building, Attached).

Automobile Service Station - (see Service Station).

Automobile Repair Garage - a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

Bed and breakfast - a building or buildings containing central kitchen facilities and not more than three (3) rooms used to provide lodging for compensation; provided that, 1) No more than one (1) family is lodged per day, 2) no meals are provided other than breakfast, 3) the host family lives on the premises, 4) smoke alarms are installed and, 5) parking has no negative effect on the neighborhood.

Beekeeper – a person who owns and breeds bees, especially for their honey.

Beekeeping (or apiculture) – the maintenance of bee colonies, commonly in man-made hives by humans. May include the manufacture of honey, beeswax, and other byproducts of the beekeeping process.

Board of Adjustment - (see Section 105)

Boarding or Rooming House - a building or buildings containing central kitchen facilities and not more than eight (8) rooms where lodging is provided for compensation with or without meals, but not to include rest homes.

Boundary, Zone - the limit and extent of each zone district classification as shown on the official zoning map.

Building - a structure having a roof supported by columns or walls (see Structure).

Building, Attached - a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached - a building which is separated from another building or buildings on the same lot.

Building, Height of - the vertical measurement down from the highest point on the structure to an intersection with the horizontal projection of a plane established as the median between the highest and lowest points of original grade beneath the enclosed portion of the structure. (See Appendix for diagrams.)

Building, Main - a building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main

building of the lot on which the same is situated.

Building Area - the total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings (including decks), exclusive of uncovered porches, terraces and steps.

Building Permit - a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town of Jerome.

Building Setback Line - the minimum distance as prescribed by this ordinance between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

Building Site - the ground area of a building or buildings together with all open spaces adjacent thereto, as required by this ordinance, does not include any streets, alleys, access easements or other rights-of-way necessary for access to the property, or as a means of access through one property to another parcel of land.

Business or Commerce - The purchase, sale or other transaction involving the handling or disposition (other than defined in the term "industry") of any article, substance or commodity for profit or livelihood.

Campground - any lot, parcel, or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the travelling public with or without sanitary facilities and water, whether or not a charge is made for the use of the park and its facilities.

Carport - an accessory structure or portion of a main structure open on two (2) or more sides designed for the storage of motor vehicles, without full enclosure.

Cemetery - land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Church - a permanently located building commonly used for religious worship fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

Clinic - a place for the provision of group medical services, not involving overnight housing of patients.

Club - an association of persons for some common non-profit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

Clubhouse - a structure and related facilities for conducting or continuing the social purposes for which the club was organized.

Colony – [the inhabitation of the hive, including the queen, drones, worked bees and brood.](#)

Commission - Town of Jerome Planning and Zoning Commission. (See Section 194.)

Comprehensive Plan (General Plan) - a plan developed and adopted by the planning and zoning commission and town council as a guide for future growth and development within the Town of Jerome, including any other plan adopted as a part or any amendments to such plan or parts thereof.

Contiguous - in actual contact.

Convalescent Home - (same as Nursing Home).

Council - Jerome Town Council.

Court - any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal

be restricted by man-made structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the fifty-year flood and shall not exceed that area confined by the one hundred-year flood.

Flyway barrier – a solid wall, fence, dense vegetation, or combination of these materials at least six (6) feet high that extends at least ten (10) feet beyond the hives on each end of a bee colony.

Frontage - the linear distance of property along a public right of way.

Garage, private - an accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

Garage, Public - any building, except one herein defined as a private or storage garage used for the storage, care or repair or self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

Garage, Repair - (see Automobile Repair Garage).

Governmental Agency - includes any agency of the federal, state, county or municipal governments.

Greenhouse - a building or structure constructed chiefly of glass, glass like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Guest Room - a room having no cooking facilities intended for occupancy by one or more persons not members of the family. Does not include dormitories for sleeping purposes.

Height, Building or Structure - (see Building, Height of, and Accessory Building, Height of).

Hives – the domicile of bees, including any receptacles or containers inhabited by bees.

Home Occupation - an occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital - a place for the treatment or care of human ailments, and unless otherwise specified, the term shall include sanitarium, preventorium, clinic and maternity home.

Hotel - a building in which there are nine (9) or more rooms where lodging with or without meals is provided for compensation, usually on a transient basis, “hotel” shall not be construed to include motel, trailer court, sanitarium, hospital, or other institutional building or jail or other building where persons are housed under restraint. No provision is made for cooking in the individual rooms or suites.

Industry, Light - those industrial uses which do not result in extensive open yard area, storage of extensive raw materials, nor otherwise result in noise, odors, dust, lights, vibration, waste products or adversely affect the surrounding properties.

Junk Yard - the use of two hundred (200) or more square feet of any lot or parcel of land for outside storage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture. The outside storage of used or secondhand materials in an area less than two hundred (200) square feet is permitted only on the rear half of a lot or parcel.

Kitchen - any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

Kindergarten - same as nursery school, except when operated in conjunction with a school of general instruction and having accredited instruction.

Street - a public or private way permanently dedicated or reserved as a primary means of access to abutting property.

Street Line - the boundary line between street right-of-way and abutting property.

Structure - anything constructed or erected which requires a fixed location on the ground, including a building but not including a fence or wall used as a fence.

Structure, Main - a structure housing the principal use of a site or functioning as the principle use.

Structure Alteration - any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joints, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

Swarm – [a population of transient bees that have not permanently established themselves.](#)

Subdivision of Land - (see Arizona Revised Statutes, Section 9-463).

Swimming Pool - any permanent structure containing or intended to contain water for recreational uses, including wading pools.

Travel Trailer - a vehicle without motive power, portable structure with wheels built on a chassis, designed as a temporary dwelling for travel recreation and vacation purposes, having a body width not exceeding eight (8) feet and its body length does not exceed thirty-two (32) feet.

Trailer Park or Court - facilities for the storage, parking and maneuvering of mobile homes or trailers with adequate road and stall sites, and providing adequate sanitation and water facilities required to meet the needs of the residents. Site location is provided on a rent or lease basis. Includes mobile home parks.

Town - the Town of Jerome, Yavapai County, Arizona.

Use - the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

Use, Conditional - a use which is listed as a conditional use in any given district in this ordinance. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

Use, Permitted - a use which is listed as a permitted use in any given district in this ordinance. Permitted uses may not meet special requirements as a condition precedent to be allowed to establish in a given district, except as may be required by the provisions of this ordinance.

Variance - (see Arizona Revised Statutes, Section 9-462, and Section 305 of this Ordinance).

Vineyard - is an area of land planted with cultivated grapevines.

Viniculture - is the science, cultivation and study of grapes which deals with the series of events that occur in a vineyard, which vineyard produces grapes specifically for winemaking, whether for commercial, non-commercial or domestic use. The term “viniculture” shall not apply to plantings of one hundred (100) vines or less.

Wall - any structure or device forming a physical barrier which is so constructed that fifty (50) percent or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.

Warehouse - a building or buildings used for the commercial storage of goods, where no retail or

Section 502 - General Provisions

7. A home occupation shall not create any nuisance or hazard, or other offensive condition such as that resulting from noise, smoke, fumes, dust, odors or other noxious emissions. Electrical or mechanical equipment that causes fluctuation in line voltage, creates any interference in either audio or video reception or causes any perceivable vibration on adjacent properties is not permitted.
8. The use shall not generate more pedestrian or vehicular traffic than is typical to the zone in which it is located.

[Ord. No. 442]

N. ANIMALS AND PETS

Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats, and similar household pets, exclusive of animals under the age of six (6) months, and exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building, and which do not create odor or sound which is detectable on an adjoining lot.

O. BEEKEEPING

The following standards and requirements apply to the keeping of any hive, colony, or apiary bees within the town limits.

1. All persons shall be required to obtain a conditional use permit prior to the keeping of bees. The application form shall include the name, address and telephone number of the person seeking the permit as well as the name, address, and telephone number of the property owner. If the applicant is other than the property owner, then the application shall also include written permission of the owner for the use of the property for keeping a hive, colony, or apiary. The form shall also include a drawing of the property indicating the location for the keeping of the hive, colony or apiary and an acknowledgement that, prior to the placing of the hive, colony or apiary upon the property, an adequate supply of water and other nutrients are available on the property near the hive, colony or apiary.
2. Upon receipt of a beekeeping application, and at least 15 days prior to review by the Planning and Zoning Commission, public notification shall be mailed by the Town to properties within 100 feet of the subject property.
3. No more than two hives shall be allowed on a parcel.
4. Hives shall be located in the area behind the primary structure and in front of the rear lot line and set back from the side and rear property lines a minimum of five (5) feet.
5. A flyway barrier consisting of a solid wall, fence, dense vegetation, or combination of these materials at least six (6) feet high shall be provided and extend at least ten (10) feet beyond the hives on each end of a bee colony.
6. Each beekeeper shall ensure that a constant and easily accessible supply of fresh water and other nutrients of sufficient quantity to meet the needs of all bees being maintained or kept is always available to the bees so that they are discouraged from congregating at pet water bowls, birdbaths, pools, spas or other water sources where they may cause human or domestic pet contact.
7. Initial hives shall contain a queen selected from stock bred for gentleness and non-swarmer characteristics. If a colony becomes aggressive or swarms, the beekeeper shall re-queen the colony with a queen selected from stock bred for gentleness and non-swarmer characteristics. Beekeepers must be able to produce proof of a receipt from a queen breeder.

8. The first violation of this Section shall be treated as a petty offense. All subsequent violations within a succeeding two-year period shall be treated as Class I misdemeanors, subject to penalties as set forth in Article 1-8 of the Jerome Town Code.
9. The provisions of this Section shall not apply to any property owner upon whose property a swarm of transient bees is attempting to or has established a domicile.
10. Any honeybee colony not residing in a structure intended for beekeeping, or any swarm of bees or colony residing in a standard or homemade hive that, by virtue of its condition, has obviously been abandoned by the beekeeper, or any hive, colony or apiary which does not contain the water and nutrient requirements of Section 502.O.5. and for which no permit has been issued, is unlawful and shall be deemed a public nuisance.
11. The Town, upon a complaint, may take all action necessary to remove the abandoned hive, colony, or apiary from the property.

PQ. OFF-STREET PARKING REQUIREMENTS

1. Automobile off-street parking must be provided as required in Section 510.
2. Mobile homes, house trailers, commercial trailers, boat trailers, campers, or travel trailers shall not be stored, parked, or located in any zone other than as listed in the zone regulations, except that the storage of one boat trailer and not more than one uninhabited camper or uninhabited travel trailer shall be allowed for each residence. Such vehicles may not be stored in front yard of a residence.
3. A proposed development shall have adequate provisions for such items as convenience of access for public service vehicles such as garbage collection vehicles, movement of emergency vehicles, and convenience of access to parking sites and other site improvements by site resident or users.
4. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.

SECTION 503. “AR” ZONE, AGRICULTURAL RESIDENTIAL

A. PURPOSE

This district is intended to promote and preserve low density residential development and noncommercial farming and agriculture. Land use is composed chiefly of individual homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.
6. Noncommercial farming and agriculture, not including the keeping of livestock.
7. Keeping of cattle and horses owned by members of the family occupying the premises, but not to exceed one (1) head per 20,300 square feet of lot area.

C. CONDITIONAL USES

1. Animals, fowl, and other typical farm livestock, except as otherwise prohibited herein.
- ~~1:2.~~ 2. [Beekeeping](#)
- ~~2:3.~~ 3. Commercial stables
- ~~3:4.~~ 4. Churches or similar places of worship
- ~~4:5.~~ 5. Schools: Public or private elementary and high.
- ~~5:6.~~ 6. Colleges, universities, and professional schools having a regular curriculum.
- ~~6:7.~~ 7. Nursery Schools and Day Care Centers.
- ~~7:8.~~ 8. Privately owned and operated recreation areas and centers.
- ~~8:9.~~ 9. Public buildings other than hospitals.
- ~~9:10.~~ 10. Public utility buildings, structures, or appurtenances thereto for public service use.
- ~~10:11.~~ 11. Model Homes
- ~~11:12.~~ 12. Bed and Breakfast
- ~~12:13.~~ 13. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*
- ~~13:14.~~ 14. Viniculture use, pursuant to Chapter 16, “Vineyards,” of the Jerome Town Code.

[Ord. No. 380]

D. ZONE RESTRICTIONS

1. Cattle, horses, sheep, goats, dogs, cats, birds, fowl, and any other living animals, and the pens, stalls, stables, yards, shelters, cages, areas, places, and premises where they are held or kept, shall be so maintained that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious

SECTION 504. “R1-10” ZONE, SINGLE FAMILY RESIDENTIAL

A. PURPOSE

This district is intended to promote and preserve low density residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home Occupations.

C. CONDITIONAL USES

1. Beekeeping
- ~~2.~~ Churches or similar places of worship.
- ~~2.~~~~3.~~ Schools: Public or private elementary and high.
- ~~3.~~~~4.~~ Colleges, universities, and professional schools having a regular curriculum.
- ~~4.~~~~5.~~ Nursery Schools and Day Care Centers.
- ~~5.~~~~6.~~ Public buildings other than hospitals.
- ~~6.~~~~7.~~ Public utility buildings, structures, or appurtenances thereto for public service use.
- ~~7.~~~~8.~~ Libraries.
- ~~8.~~~~9.~~ Model Homes.
- ~~9.~~~~10.~~ Bed and Breakfast
- ~~10.~~~~11.~~ RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Ten thousand (10,000) square feet
2. MINIMUM LOT WIDTH: One hundred (100) feet
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than forty (40) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
 - a. Front Yard:
 - 1) There shall be a front yard of not less than twenty (20) feet in depth.

SECTION 505. “R1-5” ZONE, SINGLE FAMILY RESIDENTIAL

A. PURPOSE

This district is intended to fulfill the need for medium density single family residential development. Regulations and property development standards are designed to protect the single family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.

C. CONDITIONAL USES

1. Beekeeping
- ~~1~~.2. Churches or similar places of worship.
- ~~2~~.3. Schools: Public or private elementary and high.
- ~~3~~.4. Colleges, universities, and professional schools having a regular curriculum.
- ~~4~~.5. Nursery Schools and Day Care Centers.
- ~~5~~.6. Public buildings.
- ~~6~~.7. Public utility buildings, structures, or appurtenances thereto for public service use.
- ~~7~~.8. Libraries.
- ~~8~~.9. Model homes
- ~~9~~.10. Bed and Breakfast
- ~~10~~.11. _____ RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Five thousand (5,000) square feet.
2. MINIMUM LOT WIDTH: Fifty (50) feet.
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than sixty (60) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
 - a. Front Yard: