

ORDINANCE 18-08

AN ORDINANCE AMENDING TITLE 19, "ZONING", SECTION 19.14.100 ENTITLED "CONDITIONS RELATING TO SPECIFIC TYPES OF USES" BY ADDING ADDITIONAL REQUIREMENTS FOR ITEM 5 ENTITLED "KENNELS" AND AMENDING TABLE 6-1 AND 6-2 "TABLE OF LAND USE REGULATIONS" ADDING "KENNELS, BOARDING" AS A CONDITIONAL USE IN THE CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) AND CP-2 (PLANNED REGIONAL COMMERCIAL) ZONING DISTRICTS; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, a petition for a zoning ordinance amendment was received on November 7, 2017 by Spencer Wright, representing Wyndom Square LLC, owner of Parcel 09-364-0003, located at 1330 East Highway 193, Layton, Utah;

WHEREAS, the Planning Commission has reviewed the petition request including the proposed ordinance and has recommended the text amendments be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council of Layton City finds it to be in the best interest of the health, safety, and welfare its citizens to make the proposed amendments to Title 19 of the Layton Municipal Code;

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

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 19, Chapter 19.14, Section 19.14.100 shall be amended to read as follows:

19.14.100 Conditions Relating To Specific Types of Uses

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5. Kennels.

a. Kennels, private.

- i. Minimum lot size of one (1) acre required.
- ii. The animals must be owned by the property owner or occupants, except at times of breeding.
- iii. Outdoor pens shall be located in the rear yard and shall not be closer than one hundred feet (100') to any neighbors dwelling and ten feet (10') from any side or rear property line.
- iv. In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.
- v. All kennels will comply with the Davis County Health Department's regulations and Davis County Animal Control's regulations.

b. Daily Boarding Kennels.

- i. In a residential zoning district daily boarding kennels will be a conditional use and are only permitted as a home occupation. The boarding operation shall comply with the following regulations and all provisions of the home occupation regulations, except that a boarding kennel shall be exempt from the limitation on the use of space in and outside the home.
- ii. Must be located in the A (agriculture) zoning district.

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- iii. Outdoor pens shall be located in the rear yard and shall not be closer than one hundred feet (100') to any neighbors dwelling and ten feet (10') from any side or rear property line.
 - iv. In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.
 - v. The number of dogs and/or cats will be limited to eight (8) including the owner's own dogs and/or cats.
 - vi. Hours of operation will be limited to 7:00 a.m. to 7:00 p.m.
 - vii. All kennels will comply with the Davis County Health Department's regulations and Davis County Animal Control's regulations.
- c. **Extended Care Kennels.** In the A (agricultural) zoning district, an extended care kennel will be a conditional use and only permitted as a home occupation. The home occupation does not allow employees, and the operation shall comply with the following regulations.
- i. Must be located in the A (agricultural) zoning district with a minimum of one (1) acre of property.
 - ii. Must be located in the Accident Potential Zone (APZ) easement overlay area as described, defined, and regulated in this Code and in Utah Code Sections 63M-6-201, et. seq. also known as the Utah Military Base Easements Act.
 - iii. The number of dogs and/or cats, at any one time, for day care or boarding, shall be limited to twenty (20), including the owner's dogs and/or cats. The number of dogs and/or cats, at any one time, for grooming, shall be limited to three (3). This use shall allow for day care, grooming, and boarding services only. Obedience, or other similar classes, and the selling of pets are not allowed under these provisions.
 - iv. An extended care kennel will comply with the Davis County Health Department regulations and Davis County Animal Control regulations.
 - v. Outdoor pens shall be located in the rear yard area and shall not be closer than one hundred feet (100') to any neighbors dwelling and ten feet (10') from any side or rear property line.
 - vi. There shall be a minimum of one hundred (100) square feet of yard space provided for each animal kept within the extended care kennel. Said space shall be secured by a six foot (6') solid vinyl fence or chain link fence with vinyl slats, which is adequately secured at the bottom with a concrete mow strip to prevent animals from exiting under it. Any area or use within the yard area determined to be a hazard to animals shall be secured from access and shall not be counted in the required yard space. A site plan of the parcel being used and the neighboring properties, including dwellings, shall be reviewed and approved by the City staff.
 - vii. Must be located along an arterial street as defined in the Layton City Master Street Plan.
 - viii. The dogs and/or cats shall be boarded indoors between the hours of 9:00 p.m. and 7:00 a.m. to avoid noise disturbances during the quiet ambient noise times. The enclosures shall have electricity and a heating source.
 - ix. All dogs or cats kept or groomed at the extended care kennel shall have a current rabies vaccination.
- d. **Kennels, Boarding.**
- i. Boarding kennels shall be a conditional use in the CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts, and a permitted use in the M-1 (Light Manufacturing/Industrial) and M-2 (Heavy Manufacturing/Industrial) zoning districts.
 - ii. Boarding kennels shall comply with all Davis County Animal Control and Davis County Health Department regulations.
 - iii. Animals shall be treated humanely and no conditions shall be maintained or permitted that are, or could be, injurious to the animal.
 - iv. Animals which are kept or boarded shall be current on all required vaccinations.

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- v. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, and shall be constructed and maintained to prevent the escape of any animal.
- vi. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be maintained in a clean and sanitary condition and shall be designed and constructed with materials which are easily cleaned. Additionally, all buildings, rooms, animal enclosures, cages, kennels, and runs shall be properly designed and ventilated to prevent/remove animal odors.
- vii. All buildings, and rooms used for boarding shall be enhanced with building materials, including sufficient insulation and glass thickness, to dampen or eliminate noises associated with the animals being boarded within. The sound attenuation of these buildings and rooms shall be sufficient to eliminate noises associated with boarded animals from inside any occupied residential or commercial building.
- viii. There shall be no outdoor boarding of any animal.
- ix. Outdoor animal enclosures used as exercise yards and runs associated with a boarding kennel shall be secured by a six foot (6') solid vinyl, masonry block, or comparable fence material.
- x. Boarding kennels with outdoor animal enclosures shall keep animals indoors between the hours of 9:00 p.m. and 7:00 a.m. Building doors and windows which lead to outdoor animal enclosures shall remain closed after entering or exiting the outdoor space to limit noise from escaping the building's interior.
- xi. Where existing residential and commercial uses are located within two hundred feet (200') of a boarding kennel, the number of animals in outdoor animal enclosures, exercise yards, and runs at any one time shall be limited to a one (1) animal for every three hundred (300) square feet of enclosed area, and enclosed areas shall not exceed a maximum of 2,400 square feet.
- xii. Animal waste and runoff generated by the cleaning of outdoor animal enclosures, exercise yards, and runs shall be contained on the subject property. If disposal is by a sanitary sewage system, it shall comply with all applicable City, County, and State regulations.
- xiii. Outdoor animal enclosures, exercise yards and runs shall be located at least seventy five feet (75') from any residential uses, and from existing commercial outdoor patio areas used for eating, reception, entertainment, or other similar uses.
- xiv. Animals may be walked outdoors at any time on a leash for exercise and relief provided that only three (3) animals, per accompanied employee, may be outside at a time. Any solid animal waste shall be disposed of promptly and in a sanitary manner.

SECTION III: Enactment. Title 19, Table 6-1 and 6-2, Table of Land Use Regulations, shall be amended to read as follows:

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TABLE OF LAND USE REGULATIONS																				
	TABLE 6-1										TABLE 6-2									
	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
RETAIL AND RELATED USES																				
Kennels, Boarding													C	C	C	C	P	P		
													P = Permitted C = Conditional							

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SECTION IV: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

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SECTION V: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **1st day of March, 2018.**



ATTEST:

Kimberly S Read
KIMBERLY S READ, City Recorder

Robert J Stevenson
ROBERT J STEVENSON, Mayor

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