

ENT 14531:2023 PG 1 of 6
ANDREA ALLEN
UTAH COUNTY RECORDER
2023 Mar 08 4:53 pm FEE 0.00 BY MC
RECORDED FOR UTAH COUNTY COMMUNITY D

ORDINANCE NO. 2023 - 251

**AN ORDINANCE AMENDING SECTIONS 2.08, 8.120, AND CHAPTER 8 OF THE
UTAH COUNTY LAND USE ORDINANCE RELATIVE TO THE REQUIREMENTS
ASSOCIATED WITH DOG KENNELS**

WHEREAS, the Utah County Planning Commission has initiated a review of Section 8.120 of the Utah County Land Use Ordinance (UCLUO), to change the requirements associated with private and commercial dog kennel; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance, during a regularly scheduled meeting of the Planning Commission on February 21, 2023, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors; and

WHEREAS, the Board of County Commissioners finds amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS
AS FOLLOWS:**

Sections 2.08, 8.120, 12.08(B)(8), 12.20(B)(7), 12.28(B)(12), 12.48(B)(8), 12.68(B)(9), 12.20(D)(1), 12.28(D)(1), and 12.68(D)(1) are hereby amended, including the appropriate re-

numbering and re-formatting of applicable subsections. Section 12.08(C)(11), 12.28(C)(16), 12.68(C)(11) 12.08(D)(1), and 12.48(D)(3) are hereby deleted in their entirety to read as the following:

SEE EXHIBIT "A"

Part III:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part IV:

If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part V:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 8th day of March 2023.

UTAH COUNTY COMMISSION



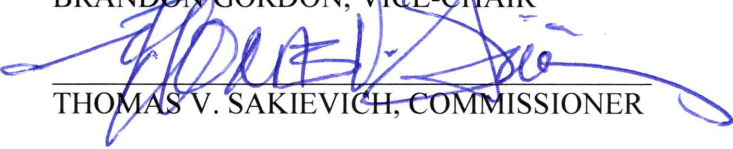
AMELIA POWERS GARDNER, CHAIR

VOTE
Yea



BRANDON GORDON, VICE-CHAIR

Yea



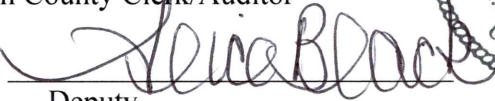
THOMAS V. SAKIEVICH, COMMISSIONER

Yea

ATTEST:
AARON R. DAVIDSON
Utah County Clerk/Auditor



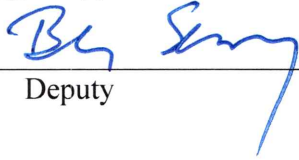
APPROVED AS TO FORM:
JEFFREY S. GRAY
Utah County Attorney

By: 

Deputy

Approved

Disapproved

By: 

Deputy

Date of Publication: Once only, as soon as possible

EXHIBIT "A"

Section 2.08: Definitions-Land Use

"Dog" means a *Canis familiaris* of any sex, altered, or unaltered, or any other member of the *Canis* genus if owned or kept.

- A. "Adult Dog" Any dog 6-months of age or older.
- B. "Puppy" A dog under the age of 6-months.

"Kennel" means any lot or parcel, building, structure, enclosure or premises whereupon or wherein five (5) or more adult dogs that are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, personal ownership, predator control, training for fee, and/or selling.

"Livestock" Cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined by state code, or any other domestic animal or domestic furbearer raised or kept for profit. Dogs, cats, rats, mice and other animals typically kept as pets and/or for use in the pet trade are not considered livestock.

Section 8.120: Kennels

- A. **Intent:** It is the intent of this section to provide standards for the approval of kennels in unincorporated Utah County without causing a deleterious effect upon the agricultural industry fostered in the zone.
- B. **Scope:** Upon receipt of a complete application the Zoning Administrator may approve a permit for buildings and facilities for the operation of a private or commercial kennel in a zone in which such use is listed as a permitted use, provided that all of the following conditions are met.
- C. **Site Plan:** The applicant shall submit a site plan (layout map) of all kennel facilities, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads, the site plan to be consistent with the requirements and standards of all applicable sections of this land use ordinance.
- D. **General Kennel Standards:**
 - 1. Owner of the kennel must reside on the same property as the kennel.
 - 2. Each parcel or lot on which a kennel is to be located must be a minimum of five (5) acres and must qualify for a one family dwelling in the allowed zone.
 - 3. Structures used or constructed for kennel activities are subject to all applicable regulations for kennels found in Utah County Code Section 5.01.260 Kennel Regulations, as amended.
 - 4. Kennel structures or areas where dogs are kept shall not be constructed closer than one hundred and fifty (150) feet to an existing dwelling on an adjacent property.
 - 5. Dogs shall not be allowed to be left unattended outside of the kennel structure between the hours of 9:00 PM to 8:00 AM.
 - 6. Noise levels measured at any property line on which a kennel is being operated must meet minimum sound levels as specified in Utah County Code 7.12 Unreasonable Noise, as amended.

- E. **Private Kennel:** In addition to the requirements in 8.120(C) and (D) the following is required for a private kennel:
1. A private kennel shall have between five (5) and seven (7) adult dogs at one time.
 2. All dogs being housed at a private kennel must be owned and registered under the name of the kennel owner living on the property.
 3. A private kennel may not exceed a maximum of four (4) litters per calendar year.

- F. **Commercial Kennel:** In addition to the requirements in 8.120(C) and (D) the following is required for a commercial kennel:

1. Permit required. No person shall operate or maintain a commercial dog kennel without first obtaining an approved permit issued by the Community Development Department and any applicable kennel license from the office of Utah County Animal Services.
2. A commercial kennel may keep between eight (8) and twenty (20) adult dogs at one time.
3. An approved commercial kennel is limited to the following activities:
 - a. Boarding
 - b. Breeding
 - c. Buying
 - d. Grooming
 - e. Letting for hire
 - f. Personal ownership and use
 - g. Predator control
 - h. Selling
 - i. Training
4. The number of adult dogs shall be subject to the following use limitations in the table below, but the total number of adult dogs shall not to exceed the maximum number stated in 8.120(F)(3):

20	Boarding and/or grooming of dogs
8	Breeding females for the breeding of dogs
20	Buying and/or selling
20	Letting for hire and/or predator control
20	Personal ownership
20	Training for a fee

5. Commercial kennels shall have one parking stall per five (5) dogs housed at the kennel with a minimum of 2 parking.
6. Hours of operation for customers and visitors shall be limited to the hours between 7:00 a.m. to 7:00 p.m.

Section 12.08: Residential Agricultural (RA-5) Zone:

- B. **Permitted Uses:** The following shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:
8. Kennels subject to the provisions of UCLUO 8.120.

Section 12.20: Critical Environmental (CE-1) Zone:

B. Permitted Uses: The following shall be permitted in the CE-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

7. Kennels subject to the provisions of UCLUO 8.120.

D. Area Requirements: The minimum area of a zoning lot within the CE-1 zone shall be as follows:

1. Each one-family dwelling, dude ranch, reception center (with or without a one-family dwelling), planned subdivision, or major campground, shall be on a lot containing at least fifty (50) acres of land.

Section 12.28: Mining and Grazing (M&G-1) Zone:

B. Permitted Uses: The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

12. Kennels subject to the provisions of UCLUO 8.120.

D. Area Requirements: The minimum area of a zoning lot or parcel within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, planned subdivision, roping and riding arenas, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

Section 12.48: Agricultural (A-40) Zone:

B. Permitted Uses: The following shall be permitted in the A-40 Zone upon compliance with the standards and requirements as set forth in this ordinance:

8. Kennels subject to the provisions of UCLUO 8.120.

Section 12.68: Grazing (G-1) Zone:

B. Permitted Uses: The following shall be permitted in the G-1 Zone upon compliance with the standards and requirements as set forth in this ordinance:

9. Kennels subject to the provisions of UCLUO 8.120.

D. Area Requirements: The minimum area of a zoning lot within the G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, planned subdivision, roping and riding arenas with or without a one-family dwelling, and major campground, shall be located on a lot containing at least fifty (50) acres of land.