





## WHITE PAPER ON KENNELS

During the January meeting Lance asked that I put together an information paper on what considerations should be given with regard to kennels in the zoning document. My information comes from a series of meetings regarding kennels at the Tooele County Planning Commission meetings.

Tooele has three Rural Residential categories (these are equivalent to the Garden City Residential Estate categories) RR1 (1 acre lots), RR5 (5 acre lots) and RR10 (10 acre lots). The Tooele county ordinances allow for kennels in both the RR5 and RR10 zones. A kennel is defined as any housing of animals beyond those considered for domestic use, or in this case 3 dogs or cats.

The issue arose because the CC&Rs for one HOA specifically stated there would be no kennels allowed, but since it was an RR5 designation the zoning allowed for it. The discussion centered on allowing the kennels in this area and ultimately it was decided that since the government could not enforce private codes the kennel was allowed. But the discussion presented several issues about what should be in the zoning document to allow or disallow kennels, which may be germane to Garden City.

One member of the Tooele County Planning Commission, Julie Pawlek, runs a kennel and much of this information comes from her. There are two types of kennels to be considered. The first type is a self contained kennel, where the animals are housed primarily inside and allowed out only for limited times under supervision. The nuisance from these types of kennels can be remediated by design and use limitations and require less standoff from surrounding residences.

The second type of kennel is an open-air kennel, where animals are allowed extensive time outside in both supervised and unsupervised conditions. Because multiple animals are allowed to socialize outside the confines of the cages the chances to remediate noise and other nuisances is limited.

Julie's comments were that the indoor kennels can be remediated and therefore should be allowed in areas of greater density, but still she suggested that a lower limit of the RR5 be established for these types of kennels. For more open air kennels (determined by the use permit) she suggested that a limit of RR10 be established.

So how does this apply to Garden City? Our highest level of acreage is 5 acres (RE5), so according to Julie's suggestion that should only be used for a primarily indoor kennel. If we want an open air kennel there are two options; First we could develop an RE10 area or as an alternate we could site it in an industrial zone with distance limitations from any housing.

**Permitted and Conditional Uses in all zones.**

**CHAPTER 11C-1100 RE - Residential Estate Zone.**

11C-1101 Purpose. To provide areas for large lot residential estate neighbors of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.

11C-1102 Permitted Uses.

- A. Agriculture as defined herein.
- B. Household pets.
- C. Home Occupation.
- D. Single family dwelling
- E. Accessory buildings and uses.
- F. Park or Playground
- G. Landscaping and gardening

11C-1103 Conditional Uses.

- A. Church
- B. Public school
- C. Public buildings
- D. Riding Stable (Public or Private with 6 or more horses)
- E. Two-family dwelling
- F. Public utility
- G. Clubhouse
- H. Cemetery
- I. Stands for sale of produce grown on premises.
- J. Stable, private (provided not more than one horse per acre)
- K. Dude Ranch and Accessory Buildings
- L. Recreational Vehicle Storage Structure
- M. Home Occupation Daycare/Preschool
- N. Golf Course
- O. Park or Playground

**CHAPTER 11C-1200 R-1 Single Family Residential Zone.**

11C-1201 Purpose. To provide appropriate locations where low density residential neighborhood may be established, maintained and protected, the regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of the families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

11C-1202 Permitted Uses:

- A. Single family dwellings
- B. Household pets
- C. Accessory uses and buildings
- D. Home Occupations
- E. Landscaping and gardening

11C-1203 Conditional Uses.

- A. Art museum, public
- B. Church
- C. Library, public
- D. Parking lot for permitted use
- E. Public building
- F. Park or playground, public
- G. Public Utility
- H. Public School
- I. Family Food Production (on lots over 15,000 only)
- J. Hobby occupations 1/3 of income
- K. Two family dwelling, provided an additional 1,000 square feet to lot size

**CHAPTER 11C-1300 Multiple Family Residence Zone.**

11C-1301 Purpose. To provide appropriate locations for apartment house neighborhoods. The regulations permit a variety of multiple family dwellings and necessary public services and activities. Certain retail and service activities which are in harmony with the intent of the regulations are allowed, subject to control.

11C-1302 Permitted Uses.

- A. Dwelling, single family
- B. Dwelling, two, three, and four family, on an individual lot
- C. Household pets
- D. Accessory uses and buildings
- E. Landscaping and gardening

11C-1303 Conditional Uses.

- A. Art museum, public
- B. Boarding house
- C. Church
- D. Dwelling, group
- E. Dwelling, multiple family (greater than 4)
- F. Fraternal beneficial societies
- G. Hospital (not including animal hospital)

- H. Institution providing residence and care for children
- I. Public library
- J. Lodging and/or boarding house (15 persons or less)
- K. Parking lot for permitted or conditional uses
- L. Public buildings
- M. Public park or playground
- N. Public utilities
- O. School
- P. Wedding chapel
- Q. Home Occupation Daycare/Preschool
- R. Home Occupation

**CHAPTER 11C-1400 Recreational Residential Zone**

11C- 1401 Purpose. To provide appropriate areas for recreational residential developments and related services and activities. Certain retail and service activities which are in harmony with the intent of this chapter are allowed subject to controls and approvals.

11C-1402 Permitted Uses.

- A. Dwelling, single family
- B. Dwelling, two family
- C. Household pets
- D. Accessory uses and buildings
- E. Golf Course
- F. Park or playground
- G. Home Occupation
- H. Landscaping and gardening

11C-1403 Conditional Uses.

- A. Cluster residential dwellings on minimum sites of two (2) acres
- B. Condominium residential dwellings on minimum sites of four (4) acres
- C. Dwelling, group
- D. Dwelling, multiple family
- E. Lodge, private or public
- F. Clubhouse
- G. Riding stable, private or public
- H. Utility structures and easements
- I. Parking lot for permitted or commercial uses
- J. Café or restaurant
- K. Recreational vehicle storage structure

**CHAPTER 11C-1450 Hillside Estates**

11C – 1451 Purpose: To provide appropriate locations above the Garden City canal, where low density residential neighborhoods may be established and maintained to protect the natural beauty and wildlife. Encourage parks and playgrounds, which serve the requirements of the families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

11C – 1452 Permitted Uses:

- A. Single family dwellings, ¾ acre lots minimum
- B. Household Pets
- C. Accessory uses and buildings
- D. Landscaping and Gardening

11C – 1453 Conditional Uses:

- A. Clubhouse
- B. Golf Course
- C. Parking lot for permitted use
- D. Park or Playground, Public
- E. Home Occupation. Which does not have more than two customers coming and going from the residence at the same time. No parking of construction equipment or storage of material.
- F. Cluster Development

**CHAPTER 11C-1500 Commercial Zone**

Area		Minimum Setbacks (in feet)		
District	Area in Square Feet	Front (Side facing road)	Side	Rear
C1	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet
C2	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet
C3	Minimum of 6000 ft.	20 Feet (unless being used for residential purpose; if being used for a residential purpose, it must meet appropriate setbacks for a single family	Ten (10) Feet	Ten (10) Feet

		residential zone-R1)		
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11C-1501 Purpose. To provide areas for community retail and service activities in locations convenient to serve the residents and is compatible to the tourism industry and to protect surrounding residential property.

11C-1502 C1 Zone.

- A. Permitted Uses.
  - 1. Stores, shops, and offices supplying commodities or performing services such as banks, business offices, and other financial institutions, hair salons, barbers, medical and dental offices, art galleries and similar enterprises provided that all uses can be conducted within the buildings.
  - 2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
  - 3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, and pool halls.
  - 4. Hotels and Motels
  - 5. Restaurants and Fast Food Establishments
  - 6. Department Stores
  
- B. Conditional Uses.
  - 1. Automobile Dealers
  - 2. Gas Stations with Convenience Stores
  - 3. Farmer's and Artisan's Market

11C-1503 C2 Zone.

- A. Permitted Uses.
  - 1. Commercial parking lots
  - 2. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
  - 3. Commercial landscaping buildings
  - 4. Storage sheds
  - 5. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
  - 6. Lumber yard, provided all uses shall be within an enclosed building
  - 7. Small scale manufacturing, provided all uses shall be within an enclosed building
  
- B. Conditional Uses.
  - 1. Automobile service stations for garages for repair of vehicles

2. Sexually Oriented Business
3. Farmer's & Artisan's Market

11C-1504 C3 Zone.

- A. Permitted Uses.
  1. All uses for C1 Commercial Zone may be applied to C3 Commercial Zone.
  2. None of the uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
  3. Owners of C3 Zone properties may choose to use them as either single-family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.
    - a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to provide a fence between the two properties for privacy.
    - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to provide a fence between the two properties for privacy.
- B. Conditional Uses.
  1. Farmer's & Artisan's Market

**CHAPTER 11C-1600 Highway Commercial Zone.**

11C-1601 Purpose. To provide commercial areas on major highways for the location of traveler services and highway oriented commercial uses.

11C-1602 Permitted Uses.

- A. All uses, subject to conditional use permit.
- B. Landscaping and gardening.

11C-1603 Conditional Uses.

- A. Restaurant or drive-in café
- B. Motels
- C. New and used automobile agency
- D. Farm machinery and equipment sales
- E. Nurseries and greenhouses
- F. Mobile home sales
- G. Drive-in theater
- H. Bowling alley, other commercial recreation facilities

- I. Automobile service station, auto accessories
- J. Daycare/Preschool Centers
- K. Accessory buildings and uses.

### **CHAPTER 11C-1650, Hotel/Motel Zone**

11C-1650 Purpose: To provide appropriate locations for Hotel and Motel development with community retail and service activities in locations convenient to serve the residents and compatible to the tourism industry and protect surrounding residential property.

#### 11C-1651 Permitted Uses:

- A. Stores, shops, hair salons, barbers, massage salons, art galleries and similar enterprises provided that all uses can be conducted within the Hotel/Motel building.
- B. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
- C. Bowling alley, dance hall, skating rinks (roller or ice skating), theaters, arcades, and pool halls that must be incidental to the hotel/motel.
- D. Restaurants and Fast Food Establishments that must be incidental to the hotel/motel.
- E. Residential homes are allowed, but cannot exceed the height for the underlying residential zone.

#### 11C-1652 Conditional Uses:

- A. Gas Stations with convenience stores.
- B. Parking lots.
- C. Glamping.

### **CHAPTER 11C-1700 Beach Development Zone.**

11C-1701 Purpose. To provide areas along the shoreline of Bear Lake for public and private water-oriented recreational and residential activities.

#### 11C-1702 Permitted Uses.

- A. Single family dwellings
- B. Accessory buildings conducive to single-family dwellings.
- C. Landscaping and gardening

#### 11C-1703 Conditional Uses.

- A. Note: No structures except those related to marinas will be allowed within thirty (30) feet of the 5,923.65 feet – Rocky Mountain Power datum contour level

- surrounding Bear Lake which contour represents the high water level of the lake.
- B. Dwelling, two family
  - C. Dwelling, group
  - D. Dwelling, multiple family
  - E. Cluster residential dwellings
  - F. Lodge, private or public
  - G. Clubhouse private or public
  - H. Marinas
  - I. Home Occupation Daycare/Preschool
  - J. Accessory buildings and uses

## **CHAPTER 11C-1800 Manufacturing Zone**

11C-1801 Purpose. To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone and adjacent areas.

### 11C-1802 Permitted Uses.

- A.

### 11C-1803 Conditional Uses.

- A. Any manufacturing, processing, assembling, research, wholesale or storage use.
- B. Accessory buildings and uses customarily incidental to the above uses.
- C. Landscaping and gardening.
- D. Restaurants and service stations.
- E. Manufacture of any of the following products from raw materials; acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics portland cement, potash, synthetic resins and fibers.
- F. Any of the following processes: distillation of wood or bones; nitrating of cotton or other materials; reduction, refining, smelting and alloying of metals or metal ores; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry or rabbits; tanning of raw, green or salted hides or skins.
- G. Storage of fireworks or explosives except where incidental to a permitted use; manufacture of fireworks or explosives not permitted.
- H. Automobile salvage and wrecking operations, and industrial metal, rag, glass or

paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than 8 feet in height.

## **CHAPTER 11C-1900 Agricultural Zone**

11C-1901 Purpose. Agriculture includes activities in which the primary use involves raising, producing or keeping plants or animals.

11C-1902 5-Acre Minimum Size.

11C-1903 Permitted Uses.

- A. Dwellings for proprietors and employees of the use and animal training.
- B. Breeding or raising of fowl or other animals.
- C. Stables.
- D. Riding Stables.
- E. Breeding of domestic animals.
- F. Nurseries and Greenhouses.
- G. Landscaping and gardening.

11C-1904 Exceptions include

- A. Processing of animal or plant products
- B. Milk and feedlots
- C. Livestock Auctions