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| **WC Logo.emf** | **Staff Report to the Western Weber Planning Commission** *Weber County Planning Division* |
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****Synopsis****

****Application Information****

**Application Request:** Consideration and/or action to add Dog Kennel as a conditional use to the Residential Estates RE-15 Zone

**Agenda Date: Tuesday, December 14, 2010**

**Applicant:** Tamara Hart

**File Number:** Zoning Ordinance 2010-11

****Property Information****

**Approximate Address:** N/A

**Project Area:** N/A

**Zoning:** Residential Estates RE-15, Residential Estates RE-20

**Existing Land Use:** N/A

**Proposed Land Use:** N/A

**Parcel ID:** N/A

**Township, Range, Section:** N/A

****Adjacent Land Use****

**North:** N/A **South:** N/A

**East:** N/A **West:** N/A

****Staff Information****

**Report Presenter:** Justin Morris

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 801-399-8763

**Report Reviewer:** SW

Applicable Ordinances

* Weber County Zoning Ordinance Chapter 3 (Residential Estates Zones RE-15, RE-20)

Background

The applicant is requesting a text amendment to Chapter 3 (Residential Estates Zones RE-15, RE-20) of the Weber County Zoning Ordinance. This request is to add a “Dog Kennel” on a minimum of five acres to the list of conditional uses.

The Residential Estate RE-15 and RE-20 Zones already allow agriculture, a corral, and private stables on 15,000 and 20,000 square foot lots, respectively. In addition, both zones allow farms devoted to the raising of chickens, turkeys, fowl, rabbit, fish, frogs, beaver, horses, cattle, sheep, and goats on five acres or more as a permitted use. The Planning Division views a dog kennel as a use that is less intense than those previously listed. The five acre minimum will help to alleviate or eliminate possible concerns relating to noise and ordors.

Chapter 23 (Supplementary and Qualifying Regulations) Section 8 (Setbacks for Animals and Fowl) addresses setbacks for animals and fowl; animals may not be kept closer than 40 feet from any dwelling and 75 feet from any dwelling on an adjacent lot. Furthermore, any building being used for animals must be 100 feet from a street and 25 feet from any lot line.

The Western Weber Planning Commission and the Ogden Valley Planning Commission have recommended adding a private dog kennel, for non-commercial use with no boarding, or sales, five acres or more with no more than ten dogs.

Summary of Planning Commission Considerations

1. Should there be a distinction between private and commercial kennels? What separates these two?
2. Should a private dog kennel be allowed in the RE-15 Zone, and if so, should it also be allowed in the RE-20 Zone?
3. How many dogs should be allowed?
4. Is a minimum area of five acres sufficient?
5. What additional design standards or restrictions should be placed on a conditionally allowed dog kennel?
6. Are the setbacks set forth by Chapter 23 adequate for a dog kennel? Are they excessive for a dog kennel? Should the setbacks from the dwelling on the same lot not apply? Will these setbacks alleviate or eliminate concerns relating to noise and odor?

Planning Division analysis of Summary of Planning Commission Considerations:

1. A distinction between private and commercial kennels should be made. Private kennels should be defined as kennels which are for non-commercial purposes, with no boarding or sales of dogs or puppies.
2. A private dog kennel, as outlined above, should be a conditionally allowed use in both the RE-15 and RE-20 Zones.
3. A maximum of ten dogs should be allowed, as recommended by the Western Weber Planning Commission.
4. It is recommended that a minimum of five acres be required. This requirement will be consistent with the five acre minimum required for the other more intense uses in the RE-15 and RE-20 Zones.
5. A private kennel should have no more than ten dogs.
6. The setbacks in Chapter 23 (Supplementary and Qualifying Regulations) Section 8 (Setbacks for Animals and Fowl) should be modified when addressing private dog kennels. The 40 feet from any dwelling should be removed, as to allow the private kennel to abut an attached garage, or the home itself. The other setbacks should remain effective.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the County Commission adding:

Private Dog Kennel, for non-commercial purposes (including boarding and sales) subject to the following:

1. No more than ten (10) dogs older than ten (10) weeks,
2. A minimum of twenty-five (25) feet from any lot line, one-hundred (100) feet from a property line adjacent to a street, and seventy-five (75) feet from a dwelling on an adjacent lot.

as a Conditional Use Requiring Five Acres Minimum Lot Area in the RE-15 and RE-20 Zones.

Exhibits

1. Application