

ORDINANCE NO. 1394

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO PET SALES.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by zoning districts; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

WHEREAS, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general developments within the City Boundaries; and

WHEREAS, the City Council of Draper City adopted Land Use and Development Code to guide development within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of Land Use and Development Code regarding Pet Sales; and

WHEREAS, notice has been issued according to the requirements of the Utah Code Annotated and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the Land Use and Development Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Land Use and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendment regarding the Land Use and Development Code in regards to the Pet Sales: 1) The proposed amendment is consistent with goals, objectives and policies of the city's general plan. 2) The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance. 3) The proposed amendment will not create a conflict with any other section or part of this title or the general plan. 4) The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit. 5) The proposed text amendment implements best current, professional practices of urban planning, design, engineering, and animal control practices.

Section 2. Revision. Land Use and Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 18TH DAY OF JUNE , 2019.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, City Recorder

VOTE TAKEN:	YES	NO
Councilmember Green	_____	_____
Councilmember Lowery	_____	_____
Councilmember Summerhays	_____	_____
Councilmember Vawdrey	_____	_____
Councilmember Weeks	_____	_____
Mayor Walker	_____	_____

EXHIBIT A

9-3-040: DEFINITIONS:

AGRICULTURAL BUSINESS: The conduct of agricultural activity involving the keeping, grazing and pasturing of domestic animals for commercial gain. Typical uses include the raising of animals for food or for the production of food in excess of that required for a household and the boarding or stabling of animals other than those owned and used by household members.

AGRICULTURAL INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage. Typical uses include animal feed yards, fur farms, commercial milk production, food packaging or processing plants, and commercial poultry or egg production.

ANIMAL BREEDER: An establishment that breeds dogs, cats, and other household pets for sale from the premises on which they were bred and reared. Animal breeders shall comply with all regulations within DCMC Chapter 7-5.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, and aviaries.

APIARY: The assembly of one or more colonies of bees at a single location.

CATTERY: An establishment having three (3) or more cats of any age for the purpose of boarding, letting for hire, or training for profit.

GROOMING SERVICE: An establishment for the grooming, bathing, clipping, and nonmedical care of household ~~pets~~ ~~animals~~. Such uses may also include the sale of grooming and care items, as well as accessory items for the keeping of household pets. Such uses shall not include the sale, breeding, training, or boarding of animals.

HOUSEHOLD PET: Animals or fowl ordinarily permitted in a house and/or kept for company or pleasure, not for profit, such as dogs, cats, or small pets such as rabbits, birds, fish, hamsters and reptiles, but not including:

- A. Chickens, ducks, geese, pigs or other domestic farm variety animals, nor any animals which are likely to inflict harm or endanger the health, safety or welfare of any person or property; and
- B. A sufficient number of dogs to constitute a kennel or sufficient number of cats to constitute a cattery.

KENNEL: An establishment having three (3) or more dogs of any age for the purpose of boarding, ~~breeding, buying, grooming,~~ letting for hire, or training for profit, ~~or selling~~.

RETAIL, GENERAL: An establishment that rents or sells goods to the public, but excluding uses specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores,

department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, home improvement centers, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet [supplies](#) stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

PET SALES: Any establishment wherein dogs, cats, small household pets such as birds, fish, and reptiles, or other household pets of any age are kept or displayed for the purposes of retail sales. This definition does not include kennel; cattery; animals for sale by an animal breeder; or the sales of small household pets that may be associated with another allowed use. Pet sales does not include animal adoptions from a city or county animal shelter, animal control agency, or a non-profit animal welfare organization incorporated within the State of Utah for the purpose of preventing cruelty to animals, or by any properly authorized establishment used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.

VETERINARY SERVICE: An establishment providing medical care and treatment for animals, which may include accessory grooming or boarding services.

9-9-080: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-9-1
PERMITTED AND CONDITIONAL USES ALLOWED
IN AGRICULTURAL ZONES

Use	Zones	
	A5	A2
Agricultural uses:		
Agricultural business	P	C
Agricultural industry	C	C
Animal specialties	P	C
Commercial uses:		
Animal breeder	<u>P</u>	<u>P</u>
Cattery	<u>P</u>	<u>C</u>
Kennel	P	C
Veterinary service	P	C

9-10-090: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-10-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones							
	RA1	RA2	RH	R3	R4	R5	RM1	RM2
Agricultural uses:								
Agricultural business	C	NP	NP	NP	NP	NP	NP	NP
Animal specialties	C	NP	NP	NP	NP	NP	NP	NP
Apiary	P	P	P	P	P	P	NP	NP
Commercial uses:								
Animal breeder	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
Cattery	<u>C</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Kennel	C	NP	NP	NP	NP	NP	NP	NP
Veterinary service	C	NP	NP	NP	NP	NP	NP	NP

9-11-110: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-11-1
PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES
(Except CSD Zones)

Uses	Zones											
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS
Commercial uses:												
Cattery	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C⁹</u>	<u>NP</u>	<u>NP</u>
Kennel	NP	NP	€	C	NP	NP	NP	NP	€NP	C ⁹	NP	NP

				NP									
	Pet sales	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	Veterinary service	C	C	C	C	NP	NP	NP	NP	C	C ⁸	NP	C

Notes:

1. Subject to the provisions of section 9-11-090 of this chapter.
2. Limited to no more than 1 drive-through lane.
3. In existing historic structures only.
4. Subject to the alcohol provisions per [title 6, chapter 4](#) of this Code.
5. Without gasoline sales.
6. Only on the corner of Bangerter Highway.
7. A single drive-through lane allowed subject to issuance of a conditional use permit.
8. With no kennel services.
9. No ~~breeding, or~~ outdoor kennels [or catteries](#).

9-13-080: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-13-1
PERMITTED AND CONDITIONAL
USES ALLOWED IN MANUFACTURING ZONES

Use	Zones	
	M1	M2
Commercial uses:		
Cattery	P	P
Kennel	P	P
Pet sales	NP	NP
Veterinary service	P	NP

9-14-050: USE REGULATIONS:

TABLE 9-14-1
ALLOWED USES IN THE TSD ZONE

Use	Intensity Areas		
	TSD-1	TSD-2	TSD-3
Agricultural uses:			
Agricultural business	NP	NP	NP
Animal specialties	NP	NP	NP
Commercial uses:			
Animal grooming, small shop	P	P	P
Animal breeder	NP	NP	NP
Cattery ¹⁶	NP	NP	P
Kennel ¹⁶	NP	NP	P
Kennel, associated with veterinarian service	C	P	P
Pet sales	NP	NP	NP
Veterinary service	C	P	P

Notes:

1. Not allowed on ground floor.
2. Without drive-through only.
3. Limited to no more than 1 drive-through lane.
4. Without gasoline sales.
5. With no kennel services.
6. Under 20,000 square feet only.
7. Over 2 acres.
8. Over 3,000 seats.
9. Under 3,000 seats.
10. Over 2 acres.
11. Under 2 acres.
12. Not permitted on ground floor.
13. Only as part of a multi-family, mixed use center.
14. May not directly abut public ROW, unless as part of a neighborhood park.
15. Affixed to other commercial, retail or residential structure, above the third floor only; no freestanding structure allowed.
16. Includes facilities providing pet daycare, as well as overnight boarding. ~~Excludes grooming establishments.~~
17. Vehicle storage, maintenance and repair must be wholly contained within a structure, and not visible from the public ROW.
18. Greenways and green connection systems are excluded from this category.