

ORDINANCE NO. 2025-10

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.32 “CONDITIONAL USES”, SECTION 17.32.100 “SPECIAL PROVISIONS FOR KENNEL/CATTERY AND COMPANION ANIMAL(S) CONDITIONAL USE PERMITS”, CHAPTER 17.04 “GENERAL PROVISIONS”, SECTION 17.04.070 “DEFINITIONS” AND CHAPTER 17.120 “USE MATRIX TABLE”, SECTION 17.120.010 “USE ALLOWANCE MATRIX”.

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are ~~struck out~~ shall be deleted and those that are highlighted in **yellow** shall be added.

<p>17.32.100 SPECIAL PROVISIONS FOR KENNEL/CATTERY AND COMPANION ANIMAL(S) CONDITIONAL USE PERMITS</p>
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- A. In considering each application for a conditional use permit relating to a kennel/~~cattery~~ and companion animal(s), ~~a land use authority appointed by the city council, other than the planning commission,~~ **the planning department**, may issue an original conditional use permit if each of the following conditions are satisfied:
 1. The size of the kennel does not exceed four (4) dogs. ~~The size of the cattery does not exceed five (5) or more cats.~~
 2. The size of lot involved is greater than **or equal to** ten thousand (10,000) square feet.
- B. In considering each application for a conditional use permit relating to a kennel/~~cattery~~ and companion animal(s), the ~~designated land use authority~~ **planning department** shall proceed as required in this subsection, and in imposing such regulations and conditions as are necessary to protect the public welfare in this regard, the ~~designated land use authority~~ **planning department** shall consider, among other things, the zone in which the conditional use is proposed, the size of lot involved, the proximity of a proposed fixed dog run to neighbors, the proposed size of the fixed dog run, its placement on the property and the proposed number of dogs ~~or cats~~. Together with anything else stated in an approved permit, each permit shall clearly state the maximum number of dogs ~~or cats~~ to be allowed.
- C. If the application does not meet all of the conditions listed in SMC A of this section, or if the ~~land use authority~~ **planning department** ~~feels~~ **determines** there are extenuating circumstances, the

application shall be referred to the planning commission for consideration.

- D. Conditional use permits for a kennel and companion animal(s) establishment(s) may be issued only if a fixed dog run is provided for the dogs on a lot that is not fenced.
- E. In the event the applicant should disagree with the decision rendered by the ~~land use authority~~ **planning department**, the application shall be considered by the planning commission upon written request of the applicant.
- F. The ~~land use authority~~ **planning department** may issue renewals of an existing kennel/~~cattery~~ conditional use permit provided there have been no verifiable violations of the existing conditional use permit reported by the animal control officer for excessive noise or containment issues related to the kennel/~~cattery~~ animals.
- G. Each permit shall be granted for a maximum of three (3) calendar years and shall be renewed on or before ~~December 31~~ **the approval date** of the third year, ~~regardless of the month in which it is granted~~. Renewals must be applied for and granted prior to the renewal date.
- H. All kennel/~~cattery~~ and companion animal(s) conditional use permits shall run with the property/**parcel number** identified on the application and be valid in the name of the applicant only.

17.04.070 DEFINITIONS

HOUSEHOLD PETS: Animals or fowl, ordinarily permitted and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs ~~or cats~~ to constitute a kennel ~~or cattery~~ as defined in title 6 of this code. Household pets may also include the keeping of not more than twelve (12) pigeons, four (4) mature rabbits, two (2) goats, one lamb not over eight (8) months old, two (2) ducks, two (2) geese and two (2) ferrets and that not more than five (5) of the above listed species of animals or fowl are permitted at any one time.

~~**CATTERY:** any lot, building, structure, enclosure or pen meant to contain five (5) or more cats over the age of four (4) months are kept for any purpose including but not limited to: boarding, breeding, buying, grooming, training for fee, selling or animal shelter and regulated by a conditional use permit.~~

KENNEL: any lot, building, enclosure or pen meant to contain three (3) ~~or more dogs~~ **but not more than four (4)** over the age of four (4) months **that** are kept for any purpose including but not limited to: boarding, breeding, buying, grooming, training for a fee, selling or animal shelter and regulated by a conditional use permit.

17.120.010 USE ALLOWANCE MATRIX

~~Kennel/cattery, noncommercial – Central Business (CB) – “Administrative Conditional”, General Commercial (GC) – “Administrative Conditional”, Mixed Use Overlay – “Conditional”, Master Planned Community (MPC) – “Administrative Conditional”~~

Kennel/cattery, boarding

Kennel/cattery, commercial

Ordinance 2025-10

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 11th day of June, 2025

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder