

AMENDMENTS TO THE LAND USE ORDINANCE
RE: KENNELS, DOG DAYCARES, AND OVERNIGHT BOARDING

Definitions (§120-301).

In this chapter, the following terms shall have the following meaning unless a contrary meaning is required by the text or is specifically prescribed. In addition to the following definitions, performance standards regulating specified land uses should be reviewed in the district standards for each zoning district (Article 4) and the performance standards (Article 5) that apply to all zoning districts in the Town.

KENNEL, MAJOR — An establishment in which five or more dogs, cats, or domesticated animals are boarded for a fee or compensation. (See Article 5, Performance Standards.)

KENNEL, MINOR — An establishment in which four or fewer dogs, cats, or domesticated animals are boarded for a fee or compensation. (See Article 5, Performance Standards.)

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§ 120-410. Commercial District I (C-1). [Amended 9-14-2010 by Order 10-164; 12-14-2010 by Order 10-230; 5-14-2013 by Order 13-072; 6-28-2016 by Order 16-111; 6-12-2018 by Order 18-099; 7-9-2019 by Order 19-121; 5-26-2020 by Order 20-048; 4-12-2022 by Order No. 22-062; 7-12-2022 by Order No. 22-126; 11-10-2022 by Order No. 22-205; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-150; 8-15-2023 by Order No. 23-151; 8-15-2023 by Order No. 23-149; 3-12-2024 by Order No. 24-033; 1-14-2025 by Order No. 25-002; 2-25-2025 by Order No. 25-033]

C. Conditional uses. The following uses, as defined in Article 3, shall be allowed as a conditional use in accordance with § 120-516. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information:

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(1) Other .

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F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

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§ 120-410.1. Commercial District I North (C-1N). [Added 7-12-2022 by Order No. 22-126; 4-25-2023 by Order No. 23-067; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-150]

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§ 120-411. Commercial District II (C-2). [Amended 9-14-2010 by Order 10-164; 6-12-2018 by Order 18-099; 7-9-2019 by Order 19-121; 5-26-2020 by Order 20-048; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-149; 8-15-2023 by Order No. 23-150; 8-15-2023 by Order No. 23-151; 2-25-2025 by Order No. 25-033]

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§ 120-531. Kennel, major.

A. A minimum of 200 feet from an abutting residential structure; or

 A. A minimum of 100 feet from the lot line where there is no abutting residential structure.

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Commented [SP1]: Added “dogs and cats” per Councilor Cooke’s comments.

KENNEL, MINOR — An establishment in which four or fewer dogs, cats, or domesticated animals are sheltered, housed, bred, boarded, trained or sold and are boarded for a fee or compensation. This definition includes, without limitation, pet care service establishments for dogs and cats, that provide daytime care and boarding (short-term care during normal business hours without overnight boarding, *i.e.*, doggy daycares) and/or overnight care only. Veterinary clinics are excluded from this definition when boarding is incidental to medical treatment; provided that such boarding is not offered as a separate service unconnected with the provision of medical treatment. Included in this definition and without limitations, are pet care service establishments for dogs and cats, that provide daytime care (short-term care during normal business hours without overnight boarding) and/or overnight care. Veterinary clinics are excluded from this definition when boarding is incidental to medical treatment. (See Article 5, Performance Standards.)

Commented [SP2]: Added “dogs and cats” per Councilor Cooke’s comments.

Commented [SP3]: Added “dogs and cats” per Councilor Cooke’s comments.

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 § 120-410. Commercial District I (C-1). [Amended 9-14-2010 by Order 10-164; 12-14-2010 by Order 10-230; 5-14-2013 by Order 13-072; 6-28-2016 by Order 16-111; 6-12-2018 by Order 18-099; 7-9-2019 by Order 19-121; 5-26-2020 by Order 20-048; 4-12-2022 by Order No. 22-062; 7-12-2022 by Order No. 22-126; 11-10-2022 by Order No. 22-205; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-150; 8-15-2023 by Order No. 23-151; 8-15-2023 by Order No. 23-149; 3-12-2024 by Order No. 24-033; 1-14-2025 by Order No. 25-002; 2-25-2025 by Order No. 25-033]

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(1) Other

(1)(2) Kennel, major

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F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

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(19) Kennel, major. The facility’s operations shall meet the standards of Article 5. (See Article 5, Performance Standards.)

Commented [SP4]: Based on Planning Board comments at the December 10th meeting

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C. Conditional uses. The following uses, as defined in Article 3, shall be allowed as a conditional use in accordance with § 120-516. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information:

...
(1) Other.

(+) (2) Kennel, major

Commented [SP5]: Based on Planning Board comments at the December 10th meeting

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

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(11) Kennel, major. The facility's operations shall meet the standards of Article 5. (See Article 5, Performance Standards.)

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§ 120-411. Commercial District II (C-2). [Amended 9-14-2010 by Order 10-164; 6-12-2018 by Order 18-099; 7-9-2019 by Order 19-121; 5-26-2020 by Order 20-048; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-149; 8-15-2023 by Order No. 23-150; 8-15-2023 by Order No. 23-151; 2-25-2025 by Order No. 25-033]

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(+) (2) Kennel, major

Commented [SP6]: Based on Planning Board comments at the December 10th meeting

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(13) Kennel, major. The facility's operations shall meet the standards of Article 5. (See Article 5, Performance Standards.)

§ 120-531. Kennel, major.

A. Commercial Zoning Districts: C-1, C-1N, C-2,

1. **Outdoor Space Areas: If provided, All outdoor areas to be used by animals shall be fully enclosed by solid, soundproofed fencing and fence and buffered with solid fence and permanent plantings that completely obscure such fence. The Such outdoor space shall have an artificial ground covering, such as artificial turf or a similar substance, and shall have a have artificial turf or similar surface, sub-base shall be pea stone or gravel/natural sub-base consisting of gravel, pea stone, or similar substance.**
2. **Noise Control: Outdoor activity areas shall be screened and buffered; operations must comply with Chapter § 120-812S Noise. All kennels are subject to the maximum noise standards established in Chapter 120-812S of the Code.**

Commented [BM7]: Would suggest deleting as this appears redundant to listing the uses in the allowed districts.

Commented [SP8R7]: We feel that we want to specifically call out the only the commercial use is allowed.

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- a) Soundproofing required for indoor animal areas adjacent to residential zones or uses. All kennels located on lots adjacent to residential zones or uses shall have all indoor animal areas fully soundproofed in a manner consistent with industry standards.
- b) Overnight boarding: Shall completing the structure with appropriate sound damping measures.
- c) Odor Management: Animal waste shall be managed to prevent odors detectable beyond the interior space and/or property lines the legal boundaries of the lot.
- 3. Hours of Operation: Major kennels may be open to the public from 6:30 AM to 6:00 PM. Overnight boarding may occur as necessary, but shall observe “quiet hours” from 6:00 PM until 6:30 AM at which time all boarding animals shall be kept inside. Daytime care [6:30 AM to 6:00 PM]; Overnight boarding quiet hours [6:00 PM to 6:30 AM].
- 4. Capacity: All facilities providing overnight boarding for dogs shall ensure that each animal is provided with adequate space to promote health, safety, and comfort. For cats, four (4) square feet. For small to medium-sized dogs (5 pounds to 60 pounds), the minimum required floor area shall be sixty-four (24) square feet per dog. For large dogs (60 pounds to 150 pounds), the minimum required floor area shall be one hundred ten (40) square feet per dog. A minimum of 192 square feet for a family of five (5) or less dogs. These standards apply to all overnight and daytime care accommodation and must be maintained at all times.
 - a) Daytime care operations shall be limited to a minimum of 72 square feet of area per dog. These minimum requirements are intended to ensure proper supervision, reduce stress among animals, and maintain sanitary conditions. Operators are responsible for implementing procedures that prevent exceeding this limit.
 - b) All facilities subject to these requirements shall maintain accurate records demonstrating compliance with space and capacity standards. Such records must be made available for inspection upon request by the appropriate regulatory authority.
 - c) Occupancy permit: shall meet the Maine Department of Agriculture, Conservation, and Forestry Chapter 701: Rule Governing Animal Welfare
- 5. Licensing: Must maintain and display current State of Maine license for each kennel and boarding kennel, pet shop, and shelter. All major kennels shall be licensed to the extent required by 7 M.R.S. § 3932-B, as may be amended or recodified and shall operate in compliance with other applicable state statutes and administrative regulations, including but not limited to 7 M.R.S. § 3932-B and 01-001 C.M.R. ch. 701, which shall be incorporated by reference as conditions of approval on any granted permit.

B. Residential Zoning Districts. F, FR, VR.

- 1. The kennel, including all uses accessory to the kennel shall be setback:
 - a) A. A minimum of 200 feet from an abutting residential structure; or,
 - b) B. A minimum of 100 feet from the lot line where there is no abutting residential structure.

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Commented [SP9]: Base on Salty Dogs operator's request, as in Planning Board packet.

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Commented [SP10]: Added a provision requiring all licensed kennels and similar facilities to comply with the spacing and facility standards established in state statute.

Commented [BM11]: This should be a definite standard of the maximum number of pets, likely in relation to the size of the facility. Leaving it completely open ended puts the Planning Board or Code in a very difficult position.

Commented [SP12R11]: Small to medium dogs should 64 SF, Large Dogs 110 SF for overnight boarding, daycare shall be capped at 50 dogs,

Commented [SP13]: Added language regarding requiring state licensing for Kennels etc.

Commented [BM14]: See comment for subsection A, above.

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