

**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 and 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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(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:

- (1) Other

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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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§ 120-516. Conditional use.

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- A. The review authority shall permit as a conditional use any matter so referred to by other provisions of this chapter, provided that the standards of this section are met. Conditional use permits run with the land and thus pass from one owner of the property to the next unless the approval is limited to the petitioner by the review authority. ●●●
- H. Review criteria. The review authority shall have the power and duty to approve, approve with conditions, or deny conditional use applications based on the following standards:

●●●

§ 120-531. Kennel, major.

The kennel, including all uses accessory to the kennel, must be set back

- A. A minimum of 200 feet from an abutting residential structure; or,
- B. A minimum of 100 feet from the lot line where there is no abutting residential structure.

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KENNEL, MAJOR — An establishment in which five or more dogs, cats, or domesticated animals are sheltered, housed, bred, boarded, trained, or sold, and for a fee or other compensation. This definition includes, without limitation, pet care service establishments for dogs and cats that provide daytime care or 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. (See Article 5, Performance Standards.)

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 other 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. (See Article 5, Performance Standards.)

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PET CARE SERVICE ESTABLISHMENT --- See KENNEL, MAJOR and KENNEL, MINOR.

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VETERINARY CLINIC – A type of medical office that provides medical services to dogs, cats, or other domesticated animals, including but not limited to routine office visits and surgical procedures. The overnight boarding of animals is not permitted at a veterinary clinic, unless such boarding is incidental to provided medical treatment, i.e., to allow for an adequate period of recovery, and not as a separate service. (See Article 5, Performance Standards.)

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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

~~(1)~~(2) Kennel, major

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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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(1) Other.

~~(1)~~(2) Kennel, major

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§ 120-516. Conditional use.

- A. The review authority shall permit as a conditional use any matter so referred to by other provisions of this chapter, provided that the standards of this section, as well as any applicable performance standards from Article 5, are met. Conditional use permits run with the land and thus pass from one owner of the property to the next unless the approval is limited to the petitioner by the review authority.

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- H. Review criteria. The review authority shall have the power and duty to approve, approve with conditions, or deny conditional use applications based on the following standards:

(18) Use specific standards. The proposed use complies with all other performance standards within this Article 5, specific to the proposed conditional use.

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§ 120-531. Kennel, major.

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

1. Outdoor Areas: All outdoor areas shall be no less than 500 square feet (SF) and based on the number of dogs in the daytime care program. The outdoor areas that are to be used by animals shall be fully enclosed by solid, soundproofed fencing and buffered with permanent plantings that completely obscure such fence. Such outdoor areas shall have an artificial ground covering, such as artificial turf or a similar substance, and shall have a natural sub-base consisting of gravel, pea stone, or similar substance.
2. Noise Control: All kennels are subject to the maximum noise standards established in Chapter 120-812S of the Code.

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- a) All indoor animal areas are fully soundproofed in a manner consistent with industry standards.
- b) Odor Management: Animal waste shall be managed to prevent odors detectable beyond 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.
- 3.4. Overnight Boarding Capacity: All major kennels providing overnight boarding services shall satisfy the following minimum indoor capacity requirements: Each cat shall be provided with a minimum of four (4) square feet of indoor floor area. Dogs shall be provided minimum floor area based on adult weight, with small to medium-sized dogs weighing five (5) pounds to sixty (60) pounds provided not less than twenty-four (24) square feet per dog, and large dogs weighing more than sixty (60) pounds up to one hundred fifty (150) pounds provided not less than forty (40) square feet per dog. Where dogs from the same household are housed together, the total floor area shall be not less than one hundred ninety-two (192) square feet for a family group of five (5) or fewer dogs and shall otherwise meet or exceed the applicable per-dog minimums. These requirements apply to all indoor enclosures, runs, kennels, or other areas used for overnight boarding or daytime care.
- 5. Indoor Daytime Care Capacity: The area shall be no less than 70 square feet of area per dog. These minimum requirements are intended to ensure proper supervision, reduce stress among animals, and maintain sanitary conditions.
- 6. Record Keeping. All major kennels shall maintain accurate records demonstrating compliance with space and capacity standards contained in this §120-531. Such records must be made available to the Town for inspection upon request by the appropriate regulatory authority
- 7. Licensing: 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.

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

- 1. The kennel, including all uses accessory to the kennel, must be set back;
 - a) ~~A~~-A minimum of 200 feet from an abutting residential structure; or,
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