



City of Auburn, Maine

Office of Economic and Community Development

60 Court Street, Auburn, Maine 04210

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To: Planning Board, City of Auburn
From: Zach Mosher, City Planner
Date: May 9, 2017
RE: Planning Board Discussion on Dog Kennels

The Planning Staff has been approached with a request to consider allowing Dog Kennels in the Agricultural and Resource Protection District. The Staff would like to present background information to help with the discussion at your May 9, 2017 meeting.

A. Existing Definitions in Zoning Ordinance - Section 60-2

1. *Kennel* means any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, boards or trains dogs or cats or other animals, which may legally be present in such facilities, for profit. *Kennels* must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the city and all state statutes and regulations of the state.
2. *Livestock* means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep or swine.
3. *Farm, animal*, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:
 - Cattle: One bovine animal unit per acre of cleared hay-pasture land.
 - Horse: 1.5 animal units per acre of cleared hay/pasture land.
 - Sheep: Three animal units per acre of cleared hay/pasture land.
 - Swine: Two animal units per acre of cleared land.
 - Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.
4. *Pet* means any animal which may be legally owned in accordance with the provisions of this chapter, normally kept for pleasure rather than utility, excluding *livestock*, is in the owner's possession and for which it can be reasonably demonstrated that the care of said pet is the responsibility of a given individual.

B. How Zoning Districts Treat Kennels as a Land Use

1. Agricultural and Resource Protection District (AGRP) does not specifically mention kennels as a permitted or special exception use. A liberal interpretation might allow kennels as part of a farm operation if dogs are defined as livestock or farm animals.
2. Low Density Country Rural Residential District (LDCR) does not specifically mention kennels as a permitted or special exception use.
3. Low Density Rural Residential District (LDRR) allows kennels as a special exception use #7: *“Licensed kennels provided that there shall be available land area of at least three acres.”*
4. The Suburban Residential district lists under permitted uses # (8) **Animal farms** provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2 and:
 - a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.
 - b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.
 - c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

The Suburban Residential (SR) District, as a special exception, allows uses under LDRR so that in the Suburban Residential district: *All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by [section 60-229\(b\)\(3\), \(9\), \(11\) and \(12\)](#).* This might imply that Kennels as a special exception would carry over to the Suburban Residential District.

5. Urban Residential (UR) District- In the Urban Residential District, the permitted use of Animal Farms (found in Suburban Residential) is gone. However, there is room to interpret kennels might be allowed since special exception #7 from the LDRR district is a possible special exception use carrying into the Urban Residential District.
6. The Multi-Family Suburban District (MFSD) allows special exception uses from the Urban Residential District to be carried into the MFSD district; therefore special exception use #7 from LDRR could be allowed.
7. The Multi-Family Urban District (MFUD) allows special exception uses from the Urban Residential District to be permissible in the MFUD district; therefore special exception use #7 from LCRR could be allowed.
8. In the General Business (GB) District, Kennels are not specifically mentioned, except in special exception use #20: *“Animal hospitals and pet shops, but no kennels.”*
9. In the General Business II (GBII), Kennels are not specifically mentioned except, in special exception use #20: *“Animal hospitals and pet shops, but no kennels.”*
10. In the Industrial District (ID), there is no mention of kennels.

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April 20, 2017

Eric J. Cousens
Deputy Director of Planning and Development
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City of Auburn
60 Court Street STE 104
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Eric,

I would like to formally inquire about the permitted use in the Agricultural and Resource Protection (AGRP) Zone. Per our previous conversation, I would like to build a dog kennel for the purpose of temporarily boarding dogs overnight. The facility would be designed with 12 individual kennels, 2 grooming stations, an entrance/office/waiting area and bathroom. It will also include 2 fenced-in pasture areas. This will not be a doggy day care.

In reading thru the zoning use regulations, it appears that this usage is a permitted use in the AGRP Zone. As discussed, it may be best to ask the Planning Board for their concurrence. If necessary, they may want to modify some of the permitted uses write-up.

If you will let me know, I would be glad to attend the Planning Board meeting to answer any questions.

V/r
Terry M. Dailey