

**Land Use and Development Code Amendment: Dog Kennel Standards**

**Town of Gorham  
Planning Board Meeting  
February 6, 2023**

**ITEM 4 - Discussion – Land Use and Development Code Amendment – Chapter 2, Section 2-14** – a proposed amendment to the Land Use and Development Code Chapter 2, Section 2-14 regarding dog kennel standards.

<b>INDEX OF PACKET ENCLOSURES</b>	
<b>DESCRIPTION</b>	<b>PAGE NUMBER</b>
<b>1. Overview</b>	<b>2</b>
<b>2. Proposed Language</b>	<b>2-3</b>
<b>3. Motions</b>	<b>3</b>

**AMENDMENT TRACKING**

<b>DESCRIPTION</b>	<b>COMMENTS</b>	<b>STATUS</b>
<b>TC Ordinance Committee</b>	Item forwarded to the TC meeting (3 yeas)	<b>December 19, 2022</b>
<b>Town Council Meeting</b>	Item forwarded to the PB for review and Public Hearing (7 yeas)	<b>January 3, 2023</b>
<b>Planning Board - Discussion</b>		<b>February 6, 2023</b>

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

**Memo completed by Damon Yakovleff, Assistant Town Planner**

# Land Use and Development Code Amendment: Dog Kennel Standards

## 1. OVERVIEW

At the Town Council Ordinance Committee meeting on December 19, 2022 the Committee discussed potential adjustments to the dog kennel standards in the town ordinances. The TC committee voted and approved (vote of 3 “yeas”) the following recommendation, shown using ~~strikethrough~~. The Town Council reviewed the language at the January 3, 2023 TC meeting and forwarded the item to the PLBD for public hearing and recommendation.

The purpose of the change is to reduce unnecessary complexity and potential confusion for the public regarding what is considered “dedicated open space”. The proposed changes provide greater clarity for how and where dog kennel facilities can operate.

## 2. PROPOSED AMENDMENT LANGUAGE TO ORDINANCE

### SECTION 2-14 – DOG KENNEL STANDARDS

The purpose of this section is to provide standards to ensure that Dog Kennels are safe and maintained in a clean and sanitary manner and do not create a nuisance to surrounding properties. The Dog Kennel owner shall submit a fully dimensioned and detailed plan illustrating all structures and areas that will be used in the operation of the Dog Kennel showing compliance with the Town’s Land Use and Development Code. The Code Enforcement Office may conduct an inspection as needed to verify that the Dog Kennel is operating as approved and in conformance with this Land Use and Development Code. A Dog Kennel shall meet the following standards:

1. Shall be located on lots not less than three (3) acres in area.
2. Shall not have more than ten (10) dogs at any given time.
3. Dogs shall be housed within a permanent structure/outbuilding between the hours of 7:00 p.m. and 7:00 a.m.
4. Any structure used for housing the dogs and/or containment area shall be:
  - a. Designed, constructed and located on the lot in a manner that will minimize the negative impact upon abutting properties.
  - ~~b. Set back a minimum of one hundred (100) feet from all property lines. **The Town’s Planning Board or Administrative Review Committee may grant a waiver from this setback requirement provided the structure or containment area is adjacent to a dedicated open space or conservation area which may be used towards meeting the minimum one hundred (100) foot setback requirement based upon a finding that a negative impact to abutting properties will not be created.**~~
  - c. Structurally sound and maintained in good repair at all times.
  - d. Well ventilated so as to provide constant fresh air.
  - e. Maintained at a comfortable temperature.
  - f. Maintained in a clean and sanitary condition at all times. Any animal excrement shall be removed at least twice daily from the dog pens and runs. Each pen shall be washed down with water and disinfectant cleaner as often as necessary to maintain a safe and sanitary condition for the dogs, but in no event less than once each day.
5. Any structure used for housing the dogs shall have its floor constructed of cement, asphalt or a similar material.
6. Outside containment areas shall be enclosed with fencing with a height of no less than eight (8) feet.

## **Land Use and Development Code Amendment: Dog Kennel Standards**

7. All dog pens shall provide sufficient room for the dogs housed therein to turn about freely, to stand erect, and to lie down in a natural position.
8. Any storage container used for holding waste that includes animal excrement shall be kept tightly covered at all times and emptied at least once every two (2) days. Such container shall be located in accordance with the setback requirements for structures as stated in this section.
9. All dogs shall have access to shelter to protect them from the weather.
10. The dogs shall be provided with sufficient fresh water and wholesome food so as to maintain their health. Food and water containers shall be kept clean and sanitized.

### **PROPOSED MOTIONS:**

Move to send the proposed Zoning Amendment under Chapter 2, Section 2-14 Dog Kennels – to the Planning Board’s (Ordinance Sub-committee or Comp Plan Implementation Sub- Committee for review and recommendation)

**Or**

Move to send the proposed Zoning Amendment under Chapter 2, Section 2-14 Dog Kennels to the next available Planning Board meeting for a public hearing.