



CITY OF CONCORD

17A

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Craig Walker, Zoning Administrator

DATE: February 12, 2015

SUBJECT: Dog Daycare and Kennel Use

Recommendation

Accept this report

Background

A request was made to Council to review the manner in which the City classifies and segregates short-term dogcare commonly called, "dog daycare." The request was made for the City Council to consider whether a dog daycare should be allowed in the same zones as dog grooming salons.

The zoning ordinance does not contain a separate use category for dog daycare. When a proposed use is not specified in the ordinance, the Code Administrator is authorized to render a decision on the administrative classification of the proposed use. In considering the proposed use, the Code Administrator shall consider the similarity of the proposed use to other existing uses in the ordinance in terms of the characteristics of function or the intensity of the use.

Historically, dog daycare has been classified and placed by the Code Administrator in the same use category as commercial kennels. The Zoning Code considers commercial kennels to be an agricultural use that are allowed as a principal use located in the Residential Open Space district with a special exception, or Commercial General or Commercial Highway districts with a conditional use permit. A commercial kennel is allowed in a Residential Open Space district because there is sufficient space for the kennel, and it is allowed in Commercial General or Commercial Highway districts because these are high density commercial districts, there are limited residences in those areas and the districts are conveniently located for the general

population. There is also a supplemental standard that prohibits any animal yards and runs in the Residential Open Space district to be located closer than one hundred fifty (150) feet to any property boundary. An animal yards or run is not permitted in the Commercial Neighborhood or the Commercial Highway districts.

Discussion

A. Whether A Dog Daycare Should Be Classified As A “Commercial Kennel”

A “kennel” is defined in the zoning glossary as a “facility for housing dogs, cats, or other pets, but not livestock, poultry, wild animals or exotic animals, where grooming, breeding boarding, training, or selling of these pets is conducted as a business.” This definition contemplates that the pets will be housed for an extended period of time, ranging from several hours to several days or weeks. The housing often involves feeding, general care and management of noise and animal waste.

A “pet grooming salon” has historically been classified separately from a kennel use. The zoning ordinance does not contain a category for pet grooming salons, and therefore the Code Administrator is responsible for determining the similarity of the proposed use to other existing uses in the ordinance in terms of the characteristics of function or the intensity of the use. A business that solely provides pet grooming services, without providing the other services listed under the kennel definition, has been placed by the Code Administrator in the same personal service use category as barber shops and hair salons. This determination is based on the fact that the pets are not intended to be left for an extended period of time, and food and housing are not provided on a regular or ongoing basis. It should be noted that animal yards and runs have not been allowed as an accessory use to a grooming salon.

A dog daycare provides short-term care and housing for dogs, generally during weekly work hours. There is an expectation that the care will be provided for several hours, generally on a repeated and ongoing basis and that the facility will include an outdoor yard and run. For those reasons, the function of a dog daycare has been historically classified as a commercial kennel.

B. Whether The Zoning Ordinance Should Be Amended To Create A New Principal Use For Dog Daycare

In determining whether a “dog daycare” category should be created, a review of the history and demand for dog daycare has been conducted.

In the City of Concord, there are two commercial kennels. Those are Cilly's Veterinary Clinic located on Iron Works Road and Russell's Animal Hospital located on Pleasant Street. Both of the kennels are affiliated with veterinary hospitals. The commercial kennels are located in the Residential Single-family and Institutional districts, respectively. Both exist as non-conforming uses established under a prior ordinance.

In 2003, Finlayson's Pet Care was granted a variance to open a dog daycare with ancillary uses in the Industrial district at the Smoke Stack Center at 254 North State Street.¹ That facility has since relocated to Chichester.

In 2006, a special exception was granted that would have permitted a commercial kennel at 180 Clinton Street in the Residential Open-Space District. The applicant did not proceed with the proposal, and the property has since sold for residential use.

In 2014, an application for a variance was submitted to the Zoning Board of Adjustment requesting relief to open a dog daycare on Airport Road in an Industrial District. That application was subsequently withdrawn due to development issues related to the site. In 2014, another application for a variance was submitted to the Zoning Board of Adjustment for a dog daycare in connection with a pet grooming salon. The application was denied because the Zoning Board of Adjustment did not find there were any compelling circumstances related to the property that deprived the tenant of a reasonable use of the property if the variance was not granted, and therefore there was no finding of hardship to justify granting a variance.

It should be noted that an unauthorized kennel on Josiah Bartlett Road was closed in 2010, and an unauthorized dog daycare operated for a period of time in an industrial park on Hall Street which has also been discontinued.

Recommendation:

At this time, the Community Development Department does not recommend a zoning ordinance amendment to create a new use classification for dog daycares, or to otherwise expand the districts in which commercial kennels are allowed. A dog daycare and commercial kennel

¹ The variance was granted because the use was determined appropriate for that location, which included considerations such as the property was convenient to a major arterial street, the space proposed for the use was an underutilized empty warehouse space, there was adequate on-site parking, the dog daycare would be contained within a building and would not create a noise disturbance to neighbors, there was an appropriate open space outside the building where the animals would be walked, and waste would be removed throughout the day and disposed of in a sanitary way that would not create an odor or other nuisance.

are very similar. Both businesses are responsible for providing housing and general care for the dogs, they generate similar amounts of traffic, and the potential for nuisance noise is the same. The only distinction is the amount of time that the dogs are housed on the property. For that reason, it is difficult to distinguish between the uses. Moreover, as demonstrated by Finlayson's dog daycare, a variance may be obtained to open such a facility on a case by case basis.