

**Town of Natick
2019 Spring Town Meeting
Warrant Article 27**

MOTION A:

Move to amend the definition of “Dog Kennel” in the Town of Natick - Zoning Bylaw **Section I/Article I (Zoning Bylaw in General), Section 200 (DEFINITIONS)**, as follows:

1. Delete the following definition in its entirety:

“Dog Kennel: One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old, or over, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.”

2. Add the following definitions in the appropriate order in Section 200 (DEFINITIONS):

“Commercial Boarding or Training Dog Kennel: An establishment, other than a Home Occupation/Customary Home Occupation Dog Kennel as defined herein, used for boarding, holding, day care, overnight stays or training of dogs that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such dog; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Law section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for dogs owned by others.”

“Commercial Breeder Dog Kennel: An establishment, other than a Personal Dog Kennel or Home Occupation/Customary Home Occupation Dog Kennel as defined herein, engaged in the business of breeding dogs for sale or exchange to wholesalers, brokers or pet shops in return for consideration.”

“Home Occupation/Customary Home Occupation Dog Kennel: A “Home Occupation/Customary Home Occupation,” compliant with that term and meaning as defined in Town of Natick - Zoning Bylaw Section I/Article I, Section 200* **except allowing partial outdoor conduct by such home occupation as necessary for proper dog care**, used for boarding, holding, day care, overnight stays or training of dogs that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such dogs, or engaged in the business of breeding dogs for sale or exchange to wholesalers, brokers or pet shops in return for consideration.”

*For purposes of considering this Warrant Article, see last page for definition of Town of Natick – Zoning Bylaw Section I/Article I, Section 200 “Home Occupation/Customary Home Occupation”.

"Personal Dog Kennel: A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Massachusetts Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit."

3. Add the following Sub-section to Section V Special Requirements.

"V-A.1 ALTERNATE USES IN RESIDENTIAL DISTRICTS:

Except for the primary residential use of RS or RG, allowed in their respective districts; for all other uses that are either permitted, allowed by special permit, or otherwise enabled; all parking, areas of active use, play areas, communal gathering areas, and storage; whether in buildings, accessory structures, or outdoor; shall be subject to the district's setbacks as shown in Table IV – B."

4. Amend Town of Natick – Zoning Bylaw Section III-A.2 USE REGULATIONS SCHEDULE, OTHER USES, Use #53 Dog Kennel, as follows:

- 1) Change Use #53 from "Dog Kennel" to "Commercial Boarding or Training Dog Kennel".
- 2) Add a new Use #53A titled "Commercial Breeder Dog Kennel".
- 3) Add a new Use #53B titled "Home Occupation/Customary Home Occupation Dog Kennel".
- 4) Add a new Use # 53C titled "Personal Dog Kennel".
- 5) Change Use #53 (previously "Dog Kennel," now "Commercial Boarding or Training Dog Kennel") by changing the "A" to "O" in the zoning districts RG and RS columns.
- 6) Add a new use regulation table for Use #53A "Commercial Breeder Dog Kennel" to include an "A" in the zoning district CII column, and to include an "O" in all other zoning district columns except DM which shall be (*).

7) Add a new use regulation table for Use #53B “Home Occupation/Customary Home Occupation Dog Kennel” to include an “A” in the zoning districts RG, RS, and CII columns and to include an “O” in all other zoning district columns except DM which shall be (*).

8) Add a new use regulation table for Use #53C “Personal Dog Kennel” to include an “A” in the zoning district RG, RS, and CII columns and to include an “O” in all other zoning district columns except DM which shall be (*).

So that the applicable chart in Town of Natick – Zoning Bylaw **Section III-A.2 USE REGULATIONS SCHEDULE, OTHER USES**, Use #53 now reads:

“

OTHER USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
53. Commercial Boarding or Training Dog Kennel	O	O	O	O	O	O	(*)	A	O	O	O
53A. Commercial Breeder Dog Kennel	O	O	O	O	O	O	(*)	A	O	O	O
53B. Home Occupation/Customary Home Occupation Dog Kennel	A	O	A	O	O	O	(*)	A	O	O	O
53C. Personal Dog Kennel	A	O	A	O	O	O	(*)	A	O	O	O

“

5. Add the following Sub-sections to Section III-D USE REGULATIONS FOR LC DISTRICTS; III-D, 2. USES ALLOWED ON SPECIAL PERMIT ONLY:

“

- h. Commercial Boarding or Training Dog Kennel;
- i. Commercial Breeder Dog Kennel.”

* Town of Natick – Zoning Bylaw Section I/Article I, Section 200 definition of “Home Occupation/Customary Home Occupation”:

Home Occupation/Customary Home Occupation: An occupation such as professional offices, studios, laboratories, and workshops which may specifically include the following occupations (not by way of limitation): seamstress, tailor, milliner, hair care facility, realtor, legal services, dental or medical care facility, art, craft or music instruction, provided that: (a) Only one person other than members of the family residing on the premises shall be simultaneously engaged in such occupation, (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the building area of the dwelling unit shall be used in the conduct of the home occupation; (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building; (d) No home occupation shall be conducted in any accessory building; (e) There shall be no sales other than goods produced or assembled on the premises in connection with such home occupation nor public display of goods or wares; (f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation beyond such normal volume shall be met off the street and other than in a required front yard; (9) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, smoke, dust, odors, heat, unsightliness, or electrical interference detectable to the family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; (h) There is no exterior storage of materials or equipment including automotive parts and construction equipment; and (i) There is no external structural alterations which is not customary in a residential building. (Art. 17, 1987 FALL A.T.M.)