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PO Box 1749
Halifax, Nova Scotia
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Marine Drive, Valley & Canal Community Council
March 26, 2008

TO: Chair and Members of Marine Drive, Valley & Canal Community Council

SUBMITTED BY:

Paul Dunphy, Director, Community Development

DATE: February 11, 2007

SUBJECT: Case #01017 - Rezoning 791 Highway #7, Westphal

ORIGIN

Application by Joanne Hemsworth to rezone her property at 791 Highway #7 from R-1 (Single Unit Dwelling) to C-4 (Highway Commercial) to permit a pet sitting business.

RECOMMENDATION

It is recommended that Marine Drive, Valley & Canal Community Council:

1. Give First Reading for the rezoning of 791 Highway #7, as shown on Map #1, and schedule a public hearing, and;
2. Approve the rezoning of 791 Highway #7 from R-1 (Single Unit Dwelling) to C-4 (Highway Commercial) as shown on Map 1.

BACKGROUND

Policy and Zoning:

The property at 791 Highway #7 (Map #1) is located within the Highway Commercial Designation of the Cole Harbour/Westphal Municipal Planning Strategy (MPS). The land is zoned R-1 (Single Unit Dwelling), contains an existing dwelling, and the property is 6,051ft² (562m²) in size.

Area Overview

As shown on Map #1, most of the properties fronting Highway #7 in this area are zoned C-4 (Highway Commercial) and contain a number of commercial uses such as strip malls (civic #'s 798 and 802), a funeral home (#767), and trailer sales (#804). The proponent is located between a mixed commercial/residential property (civic #793 - auto parts dealer and single unit dwelling) and a residentially used property (civic #787 - single unit dwelling).

The Proposal

The owner would like to retain the existing dwelling and continue to live there while operating a pet-sitting business or 'dog daycare' from her home. She is not permitted to do this under the current R-1 zone, because the Land Use By-law (LUB) prohibits the keeping of animals as a home occupation. The owner has therefore requested a rezoning to C-4 (Highway Commercial) which permits a broad range of business uses including kennels (as shown in Attachment B, a 'dog daycare' would be considered a kennel in the LUB). The C-4 zone also permits existing residences, but restricts the construction of new residences.

Planning History of Subject Property

- Prior to 1982, this property was part of a larger C-4 zoned parcel.
- In 1982, Mr. Carl Pettipas made an application to have the lands rezoned to R-1 (Single Unit Dwelling) to permit subdivision and construction of a single unit dwelling.
- On January 6, 1983 the rezoning was approved under the 'abutting designation policy' (Policy P-90 of the former MPS) which allowed Council to consider rezonings within one designation to provide for the development of uses permitted within the abutting designation, without an amendment to the MPS itself.
- On May 4, 1983 the lot was created and even though it was technically outside the service boundary, permission was granted to connect the property to municipal services, allowing smaller lot standards to prevail (the minimum lot area with servicing was 6,000ft²/ 557m² and without servicing was 20,000ft²/ 1,858m²).
- On November 22, 2006 the present owner was served with an HRM 'Order to Comply' because the building had commercial use (kennel) without an occupancy permit.

- The owner subsequently made an application for an occupancy permit for a home business but was refused on the grounds that the LUB definition of home business excludes the keeping of animals.
- Under the LUB, a pet-sitting business is considered a kennel and would be permitted in the C-4 zone. Therefore, the owner submitted an application for the lands to be rezoned from R-1 to C-4.

DISCUSSION

According to the Generalized Future Land Use Map (GFLUM) for the area (Map #2), the subject property is designated 'Highway Commercial' suggesting that it is the long term intent for the area to develop in a commercial manner. As stated previously, the majority of the land uses in the area are zoned and used commercially. However, any rezoning must be evaluated in accordance with policy IM-11 of the Cole Harbour - Westphal MPS (Attachment A).

Staff have reviewed the proposal by Ms. Hemsworth under the applicable plan policy and determined it is consistent with the intent of the MPS. During the review, staff identified a number of issues relative to this proposal, such as:

Compliance with Land Use By-law Provisions

While the proposal is in conformity with the intent of the MPS land use designation (i.e. the land is designated 'commercial' and that is what is being proposed), the existing lot does not meet certain LUB standards of the proposed zone.

The subject property is only 6,051 ft² with 60 feet of frontage and since 1993 the LUB has required a minimum lot area of 10,000ft² with 150 feet of frontage in the C-4 zone (Attachment B). However, the LUB also permits existing lots with reduced frontage and area to be used for any use permitted in the zone. Such lots must demonstrate that "all other applicable provisions of this By-law are satisfied" (section 4.7).

As shown in Attachment "B", the other applicable provisions of the LUB including the parking requirements (section 4.25) and the buffering and screening requirements (section 18.9a) will have to be met on the lot. Currently, Ms. Hemsworth has not proven to staff that the applicable requirements can be met on site. Should Council approve the proposed rezoning, Ms. Hemsworth will have to meet these requirements prior to obtaining a permit for a commercial use.

Adequacy of Sewer and Water Services

While the property is connected to municipal services, the sanitary flows towards the Eastern Passage Waste Water Treatment Plant where there are concerns with the facility operating at capacity. In a July 6, 2004 report to Regional Council, staff agreed to:

“Review any new Development Agreements and Rezoning applications within the sewer shed to determine their impact on the Eastern Passage Treatment Plant. Policy exists that will allow Council to refuse Development Agreements and Rezonings that may have an adverse effect on the plant.”

While some commercial uses (e.g. retail, office) consume less water than residential uses, others consume more (e.g. restaurants, laundromats). While Ms. Hemsworth has been unable to demonstrate that the broad range of commercial uses permitted under the C-4 zone would not potentially increase flows to the plant, staff contend that given the size of the lot and the use immediately proposed, that the impact on the plant in the interim will be minimal. In the long term, funding has been approved by Regional Council to address capacity concerns.

Access to and Egress from the Site

The LUB restricts the number of access points onto Highway #7 to one per lot because too many closely spaced driveways tend to interfere with traffic on higher order roadways (such as Highway No. 7) which are primarily intended for traffic flow. Ms. Hemsworth is proposing to utilize the existing driveway on the property which will provide access and egress for her home and pet sitting business onto Highway No. 7. While not an ideal situation for access and egress, the zone controls should limit the size and extent of commercial development on this property, and serve to minimize any adverse effects which may arise.

Compatibility

The subject property is an isolated R-1 parcel, located just east of two similarly sized residential properties that are zoned C-4 (Map 1). A rezoning to C-4 would remove this anomaly and confer the same rights upon Ms. Hemsworth as the abutting properties.

Where any commercial property in the C-4 zone abuts another property that is residentially used, such as the subject property, the LUB requires buffering of the commercial use, which is intended to reduce incompatibility (see Attachment B). Ms. Hemsworth will have to meet this requirement prior to obtaining a permit for a commercial use.

Dog Daycares in HRM

On January 8th, 2008, Regional Council initiated an MPS amendment process to consider allowing dog daycares by development agreement in residential zones on the Halifax Peninsula. Due to recent requests for dog daycares in other residential areas of the Municipality, Council discussed the possibility of considering the matter on a region-wide basis, but ultimately dismissed this option and initiated a process to only consider amendments to the Halifax MPS.

Public Participation

A public information meeting was held on May 9, 2007 and minutes of that meeting may be found in Attachment C. Residents in attendance were generally supportive of the proposal, however some concerns about noise were expressed at the meeting.

Should Council decide to hold a public hearing, property owners affected by the rezoning, as shown on Map 1 will be notified by direct mail and advertisements will be placed in the newspaper in accordance with requirements of the *Municipal Government Act*.

Conclusion

The proposed pet siting business is consistent with the intent of the Highway Commercial designation. Therefore, staff recommend that Council rezone Ms. Hemsworth's property to C-4 Zone. Should Council approve the proposed rezoning, Ms. Hemsworth will have to meet the LUB requirements of the C-4 Zone prior to obtaining a permit for a commercial use.

BUDGET IMPLICATIONS

None. The HRM costs to process this application can be accommodated within the approved C310 operating budget.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may choose to approve the proposed rezoning of 791 Main Street from R-1 (Single Unit Dwelling) to C-4 (Highway Commercial) as shown on Map 1. This staff's recommended course of action.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on conflict with MPS policies. This alternative is not recommended as staff are satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

ATTACHMENTS

Map 1:	Zoning
Map 2:	Generalized Future Land Use Map
Attachment A:	Relevant Policy of the Cole Harbour-Westphal MPS

Case #01017

Rezoning, 791 Highway #7

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March 26, 2008

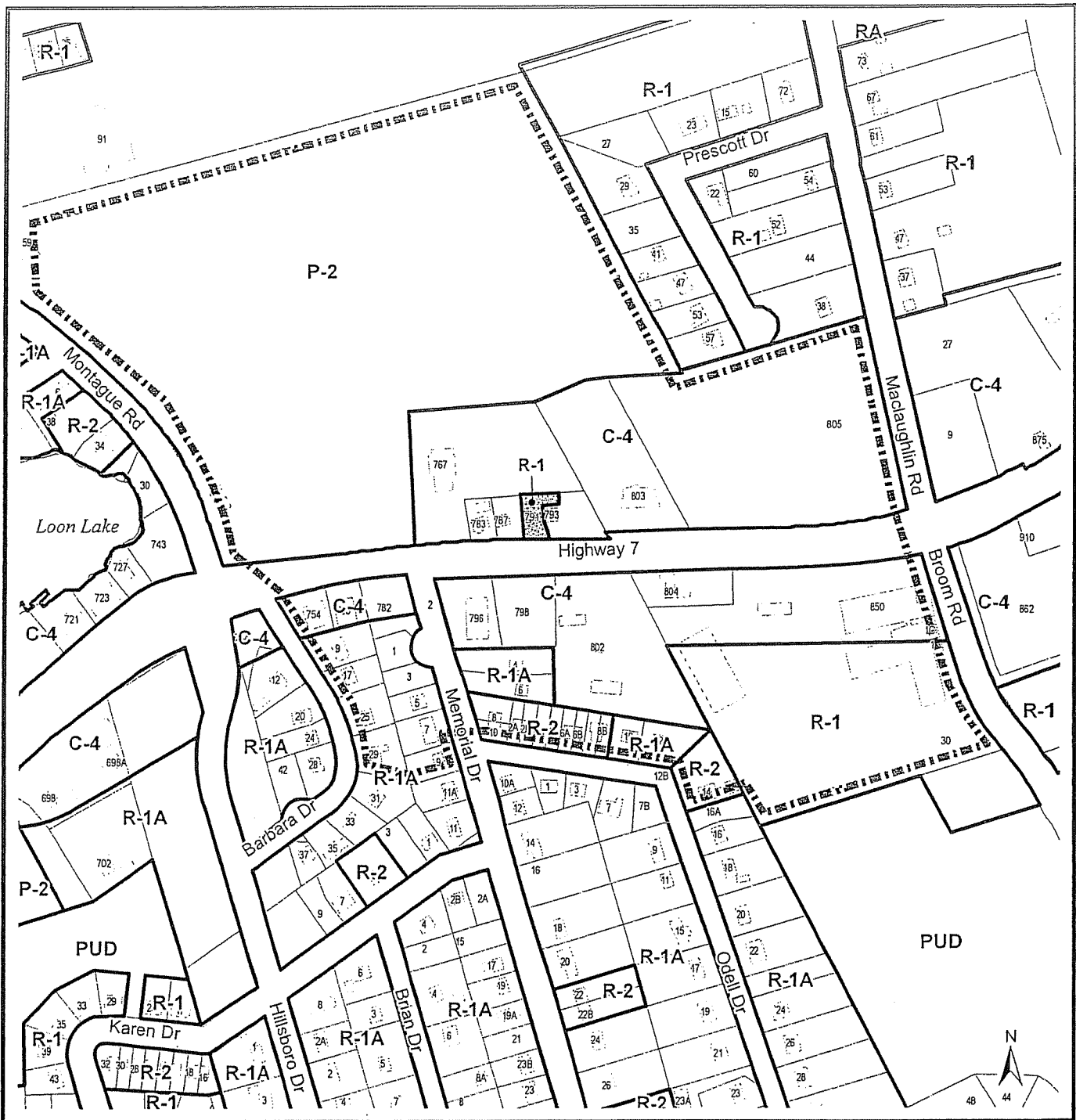
Attachment B: Applicable Standards of the Cole Harbour Westphal LUB
Attachment C: Public Information Meeting Minutes

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Hanita Koblents, Planner I - Planning Applications, Community Development, 490-4181





Report Approved by: _____
Austin French, Manager of Planning Services, 490-6717

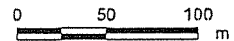


Map 1 - Location and Zoning

**791 Highway 7
Westphal**

-  Area to be rezoned from R-1 to C-4
-  Area of notification

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

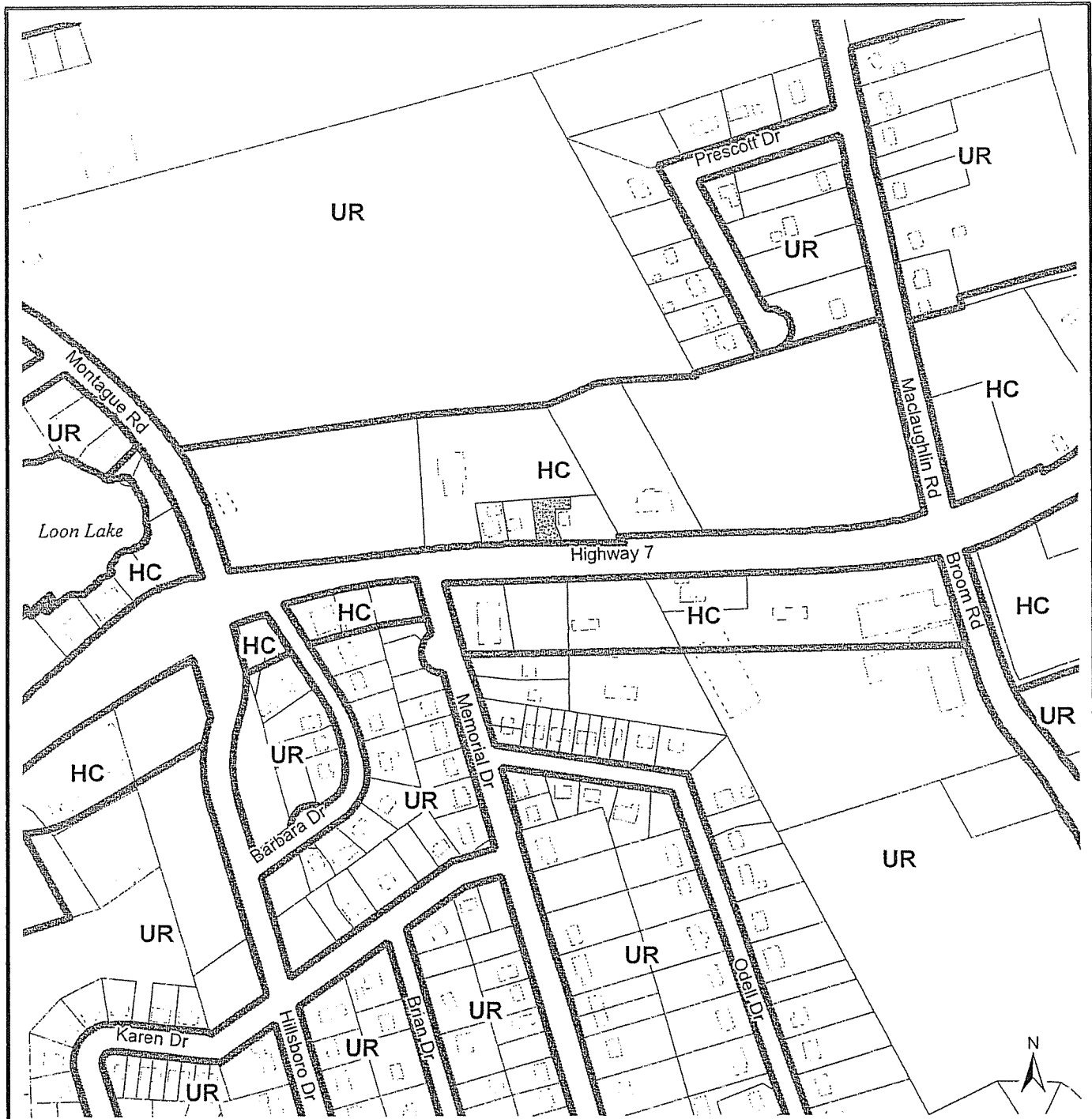


- Zone**
- R-1 Single Unit Dwelling
 - R-2 Two Unit Dwelling
 - R-1A Single Unit Dwelling
 - C-4 Highway Commercial
 - P-2 Community Facility


Cole Harbour/Westphal
Plan Area

This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour/Westphal Land Use By-Law area.

HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Generalized Future Land Use
791 Highway 7
Westphal

 Area to be rezoned from R-1 to C-4

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

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Cole Harbour/Westphal
 Plan Area

- Designation**
- HC Highway Commercial
 - UR Urban Residential

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Cole Harbour/Westphal Plan area

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A
Relevant Policy of the Cole Harbour-Westphal MPS

- HC-1 In the interests of providing for commercial uses which make extensive use of land and serve the travelling public, it shall be the intention of Council to establish the Highway Commercial Designation as shown on the Map 1 - Generalized Future Land Use Map.
- HC-2 Within the Highway Commercial Designation, it shall be the intention of Council to create a highway commercial zone which permits general commercial uses not exceeding ten thousand (10,000) square feet of gross floor area, and also permits existing dwellings and community uses, including medical and day care centres. In addition, the zone shall provide for the screening of open storage and outdoor display areas.
- IM-11 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
 - (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or destruction of designated historic buildings and sites.
 - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
 - (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and
 - (e) any other relevant matter of planning concern.
 - (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

**Attachment B
Applicable Standards of the Cole Harbour-Westphal LUB**

2.29 KENNEL means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.

4.25 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this section or by other specific sections shall be the next largest whole number.

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit
Any use not specified above (92.9 m ²) of gross floor area	3.3 spaces per 1,000 square feet

4.6 EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

Furthermore, the Development Officer may issue a development permit for a lot approved pursuant to PART 14 of the Subdivision By-law where an undersized lot has had its boundaries altered.

4.7 REDUCED FRONTAGE OR AREA

(a) Any lot created pursuant to Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than one hundred and twenty (120) feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is fifty (50) feet and the

minimum lot area requirement is five thousand (5,000) square feet (454.5 m2).

- (c) Any lot created according to the provisions of subsection (b) may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

PART 7: R-1 (SINGLE UNIT DWELLING) ZONE

7.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings;

Home business uses in conjunction with permitted dwellings;

Daycare facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses

Open space uses.

7.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services 6,000 square feet (557.4 m2)
	on-site services 20,000 square feet (1858.1 m2)

Minimum Frontage:	central services 60 feet (18.3 m)
	on-site services 100 feet (30.5 m)

Minimum Front or Flankage Yard:	20 feet (6.1 m)
Minimum Rear or Side Yard:	8 feet (2.4 m)
Maximum Lot Coverage:	35 percent
Maximum Height of Main Building:	35 feet (10.7 m)
Minimum Width of Main Building:	20 feet (6.1 m)

PART 18: C-4 (HIGHWAY COMMERCIAL) ZONE

18.1 C-4 USES PERMITTED

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

Commercial Uses

Retail stores; Food stores; Service and personal service shops; Banks and financial institutions; Restaurants; Outdoor display courts; Hotels, motels and motor inns; Indoor commercial recreation uses; Funeral establishments; Service stations; Taxi and bus depots; Parking lots;

Greenhouses and nurseries; Veterinary hospitals and kennels; Re-cycling depots.

Community Uses

Open space uses; Institutional uses; Fraternal centres and halls.

Residential Uses

Existing dwellings

18.2 C-4 ZONE REQUIREMENTS: COMMERCIAL USES

In any C-4 Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services 10,000 square feet (929.0 m2)
	on-site services 20,000 square feet (1858.1 m2)

Minimum Frontage:	150 feet (45.7 m)
Minimum Front or Flankage Yard:	30 feet (9.1 m)
Minimum Rear or Side Yard:	15 feet (4.6 m)
Maximum Height of Main Building:	35 feet (10.7 m)
Maximum Lot Coverage:	50 percent

18.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

Notwithstanding the provisions of Section 18.1, no commercial building in any C-4 Zone shall exceed ten thousand (10,000) square feet (929 m2) of gross floor area.

18.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential zone or community uses zone, except where a fence or other visual barrier is provided.

18.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Sections 18.2 and 18.7, where a service station is erected in any C-4 Zone, the following shall apply:

Minimum Lot Area:	30,000 square feet (2787.0 m2)
Minimum Frontage:	150 feet (45.7 m)
No portion of a pump island shall be located closer that:	20 feet (6.1 m) from any street line
Minimum distance between ramps or driveways	30 feet (9.1 m)
Minimum distance from a ramp or drive-way to a road intersection	50 feet (15.2 m)

Minimum angle of intersection of a ramp to a road line 45 degrees

Width of a ramp: minimum 20 feet (6.1 m)
 maximum 26 feet (7.9 m)

18.6 C-4 ZONE REQUIREMENTS: COMMUNITY USES

In any C-4 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 21 as are applicable.

18.7 OTHER REQUIREMENTS: COMMERCIAL ACCESS

Unless otherwise required by the Provincial Department of Transportation and Communications, all uses which are permitted uses in any C-4 Zone with the exception of service stations, shall be permitted not more than one (1) access onto Provincial Highway No. 7 for each lot.

18.8 EXISTING MULTIPLE UNIT DWELLINGS

Notwithstanding Section 18.1, existing multiple unit dwellings shall be a permitted use within the C-4 Zone. Subject to the requirements of Section 18.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

Civic Address	LRIS No.	Maximum Number of Dwelling Units
662 Preston Road	619171	3

18.9 OTHER REQUIREMENTS: BUFFERING AND SCREENING

(a) In any C-4 Zone where commercial uses, including buildings, parking, outdoor display, or open storage are to be expanded, constructed or located on a lot which is adjacent to property that is zoned or used for residential or community uses, a buffer shall be provided. The buffer shall consist of a grassed landscaped area that is:

- (i) a minimum of twenty (20) feet in depth running the entire length of the adjacent property line and shall contain a vegetation screen consisting of at least two staggered rows of coniferous trees which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;
- (ii) notwithstanding Subsection 18.9(a) (i), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary and the grassed landscaped area shall contain of a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing;
- (iii) the landscaped area shall be properly maintained and kept free of litter; and
- (iv) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.

- (b) Notwithstanding Subsection 18.9(a), for any expansion or construction of a C-4 Zone use which is located adjacent to Loon Lake, the buffer shall consist of a grassed landscaped area that is:
- (i) a minimum of ten (10) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge and shall contain either a mix of balled and burlapped shrubs that are a minimum of 40 cm in height and planted at a maximum spacing of four (4) feet on centre, or a single row of coniferous trees which are at least four (4) feet in height and at a maximum spacing of eight (8) feet on centre, or a combination of coniferous trees and shrubs at the required spacing;
 - (ii) the landscaped area shall be properly maintained and kept free of litter; and
 - (iii) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.
- (c) Notwithstanding Subsection 18.9(a) and (b), for any expansion or construction of a C-4 Zone use which is located on lands identified as PID 00638460, PID 00619775, PID 00619627, and PID 00619502 which are adjacent to Loon Lake, the buffer shall consist of the retention of existing vegetation that is:
- (i) a minimum of fifty (50) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge;
 - (ii) no structures, parking, storage or open display shall be permitted within the buffer area.
- (d) Notwithstanding Subsection 18.9(a) or (b), a buffer shall not be required under the following conditions:
- (i) where a change in occupancy does not increase the amount of parking, or open storage, or outdoor display within the commercial lot; or
 - (ii) where an addition to a commercial building does not increase its square footage more than five (5) percent of the total gross floor area, and provided there is no increase in the amount of parking, or open storage, or outdoor display within the commercial lot as a result of this addition. (C- Oct.30/97, E- Nov. 29/97).

Attachment C
Public Information Meeting Minutes

DATE: May 9, 2007, 8:00 p.m.
LOCATION: Auburn High School

ATTENDANCE: Hanita Koblents, Planner, HRM Community Development
Raylene MacLellan, Administrative Support,

ALSO PRESENT: Joanne Hemsworth, Applicant
David Hendsbee, Councillor

PUBLIC IN
ATTENDANCE: 10

Ms. Hanita Koblents introduced herself as the HRM Planner assigned to the case, and thanked everyone for attending. She introduced Councillor David Hendsbee, Joanne Hemsworth, the applicant, and Raylene MacLellan who took minutes for the record. Ms. Koblents explained that she would make time for questions and comments and answers once she gave a brief presentation. She asked anyone who had any questions to please state their name and address for the record.

Mr. Koblents explained that Joanne Hemsworth has applied for a rezoning from R-1 (Single Unit Dwelling) to C-4 (Highway/Commercial) at 791 Main Street (Highway #7) Cole Harbour. The property in question is west of the MacLaughlin/Broom Road intersection on the north side of Main Street. The R-1 zone permits single family dwellings. The surrounding lands are all zoned C-4, (Highway Commercial) which permits a range of commercial uses. Ms. Koblents showed a slide of the property in question. Ms. Hemsworth would like to run a pet-sitting operation which is not allowed in the R-1 zone. The C-4 zone permits kennels along with a range of other uses. If this rezoning is approved, anything from recycling depots to retail and food stores, and banks would be permitted as long as they met certain zone requirements. If the rezoning is approved, this particular lot doesn't meet many of the requirements already so if rezoned, an undersized lot would be created. The minimum lot area for a property on central services in a C-4 zone is 10,000 square feet, with a minimum frontage of 150 feet and lot coverage up to 50 %. While some of the standards couldn't be met, there are other existing undersized lots in the C-4 zone that might have been created before the zone was applied.

Ms. Koblents provided a brief overview of the planning process which begins with an application, then HRM staff review the application on its technical merits assessing issues like traffic, adequacy of sewer, infrastructure, and access to the property. Then a public information meeting is held in the community to get neighbourhood feedback, and tap local knowledge. After this meeting, the Planner prepares a staff report and a recommendation that will be presented to the Council for the area, in this case it is the Marine Drive, Valley and Canal Community Council which consists of Councillors Hendsbee, Streach and Snow. After that, if Council wishes to proceed, a notice will go out to the residents advising them of a public hearing, and an ad will be placed in the Chronicle Herald two weeks prior

to the hearing. The public hearing is a formal opportunity to speak directly to Council before they make their decision whether to approve or refuse the application. After Council has made their decision, there is a 14 day appeal period with the Utility and Review Board. Once the appeal period has expired, and if there aren't any appeals, the applicant can apply for a development permit. Ms. Koblents then provided an overview of the criteria used to evaluate this proposal, found in the Municipal Planning Strategy (MPS) for Cole Harbour Westphal.

Ms. Joanne Hemsworth, Applicant, stated that she has a pet sitting business on Main Street and the dogs stay in the house with her when she is home. She bought the house because it is in a business area just so she could have this business. She must change the zoning on her property to be able to continue this business. Ms. Hemsworth stated that this is a new type of business that is growing fast. Pet owners do not want to put their dogs in cages anymore because the pet is a part of the family. This is why pet owners are looking for a place that would be a home environment. The dogs play in the backyard and in the basement. She will take them for walks.

Ms. Heather Decker of 22 Odel Drive questioned how many dogs she planned to have at one time?

Ms. Hemsworth explained that her goal is to have between ten and fifteen dogs.

Ms. Decker asked how many dogs would be in a fenced pen at one time, and will there be a penned/fenced area?

Ms. Hemsworth stated that she has two backyards, so if needed, the dogs will be separated.

Ms. Decker stated that she is worried about the noise of the dogs barking.

Ms. Hemsworth explained that she will do her best that the dogs will not bark at night.

Ms. Koblents commented that there are no controls in the Land Use By-Law that restrict the noise, If there were any noise issues, there is a Noise By-law. Also, the C-4 zone does require buffering between commercial use and residential uses. The landscaping or fencing would be a visual barrier, but not much of a sound barrier.

Ms. Koblents asked if there any other questions about the planning process. She added that there are no restrictions on the number of dogs in a kennel in the Land Use By-law.

Councillor Hendsbee asked if this facility would be related to any kennel club or organization?

Ms. Hemsworth explained that this would be a service that she offers and that she has a diploma as a Veterinarian Assistant, which is why she started this business.

Ms. Koblents thanked everyone for attending the meeting.