

Item 3.3

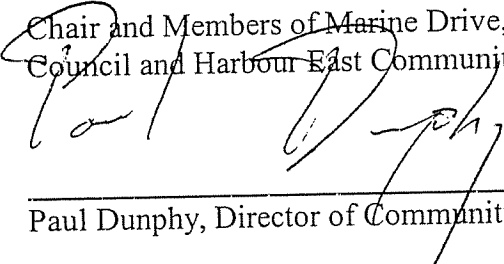


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Marine Drive, Valley & Canal Community Council
Harbour East Community Council
June 5, 2008

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

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: April 29, 2008

SUBJECT: Case 01155 - Amendments to MPSs and LUBs regarding kennels

ORIGIN

Motion of Marine Drive, Valley, and Canal Community Council (MDVCCC) at April 1, 2008 meeting.

RECOMMENDATION

It is recommended that Marine Drive, Valley and Canal Community Council and Harbour East Community Council:

1. Direct staff to proceed with an initiation report to Regional Council to consider amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 14 & 17 (Shubenacadie Lakes) and Lawrencetown regarding kennels.

BACKGROUND

Marine Drive, Valley and Canal Community Council (MDVCC) requested a staff report to initiate a process to consider amending the Municipal Planning Strategies (MPS) and Land Use By-Laws (LUB) regarding where and under what requirements kennels are permitted within the Plan Areas for Planning Districts 14 & 17 (Shubenacadie Lakes), Planning Districts 8 & 9 (Porters Lake/Chezzetcook) and Lawrencetown.

This motion of Council is a result of inquiries from individuals looking to establish “doggy day cares” in these areas. Under the LUB definitions for these plan areas, “doggy day cares” are considered to be kennels. In addition to doggy day care inquiries, Council was also motivated by a land use by-law infraction where a kennel (doggy day care) was operating without permits in the Fletcher’s Lake area.

Based upon a review of the current provisions for kennels in the Shubenacadie Lakes, Porters Lake/Chezzetcook and Lawrencetown Plan Areas, staff provide a brief description on how kennels are permitted in each area:

Planning Districts 14 and 17 (Shubenacadie Lakes)

Kennels are only permitted by Development Agreement on lands that are designated Community Commercial and located near the intersection of Highway 102 and 118.

Planning Districts 8 and 9 (Porters Lake/Chezzetcook)

Kennels are permitted as-of-right under the Rural Enterprise (RE) and Mixed Resource (MR) Zones and indoor kennels are permitted as-of-right in the Community Commercial (C-1) and General Business (C-2) zones. The RE and MR zones cover the majority of the plan area with the exception of the community of Lake Echo. Within the Lake Echo designation there are policies to consider rezoning to the RE, MR, C-1 and C-2 zones.

Lawrencetown

The Lawrencetown LUB does not list kennels as a permitted use within any zone and the MPS does not contain policy that would allow Council to consider them anywhere in the Plan Area.

DISCUSSION

Generally MPS amendments should only be entertained where it can be shown that circumstances have altered from when the MPS was originally adopted. Recently, HRM has had a number of cases before Regional Council to consider amending the kennel provisions for other Plan Areas (Peninsula Halifax-Case 01095; Beaver Bank, Hammonds Plains and Upper

Sackville-Case 01076). It may be argued that at the time of adoption, the MPS did not envision the growth in popularity of pet care facilities or the evolution from kennelling dogs in enclosures for long periods of time to the more supervised and social environment of today's "doggy day cares".

Staff have reviewed the guiding policies in the three Plan Areas and concur with Council that a plan amendment process should be initiated for the Shubenacadie Lakes and Lawrencetown Plan Areas with regard to where and under what requirements kennels should be permitted. However, staff recommends the Porters Lake/Chezzetcook Plan not be amended given kennels are permitted land use throughout most of the Plan Area.

Fall River Visioning Project

Fall River is one of the first communities to create a Community Vision through the new VisionHRM initiative. The objective of the Vision is to create a Commercial Centre to draw people for shopping, recreation, entertainment and service. The Vision speaks to providing a mix of commercial and residential uses. The community visioning process did not directly address the issue of kennels; however staff are of the opinion that this form of service may be in keeping with the vision of the plan. As part of the public participation for this case, staff will be consulting with the Fall River Vision Implementation Committee to gain their feedback on this issue.

BUDGET IMPLICATIONS

The costs to process this planning 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 direct staff to proceed with an initiation report to Regional Council to consider amendments to the MPSs and LUBs for Shubenacadie Lakes and Lawrencetown regarding kennels. This is the recommended course of action.

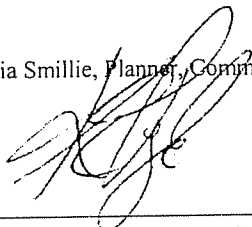
2. Council may choose to not direct staff to proceed with an initiation report to Regional Council to consider amendments to the MPSs and LUBs for Shubenacadie Lakesand Lawrencetown regarding kennels. This is not the recommended course of action for the reasons outlined above.

ATTACHMENTS

None

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.

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