


TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 

Geri Kaiser, Acting Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: June 11, 2008

SUBJECT: Case 01155 - Amendments to MPS and LUBs Regarding Kennels

ORIGIN

1. Motion of Marine Drive, Valley, and Canal Community Council (MDVCCC) at April 1, 2008 meeting
2. Motion of Marine Drive, Valley, and Canal Community Council (MDVCCC) at June 10th, 2008 meeting recommending staff proceed to Regional Council with an initiation report.
3. Motion of Harbour East Community Council (HEC) at June 5, 2008 meeting recommending staff proceed to Regional Council with an initiation report.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Request staff to initiate a process to consider amending the Municipal Planning Strategies and Land Use By-laws for the Planning Districts 14 and 17 (Shubenacadie Lakes) and Lawrencetown Plan Areas to reconsider where and under what conditions kennels are permitted; and
2. Request that Staff follow the public participation program approved by Council in February 1997.

BACKGROUND

Marine Drive, Valley and Canal Community Council (MDVCC) requested a staff report to Regional Council 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 Planning Districts 14 & 17 (Shubenacadie Lakes), Planning Districts 8 & 9 (Porters Lake/Chezzetcook) and Lawrencetown Plan Areas.

This motion of Council is a result of inquiries from individuals looking to establish “doggy day cares” in these areas. Under the LUBs 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 was operating without permits in the Fletcher’s Lake area.

Attachment A provides a review of the current provisions for kennels in the Shubenacadie Lakes, Porters Lake/Chezzetcook and Lawrencetown Plan Areas.

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.

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 is policy 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.

The Community Councils affected by the proposed amendments, Harbour East and Marine Drive, Valley & Canal, have both reviewed the Staff Report dated April 29, 2008 which outlines the planning issues surrounding this matter and have recommended that this case proceed to Regional Council for initiation.

DISCUSSION

As Planning Districts 8 and 9 (Porters Lake/Chezzetcook) permit kennels as-of-right in the majority of the plan area and there are policies to consider rezoning to permissive zones in the Lake Echo area, amendments may not be necessary for this Plan Area. As the opportunities for kennels are very limited in the Shubenacadie Lakes Plan Area and non-existent in the Lawrencetown Plan Area, staff

are recommending Council consider focussing the amendments to the MPS and LUB for these Plan Areas.

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".

While the popularity of kennels may be increasing, the use can have nuisance impacts on adjacent properties and the community as a whole. Staff have reviewed the guiding policies in the three Plan Areas and concur with Council that a plan amendment process should be initiated to enable staff to explore this matter in more detail with the general public. Through the public participation process, staff will consider where and under what requirements kennels should be permitted within the Plan Areas of Shubenacadie Lakes and Lawrencetown.

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 operating budget for C310.

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 initiate amendments to the MPS and LUB for the Shubenacadie Lakes and Lawrencetown Plan Areas to consider enabling kennels. This is the recommended course of action.

- 2.. Council may choose to not initiate amendments to the MPS and LUB for the Shubenacadie Lakes and Lawrencetown Plan Areas to consider enabling kennels. This is not the recommended course of action for the reasons outlined above.

ATTACHMENTS

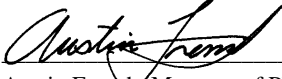
Attachment A Review of Provisions for Kennels

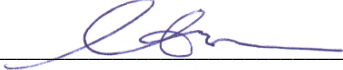
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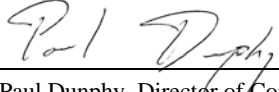
Staff Report dated April 29, 2008 for Case 01155: Amendments to MPSs and LUBs regarding kennels.

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

Report Prepared by: Leticia Smillie, Planner, Community Development, 869-4747

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

Financial Approval by: 
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by: 
Paul Dunphy, Director of Community Development

Attachment A
Review of Provisions for Kennels

Plan Area	As-of right ability	Discretionary Approval
Planning Districts 14 & 17 (Shubenacadie Lakes)		
keeping of 2+ dogs for commercial breeding, showing or boarding.	None	through DA in Community Commercial lands near interchange Highway 102 and 118 (Policy P-98)
Planning Districts 8 & 9 (Porters Lake)		MPS speaks to controlling noise through soundproofing (Policy P-25)
keeping of 5+ adult dogs for commercial breeding, showing or boarding	Rural Enterprise (with increased separation requirements)	- Base zone of Mixed Use Designation, which covers most of Plan area. - rezone to RE in Lake Echo Community Designation (P-69)
	Mixed Resource	rezone to MR in Lake Echo Community Designation (P-69)
	Community Commercial (indoor kennel)	rezone to CC in Lake Echo Community Designation (P-65)
	General Business (indoor kennel)	rezone to GB in Lake Echo Community Designation (P-66 and 67)
Lawrencetown		
keeping of 2+ dogs for commercial breeding, showing or boarding.	none	no policy