

Item No. 9.4 (ii)

Halifax Regional Council

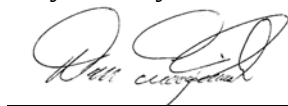
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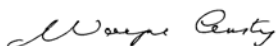
September 16, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: July 18, 2008

SUBJECT: Case 01076: MPS Amendments - Dog Kennels, Beaver Bank, Hammonds Plains and Upper Sackville.

ORIGIN

- An application by Delbert Clarke and Wendy Gillespie to amend the Municipal Planning Strategy (MPS) for Beaver Bank, Hammonds Plains and Upper Sackville to enable Council to consider kennels within the Mixed Use A, B, and C designations by development agreement.
- A motion of North West Community Council (NWCC) that Regional Council approve the proposed MPS amendments set out in the staff report dated May 29, 2008 subject to the addition of wording that specifically indicates Council's ability to limit the number of dogs at a kennel through the development agreement process.

RECOMMENDATION

It is recommended that Regional Council:

1. **Give First Reading** to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as revised and provided in Attachments A and B, and schedule a joint public hearing with Western Region Community Council;
2. **Approve** the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as revised and provided in Attachments A and B.

BACKGROUND

Keeping more than two dogs for the purposes of commercial breeding, showing or boarding is defined as a “kennel” use in the Beaver Bank, Hammonds Plains and Upper Sackville plan area. The applicants operate an existing kennel which is not permitted under the current Mixed Use 1 Zone applied to the property. In order to enable the continued operation of the existing illegal kennel facility, the applicants have applied to amend the MPS to allow kennels within the Mixed Use designation by development agreement, and to enter into a development agreement to permit the continued operation of their kennel at 1725 Hammonds Plains Road.

The Mixed Use designations are intended to permit a wider variety of land uses than elsewhere in the plan area and many commercial uses are already permitted as-of-right in the mixed use zones. Given that the demand for kennels has increased across HRM in recent years and there is a limited amount of land to accommodate new kennels in the plan area, staff submitted a report, dated May 29, 2008, recommending that Regional Council amend the MPS to enable consideration of kennels by development agreement in areas designated and zoned for mixed use.

The subject property is located in Hammonds Plains and the development agreement would be considered by Western Region Community Council (WRCC) if Regional Council approves the proposed MPS amendments. However, because WRCC shares jurisdiction over the plan area with North West Community Council (NWCC) and Marine Drive, Valley and Canal Community Council (MDVCCC), all three Community Councils review the proposed MPS amendments and provide a recommendation to Regional Council.

Although WRCC and MDVCCC recommended that Regional Council approve the MPS amendments as proposed by staff in the report dated May 29, 2008, NWCC, in response to a recommendation by North West Planning Advisory Committee (NWPAC), recommended that the proposed amendments be revised to include specific wording to enable Council to limit the number of dogs attending a kennel. NWPAC also recommended that NWCC provide several suggestions to WRCC regarding the proposed development agreement. These items will be discussed in the Supplementary Report to WRCC for the proposed development agreement if Regional Council sees fit to adopt the proposed MPS amendments.

DISCUSSION

Staff are of the opinion that there may be instances where a limitation on the maximum number of dogs at a kennel may not be necessary and that, even where such a limit may be necessary, the appropriate limitation may vary widely depending on a number of factors including the size and location of the property and the nature of surrounding land uses. The MPS amendments proposed in the May 29, 2008 staff report recognize the potential for land use conflicts resulting from kennels, and include evaluation criteria relative to matters such as fencing, property maintenance, hours of operation, site lighting, and the scale and design of commercial buildings but not specific wording related to the maximum number of dogs on a property.

Upon review of the revision requested by NWCC, staff are of the opinion that the revision would be consistent with the intent of the proposed policy to limit the impacts of kennels on surrounding land uses. The revised amendments, included as Attachment A of this report, include a new evaluation criteria (c) which enables a Community Council to establish a maximum limit on the number of dogs permitted in a kennel, where appropriate, and in a manner which can be varied based on the characteristics of the subject property and surrounding area. Staff recommend that Regional Council approve the proposed MPS and LUB amendments, as revised and set out in Attachments A and B of this supplementary report.

BUDGET IMPLICATIONS

The HRM costs associated with processing 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. Regional Council may approve the proposed amendments to the MPS and LUB, as revised and set out in Attachments A and B, to enable Council to consider kennels within the Mixed Use A, B, and C Designations by development agreement. This is the recommended course of action.
2. Regional Council may approve the proposed policy, as revised and set out in Attachment A, to enable WRCC to consider a kennel by development agreement at 1725 Hammonds Plains Road only. This is not recommended as site specific plan amendments are not generally desirable and staff feel there is merit at looking at a plan amendment that would enable consideration of kennels within the mixed use designations in other portions of the plan area.
3. Regional Council may refuse the requested amendments. A request to amend the MPS is at the discretion of Council. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as staff feel that there is merit in proceeding with amendments to the MPS and LUB.

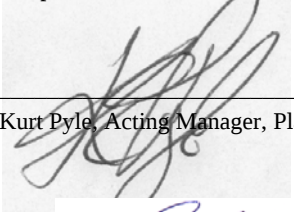
ATTACHMENTS

Attachment A	Proposed MPS Amendments (Revised)
Attachment B	Proposed LUB Amendments

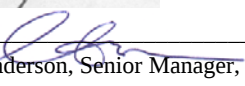
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Joseph Driscoll, Planner, 490-3991

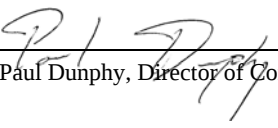
Report Approved by:


Kurt Pyle, Acting Manager, Planning Services, 490-7066

Financial Approval by:


Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by:


Paul Dunphy, Director of Community Development

Attachment A: Proposed MPS Amendments (Revised)

BE IT ENACTED by the Halifax Regional Council that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville as enacted by Halifax Regional Council on the 9th day of November, 1999, as amended, is hereby further amended as follows:

1. Add the following text, identified in bold, after of Policy P-26:

Kennels - Mixed Use A, B and C Designations

While there is an intention to permit some commercial uses “by right” in the Mixed Use Designations there is also a need to accommodate other uses which, by nature of their size or characteristics, require additional scrutiny and site evaluation through the development agreement process.

It is expected that the demand for kennel facilities will increase along with the growing residential population within the plan area. However, the potential land use impacts associated with kennels, such as noise, traffic and the collection and storage of animal waste are most appropriately considered on a detailed and site specific manner. In order to accommodate the existing and future demand for dog care services in the plan area while minimizing the potential for associated land use impacts, proposals for kennels will be considered by development agreement.

P-26A Within the Mixed Use A, B and C Designations, it shall be the intention of Council to consider permitting kennels by development agreement in accordance with the applicable provisions of the Municipal Government Act and having regard to the following:

- (a) the subject property is not located within a residential zone;**
- (b) the size and appearance of all buildings or structures related to the use are compatible with the surrounding area in terms of scale, design, materials and signage;**
- (c) that limits are placed on the maximum number of dogs permitted on the property where appropriate;**
- (d) that sufficient off-street parking is provided;**
- (e) that all outdoor areas for dog play/socialization and waste are completely fenced and setback a minimum of 20 feet (6 metres) from any property line;**
- (f) the hours of operation, including limitations on outdoor dog play/socialization;**
- (g) provisions related to the collection, storage and disposal of animal waste;**
- (h) the impact of the proposed development on traffic circulation and the road network;**
- (i) general maintenance of the facility;**
- (j) the provisions of Policy P-137.**

2. Add the following text, identified in bold, after Policy P-135 (a) (v):

(vi) kennels and expansions to existing kennels according to Policy P-26A

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, were passed by a majority vote of the Halifax Regional Council a meeting held on the ____ day of _____, 2008.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008.

Municipal Clerk

Attachment B: Proposed LUB Amendments

BE IT ENACTED by the Halifax Regional Council that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as enacted by Halifax Regional Council on the 9th day of November, 1999, as amended, is hereby further amended as follows:

1. Insert the following text, identified in bold, immediately after "Policies P-18, P-19" and immediately before "Policy P-27":

"P-26A"

2. Insert the following text, identified in bold, to the end of subsection 3.6 (a) immediately before clause 3.6 (b):

"kennels and expansions to existing kennels"

I HEREBY CERTIFY that the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, were passed by a majority vote of the Halifax Regional Council a meeting held on the ____ day of _____, 2008.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008.

Municipal Clerk