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Marine Drive, Valley and Canal Community Council  
June 24, 2009

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

**SUBMITTED BY:**   
Denise Schofield, Acting Director of Community Development

**DATE:** June 5, 2009

**SUBJECT:** Case 01276 - Pet Care Facilities, Lawrencetown Plan Area

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**ORIGIN**

On July 8, 2008, Regional Council initiated a process to consider amending the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Planning Districts 14 & 17 (Shubenacadie Lakes) and Lawrencetown to reconsider where and under what conditions kennels are permitted.

**RECOMMENDATION**

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

1. Support in principle amendments to the Land Use By-law for Lawrencetown, to allow Pet Care Facilities within the RR-1 (Rural Residential) Zone on main roads only, as identified in Option 2 in this report; and
2. Hold another public information meeting in the community to allow public input on the proposed option.

## **BACKGROUND**

The initial request for amendments regarding kennels came from Marine Drive, Valley and Canal Community Council (MDVCCC) who asked staff to undertake a public consultation process to consider where kennels may be located within the Lawrencetown and Planning Districts 14 & 17 (Shubenacadie Lakes) plan areas. Due to public input on the requested amendments and the differences between the two plan areas, the application has been split into two separate cases. Therefore, this report shall only focus on amendments in the Lawrencetown plan area.

### **Existing MPS/LUB Requirements**

When the original planning MPS and LUB was adopted for Lawrencetown in 1990, there was relatively little market for boarding facilities for dogs. The traditional definition of kennel was used to broadly encompass both boarding and commercial breeding. Strong community concerns existed relative to dog breeding, and as such no new kennels were expressly prohibited. However, two existing kennels were recognized in the LUB as permitted uses.

### **Public Consultation:**

A public meeting was held to discuss how and where kennels could be permitted. The minutes are included as Attachment A of this report. Primary discussion centred on the following:

#### Pros:

- Many homes have multiple dogs anyway,
- Big difference between breeding and boarding kennels

#### Cons:

- Noise problem with illegal breeding kennels in area,
- Severe tree loss from hurricane reduces potential for natural buffering,
- Not a use appropriate for a subdivision

## **DISCUSSION**

The plan area is largely rural in nature, with relatively concentrated areas of suburbanisation. This rural nature is reflected in plan policy and land use regulations, which permit extensive livestock and resource uses, as well as home businesses, in most areas.

### **Proposed Approach**

Given the existing policy and zoning framework, staff feel that the boarding of pets in the more rural portions of the plan area is in keeping with the existing range of as-of-right permitted uses. The RR-1 (Rural Residential) Zone is generally applied to larger parcels of land. This is an appropriate zone in which to allow pet boarding, as a wide range of uses, including resource uses such as farming, forestry and the keeping of farm animals, are permitted.

A number of subdivisions currently have restrictive R-1 (Single Unit Dwelling) zoning. Lot sizes are as small as 10,000 square feet in many of these subdivisions, and the policy intent that home businesses are not permitted means that these areas are not appropriate for pet boarding.

### **Noise Concerns**

The single largest issue of concern about dog boarding is the potential for noise. By-law N-200 (Noise By-law) provides the best mechanism for dealing with any noise issue that may arise. Currently, the by-law lists “persistent barking, calling, whining or the making of any similar persistent noise-making by an animal” as an activity that is prohibited at all times. By-law staff have the ability to write summary offence tickets, with fines starting at \$300 for the first offence. However, requiring substantial setbacks from adjacent properties and homes will provide a high degree of protection.

### **Land Use By-law Amendments**

Implementing a change to allow pet boarding is best achieved by amending the land use by-law as follows:

- Add a new definition for pet care facilities (including cats)
- Allow boarding of up to 12 animals in a pet care facility, in conjunction with the operator’s home
- Alter the kennel definition, to mean boarding of more than 12 animals, but to continue to encompass breeding activities
- Create lot size and setback requirements that ensure substantial buffering from adjacent properties:
  - minimum of 40,000 sq ft lot size;
  - minimum of 200 ft separation from any nearby home;
  - minimum of 50 ft from side/rear lot lines; and
  - maximum of 1,000 sq ft of building area devoted to a pet care facility

The cap of 12 animals at one time is suggested, to keep any such operation at a relatively small scale, even though there are no limits on the number of farm animals that can be kept in the RR-1 zone.

Such amendments would not give any additional opportunity for allowing the breeding of dogs. Existing land use policy will still prohibit this use.

### **Location Options for Allowing Pet Care Facilities**

Staff have identified two options for Council to consider allowing pet care facilities. Each option would include the lot size, separation, and floor area requirements as noted above.

*1. Allow Pet Care Facilities In All RR1 Zoned Areas*

The majority of properties in the plan area are zoned RR-1 (Rural Residential), and as such are permitted to have agricultural and resource uses. This includes a number of subdivisions which have been developed since current zoning came into effect. Generally, these newer lots are about an acre in size or larger. Many would meet the proposed requirements for pet care facilities, in terms of lot size and separation requirements, as they could for the keeping of other animals which is already permitted.

*2. Allow Pet Care Facilities in RR-1 zones on non-subdivision roads only (Highway 207, Mineville, Crowell, West Lawrencetown, Conrad, and Leslie Roads)*

This approach ensures that pet care facilities can only locate on properties which front on the traditional rural highways and roads. Therefore, residential subdivisions, even though they may have larger lots and rural zoning, would not be permitted to have pet care facilities.

Staff recommend Option 2, as there was consensus at the public meeting that the keeping of dogs in subdivisions is not appropriate, regardless of zoning. Although either option is workable from an administrative perspective, more public input should be obtained. The local councillor for the area has already committed to holding a second public information meeting on this issue in response to the first public meeting. Following the second public information meeting, staff will prepare an additional report to Community Council with specific recommendations and amendments.

**Approval Process**

Since the proposed amendments would only effect the Land Use By-law, rather than the Municipal Planning Strategy as initially thought, Community Council would be the approval body rather than Regional Council.

**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 proceed with public consultation on the proposed amendments to the Lawrencetown Land Use By-law as set out in Option 2 of this report. This is the recommended course of action.
2. Council may choose to proceed with public consultation on the proposed amendments to the Lawrencetown Land Use By-law as set out in Option 1 of this report. This option is not recommended for reasons set out above.
3. Council may choose to refuse the proposed amendments to the Lawrencetown Land Use By-law and in doing so, Council must provide reasons for the refusal based upon a conflict with MPS policies. This option is not recommended for reasons set out above.

### ATTACHMENTS

Attachment A: Public Information Meeting Minutes

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.htm> 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 : Mitch Dickey, Planner, 490-5719



Report Approved by:

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Austin French, Manager of Planning Services, 490-6717

**Attachment A**  
**Minutes of Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE NO.01276 - Lawrencetown Municipal Planning Strategy and Land Use By-Law**  
**Amendments regarding Kennel Provisions**

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**7:00 p.m.**  
**Wednesday, September 17, 2008**  
**Lawrencetown Community Centre**

**STAFF IN**

**ATTENDANCE:** Leticia Smillie, Planner, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Jennifer Little, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:** Councillor Hendsbee, District 3

**PUBLIC IN**

**ATTENDANCE:** 31

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The meeting commenced at approximately 7.07 p.m.

**1. Opening remarks/Introductions/Purpose of meeting**

Ms. Leticia Smillie, Planner, Planning Applications, called the meeting to order at approximately p.m. in the Lawrencetown Community Centre, Lawrencetown.

Ms. Smillie advised that the application was initiated by HRM to consider amending the kennel provisions within Planning Districts 14 and 17 and the Lawrencetown Municipal Planning Strategies and Land Use By-laws.

She at this time introduced Councillor, District 3; Alden Thurston, Planning Technician and Jennifer Little, Planning Controller.

**2. Overview of planning process**

Councillor Hendsbee welcomed the residents and explained that before the Planner does her presentation he wanted to add that there are some pre-existing kennels in the Community that are “grandfathered” and have been in effect prior to the Municipal Planning Strategy. These kennels will not be affected.

Ms. Smillie reviewed the agenda and explained that the purpose of the meeting is to identify that HRM is reviewing the kennel policies; to discuss the current policy and to receive feedback from the residents of Lawrencetown. Ms. Smillie explained that the current policy states that a kennel is two

or more dogs for commercial breeding, showing or boarding being a doggy daycare and that there is no ability to create new kennels. Existing kennels are either grandfathered or illegal.

At this time Ms. Smillie reviewed examples of a couple of applications that had been approved in different plan areas. She explained that there may be new policies created that could control “nuisance” of kennels and reduce impact on the Community.

Ms. Smillie reviewed the application process, noting that tonight’s public information meeting is an initial step in the planning approval process, after this meeting staff will prepare a report which will be brought forward to Council which will hold a public hearing at a later date, prior to making a decision in this regard. Notification of this hearing will be advertised in the Chronicle Herald two consecutive Saturday’s prior to the meeting. The public hearing is a formal opportunity for any member of the public to speak for or against the proposal before Council makes a decision to accept or reject the proposal.

The Land Use By-Law for Lawrencetown defines kennels as the keeping of two or more dogs for breeding, boarding or showing. This definition would include uses such as a breeder raising and selling puppies; someone who charges a fee to look after a dog while the owner is away and also includes the services of a doggy daycare. Currently the planning documents for the Lawrencetown area do not contain any ability to open a new kennel. Because there is no policy in place to allow the kennels in Lawrencetown, if Council wants to consider permitting them, the Lawrencetown Plan may have to be changed to create this policy.

### **3. Questions/Comments**

Mr. Mike Wire explained that because of the noise kennels can create, they would be best suited in an Industrial area vs. a residential area.

Ms. Janice Kiwimck compared the noise level between a home owner owning ten dogs vs. a breeder having just as many. She also pointed out that there is a significant difference between a breeder and a doggy daycare, the two should be clarified.

Ms. Smillie explained that the definitions will be reviewed.

Mr. Wire questioned if the Land Use By-Law currently has a definition regarding excessive noise.

Ms. Smillie explained that there is a definition of obnoxious use under the By-Law which includes noise. There are also controls through the noise by-law with HRM.

Some discussion of the current Noise By-Law took place at this time.

Mr. Rick Chambers noted that a residential neighborhood is no place for a dog kennel. He expressed concern with the noise associated with allowing them.

Mr. Dan McLean questioned if the process would be to rezone the land to allow for the kennels.

Councillor Hendsbee explained that there would not be a rezoning but, to allow kennels in a particular type of zoned area. He added that it will need to be determined what zoning should allow for kennels if at all any. This type of discussion will be incorporated into the staff report.

Mr. Mclean expressed concern with rezoning to allow dog kennels will also change the zoning to allow for commercial businesses.

Ms. Smillie asked the residents if they thought if kennels are suitable in the Lawrencetown Community; are there certain areas where they would be suitable and if they were permitted or considered to be permitted what type of controls should there be?

It was asked how many kennels are currently in the area.

Councillor explained that there are two kennels listed in the Municipal Planning Strategy.

Some discussion was had regarding the difference between a commercial kennel and a hobby breeder that breeds their own pets and what happens to the puppies after birth.

Ms. Smith explained that kennels are not a problem when the owner owns acres of land. She noted her concern with having a smaller lot and the level of noise kennels can have to their neighbors. She added that dog kennels should be a far enough distance away from other residential lots so that the dogs do not disturb surrounding residents.

Mr. Henry Morin explained that regardless of the lot size there should not be an excessive amount of animals and that the size of the animal also should be considered.

Ms. Kathy King noted frustration with complaints regarding dogs barking. She questioned the difference between kennels in other areas around in HRM and Lawrencetown.

Ms. Smillie explained that there are 26 different planning documents based on Community. There are different zoning and different planning regulations within each planning area surrounding HRM.

A gentleman spoke regarding a newer facility and explained that the animals are indoors and therefore, not a disturbance.

A lady expressed frustration with neighbors not notifying the dog owner with any issues they may have with noise levels.

Ms Lynne MacLellan noted concern with other commercial businesses being operated illegally.

Ms. McLean asked if there was something put in place or will be put in place to restrict the number of pets a owner may own.

Councillor Hendsbee explained that this issue is still in debate and has not been resolved.



Ms. MacLellan explained that she would like to see dog kennels being further away from the residential areas.

Mr. McGillivray explained that he is not against dog kennels but, there should be a certain amount of land to permit it and that there should be a noise restriction. He questioned what the current by-law reads.

Councillor Hendsbee explained that the proposed by-law being brought forward to Council is that a dog should not bark continuously for more than twenty minutes.

Ms. Smillie explained that she would review the by-law to determine what the current by-law reads and explained that this issue will be addressed in the staff report.

Ms. Kiwimck explained that there should be a dog noise by-law put in place.

A lady of the public added that she could own and breed her own dogs and not disturb others in the neighborhood, what is the difference if she did the same but, it were a business?

Councillor Hendsbee explained that the older subdivisions are zoned R1 with the minimum lot size of 20,000 sq ft and the newer subdivisions are zoned at R1 with a minimum lot size of 30,000 to 40,000 sq ft. He asked based on the current lot sizes, how large should the minimum lot size be to own a dog kennel?

Mr. Michael Dwyer explained that there should be a minimum size of 5 acres with something in between.

Ms. Smillie questioned if it would be ok if there were some separation between the lots. Possibly having the house situated on the far side of the lot separating it from any adjacent properties.

Ms. Alana Bonnell asked if there are any similar issues in other communities. She suggested that staff do research on different definitions that communities outside of HRM use.

Ms. Cathy Prothro suggested that staff review Calgary's definitions as they may have similar problems.

Ms. Smillie explained that an application went to Council the night prior to consider kennels by development agreement in the Hammonds Plains area. This means that for each application, there would be a public approval process to be followed.

It was noted the importance of the quiet time between 11:00pm and 6:00am.

Mr. McGillivray commented that there should be general guidelines to be followed.

Ms. Karen Mitcalfe questioned if under the definition of Kennels, is there a cap on the number of dogs one owner is allowed. She noted that the community promotes responsible dog ownership with

teaching children. Ms. Mitcalfe added that the definition of dog kennels should be separated from the definition of a commercial kennel such as grooming and daycares.

Mr. MacGillivray suggested a review of what the safety regulations should be with a dog being in a confined area. Therefore, only a certain number of dogs should be allowed within a certain number of square feet.

Ms. Wanda Racie noted her concerns with puppy mills. She also explained that it is the responsibility of the owner to see why their dog is continuously barking and to do something about it.

Mr. McLean explained that he never moved next to a kennel and he doesn't want a kennel to move next to him. He added that there are some people who are scared of dogs and it is not fair to them to have to live in fear next to a neighbors who owns a kennel. He explained that there are also breeds that are more vicious than others and therefore, types of dogs should also be considered.

Mr. Maclellan reviewed the current noise by-law and explained that there are some owners that bring their dogs inside for the night however, during the day when most dogs are outside the effect this may have with some nearby residents who work night shifts and need quite to sleep during the day. He also explained that a prior hurricane destroyed a number of trees that had previously blocked a lot of noise but, now you can hear a dog barking, among other noises from further away very clearly. He added that if the by-law is amended to allow dog kennels, there should then be a very strict guideline put in place.

A lady of the residents suggested that HRM work more closely with the residents and the breeders when creating the definitions.

Councillor Hendsbee asked the residents if they would be interested in holding another public information meeting. The residents agreed.

#### **4. Closing comments**

Ms. Smillie thanked everyone for coming to the meeting and expressing their comments and concerns.

#### **5. Adjournment**

The meeting adjourned at approximately 8:30 p.m.