

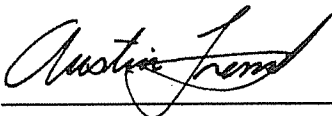
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Marine Drive, Valley and Canal Community Council
May 19, 2010

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

SUBMITTED BY: 
Austin French, Acting Director of Community Development

DATE: April 14, 2010

SUBJECT: Case 01276 - Pet Care Facilities and Kennels, Lawrencetown

SUPPLEMENTARY REPORT

ORIGIN

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

On March 10, 2010, MDVCCC held a public hearing to consider amendments to the Land Use By-law for Lawrencetown to allow pet care facilities. Council requested a supplementary report to address questions raised at the public hearing.

RECOMMENDATION

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

1. Approve the proposed amendments to the Land Use By-law for Lawrencetown as set out in Attachment A.

BACKGROUND

Purpose of Amendments:

A public hearing was held on proposed amendments to the Land Use By-law for Lawrencetown on March 10, 2010. The purpose of the amendments as presented was to allow pet care facilities. This would allow boarding of up to 12 dogs in a pet care facility, subject to certain location and site requirements being met. These amendments were brought forward at the request of Council.

The longstanding intent of the MPS to restrict dog breeding activities would continue. This is achieved by defining kennels as a place where two or more dogs are kept for the purposes of commercial breeding. Commercial breeding is typically interpreted as the selling of puppies. Council has provided no direction that this should be reconsidered.

Public Hearing Issues:

At the public hearing, the following issues were raised:

1. That the minutes of the September 9, 2010 public meeting were inaccurate or had omissions and did not reflect what was discussed.
2. That the kennel definition's reference to "commercial showing" was ambiguous and outdated.
3. That the breeding of a few litters of puppies should not be construed as a commercial use.

DISCUSSION

Meeting Minutes:

Minutes of public information meetings are not intended to be a verbatim record of discussions. Rather they are intended to provide a summary of what was discussed. However, staff have reviewed materials from the September public meeting. One clear content error existed, where the minutes stated: "*Ms. Bonnell agreed that the definition should include the showing of show dogs*". This should have read "*...should NOT include the showing...*". This error was acknowledged to the speaker and others prior to the public hearing.

In addition, as she noted at the public hearing, Lynne MacLellan did ask others in attendance if they ever had a problem with her chihuahuas and their breeding. Not all of the conversation was picked up, and it was not seen as relevant to the discussion so was not included.

While the audio recording failed to pick up some of the other side discussions, staff contends that the general content of the minutes is otherwise accurate.

Commercial Showing:

There was discussion at the September public meeting about the purpose and benefits of including "commercial showing" in the kennel definition. Staff reviewed the issue and concluded

that the definition should be kept as is. At the public hearing there was further discussion on the matter which focussed on people who keep other's dogs for showing or training which could include grooming, or otherwise caring for them commercially.

If Council wishes to consider an amendment as discussed at the public hearing, additional wording is provided in Attachment A to this report to supplement the amendments in the November 25, 2009 staff report. The revised wording focuses on what is seen to constitute showing and its related activities. This would not affect people who show their own dogs. This change can be made without holding an additional public hearing.

Commercial Breeding:

The intent of the MPS is that commercial breeding should not be permitted. However, there is disagreement in the community as to what should constitute commercial breeding. Staff are of the opinion that the current definition, being "*more than two dogs which are kept for the purposes of commercial breeding*" should be maintained. Regardless of the level of income achieved through the selling of puppies, Staff are of the opinion that the definition is appropriate as there is a history of community disruption throughout HRM from even small breeders. At this time, Council has provided direction only with regard to allowing pet care facilities. If Council wishes to reconsider the breeding aspect of kennels, then a motion to that effect should be made to Regional Council.

Conclusion:

The minutes of the public meeting as provided to Council are substantially correct, and any minor errors or omissions did not have an impact on staff's recommendation. The amendments as presented in the November 25, 2009 staff report be approved.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the proposed 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 amendments to the Land Use By-law for Lawrencetown as set out in Attachment A. This is the recommended course of action.

2. Council may choose to alter the proposed amendments to change the definition of a “kennel” in the Land Use By-law as outlined in Attachment B of this report.
3. Council may choose to refuse the proposed amendments to the Land Use By-law for Lawrencetown 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 in this report.

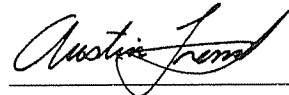
ATTACHMENTS

Attachment A: Amendments to the Land Use By-law for Lawrencetown
Attachment B: Amendments to the Land Use By-law for Lawrencetown

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 : Mitch Dickey, Planner, 490-5719

Report Approved by:



Austin French, Manager of Planning Services, 490-6717

**Attachment A
Amendments to the Land Use By-law
for Lawrencetown**

BE IT ENACTED by the Marine Drive, Valley and Canal Community Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown is hereby amended as follows:

1. By replacing the existing definition for kennel as follows:

“2.30 KENNEL means a building or structure used for the enclosure of more than two dogs which are kept for the purposes of commercial breeding or showing or for the commercial boarding of more than 12 dogs with or without veterinary care.”

2. By adding the following new definition:

“2.54A PET CARE FACILITY means a facility for the temporary care, or boarding of not more than twelve dogs for gain or profit, but shall not include the breeding or sale of such animals and shall not include a kennel.”

3. By adding the following to the list of RR-1 Zone Permitted Residential Uses in Section 6.1:

“Pet care facilities in conjunction with a permitted dwelling”

4. By adding the following new section:

“6.20 OTHER REQUIREMENTS: PET CARE FACILITIES”

(a) No pet care facility shall be permitted except on properties fronting on, and gaining direct access from, one of the following public roads:

- (i) Highway 207**
- (ii) Ross Road**
- (iii) West Lawrencetown Road**
- (iv) Mineville Road**
- (v) Conrad Road**
- (vi) Leslie Road.**

(b) Notwithstanding the provisions of Section 4.7, no pet care facility shall be permitted unless the following requirements are satisfied:

- (i) minimum lot area: 80,000 square feet (3716 m²)**
- (ii) minimum frontage: 100 feet (30.5 m)**

- (c) Any building or part thereof intended for use as a pet care facility shall conform to the following requirements:
- (i) maximum gross floor area: 1,000 square feet (92.9 m²)
 - (ii) minimum front or flankage yard: 100 feet (30.5 m)
 - (iii) minimum side and rear yard: 50 feet (15.2 m)
 - (iv) a minimum distance of 200 feet (30.5 m) shall be maintained for any outdoor pet run from any dwelling or potable water supply that is not located on the same lot.
 - (v) a minimum distance of 200 feet (91.5 m) shall be maintained for any outdoor pet run from any watercourse.
 - (vi) Any outdoor pet run or area where pets are permitted to roam shall meet all requirements of this section.”

I HEREBY CERTIFY that the amendments to the Land Use By-law for Lawrencetown, as set out above, were duly passed by a majority vote of the Marine Drive, Valley and Canal Community Council at a meeting held on the ___ day of _____, 2010.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2010.

**Attachment B
Amendments to the Land Use By-law
for Lawrencetown**

BE IT ENACTED by the Marine Drive, Valley and Canal Community Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown is hereby amended as follows:

1. By replacing the existing definition for kennel as follows:

“2.30 Kennel means a building, structure or lot:

1. **used for the keeping of more than two dogs for the purposes of commercial breeding;**
2. **used for the keeping of one or more dogs which are not owned by the occupant for the purpose of one or more of: showing, grooming, training, and caring;**
3. **for the commercial boarding of more than 12 dogs with or without veterinary care.”**

I HEREBY CERTIFY that the amendments to the Land Use By-law for Lawrencetown, as set out above, were duly passed by a majority vote of the Marine Drive, Valley and Canal Community Council at a meeting held on the ___ day of _____, 2010.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2010.

Municipal Clerk