

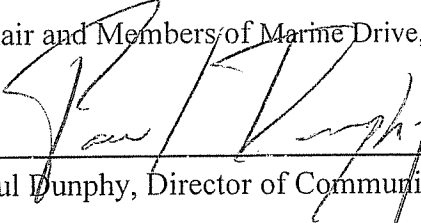


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Marine Drive, Valley and Canal Community Council  
December 10, 2009

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

SUBMITTED BY:

  
Paul Dunphy, Director of Community Development

DATE: November 25, 2009

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

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### SUPPLEMENTARY REPORT

#### ORIGIN

On July 8, 2008, Regional Council initiated a process to consider amending the Municipal Planning Strategy and Land Use By-law for Lawrencetown to reconsider where and under what conditions kennels are permitted.

#### RECOMMENDATION

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

1. Give First Reading to the proposed amendments to the Land Use By-law for Lawrencetown, as set out in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Land Use By-law for Lawrencetown, as set out in Attachment A of this report.

A handwritten signature, possibly "M", in dark ink.

## **BACKGROUND**

The initial request for amendments regarding kennels came from Marine Drive, Valley and Canal Community Council (MDVCCC) who asked for staff to undertake a public consultation process to reconsider where kennels may be located within Lawrencetown. Two public meetings have been held in the community to date on this topic.

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

When the original Municipal Planning Strategy (MPS) and Land Use By-law (LUB) were adopted for Lawrencetown in 1990, there was relatively little market for boarding facilities for dogs. A 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 new kennels were expressly prohibited. However, two existing kennels were recognized in the LUB as existing permitted uses.

Although the MPS intent is to prohibit any new kennels, Community Council has some flexibility in determining exactly what a kennel is. The definition for kennel is not established in the MPS, but under the LUB and Community Council can refine the definition. Should it be desired to allow kennels, then an MPS amendment would be required.

### **Public Consultation**

Two public information meetings have now been held to discuss how and where kennels could be permitted. The minutes of the most recent meeting on September 9, 2009 are included as Attachment B of this report. Primary discussion, and subsequent email and phone input, centred less on where pet boarding should be permitted and more on at what point dog ownership crosses from a hobby to a business.

At the second public information meeting, staff presented two new definitions ('kennel' and 'pet care facility') for discussion. The proposed amendments separate pet boarding and pet breeding into two different uses. A pet care facility would be boarding for up to 12 dogs, while a kennel would be having more than 2 animals for breeding (the status quo), or boarding more than 12 dogs. The proposed amendments also suggested that pet care facilities should be permitted only on properties zoned RR-1 and located along the traditional rural roads.

## **DISCUSSION**

### **Land Use Intent Within Subdivisions**

When the MPS was adopted in 1990, the majority of lots in residential subdivisions were zoned R-1, Single Unit Dwelling zone. This was done to reflect the clear community goal of emphasising residential over all other uses and strictly limiting commercial opportunities. As such, the R-1 zone allows only very limited business uses - small home offices and day cares for no more than 14 children as a community service use.

Considerable residential growth has taken place since 1990 as the subdivisions have grown. However, these new residential areas have grown into areas zoned RR-1 (Rural Residential) which permits a broader range of business uses, as well as forestry, agriculture, and the keeping of livestock. It is evident from the two public meetings and public feedback that allowing pet care facilities in these suburban subdivisions is not supported. Therefore, such facilities should not be permitted within these areas. There is relatively little concern with allowing such a use on the traditional main rural roads, as the use fits with the mix of existing businesses which are established throughout the plan area.

### **Proposed Amendments**

#### **Pet Care Facilities:**

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

- Add a new definition for pet care facilities,
- Allow boarding of up to 12 dogs in a pet care facility, in conjunction with the operator's home,
- Create lot size and setback requirements that ensure substantial buffering from adjacent properties: Minimum 80,000 sq ft lot size,  
200' separation from any nearby home/well,  
Minimum 50' from side/rear lot lines,  
Maximum of 1000 square feet of building area for use,
- Allow pet care facilities only on the traditional rural roads

The cap of 12 dogs at one time is intended 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. The separation distances as suggested are substantial, to ensure minimal disturbance. These standards exceed those which are in place in the community for most other uses such as commercial and service businesses, livestock operations, sawmills, or firewood mills. Only the standards for construction and demolition debris processing facilities and transfer stations are greater.

#### **Kennel Definition:**

At the public meetings, there was extensive debate about what constitutes a kennel. The existing definition reads as follows:

*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 commercial boarding with or without veterinary care.*

In terms of land use compliance, Staff advise that the existing definition is clear and enforceable. Therefore, no changes to the definition are recommended, other than clarifying that the boarding

component pertains to more than 12 dogs. This is recommended to differentiate that aspect of a kennel from a pet care facility, where no more than 12 dogs can be boarded.

### **Other Public Issues and Concerns**

During the second public information meeting, other issues and concerns relative to kennels and pet care facilities were raised which require Staff response. Attachment C outlines the issues and concerns raised and staff's responses.

### **Conclusion**

Based on feedback received, staff feel it is appropriate to allow pet care facilities on the main roads within the community. Such a home business use is felt to be inappropriate within subdivisions. The amendments as shown in Attachment A will implement these goals. These amendments are consistent with the intent of the MPS to restrict the use of kennels in the plan area.

### **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. Council may choose to approve the proposed amendment to the Land Use By-law for Lawrencetown as set out in Attachment A of this report. This is the recommended course of action.
2. Council may choose to alter the proposed amendments to the Land Use By-law. This may necessitate further report(s). In the event revisions are requested an additional public hearing may be required.
3. Council may choose to refuse the proposed amendments to the Land Use By-law for Lawrencetown set out in Attachment A of this report 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**

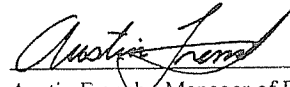
Attachment A: Amendments to the Land Use By-law for Lawrencetown  
Attachment B: Public Information Meeting Minutes - September 9, 2009

Attachment C: Other Public Issues and Concerns

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 m<sup>2</sup>)**
- (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 m<sup>2</sup>)
- (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.

\_\_\_\_\_  
Municipal Clerk

Attachment B

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**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING**

**CASE NO. 01276 - Lawrencetown Land Use By-law Amendment to define pet care facilities, and to permit this land use within certain zones subject to specific site standards.**

**7:00 p.m.**

**Wednesday, September 9, 2009  
Lawrencetown Community Centre**

**STAFF IN**

**ATTENDANCE:** Mitch Dickey, Planner, HRM Planning Applications  
Kurt Pyle, Supervisor, HRM Planning Applications  
Hilary Campbell, Planning Technician, HRM Planning Applications  
Jennifer Little, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:** Councillor Hendsbee, District 3  
Councillor Dalrymple, District 2

**PUBLIC IN**

**ATTENDANCE:** 37

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The meeting commenced at approximately 7.02 p.m.

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

**Councillor Hendsbee, Councillor**, called the meeting to order at approximately 7:02p.m. in the Lawrence Town Community Centre, Lawrence Town.

Councillor Hendsbee explained that this is a follow up public information meeting, the first public information meeting was held September 2008. He at this time introduced Mitch Dickey as the Planner leading this application; Councillor Barry Dalrymple, District 2; Kurt Pyle, Supervisor, Planning Application Eastern Region; Hilary Campbell, Planning Technician, HRM Planning Application and Jennifer Little, Planning Controller, HRM Planning Applications.

**Mr. Mitch Dickey, Planner, Planning Applications** thanked everyone for coming out and explained that this application was initiated by HRM under the direction of Regional Council, to consider that regulations concerning kennels be amended in the Lawrencetown plan area. He explained that Doggie day cares have become increasingly common, and land use regulations need more specific clarification.



## **2. Overview of planning process**

Mr. Dickey gave a brief overview of the current regulations explaining that the current description for Kennels is commercial boarding or keeping for breeding of more than two dogs. Kennels are not currently permitted in Lawrencetown.

He explained that prior to this meeting there was an additional public information held in September 2008. The main comments made at that meeting were that many homes already have multiple dogs; concern with the difference between breeding and boarding kennels; noise concerns with illegal breeding kennels in the area; tree loss from hurricane reducing potential natural buffering and it not being an appropriate use for a subdivision.

Mr. Dickey explained that enabling these amendments to the Land Use By-Law are feasible without amending the Municipal Planning Strategy. He added that Community Council has directed these amendments to proceed. The proposed definition changes would be to add "Pet care facility" - meaning dog and cat boarding up to 12 pets and to change the traditional "kennel" definition to mean boarding over 12 pets; but still include breeding activities. These amendments will only affect RR-1 zoned areas where livestock keeping and raising is already permitted and will allow for the amendment for pet care facilities along with operators' home.

Mr. Dickey explained that Council has already approved in principle to limit it to RR-1 zoned lots fronting on the traditional rural roads and noted that it would be helpful to have a discussion on where these pet care facilities be permitted. He added that strict site requirements can be applied and reviewed a list of options.

## **3. Questions/Comments**

Ms. Janice Kivimaki expressed concern with noise control and explained that noise levels could be the same between a breeder and a regular homeowner who is not breeding. Any household could own 15 dogs which would make just as much noise as a breeding home would. She expressed concern for the breeders who take care of the situation, keeping noise levels under control and who are being penalized for those who don't.

Mr. Dickey explained that barking complaints are reviewed and handled through HRM's Noise By-law under the Land Use-By-law.

Councillor Hendsbee explained that this meeting is to review Pet Care Facilities and Kennels. He explained that this meeting is to give the residents the opportunity to bring forward options and regulations to be considered when creating the by-law such as buffering (tree lines) or fencing requirements.

Mr. Dickey explained that there will need to be some amendments put in place to clarify what is permitted.

Mr. Henry Moore questioned how to differentiate between a breeding kennel and someone who owns 14 dogs and what will happen with existing kennels in the area.

Mr. Dickey explained that there are two kennels that were in existence prior to 1989. These existing kennels will be 'grandfathered' and not affected.

Mr. Moore questioned if there will be a discussion based on cats following the dog amendments.

Mr. Dickey explained that there have been no concerns received regarding cats but, there are cat boarding facilities in other areas of HRM that will be considered under the same rules and regulations as dogs.

Ms. Kivimaki explained that she is not a commercial business, she makes very little money on the breeding of dogs. What money is made goes back into the care of the dog.

Mr. Dickey explained that someone breeding two or more dogs at one time will be considered a breeder.

Ms. Christine Graham explained her current situation and stressed that she loves her dogs and registers them all. She expressed concern with being compared to others who do not.

It was pointed out that Ms. Graham's property does not fall within the location being addressed.

Mr. Dickey explained that the definition in her area is the same as in Lawrencetown however, the zoning in Lake Echo is much less restrictive.

Mr. Gerald MacLellan questioned what happened to the definition that was in effect after 1989 up to a year ago. He explained that they were paying up to \$100 per year and asked if they were paying for something that was illegal?

Mr. Dickey explained that this was under the dog by-law, animal registration. This was brought forward to kennel and this by-law has not been changed in twenty years. He explained that this will be or may have already been removed.

Councillor Hendsbee explained that there were only fees collected on those kennels in the early days that dog registration program. There were problems with this and that is why they dropped it. HRM is not collecting kennel fees anymore because they want to make sure that the kennels are permitted under the land use zoning.

Mr. MacLellan expressed concern with the direction given to the owners to become legal when all along they were operating illegally. He added that he did not feel this to be fair for those who built or bought their home based on the decision that this would be a place where they could have their dogs.

Councillor Hendsbee explained that this information could have been told by a number of different people such as a real estate agent. If residents had this in writing from the Municipality, then this issue could be addressed.

Mr. MacLellan expressed concern with the Municipality taking kennel owners money. This is illegal.

Councillor Hendsbee explained that this can be reviewed by Legal and ask if there will be a claim to be reimbursed from the previous kennel fees.

Ms. Amanda Andrews asked clarification of what the meeting was about and why the definition still needed clarification. She explained that in order to minimize confusion, the definition of a kennel should be the same throughout HRM. Reading from the fact sheet which was circulated at the beginning of the meeting, she asked how staff came up with the number of dogs and cats noted on the fact sheet. She explained that if you have three dogs that are spayed or neutered and your using them for showing obedience or if you have three dogs that you are not breeding but they are not spayed or nurtured , why are they still considered a kennel if you are not breeding them?

Mr. Dickey explained that there is no commercial gain if the owner is only showing the dog. This wouldn't be considered a business, its not brining people to your property or generating traffic. He agreed that the kennel definition needs to be clarified and to separate the two.

Ms. Alana Bonnell questioned who decided on the number of dogs you are allowed to keep at one time?

Mr. Dickey explained that in the 1980's when the original kennel definition was reviewed, there were a lot of issues with puppy mills along with animal health problems, traffic problems and noise issues. It was decided by Council at that time not to have one person breeding more than two dogs at one time. Regarding the pet care number, it was decided that anything over 12 boarding dogs is small care, anything over 12, becomes more problems and will need possible rezoning. HRM is currently interested in having just the one definition, kennels and boarding are being combined. Mr. Dickey explained that there has been complaints submitted to HRM about people breeding dogs in Lawrencetown as well as in other areas. Any feedback received during tonights meeting will be reviewed and incorporated into staffs recommendations. The definition may be amended by Council.

Ms. Bonnell agreed that the definition should include the showing of show dogs. She expressed concern with being "painted with the same brush", other dog kennels or show dog owners should not be penalized for someone else's actions.

Ms. Shelley Shepus explained that the site standards are high for this type of business. Most properties in this area are not that big, if you measure 100 feet from the street, this could bring you to the back of your property. She questioned if you were aloud 12 dogs and 12 cats or a total of 12.

Councillor explained that you can have 12 of both dogs and cats.

Ms Shepus recommended staff review the lot sizes, especially for those who are trying to start a business.

Mr. Mike Dwyer explained that he didn't feel 200 feet is not enough space to buffer out noise levels and pollution.

Mr. Dickey explained that the numbers proposed with the setback and separations are the same as they currently are for those with livestock. These requirements are the most restrictive setback requirements within HRM.

Ms. Lynne MacLellan explained that she had printed off a report dated June 24, 2009 that states that minimum 40,000 sft lot size. She asked if this number had changed.

Mr. Dickey explained that at a recent Community Council Meeting it was decided that 80,000 sft would be more appropriate. This motion was passed for the areas of Fall Rive and Waverley. This number was carried forward for discussion in this area.

Ms. MacLellan explained that she prefers the 40,000 sqft option.

Mr. Dickey explained that staff had provided two options to Council with the same setback standards and lot sizes. One option was to allow them in the RR1 zoning or to only have them on the main roads. At that time, Councils preferred option was to keep them on the main roads.

Ms. MacLellan suggested that each circumstance should be reviewed separately as each situation arises. A decision should only be made at that time based on that particular situation.

Mr. Dickey explained that land use issues are complaint driven.

Ms. Kivimaki explained that she would like to see the allowable number of animals breeding at one time changed.

Mr. Dickey questioned what would be a reasonable number people could their dogs breed before they are considered a dog kennel.

Ms. Kivimaki suggested six.

At this time open discussion was had regarding the mating process.

Mr. Dickey explained that this definition would allow two female breeding dogs at one time before being considered a kennel.

Ms. Mary Taplen, Seaforth, asked about how decisions are made to allow something to be 'grandfathered' and asked what the process is for monitoring the land use by law.

Mr. Dickey explained that being 'grandfathered' typically means that something was legally in existence and the rules changed so that it can continue. He explained that the two kennels that are currently listed in the Lawrencetown Land Use By-Law will not be affected.

He explained that regarding the enforcement, in most situations, is complaint driven or in some cases, if noticed by HRM staff, that there is a business operating illegally, it will be reviewed. However, HRM does not have the staff or ability to inspect every property.

Mr. Henry Morin noted that at the initial meeting there were many proposals brought forward, now the proposed amendment is to only have a kennel on main streets. He questioned if this was definite.

Councillor Hendsbee explained that this is not definite, that it is just being suggested at this time. When a final report is submitted to Community Council a recommendation will be made and at that time they will vote on it.

Mr. Morin asked when this will be voted on.

Mr. Dickey explained that it may possibly be November when it gets on Community Councils agenda.

Mr. Morin explained that he applied for a kennel permit 7 years ago which was approved, he questioned if this record would still be on file.

Mr. Kurt Pyle explained that staff could look into it.

Ms. Cathy Prothro asked for clarification if someone under the definition of a subdivision has 43 3/4 acres but is in a subdivision will they meet or not meet the qualifications?

Councillor Hendsbee explained that if Council approves option number 1, then they should be approved for a permit.

Ms. Prothro questioned why the RR1 zone covers livestock but not dogs.

Mr. Pyle explained that the two are defined separately. They are not considered the same and have different regulations.

Ms. Prothro asked why the two are separated.

Mr. Dickey explained that the definition of kennel is in the 1990's zoning by-law, which separates dogs from livestock. In the community planning process, led up to this, the community at large wanted to restrict kennels substantially. However, the Province may consider something one way but, the authorization of the land-use, the Municipality, has the final say.

Councillor Hendsbee added that the same setbacks are required for live stock as well as for dogs.

Mr. Herman Pye questioned if there could be any provisions put in place that the nearby residents could have a say. He expressed concern with the value of their property going down and that they should have a say.

Mr. Dickey explained that there is only a as by right situation where the zoning by-law says that the use is permitted. If you apply for something and the use is permitted, then you receive the permit.

Mr. Pye asked where the rights are for the residents that live by the kennel with high noise levels.

Mr. Dickey explained that the noise by-law controls these issues.

Mr. Pye expressed concern with kennels being too close to the water courses.

Mr. Dickey explained that it has to be 200 feet from any neighbours well, from any water course, water body or water supply.

Mr. Pye suggested something be written in the by-law that protects the property next door.

Councillor Dalrymple explained that staff are trying to determine a generally acceptable limit for the size of lots.

Mr. Pye questioned if there is anything in the by law that states if the kennel is disturbing the people that they may no longer have the permit to operate the kennel?

Mr. Dickey explained that if there are noises or smells generated from the kennel, then they may be considered as an obnoxious use and they can be forced to remedy the problem.

Mr. Pye asked who would be liable if contamination leaks though into the next door neighbours well.

Councillor Hendsbee explained that if there is a legislation issue, it would be a civil matter between the two neighbours.

Mr. Pye suggested the by-law should be amended to allow for more space. It should be researched as to how much space is needed to avoid the run off from a dog kennel and also talk to the Department of Health for suggestions.

Ms. Colleen Phillips, Dartmouth, breeds dogs and explained that most breeders are well off and are very responsible. These breeders should not be judged from those breeders who are not.

Councillor Dalrymple explained that in most cases these issues are complaint driven and regardless of how small the percentage, there needs to be a by-law put into place. Staff tries their best to find a happy medium for everyone.

Mr. Moore has 12-13 dogs. On his street there are over 20 dogs. He explained that all of his dogs are tagged, where the other dogs are not. He expressed concern for being penalized.

Councillor Hendsbee agreed with the animal control issues.

At this time, Councillor Hendsbee explained that he had received two emails, one from Rick Chambers and the other from Derek Pepler. They have expressed their concerns with kennels within Subdivision areas and setback issues.

Ms. Cathy Wesson explained that she is in support of option #2. She expressed her concern with noise.

Ms. Kivimaki explained that this by-law will not fixed noise levels. Being legal or not legal will not change the noise levels.

Mr. Chambers explained that he supports option #2 and expressed his concern with noise.

Ms. Dina Dickson explained that she supports option #2 and expressed her concern with noise and nature.

Ms. Shepus explained past experiences with noise levels, and added that she didn't feel that living next to a dog kennel, would generate a great deal of noise.

Ms. Patricia Andrews explained that in her area there is a lot of issues with noise, non of which are generated from breeders or kennels. She added that it is not the concern with dog kennels but, it is the concern with bad dog ownership and irresponsible owners.

Mr. Gerald MacLellan explained that he supports option #1. If a decision is made by Council, how long will the owner have to relocate to a different location that permits the dog kennels?

Mr. Dickey explained that there is no mandated time line.

Ms. Wanda Racule supports option #2.

Ms. Andrews supports option #2 and explained that she has concern with being lumped in with bad dog owners.

Mr. Pyle explained that the recommendation to Community Council will not be based on a vote. The decision will be based on what's best for the Community.

Councillor Hendsbee explained that following this meeting, staff will negotiate the proposal, taking into consideration comments from residents at tonight's meeting. Staff will then bring forward a recommendation report to Council who will hold a public hearing for an opportunity for further public input, notification of this meeting will be sent out to those who have been receiving notifications and to those who leave their contact information tonight. Also, notification of the public hearing will be advertised in the Chronicle Herald two week prior to the meeting.

4. Closing comments

Mr. Dickey thanked everyone for coming to the meeting and expressing their comments and concerns.

5. Adjournment

The meeting adjourned at approximately 8:55p.m.



Attachment C  
**Other Public Issues and Concerns  
Raised At Public Information Meeting**

Issue	Details	Staff Response
Kennel licenses	Under now repealed D-100 Dog By-law, a kennel license was required for “any premises where dogs are harbored or bred as a commercial service or for sport or exhibition purposes for periods longer than 60 days”. There exists a misconception that obtaining a kennel license under this by-law also amounted to approval of a kennel under the zoning by-law. However, compliance with one HRM by-law does not mean that all other by-laws are irrelevant. This confusion was one reason why the Dog By-law was repealed.	Whether or not any kennel license was issued under By-law D-100 is not relevant as to the condition or provisions contained within the land use by-law.
Number of dogs	Concern was expressed about the number of dogs that can be kept as pets, and that ownership over a certain number should be regulated as a kennel.	There is no ability through the land use by-law to limit pet ownership.
Potential for Well Contamination	The potential for contamination of neighbouring wells from uncollected pet waste was raised. There are no legislative requirements of the Province or HRM that deal with pet waste on private property.	A 200 foot separation, as recommended, of any livestock operation or pet care facility from wells on adjacent properties is seen to be sufficient to minimize potential impacts.
Noise Concerns	Concerns were expressed about the barking of dogs as a nuisance, whether or not there is a kennel as defined in the land use by-law.	By-law N-200 (Noise By-law) provides the best mechanism for dealing with any noise issue. 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.

