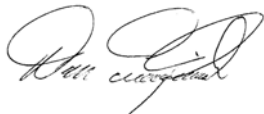


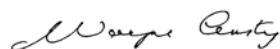
**Halifax Regional Council
January 8, 2008**

TO: Mayor Kelly and Members of Halifax Regional Council



SUBMITTED BY:

Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: December 12, 2007

SUBJECT: **Case # 01095: Halifax MPS and LUB Amendments re: Pet Care Facilities in Residential Zones**

ORIGIN

1. July 9, 2007 decision by Peninsula Community Council to refuse an application by Janet Chernin of Canine Casbah, 6430 Oak Street, Halifax, to amend the Halifax Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings; and
2. July 9, 2007 motion of Peninsula Community Council requesting that Regional Council initiate amendments to the Halifax Municipal Planning Strategy to consider pet care facilities in residential zones through the development agreement process and that Council develop a by-law pertaining to the licensing of pet care facilities.

RECOMMENDATION

It is recommended that Halifax Regional Council:

Refuse to initiate a process to amend the Halifax Municipal Planning Strategy and Peninsula Land Use By-law to consider pet care facilities in residential zones through the development agreement process.

BACKGROUND

At the July 9, 2007 meeting of Peninsula Community Council (PCC), the following motion was approved:

- “1. Refuse the proposed amendments to the Halifax Peninsula Land Use By-law included in attachment “A” of the report dated June 26, 2007;
2. Request Regional Council to initiate amendments to the Halifax Municipal Planning Strategy to consider pet care facilities through the development agreement process; and
3. Further, that a corollary process be initiated to develop an appropriate By-law outlining rules and regulations for pet care facilities to address issues raised in the staff report with respect to the limitations of the Land Use By-law in regulating such uses, including licensing.”

This motion stemmed from an application by Janet Chernin of Canine Casbah, 6430 Oak Street, Halifax, to amend the Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings in urban residential neighbourhoods. While PCC’s motion requests that Regional Council consider *pet* care facilities, it should be noted that the specific application by Ms. Chernin before PCC was in relation to dog care facilities only.

The May 10, 2007 staff report which was presented to PCC and the District 12 Planning Advisory Committee included an analysis of the issues related to dog care facilities as well as research on regulations within HRM and other municipalities across Canada. The staff report concluded that dog care facilities are currently not found in, nor are appropriate within, urban residential neighbourhoods. The staff report and the District 12 PAC report are included as Attachments A and B to this report.

DISCUSSION

The Halifax MPS calls for maintaining the integrity, stability and character of low-rise residential areas. Limited commercial uses are accommodated in these areas, provided they are compatible with the character of the residential neighbourhoods. As such, residential zones in Halifax currently permit, in addition to dwellings, a variety of business uses and care facilities such as home occupations, bed and breakfasts, child care centres and special care homes. Pet care facilities and, more specifically, dog care facilities which include boarding of dogs and the use of outdoor (backyard) play space, are not appropriate in residential neighbourhoods, especially given the small lot sizes prevalent within the Halifax peninsula and other areas within the urban core.

Generally, MPS amendments should only be considered where there is a change in circumstances or in unique situations. There is an abundance of properties within the Peninsula and other areas of HRM in which the current zoning (major commercial, industrial, rural and agricultural) permit pet care facilities as-of-right. Many of these are located within or surrounding the urban core. On the Halifax peninsula, this zoning is generally found in the downtown and the northern and western

areas of the peninsula. Given that the MPS provides ample opportunity for these uses within non-residential areas, an amendment to the MPS is not warranted.

The development agreement process cannot effectively address the issues and concerns related to dog care facilities in residential neighbourhoods. Apart from the range of land use by-law regulations which can be applied to such facilities through as-of-right zoning, the only additional regulatory tool which can be utilized in a development agreement of this nature is the control of hours of operation of a commercial business. As pet care facilities include overnight boarding, controlling the hours of operation becomes redundant.

In the event that Council decides to initiate the MPS amendment process, issues related to licensing of pet care facilities, including financial implications, will be explored in a future staff report.

BUDGET IMPLICATIONS

None.

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

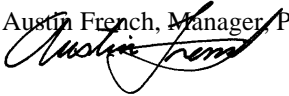
1. Council may refuse to initiate amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to consider pet care facilities through the development agreement process. This is the staff recommendation.
2. Council may choose to initiate amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to consider pet care facilities through the development agreement process and further, direct staff to follow the public participation program approved by Council in February 1997. This alternative is not recommended for the reasons outlined above.

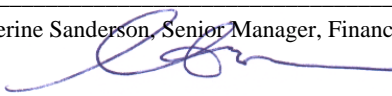
ATTACHMENTS

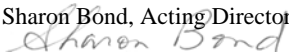
Attachment A	District 12 PAC Report dated June 26, 2007
Attachment B	Staff Report dated May 10, 2007

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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: Paul Sampson, Planner I, Community Development, 490-6259

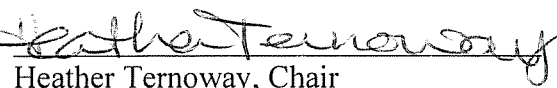
Report Approved by: 
Austin French, Manager, Planning Services, 490-6717

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

Report Approved by: 
Sharon Bond, Acting Director of Community Development

Peninsula Community Council
July 9, 2007

TO: Peninsula Community Council

SUBMITTED BY: 
Heather Ternoway, Chair
District 12 Planning Advisory Committee

DATE: June 26, 2007

SUBJECT: Case 00918: Land Use By-law Amendment - Halifax Peninsula, Dog Care Facilities

ORIGIN

District 12 Planning Advisory Committee meeting - June 25, 2007

RECOMMENDATION

The District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Request Regional Council to initiate amendments to the Halifax Municipal Planning Strategy to consider pet care facilities through the development agreement process.
2. Further, that a corollary process be initiated to develop an appropriate By-law outlining rules and regulations for pet care facilities to address issues raised in the staff report with respect to the limitations of the LUB in regulating such uses, including licensing.

DISCUSSION

Peninsula Community Council has given first reading to consider proposed amendments to the Land Use By-law for Halifax Peninsula, which would permit dog care facilities in conjunction with residential dwellings.

The Committee felt pet care facilities should be considered by development agreement as opposed to amending the Land Use By-law to permit pet care facilities in all residential areas as-of-right in the absence of clear and enforceable regulations. This would allow a public consultation process with the neighbourhood, which would enable consideration of controls such as noise, the size and type of fence, the size of the facility including the backyard, and the number of dogs. It was also felt that Council should initiate a process to develop a By-law for the regulation and enforcement of pet care facilities (similar to the Child Care provisions) to ensure that high quality pet care facilities can be established within the HRM.

ATTACHMENT

Staff report dated May 10, 2007

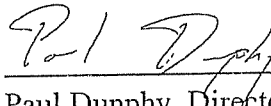


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment B

Peninsula Community Council
June 11, 2007

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: May 10, 2007

SUBJECT: **Case 00918: Land Use By-law Amendment, Halifax Peninsula, Dog Care Facilities**

ORIGIN

Application by Janet Chernin of Canine Casbah, 6430 Oak Street, Halifax, to amend the Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings.

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. Refuse the proposed amendments to the Halifax Peninsula Land Use By-law, as shown in Attachment A of this report, to permit dog care facilities in conjunction with residential dwellings.

BACKGROUND

Janet Chernin, of 6430 Oak Street, Halifax, has operated Canine Casbah, a business involving the care and boarding of dogs, out of her dwelling for approximately 11 years. In July of 2005, as a result of a complaint received by staff and a determination that the use was not permitted by the Land Use By-law, a Notice to Comply to cease the operation was issued. Staff have proceeded to file charges and a Provincial Court trial is pending. No additional complaints have been received and Ms. Chernin has continued to operate her business from this location. The subject application to amend the Land Use By-law was submitted by Ms. Chernin in late spring of 2006.

Description of Proposal:

The subject proposal is to amend the Halifax Peninsula Land Use By-law (LUB) to allow for the following (refer to Attachment A):

- the accessory use of a dwelling for the temporary care or boarding of up to 10 dogs;
- the use of outdoor (backyard) fenced space;
- the use of interior floor space (850 square feet) which exceeds that permitted to home occupations (max. 400 square feet); and
- the ability to have an employee as part of the operation.

Land Use Regulation of Dog Daycares:

In general, most land use (zoning) by-laws do not contain a separate definition of animal or dog care facilities, but classify such land uses as kennels or vet clinics. In HRM, kennels are typically not permitted in urban residential areas and, in some cases, in urban commercial areas. Generally, they are restricted to major commercial, industrial, agricultural or rural residential zones where the outdoor activity of dogs and other animals would have less impact on, and would be located further from, surrounding residential areas. Vet clinics, on the other hand, are generally permitted in most urban commercial as well as industrial zones, but typically do not involve any outdoor activity.

Halifax Peninsula zoning:

The LUB permits such facilities in the C-2 (General Business) and C-3 (Industrial) zones. Generally, these zones are found on the peninsula in the downtown area, in a large portion of the northern peninsula (including portions of Robie, Agricola, Almon, and Young Streets and all of Kempt Road) and on sites in the western peninsula (including the shopping centres).

Other Municipalities:

Staff reviewed land use regulations of various municipalities across Canada to determine whether such facilities are permitted in urban residential areas and how they are regulated. The municipalities which were reviewed are Kitchener, Hamilton, St. John's, Vancouver, Calgary, Whitehorse, Kingston and the Township of Brock, Ontario. Of these municipalities, three (Kitchener, Hamilton, Calgary) were suggested by the applicant as possibly having "dog daycare" land use regulations that would support such uses within a residentially zoned area.

None of the above noted municipalities allow dog care facilities or the keeping of animals as a home occupation within urban residential areas, with the exception of Kingston. In the case of Kingston, the home occupation section of the LUB prohibits the outdoor enclosure of animals, but does not specifically prohibit the keeping of animals indoors.

Two municipalities, Kitchener and Brock, have adopted separate by-laws which deal with the licensing and regulation of dog daycares. However, in both cases, the LUB does not permit these facilities in residential zones.

Zoning and MPS Policy:

The property is subject to the City-Wide policies (Section II) of the Halifax Municipal Planning Strategy (refer to Attachment B for a list of relevant policies). The property is designated Residential Environments and zoned R-2 (General Residential).

DISCUSSION

The Residential Environments section of the Halifax MPS (City-wide policies) calls for maintaining the integrity, stability and character of low-rise residential areas by preserving the scale of existing neighbourhoods and establishing regulations which allow limited commercial expansion, such as daycare centres and home occupations, and which control the intensity of such uses so they will be compatible with, and not conflict with, the character or stability of the residential neighbourhoods.

It is staff's view that the proposed amendment to permit dog care facilities within residential areas is not consistent with the intent of the Residential Environments section of the City-Wide policies. It is not possible to address some of the key issues with regard to land use compatibility, such as controlling noise, through the regulations of the LUB. Given the outdoor activity area proposed for the dogs and the small lot sizes prevalent throughout the Halifax Peninsula, there would be a high likelihood of land use conflicts.

Although there has only been one complaint with regard to Ms. Chernin's business, this is more indicative of the high quality of her particular operation than the general compatibility of this type of use in residential neighborhoods as a whole. The LUB cannot guarantee the high standards of performance which Ms. Chernin has obviously adopted, nor can it prevent possible low standards of future operations.

Although there is an increasing demand for dog and other pet care services, these facilities are not necessarily appropriate in all areas of HRM. Dog care facilities are appropriate in commercial and industrial areas, but not in residential areas. Staff feel that the abundance of commercial and industrial zoning (C-2, C-3) on the Halifax peninsula, as well as zoning in other locations of HRM, which permits such facilities at the present time is more than adequate to accommodate demand for these facilities. This is in keeping with the zoning requirements of other municipalities in Canada who have had similar experiences with such facilities.

Home occupations, which are regulated through the LUB, are not permitted to have non-resident employees and the floor area used for the home occupation is limited to a maximum of 50 percent of one level, up to 400 square feet. As noted above, the proposal is to allow up to 850 square feet and one employee. Staff have not identified any unique aspects of dog care facilities which would justify these privileges when compared to other home occupations.

Any noise complaints with regard to dog care facilities would be extremely difficult to enforce through the Dog By-law (D-100) and the ability to prosecute would likely be greatly reduced, since these facilities would, in effect, be sanctioned under the LUB.

Issues identified through comments received from the public (see *Public Comments / Notification Area* section below) include the licensing and inspection of such facilities, such as is the case with child daycares, in order to ensure proper care of animals and cleanliness of facilities. However, this type of regulation, as is found in Kitchener and Brock, Ontario, is beyond the scope of the LUB and would require separate regulations and enforcement by either HRM or the Province. As well, these issues are unrelated to that of land use compatibility, which is the primary subject of this report.

Other comments received which relate to the issue of land use compatibility, such as placing limits on the number of dogs and providing fencing and secure gates surrounding the outdoor activity areas, have been included in the land use by-law amendments. These amendments, which would accommodate Ms. Chernin's proposal, are included as Attachment A in the event that Council wishes to approve the proposal.

Public Comments / Notification Area

A public information meeting was held on October 5, 2006. Minutes of the meeting are included as Attachment C. At the meeting, a comment sheet with the following three questions was circulated to attendees:

- Are dog / cat care facilities appropriate in residential (R-1, R-2) neighbourhoods? (Yes / No)
- What issues / concerns would you have if a similar type of home business was opening next door to you?
- What suggestions can you make which would make a dog / cat care facility acceptable in your neighbourhood?

Comments received on the returned sheets (20 returned), as well as during the information meeting in general, were largely in favour of Ms. Chernin's current operation and amendment proposal. However, as noted above, LUB regulations are not sufficient to ensure a high standard of performance will be followed by other operations in the future.

The notification area which was utilized for the public information meeting is indicated on Map 1. If Community Council decides to hold a public hearing regarding this application, ads will be placed in a local newspaper (Chronicle Herald) as per the public participation requirements of the *Municipal Government Act*.

BUDGET IMPLICATIONS

None.

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 refuse the proposed LUB amendments. This is the recommended course of action.
2. Council may approve the proposed amendments. This alternative is not recommended as staff feel that the proposal is inconsistent with the policies and intent of the MPS.
3. Council may approve the proposed amendments with modifications. Such modifications should be such that they accommodate the applicant's proposal. This alternative is not recommended due to the reasons noted above.
4. Council may request that Regional Council initiate amendments to the MPS to consider such facilities through the development agreement process. This alternative is not recommended as staff feel that the development agreement process would not adequately address the issues / concerns indicated in this report.

ATTACHMENTS

Map 1	Location and Zoning
Attachment A	Amendments to Halifax Peninsula Land Use By-law
Attachment B	Relevant Sections of MPS and LUB
Attachment C	Minutes of Public Information Meeting

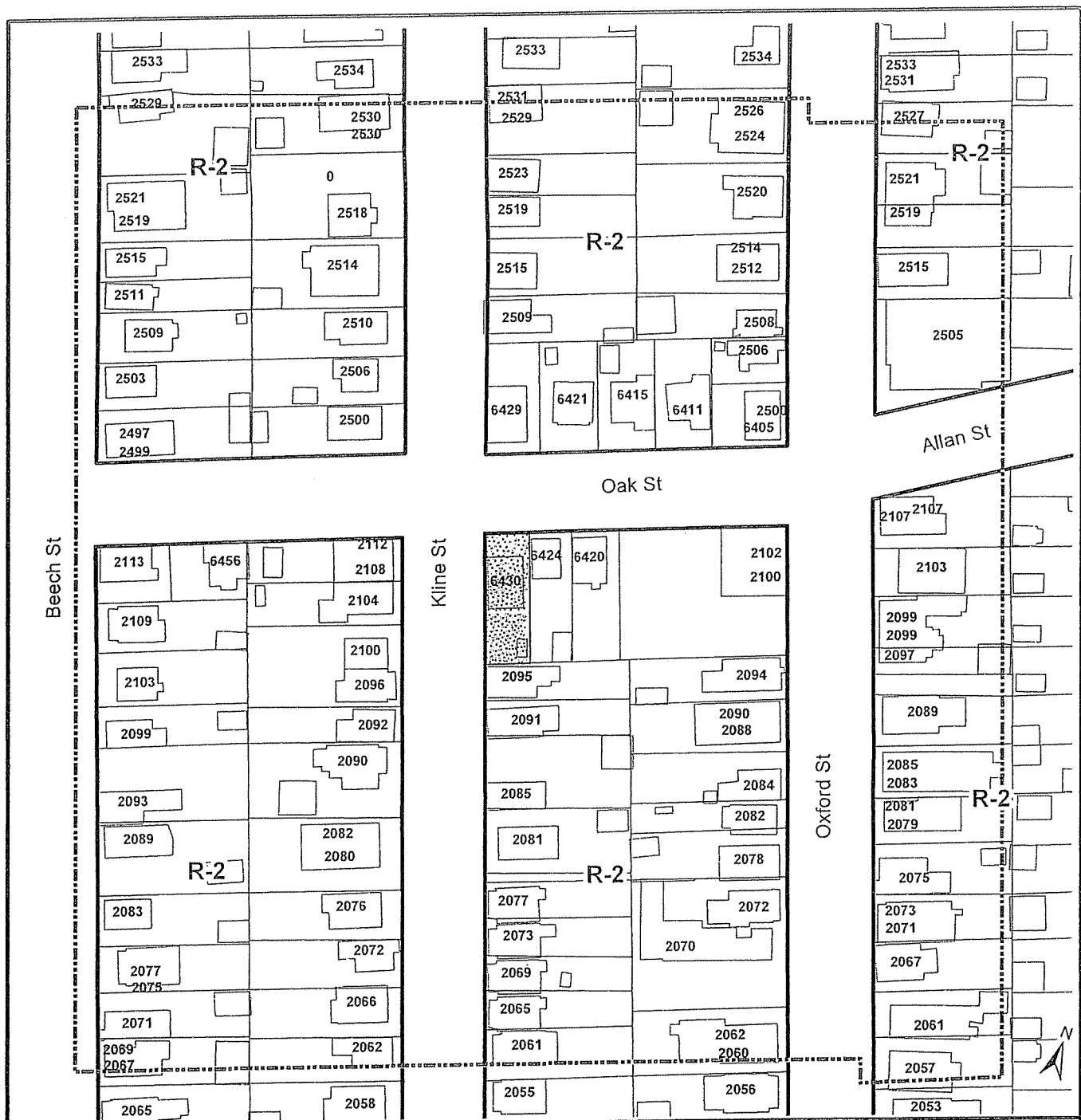
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Sampson, Planner, 490-6259

Report Approved by:



Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

6430 Oak St
Halifax



Subject property

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-law Area.

HRM does not guarantee the accuracy of any representation on this plan.

Zone

Halifax Peninsula By-Law Area

R-2 General Residential

Attachment A**Amendments to Halifax Peninsula Land Use By-law**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Peninsula Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows, by:

1. Adding the following new definition, in alphabetical order, to Section 1:

“**Residential Dog Care Facility**” means the accessory use of a single-family, duplex or semi-detached dwelling unit, which is the principal residence of the operator of such facility, for the temporary care or boarding of not more than ten dogs for gain or profit, but shall not include the raising, breeding or sale of dogs.”

2. Renumbering existing subsection 27(1) (g) to 27(1) (h) as follows:

“(h) uses accessory to any of the foregoing uses.”

3. Adding the following new section as 27(1) (g) as follows:

“(g) a residential dog care facility;”

4. Adding the following new section as 34(J) as follows:

“ **RESIDENTIAL DOG CARE FACILITY**

34(J) Any building which is erected, altered or used as a residential dog care facility shall comply with the following:

- (i) Only one residential dog care facility shall be permitted to be located on any lot and such lot shall contain a minimum lot area of 2,500 square feet;
- (ii) The residential dog care facility shall occupy no more than 850 square feet of gross floor area and shall be confined to one storey of the dwelling; this storey may be the basement;
- (iii) Any outdoor activity area shall be fully enclosed by a minimum 6 foot high, opaque fence with secure gates. Such outdoor activity area shall not be permitted in any front yard;
- (iv) a maximum of one employee, in addition to the operator of the facility, may be permitted;

- (v) one non-illuminated advertising sign shall be permitted up to one square foot in area in accordance with section 34(3)."

I HEREBY CERTIFY that the amendment to the Peninsula Area Land Use By-law for Halifax, as set out above, was passed by a majority vote of the Peninsula Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2007.

Jan Gibson, Municipal Clerk

Relevant Sections of Municipal Planning Strategy and Land Use By-law:

HALIFAX MUNICIPAL PLANNING STRATEGY - SECTION II (CITY-WIDE):

2. RESIDENTIAL ENVIRONMENTS

- | | |
|-----------|--|
| Objective | The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford. |
| 2.1 | Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services. |
| 2.1.1 | On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process. |
| 2.2 | The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate. |
| 2.4 | Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods. |
| 2.4.1 | Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate. |
| 2.4.2 | In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use bylaw to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods. |

- 2.4.2.1 Pursuant to 2.4.2 the land use bylaw may regulate the number, size, height, illumination and location of signs.

LAND USE BY-LAW - HALIFAX PENINSULA:

HOME OCCUPATIONS - BED AND BREAKFAST

- 16B Where home occupations are permitted under this by-law, such home occupation shall comply with the following:

- (1) No person who is not a resident of the dwelling unit shall be the proprietor of, or shall be employed in, a home occupation;
- (2) Only one home occupation shall be permitted per lot;
- (3) Such home occupation shall be confined to one storey of the dwelling and shall not occupy more than 50 percent of the floor area of such storey to a maximum of 400 gross square feet;
- (4) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;
- (5) Except for articles manufactured on the premises, no stock in trade shall be displayed or sold on the premises;
- (6) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence, and the home occupation shall be conducted entirely within the dwelling unit;
- (7) There shall be no display of goods visible from the outside, or outside storage of equipment or materials, or use of an accessory building in connection with the home occupation;
- (8) Only one commercial vehicle, not exceeding 6,000 pounds gross vehicle weight, shall be parked on the premises in connection with the home occupation;
- (9) The commercial vehicle permitted under Clause (8) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
- (10) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
- (11) Without restricting the generality of the foregoing, the preparation and sale of food, the keeping of animals, adult entertainment uses, and taxi stands, shall be deemed not to be home occupations;
- (12) Notwithstanding subsection (3), a bed and breakfast establishment shall occupy not more than three bedrooms as sleeping rooms for guests;

- (13) Notwithstanding subsection (11), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only;
- (14a) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast;
- (14b) Such accommodation shall consist of one parking space at least eight feet wide by sixteen feet long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard;
- (14c) Such accommodation shall consist of two parking spaces at least eight feet wide and sixteen feet long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard.

R-1 ZONE
SINGLE FAMILY ZONE

- 27(1) The following uses shall be permitted in any R-1 Zone:
- (a) a detached one-family dwelling house;
 - (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
 - (ba) a home occupation;
 - (c) a public park or playground;
 - (d) church or church hall;
 - (e) a child care centre for not more than 14 children in conjunction with a dwelling;
 - (f) a special care home containing not more than ten persons including resident staff members;
 - (g) uses accessory to any of the foregoing uses.

CHILD CARE CENTRES

- 34A Building erected, altered or used for a child care centre shall comply with the following requirements:
- (a) Except for outdoor play space, any child care centre shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;

- (b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
- (c) The child care centre shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
- (d) Only one child care facility shall be permitted to be located on any lot.

SPECIAL CARE HOME

34D

Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with the following requirements:

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
- (ii) recreational indoor space may account for 25% of the landscaped open space;
- (iii) the building is a minimum of 1000 feet distance from any other building used for or as a special care home;
- (iv) parking requirements as contained in Subsections (8) and (9) of Section 6.

**Public Information Meeting
Case 00918
October 5, 2006**

In attendance: Councillor Fougere
Paul Sampson, Planner, Planning Applications
Gail Harnish, Planning Services
Janet Chernin, Canine Casbah, Applicant
Peter McInroy, Solicitor

Mr. Paul Sampson called the public information meeting (PIM) to order at approximately 7:10 p.m. in the cafeteria of the Queen Elizabeth High School.

Mr. Sampson advised the application by Janet Chernin of Canine Casbah is to amend the Land Use By-law (LUB) to allow the keeping of animals in a residential zone as a home occupation. It has been determined that the existing business does not qualify under the LUB regulations. The zoning of this property and the neighbourhood is R-2 which is a general residential zone. The zone allows for home occupations and day cares up to fourteen children and one professional office. Doctors, lawyers, dentists, and other professionals fall under a home occupation. The zone also allows special care homes. There are a number of things permitted under the R-1/R-2 zone but a business which involves the keeping of animals is not. Traditionally, under zoning, dog care facilities have been referred to as kennels. Over time, a number of things have been occurring and people want either day or overnight care for their pets. This is really a pet care facility. The traditional definition of something like a kennel does not quite fit.

Mr. Sampson advised the proposal is to amend the LUB. Everything out to the rotary and Dutch Village Road is the boundary of the peninsula. The specific proposal that Ms. Chernin put forward is to allow dog and cat care facilities. The idea was not to widen the proposal so that it is for the keeping of any animals.

Mr. Sampson reviewed the LUB amendment process:

- tonight is the PIM
- staff will do a full review of the request
- a staff report, with a recommendation and draft LUB amendments, is tabled with Peninsula Community Council
- Community Council will decide whether or not to proceed. If so, they will schedule a public hearing
- a public hearing is held
- Community Council makes a decision
- there is an appeal process

Mr. Sampson indicated he was looking for feedback on the following questions:

- Are dog and cat care facilities appropriate in a residential area?
- What issues or concerns would you have if a similar type of business opened up next door to you?
- What suggestions can you make that would make this type of facility acceptable or more acceptable to the neighbourhood?

Ms. Janet Chernin stated she wished to thank Councillor Fougere and Planning Services for the chance to address any concerns pertaining to her application to amend the LUB to allow for the keeping of animals as a home occupation. This application will not change the zoning of their neighbourhood from residential to commercial.

Ms. Chernin said she approached her immediate neighbours eleven years ago to advise them she was thinking of starting this small in-home business and asked if they would have concerns. She assured them the dogs would be secure and clean. She called the City of Halifax. The only concern was that she could not erect animal runs in her back yard. She advised the neighbours of this and opened her doors shortly thereafter. Being aware it is in a residential setting, she erected a privacy fence to ensure her business would not be disruptive.

Ms. Chernin indicated this process is the result of a query and not a complaint as to the legality of the business and was not from a resident or a neighbour from District 14. She has never hidden her occupation but often donated her services. She recently organized a very successful Paws for Point Pleasant Park fundraiser which raised in excess of \$14,000 in restoration efforts. Also, she has spoken in schools about safety.

Ms. Chernin stated that being a good neighbour and a responsible citizen is paramount. She welcomed the chance to change the by-law so that she could continue her in-home business which operated complaint-free for over ten years. In many ways it is the same as child care. Neighbourhoods in the ever expanding HRM are looking to reflect the needs and wants of many residents. She had no interest in increasing the number of dogs at her location. She would like to offer her assistance to HRM in implementing standards for protocols.

Ms. Chernin thanked Councillor Fougere for her support and for advocating on her behalf. It was never her intention to be in violation of by-laws.

Mr. Sampson stated Ms. Chernin is operating from the basement level and the windows are at a level that is above the reach of the dogs. As well, the back yard of this property where she allows the dogs to play is completely fenced with a relatively high fence. A by-law amendment could address things mentioned tonight as concerns. It would be helpful for members of the public to think about these questions and provide some ideas as to what kind of rules can be put in place to make this acceptable so that Council has a degree of comfort in approving an amendment to the LUB. This amendment would apply to everyone. The rest of the neighbourhood could operate the same kind of business.

That is a concern from the staff level. We wanted to make sure it will fit into a residential neighbourhood.

Ms. Jen Powley, Dalhousie planning student, indicated two words were used - keeping of animals and a care facility. She questioned what definition would be used and what the final wording would be.

Mr. Sampson responded there are a number of definitions in the by-law. They could add a definition to the by-law for an animal or a pet care facility. That might be part of the amendment package. It is hard to say at this point. If there is a necessity to include a definition of a cat or a dog care facility, that is something we would consider.

Ms. Chernin stated there have been a lot of queries about the keeping of animals. She was not wanting to look after pigs and chickens which are considered livestock but rather our companion animals.

Ms. Powley questioned if there would be a limit on the number of animals permitted.

Mr. Sampson responded we could put in place a number. Right now in the residential zone there is a limit on the number of children that can be cared for in a child care centre.

Ms. Chernin said she would be in favour of a number. To work out of the home in an urban residential neighbourhood you cannot be the size of a commercial dog day care. That is not doable. She would not be in support of having an amendment that would permit up to thirty or forty dogs.

Ms. Powley questioned what would be considered a reasonable number.

Mr. Sampson responded we are looking for input on that tonight.

Mr. Bob Ottenbrite asked Ms. Chernin how many dogs she would feel comfortable with, based on her ten years experience.

Ms. Chernin responded she could be comfortable with more because her clients have been bringing their dogs to her for many years so she knew their personalities well. She knew which are kinder. She tried to mix up the dogs so she was not hit one day with all large or boisterous dogs. She could not go further than ten. In a small home business it is about the one on one care and her ability to interact with the animals and provide the care and play time.

Mr. Ottenbrite commented the dogs would have to be properly supervised. Ms. Chernin concurred.

Ms. Becky Schneiderman questioned whether it would be reasonable to set a square footage limit per dog. Ten may be reasonable for Ms. Chernin but may be too many for another house.

Mr. Sampson advised the by-law currently has square footage requirements for certain types of uses. For home occupations you can only have 50% on one level but there are also restrictions that you cannot use portions of two levels. The idea is to have one or two rooms set aside for the business. Right now Ms. Chernin uses most of her basement. Day cares do not have square footage requirements but cannot exceed a maximum number of fourteen children. Beyond that, larger day cares would have to apply for a development agreement or locate in a commercial zone. Square footage is definitely something we can consider.

Ms. Rona Schwartz suggested that perhaps some of the restrictions applicable to day cares could be applied to the care of animals. She questioned what some of the regulations are relative to child care.

Mr. Sampson responded it has to be the principle residence. Most home occupations cannot employ anyone but day cares are a bit different. For a pet care facility, he questioned whether members of the public felt there should be restrictions and allow no employees or whether employees should be allowed.

Ms. Christine Greening responded they should. She lived in a residential area in Regatta Point. If the effective care is most appropriately determined by the ratio, that will dictate a lot of the proper care and interaction. Ms. Chernin is one of very few people that helps out others who work long hours and cannot give their dogs the amount of care they like to on a regular basis because they are active. If there were more care facilities, they would have more options. There are not a lot of them now which is why Ms. Chernin often turned people down. Ms. Chernin knows these dogs and will not put two bully dogs together. She understood the love they had for them so she would not put them in a dangerous facility. Some commercial facilities do not have enough human to dog ratio. She had a shelty who had a bad experience in a commercial facility. They had two humans for close to forty dogs. Ms. Chernin knows how to read a dog's needs and their nature.

Mr. Bob Ottenbrite indicated he has done work with dogs in the large facilities. Dogs expect them to be able to read their body language. If they are left unsupervised in large groups they develop bad habits such as dog biting.

Ms. Donna MacRury said she was one of Ms. Chernin's many customers. When they were deciding whether or not to get a dog, they did not have an extended family and they had erratic work schedules. Before they could get a dog, they had to determine if the services were there. She was very pleased that this business existed in her neighbourhood. For all of those reasons mentioned, such as the small number of dogs, they are better behaved. Also, from an economical perspective, small operations in homes will usually have more of an ability to support themselves over time because the overhead is lower and they are not a mainstream type of business.

Ms. MacRury commented Halifax is becoming a very vibrant city with very diverse needs. She liked to see neighbourhoods offer all amenities so they did not have to go to the suburbs. Some of the great cities in the world like Manhattan is where she first saw these facilities in neighbourhoods. She

knew the application is for the by-law to be changed but would be concerned if that did not happen and Ms. Chernin could not continue. She asked that consideration be given to grandfathering Ms. Chernin as she operated the business all these years in good faith.

Ms. Barbara Jollimore questioned whether they would restrict the number of dog day cares in a certain area.

Mr. Sampson responded it is one of the things they could look at. Traditionally that has not been the case for uses such as home occupations and child care facilities. The reason for that is because it's unfair and it infringes on people's property rights. It is a first come, first serve thing which is why they tend not to do that. They would allow it in residential zones and anybody could have it but at some point the market demand comes into play.

Ms. Ann Morrison commented that if they all ran for ten years and without complaints, they would not care.

Ms. Chernin stated that is why she would like to see procedures in place so that somebody else wanting to open this type of facility would have to build a full fence, have a clean property, and have inspections of their property to make sure they are being run in a proper manner just like child care facilities have to meet certain student to teacher ratios. To think there would be two or three doggie day cares on a street would never happen. They would have to have standards and expect them to be met whether it be HRM Animal Control or contracting out to SPCA to make sure they are to a certain requirement and standard.

Mr. MacKay questioned why the city should have to spend tax dollars to do that.

Ms. Chernin indicated her floor is sealed concrete and she left it that way. She put in drains around the floors so that if there is an accident she could wash it and keep it sanitary. There are measures she took to keep the outside area clean. She felt there has to be a standard. Maybe somebody should inspect it when it is initially set up. It should not be an open chain link fence or a little picket fence.

An individual stated she agreed there has to be standards put in place to prevent possible problems in the future. If there are minimum standards, people cannot complain. If you have all those things in place to give a better perspective, it does not tarnish the reputation of doggie day cares. You want it clean. When she first checked it out to make sure it looked and sounded good, she found it is good. She felt the city is fortunate to have Canine Casbah because if it is setting a standard, she is a good partner in that standard because of her reputation. Look at what Ms. Chernin has done and build upon that.

Mr. Sampson responded that in terms of standards, that is more or less what we are looking to get from members of the public tonight. In the absence of regulating and licensing a particular pet care facility, it is the responsibility of HRM to put that in the land use by-law. We would have to have

the inspection capability. We would look at the maximum number of animals, square footage, and fencing requirements.

Mathew... noted there was reference to other by-laws. There is a Noise By-law which talks about how long a dog can bark for. There are also by-laws regarding garbage in front of your house. He was concerned about this getting too complicated and they try to regulate too many aspects of business. There may be by-laws on the books already.

Ms. Tammy Morley said she was fortunate to have been able to use Ms. Chernin's business for several years. Her dog adores Ms. Chernin. The suggestion about putting things in place, such as up-to-date shots and vaccinations, may be something that could be done. When she first started going there, Ms. Chernin came to her house and checked out her dog.

Mr. Paul Healy indicated he lived across the street from Ms. Chernin for seven years. His dog never went there. From a neighbour's perspective, she was a good neighbour and was very careful to make sure she was a good neighbour and she kept her neighbours happy and kept her dogs controlled so they would not have the opportunity to complain. That is why there should be by-laws and her business could be checked if there is a complaint. He did not want to make it complicated but if you don't have very rigid structures in place, he could see them getting out of hand. If you had one next to you that was uncomfortable, you need to be able to figure out what the laws are and your rights.

An individual stated her dog was also a great admirer of Janet. She would like to reiterate it is clear that people's relationship to their pets has dramatically changed in our society and most people regard them as their children. They are just funnier and sometimes cuter. She thought that speaks volumes to the need of the business she provides. It made it possible for them to work long hours in a demanding job. She would encourage the kind of business with the kind of standards Ms. Chernin has. There should be more of them in the city rather than these big commercial dog day cares which do not have the same kind of care.

The individual noted there was mention about the square footage. She thought a staff to dog ratio, as they do in child care, would be useful. There should be consideration to an appropriate dog/staff ratio and if you went beyond a certain amount, then you would have to hire an employee. The idea of a privacy fence is really important. It respects the needs of the neighbourhood and they do not bark if they see their neighbour. It keeps them out of sight of their neighbour.

The individual concurred that Ms. Chernin's business could be a model for how doggie day cares should be run. It is an excellent facility. She had to restrain her dog when she parked because he wants to go in and so he is having a good time.

Joan... indicated she was a lifetime resident of District 14 until two years ago. There is a dog day care by-law in Kitchener and Toronto. Most of them offer inhouse boarding which is almost the same as Ms. Chernin offers.

Mr. Bob Allison commented he lived in the danger zone. He had three kids but no dogs and lived there since 1986. He had three yards bordering on his property, each which has one or two dogs. They bark and make noise and get up between 6:30 and 6:40 a.m. each morning and they fight at the corner. He never heard that about Janet's place. She walks constantly. She is about four doors down the street from him. He has walked by her place since she started this and he smelled nothing. This has never been a concern to him. He thought something like this in a residential area is fine. There should be by-laws and enforcement so that people do not set up something like a puppy mill. He had more unrestricted noise from his neighbours who own their dogs legally than he heard from Ms. Chernin. He walked by almost every day and smelled and heard nothing. He thought it was a good enterprise for a residential neighbourhood.

Ms. Shelly MacDonald stated she wished to thank Janet for providing her dog with the socialization he needs. She had a mixed pit bull who shows no aggression with other dogs. Her parents cringed at the type of dog she was buying but they love him to death and it is definitely partly because of the socialization with other dogs.

Ms. Rona Schwartz commented that as well as the type of business she provides, the personal interaction with the dogs and the training she does, another thing that should be noted is the location of the business. They should be located in neighbourhoods where people do not have to travel 40 kms out of town.

Ms. Kim Davis, Dartmouth, said she currently owned a pet food company out of her home and has been approached by numerous people who asked if she owned a dog day care. She had four dogs and they think she ran one now. She and her husband approached the City and were told they could not open up a kennel in a residential area but this would not be a kennel. It is a home care facility for your pets. There are only two people watching sixty dogs at the operation in the business park and they are not getting the socialization they require. She was definitely in support of her business, not only for her neighbourhood but for any one wanting to open one. They do need regulations.

An individual questioned whether there were dog breeders on the Peninsula.

Ms. Chernin responded the City has provided through the animal control by-law for CKV breeders to breed animals in their home. If you have a problem with that dog, you have to bring them back to their home. They are kenneling and have to apply for a kenneling license. Many of them board the puppies they have sold and she did not want that stopped. It has been proven that dogs bred by reputable breeds in-home are a better quality dog. She would not want to see her application changed or to change the ability for a reputable breeder to breed in-home. They have a better socialized puppy.

Mr. Sampson responded that if it operates as a business, it basically has to meet the same regulations and likely has to locate in a commercial zone. That may not be the case for some. We have not heard of many through complaints.

Ms. Ann Kyle, long time client of Ms. Chernin, indicated there is a huge requirement for this service for working people to put their dog in a place where they are well cared for. They are the best kind of monitors. She was speaking to the need for more of her type of business and not less. She expressed concern that if it's not broken and apparently there are not that many in Halifax, let's not try to over-fix it and make such huge regulations that nobody can open up one of these.

Ms. Ann Morrison commented the individuals who are looking for dog day cares are not usually bad pet owners. 50% of it is who is taking care of the dog and she did not think you could come up with regulations to standardize that. She thought the individuals would regulate themselves.

Ms. Tara Bayne, Dartmouth/Cole Harbour, indicated she was a dog owner and there are no opportunities for dog day cares where she lives except for commercial facilities where she refused to put her dogs. Ms. Chernin gave them an equal standard of love and care and is one of the few people who do that. She also saw a lot of dogs left out 24-7 which she thought was a big problem for cities. They may receive the minimum requirement of care but they are a nuisance. They are barking and unhappy and become dangerous. She would be thrilled if there were more opportunities and less dogs tied out in the neighbourhood.

Ms. Sarah Allen stated she lived across the street from Ms. Chernin. Her dogs did not go there but she never had an issue or complaint about odour or control. Having a small baby she was very sensitive to those things. There are dogs barking in the neighbourhood but not from her residence. It is important that her business be grandfathered. The business existed for so long with no complaints. There should be standards for the neighbours to be protected as well as the animals. If there are limits, these kind of things can work.

An individual indicated there has been a distinction between day care versus longer term care of a dog. He left his dog with her sometimes for two weeks at a time. The one time he left his dog in a kennel in Timberlea forty-five minutes away she had cuts to her nose.

Mr. Terry Henson, downtown Dartmouth, stated he supported the idea of Ms. Chernin's business as a model. Imposing a minimum square footage on the yard is a consideration. People have an idea that their neighbourhood cannot change but things are constantly changing. He felt they should support all efforts to have more dogs in their lives.

An individual indicated her dog goes there everyday. The one thing she loved about the boarding facilities is that the dog can go in the house. There is always somebody watching the dogs.

Ms. Chernin said it was rare she did not hire her own babysitter for her dog, let alone when a dog is sleeping over. That dog is her responsibility so she could never go to a movie and leave somebody else's dog unattended in her home.

An individual urged that there be monitoring. You just cannot open up a place and say you love dogs. It does not work that way.

Ms. Heather Morrison stated she has known Ms. Chernin for years and was sure her dog would love to spend time there. We keep talking about dog owners. She felt these services are great for dog owners because it leaves a community with a place to put their dogs and they are not left home alone all day barking. They are so cooped up and are not behaving because they have not had the social interaction. This is a good service that should be offered.

Ms. Maureen Tate, Dartmouth/Cole Harbour, spoke in favour of HRM using Ms. Chernin as the inspector to set some standards. HRM has a very poor record of looking after some of their existing regulations in terms of animals.

Ms. Rebecca Moore said she has been volunteering there since she was about nine years old. There are dozens of children in the neighbourhood who did as well. They would take the dogs for walks and have fun. It was like her second home. It is a great place for dogs and everyone in the neighbourhood.

Larry...., Dartmouth/Cole Harbour, indicated he was aware there are charges pending against Ms. Chernin for running her business in violation of by-laws and did not think she should be put through this.

Ms. Carolyn McQuillan stated she was also a volunteer. When she started taking her vet assistance course, she heard there was a doggie day care in her neighbourhood. She lived four doors away and had to ask people where it was. It is her home away from home. It is a wonderful place.

The meeting adjourned at approximately 8:20 p.m.