



**THE CORPORATION OF THE TOWNSHIP OF TAY  
PUBLIC MEETING OF MUNICIPAL COUNCIL**

**MARCH 22, 2017  
6:30 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS  
AGENDA**

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- 1. CALL TO ORDER**
- 2. DECLARATION OF PECUNIARY INTEREST**
- 3. STATEMENT OF PUBLIC NOTICE**
- 4. CORRESPONDENCE RECEIVED**
- 5. PRESENTATION FROM APPLICANT**
- 6. BACKGROUND REPORT BY TOWNSHIP STAFF**
  - 6.1 Report from the Director of Planning & Development  
Report No.: PD-2017-11  
Re: 2017-ZBA-01 New Definitions and Provisions to Kennel Operations
- 7. QUESTION AND CLARIFICATION PERIOD – PUBLIC**
- 8. QUESTION AND CLARIFICATION PERIOD – COUNCIL**
- 9. FINAL STATEMENT BY THE CHAIR**
- 10. ADJOURNMENT**



## STAFF REPORT

<b><u>Department/Function:</u></b>	Planning and Development
<b><u>Chair:</u></b>	Heinrich Naumann
<b><u>Meeting Date:</u></b>	March 22, 2017
<b><u>Report No.:</u></b>	<b>PD-2017-11</b>
<b><u>Report Title:</u></b>	Amendment to the Zoning By-law (2017-ZBA-01) Proposed Kennel Provisions

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### **RECOMMENDATION:**

**That Report No. PD-2017-11 regarding an Amendment to the Zoning By-law (2017-ZBA-01) for Township wide Zoning provisions for kennels be received for information.**

### **1.0 INTRODUCTION/BACKGROUND**

At the October 14<sup>th</sup>, 2015 Committee of All Council meeting, Council considered a report from the Fire Chief regarding kennel noise and direction was given to bring forward an Interim Control By-law (ICB) to prohibit the building of any new kennels or the expansion of any existing kennels within the Township of Tay.

Further, the provisions of the Planning Act (the 'Act') states that the ICB period shall not exceed one year from the date of passing of the by-law *'prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law'*.

It was through By-law 2015-119 that Council passed an ICB which prohibited the building of new kennels or the expansion of existing kennels until the Township could review the matter and develop the appropriate policies, with public participation in accordance with the *Planning Act*.

In order for Staff to complete the review and development policies for the *kennel* use, Council approved an extension of By-law 2015-119 for a period of 7 months, which would expire on June 25, 2017. The extension of the ICB has allowed for staff to continue completing the planning process, including public consultation and a final recommendation report to Council. At the February 8<sup>th</sup>, 2017, Committee of Council meeting planning staff presented the proposed zoning provisions for kennel and direction was provided to set a public meeting as per the requirements of the Planning Act.

## **2.0 ANALYSIS**

Section 38 of the Act requires Council to pass a resolution directing that a review or study be undertaken in respect of land use planning policies prior to the consideration and passage of the interim control by-law.

Prior to the passing of By-law 2015-119, Municipal Law Enforcement met with existing kennel owners to gain a better understanding of the day to day operations of kennels, in order to assist in the development of options to address the issues of noise and screening. It was through these initial discussions that other items such as a minimum lot size and setbacks from surrounding lot lines and neighboring residential buildings were discussed. It was agreed upon by the majority of those who attended that a minimum lot size of 4 hectares (10 acres) should be required for new kennel operations in the Township. Planning staff have conducted meetings with municipal staff, kennel operators and surrounding municipalities. It is through this review that policies have been developed which would be incorporated into the Zoning By-law.

### Surrounding Municipalities

Each of the surrounding rural municipalities handle kennels differently and staff have reviewed these provisions and have summarized them below.

### Township of Oro-Medonte

The Township of Oro-Medonte has policies within the Official Plan and Zoning By-law regarding kennels. The Official Plan permits them within the agricultural designation subject to an amendment to the implementing Zoning By-law. Prior to the amendment the applicant would be required to satisfy Council of the following:

- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog kennel is set back an appropriate distance from lot lines; and,

c) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel may also be subject to a Site Plan Agreement that deals with issues such as buffering, the location and size of buildings and landscaping to minimize the impact of the use on adjacent land uses.

The Zoning By-law goes into further detail to separate the different types of kennels which are only permitted in the Agricultural/Rural Zone subject to a site specific amendment to the By-law and Site Plan Approval Application as outlined in **Appendix B** of this report.

### **Township of Springwater**

The Township of Springwater permits kennels in the Agricultural designation as a non-related agricultural use along with forestry and conservation uses. The Official Plan also states that kennel uses may be subject to site plan control. The Rural designation also permits kennels as an agricultural related commercial use. The intent of separating the use in the designation was that the 'Agricultural' designation only permits commercial uses related to farming operations (prime agricultural lands) whereas the 'Rural' designation permits minor non-agricultural uses such as highway and service commercial uses.

The Zoning By-law permits kennels in the Agricultural (A) Zone and in the Kennel (K) Zone. The by-law does provide two different definitions which include a commercial breeding kennel and hobby kennel. In consultation with Planning staff in Springwater, they have indicated that the main issue that kennels face in their municipality is meeting the minimum distance separation of 200m from another house on an adjacent property. If the owner is not able to satisfy the minimum distance separation then they must have a minimum lot area of 20 hectare (50 acres).

Items that are considered as part of the Site Plan Control process would be to review the kennel facility and structures associated with the housing and containment of dogs which must be appropriately landscaped and screened from abutting roadways and abutting and adjacent residential uses. The by-law provides further explanation of what “appropriately screened” which is as follows *“intended to mean and include a visual barrier, sufficient in height so that it is not possible for the dogs to view or be in visual contact with normal ground level activities associated with the offsite uses noted above.”*

### **Township of Essa**

Kennels are permitted subject to a site specific zoning by-law amendment on properties with a minimum lot area of at least 1.5 hectares. Suitable kennel locations must be considered on secluded sites not adjacent or in close proximity to existing hamlets, estate residential subdivisions, recreational residential subdivisions, and nodes or clusters of existing rural homes. All kennels must **comply with the Township's Kennel By-law**, a by-law for the keeping, breeding and boarding of dogs. Additional buffering and landscape screening will be encouraged to reduce noise and the physical presence of the kennel operation.

### **Township of Tiny**

Kennels are permitted within the Agricultural and Rural designation subject to an amendment to the Zoning By-law. Prior to Council considering an amendment the applicant would have to provide the appropriate supporting reports that the criteria as outlined in Attachment 1 has been addressed. There is also a requirement that new kennel operations may be subject to site plan control which would address issues such as buffering, the location and size of buildings and landscaping to minimize the impacts of the use on adjacent properties.

### **Town of Penetanguishene**

The Town only permits the use in the Rural zone, which requires a fairly large lot size of 19.8 hectares. Due to the size requirement and Penetanguishene being a more urban centre, there have not been very many requests for kennels to operate within the Town. The Town further regulates Kennels through the Dog Licensing and Control By-law.

### **Town of Innisfil**

Only permits kennels in the Agricultural designation and zones, and would be required to meet the same setbacks as all other structures. There is no requirement in the by-law for landscaping or additional setbacks for the kennel buildings.

### **Town of New Tecumseth**

The Town permits the use in the Agricultural zone only in the Zoning By-law and further the Kennel By-law provides further policy direction that the minimum lot size is 2.02 hectares. There are no provisions regulating the setbacks or screening of the kennel to adjacent properties or uses.

## *Township of Adjala-Tosorontio*

The Township permits kennels in the Agricultural and Rural designations in the Official Plan and in the Oak Ridges Moraine Agricultural (ORMA) Zone in the Zoning By-law and requires a minimum lot area of 12.0 hectares and setbacks of 60 to 81 metres or 152.4 metres to the nearest off-site dwelling. **The Township's Kennel By-law** stipulates that the kennel must be fenced at a minimum height of 2.0 metres and that exercising yards used in conjunction with the kennel must be at least 150 metres from an residential dwelling off the property; and at least 33 metres from all property boundaries and public roads.

### **Proposed new Zoning Provisions**

Planning staff are not proposing at this time to include new Official Plan policies directly related to kennels as it is anticipated that the proposed zoning provisions would regulate the use and address compatibility with non-kennel uses. The Zoning By-law currently only has a definition for Kennel, which staff are proposing to separate the use into two definitions. Depending on the range and nature of the use a proposed kennel would **fall under either a "Commercial Kennel" or "Private Kennel"**. These proposed definitions would be defined as follows:

***Commercial Kennel*** "Means a premises primarily for the boarding and/or training of dogs for hire or gain"

***Private Kennel*** "Means the accessory use of land, building or structure for the keeping and/or training of more than three (3) but less than nine (9) dogs as pets for personal use, and there is no boarding and no revenue derived from the kennel."

The difference between the two types of kennels is one is for profit where dogs are bred and boarded in a facility on the property and the other is not for profit and are kept as pets and no breeding for profit occurs.

It is important to note that while Council has a policy in place that no more than 2 dogs is permitted in a dwelling, if Council grants a request for more than three dogs, they would become a ***Private Kennel*** and therefore would be subject to the provisions that Council establishes such as minimum lot sizes and certain zones.

As Council is aware the development of a new Official Plan and Zoning By-law is well underway, and as part of that review, the proposed policies were developed in consultation with Municipal Law Enforcement and members of the Tay Kennel Association. Planning Staff have developed the following policies which would address, but not be limited to,

minimum lot areas, building setbacks, sound attenuation, regulations for kennel expansions, regulations on the number of kennels permitted within a certain radius of one another, etc.

A **commercial kennel** and **private kennel** shall comply with the regulations of the applicable zone and the following:

- I. That the lot shall have a minimum lot area of 4 hectares
- II. All building and structures and outdoor areas used in conjunction with the kennel shall have a minimum setback of 60 metres to all lot lines adjoining any lot and/or zone boundary that is used or permitted to be used for a dwelling, and 8 metres in all other cases;
- III. A private kennel; shall have a maximum gross floor area of 100 square metres and a maximum lot coverage of 10%
- IV. No dog run, pen, exercise yards and all related structures and enclosures including fencing shall not be permitted in the front yard.
- V. That all commercial and private kennels shall be subject to obtaining a licence from the Township to operate as a kennel.
- VI. May be subject to Site Plan Control

The intent of establishing these policies was to ensure that the use had sufficient lot area and setbacks which would allow for the use to operate without any hindrance, while at the same time mitigating the impact to the surrounding uses. The proposed setback provisions were established through consultation with the kennel operators and it was concluded that a 60 metre setback to all lot lines would be appropriate.

The issue of fencing generated the most discussion with the kennel operators. Currently there is no requirement under the Zoning By-law to fence off dog run, pen, exercise yards and all related structures and enclosures used in connection with the kennel. Planning and Municipal Law Enforcement staff are recommending that the requirements of fencing can be properly addressed through the Kennel Licensing By-law. The details of the fencing and methods for the mitigation of noise can be further addressed through the site plan control process. It is important to note that existing legal kennels which may not meet the above standards would be considered legal non-conforming, and would be permitted to continue to operate under the current policies, with the exception of provision (V) which requires an operator to obtain a kennel license. However, if the kennel operations expand they would be required to comply with all of the proposed standards of the Zoning By-law and may require a minor variance or Zoning By-law Amendment.

### **3.0 FINANCIAL/BUDGET IMPACT**

There are no anticipated financial/budget impacts as a result of this report.

### **4.0 CONCLUSION**

Prepared and Recommended By;

Reviewed by;

Steven Farquharson, B.URPL, MCIP, RPP  
Director of Planning and Development

Robert J. Lamb, CEcD, Ec.D.  
Chief Administrative Officer

Attachment:

1. Surrounding Township Kennel Provisions



## **Township of Oro-Medonte Kennel requirements**

	Boarding stables, barns, agricultural buildings	Veterinary clinic, home industries and custom workshops including any accessory outdoor storage (1)	Kennels Class "A" Kennel	Kennels Class "B" Kennel
Minimum setback from front lot line	30.0 m	30.0 m	100.0 m	100.0 m
Minimum setback from exterior side lot line	15.0m	30.0 m	100.0 m	100.0 m
Minimum setback from interior side lot line	15.0 m	30.0 m	100.0 m	100.0 m
Minimum setback from rear lot line	15.0 m	30.0 m	100.0 m	100.0 m
Maximum Height	N/A	11.0 m	11.0 m	11.0 m
Minimum Distance Separation between a Kennel facility and nearest residential dwelling.			130.0 m	200.0 m

### **KENNEL, CLASS 'A'**

Means any *kennel* used for keeping of no more than eight (8) dogs over twelve (12) weeks of age."

### **KENNEL, CLASS 'B'**

Means any *kennel* used for keeping of no more than fifty (50) dogs over twelve (12) weeks of age."

## **Township of Springwater**

Lot area (minimum) 20 ha (49.42 acres)

Except in the case where a lot owner is able to achieve the minimum distance separation by siting the kennel or boarding facility on the property in which case the existing lot shall be deemed to comply.

Lot Frontage (minimum) 120.0 m (393.70 ft.)

Minimum Distance Separation between a Kennel Facility and any Residential Dwelling Off-site 200 m (656.17 ft.)

Lot Coverage (maximum) 20%

a) Provisions for Commercial Breeding Kennel or Domestic Animal Boarding Facility located within or attached to dwelling or detached

i) Rear Yard Setbacks 60m (196.85 ft.)

ii) Side Yard Setbacks 45m (147.64 ft.)

iii) Where a kennel facility is located within or attached to a dwelling, the front yard setback for the dwelling shall be 30m (98.43 ft.)

Adjacent Residential Development

a) No new residential dwelling unit shall be constructed within 200 metres (656.17 feet) of a kennel facility except on a lot of record existing at the time of passage of this By-law.

Development Timing

b) A dwelling unit shall be constructed and maintained on the property in conjunction with the kennel facility prior to the issuance of a Kennel License.

**KENNEL** shall mean any building, structure, dog run or other facility, or part thereof where:

Purebred dogs are kept for breeding or show purposes; or

Dogs are kept solely for the purpose of routinely entering into dogsled or other similar races; or Hunting dogs are kept for hunting purposes.

**KENNEL, COMMERCIAL BREEDING** shall mean any kennel used for the keeping of eight (8) or more dogs, but does not include a veterinarian clinic.

**KENNEL, HOBBY** shall mean any kennel used for the keeping of more than three (3) but less than eight (8) dogs, but does not include a veterinarian clinic. In addition to the maximum number of dogs set out above, a maximum of two litters of pups up to 16 weeks of age may be permitted.

## **Township of Tiny**

### **B11.4.4 Commercial Dog Kennels**

Dog kennels may be permitted in the *Rural* designation subject to an amendment to the implementing zoning by-law. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog kennel is set back an appropriate distance from lot lines;
- c) the noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- d) an appropriate animal waste management plan is put in place; and,
- e) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel may also be subject to Site Plan Agreement that deals with issues such as buffering, the location and size of buildings and landscaping to minimize the impact of the use on adjacent land uses.