SUBJECT: Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57 to Permit a Kennel Located at 1469 Sawmill Road (Ancaster) (PED06072) (Ward 12)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment application, OPA-05-18 Jackie Brooks, owner, to add a special policy to permit a kennel, including a boarding facility in the “Agricultural” Land Use Designation for land located at 1469 Sawmill Road (Ancaster), as shown on Appendix “A” to Report PED06072.

(b) That approval be given to amended Zoning By-law Amendment application ZAC-05-89, Jackie Brooks, owner, for a modification to the Agricultural “A” Zone, to permit a kennel, including a boarding facility, for lands located at 1469 Sawmill Road, as shown on Appendix “A” to Report PED06072, on the following basis:

(i) That the zoning of the subject lands be changed from the Agricultural “A” Zone to the Agricultural “A-546” Zone.

(ii) That the attached Draft By-law, shown as Appendix “B” to Report PED06072, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner has applied for, and received, approval for a Site Plan Application, to the satisfaction of the Manager, Development Planning.
(iii) That the proposed change in zoning will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. __, and is in conformity with the Hamilton-Wentworth Official Plan.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applications are for an Official Plan Amendment and corresponding Zoning By-law Amendment to permit a kennel as an additional use in association with an existing hay and horse farm. The proposal has merit and can be supported since it is consistent with the Greenbelt Plan and the Provincial Policy Statement, and complies with the Hamilton-Wentworth Official Plan. The proposed kennel is appropriate and would be compatible with adjacent agricultural and residential uses and would not remove agricultural lands from production.

**BACKGROUND:**

The applicant is requesting an Official Plan Amendment and Zoning By-law Amendment to permit a kennel on a portion of an existing 12 hectare farm located at 1469 Sawmill Road (see Appendix “A”). The proposed amendments are required in order to obtain a kennel license from the City under existing municipal licensing By-laws. The property currently has a small breeding operation consisting of four German Shepherds, which the owner is intending to expand to ten dogs. In the future, the owner is also interested in operating a boarding facility for up to five dogs. The proposed kennel is intended to be a secondary use for the property that would supplement the owner’s hay farming and livestock (horse farming) operation.

The proposed kennel is located both within and adjacent to an existing horse barn and would occupy two stalls within the barn (approximately 18.58 square metres), as well as the barnyard area located north of the barn (see Appendix “C”). The outdoor compound comprises an area of approximately 400 square metres and consists of eight fenced dog runs which range from 4 metres to 6.5 metres in length. The compound is enclosed by solid board fences between 1.8-2.4 metres in height on the easterly and westerly ends of the barn, and by a 1.8 metre high chain link fence which extends across a forested section of the site along the northerly boundary of the compound (see Appendices “D” and “E”).
SUBJECT: Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57 to Permit a Kennel Located at 1469 Sawmill Road (Ancaster) (PED06072) (Ward 12) - Page 3 of 10

Official Plan Amendment:

The proposed Amendment to the Ancaster Official Plan involves a policy change to permit a kennel, including a boarding facility, in the “Agricultural” land use designation which is outside of the area designated “Escarpe Rural Area” in the Niagara Escarpment Plan.

Zoning By-law Amendment:

The purpose of the proposed Zoning By-law Amendment is to modify the Agricultural “A” Zone to permit a kennel, including a boarding facility, as an additional permitted use. The owner is intending to maintain the kennel as a small operation and is requesting that the modified Agricultural “A” zoning allow for the breeding of ten dogs and for the boarding of five dogs. The owner has advised that the proposed kennel would require a maximum of twelve runs.

Details of Submitted Application

Owner/Applicant: Jackie Brooks

Location: 1469 Sawmill Road, Ancaster (See Appendix “A”)

Property Size: Frontage: 398.2 metres
Depth: 274-524 metres
Area: 12 Ha. (30 Acres)

Existing Land Use and Zoning:

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<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Subject Lands:</td>
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<td>Surrounding Lands:</td>
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<td>Agricultural “A” Zone</td>
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<td>North</td>
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<td>Agricultural “A” Zone</td>
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<td>Agricultural (mushroom farm),</td>
<td>Agricultural “A-180” Zone,</td>
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<td>Boarding Kennel (1854 Trinity</td>
<td>Agricultural “A” Zone</td>
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<td></td>
<td>Road South)</td>
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<td>South</td>
<td>Agricultural and residential</td>
<td>Agricultural (A) Zone</td>
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<td>(Township of Onandaga, Brant</td>
<td>Brant County Zoning By-law</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Greenbelt Plan as a secondary use within the Prime Agricultural area of the Protected Countryside, and the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan.

   (ii) It would be compatible with adjacent uses, the site is physically suitable for the intended use in terms of lot area and setbacks, and the proposed kennel would not remove agricultural land from production. Under the draft “Rural” policies of the proposed New Official Plan for the City of Hamilton, kennels are contemplated as an appropriate ancillary use in the “Agricultural” land use designation.

   (iii) It would be a secondary use to an existing farm operation (hay and horses).

2. The recommended zoning would require the kennel to operate in conjunction with agricultural use. The proposed kennel is of a specialized nature and is intended to be developed as a small-scale ancillary operation primarily for the breeding of dogs. The recommended regulations are tailored to the specific nature of the proposed kennel and are noted as follows:

Parking

As the proposed kennel would be principally concerned with dog breeding and occasional training and boarding, the use would not generate parking except for the occasional customer on a confirmed appointment basis. A small parking area is available between the existing dwelling and barn to accommodate visitors (Appendix “C”). In this regard, it is recommended that parking be provided for the proposed kennel on the basis of one space per ten dogs boarded or kept. This parking requirement is based on the Township of Glanbrook Zoning By-law for kennels, as there is no parking requirement for kennels in the Ancaster Zoning By-law.

Maximum Number of Runs

A maximum of twelve runs would be required for the proposed kennel, which range in length from 3.5 metres to 6.5 metres. The requested number of runs is considered to be the maximum that the owner is intending to manage and which could be readily accommodated within the existing compound. This is also a reasonable means to control the size of the kennel as the number of dogs will fluctuate between breeding periods.
Minimum Setback for Dog Runs

The existing fenced part of the outdoor kennel compound is located approximately 18 metres from the easterly property line. It is unlikely that there would be any impacts on adjacent residential dwellings to the east as there is a spatial separation of approximately 300 metres from the fenced area. To recognize the existing situation, and to ensure future compatibility, it is recommended that a minimum setback of 24 metres be provided from the dog runs, which are located within the enclosed area to the easterly side property line.

Fencing

To ensure that the existing fences are retained or enhanced, it is recommended that provisions be provided in the zoning to address fencing requirements for the kennel compound and dog runs. A minimum 1.8 metre high solid barrier (e.g. wood fence) should be required around the perimeter of the outdoor kennel compound. The fencing details would be reviewed at the site plan stage of development. Acoustical fencing would not be warranted due to the small nature of the kennel and the fact that there would be a reasonable spatial separation (i.e. 300 metres) between the kennel and dwellings on adjacent properties.

3. The proposed kennel could not be located on the south side of the barn as it would impact the existing livestock operation. The development of a freestanding kennel building outside of the existing barn/residence cluster would require the removal of existing forest cover. The proposed location is reasonable because it is within the existing developed part of the site and does not affect the farming operation or remove agricultural land from production.

4. There have been no issues raised with respect to the review of the proposed kennel by internal departments and external agencies. The issues raised by the owner of 1854 Trinity Road South relate to having a second kennel in close proximity to an existing kennel, observations that dogs are running at large on the subject property, and that the use could become a puppy mill. In terms of the first issue, the estimated distance of 0.5 kilometres between the kennels is considered to be adequate as the proposed kennel will be developed as a secondary use and will be limited to twelve dog runs. The applicant’s kennel is also screened from the nearest residential dwellings by means of the existing barn and fence enclosure, and the recommended zoning requires a barrier around the compound. It has also been noted that there are no regulations currently in effect in any of the former area Municipal Zoning By-laws to regulate spatial separation between kennels. Concerning the second issue, reports of dogs at large on the subject property have not been identified by the Animal Control By-law office. The proposed kennel will require Site Plan Approval to ensure that the enclosures and dog runs for the kennel are adequate, and
licensing requirements will also have to be met. Animal Control will deal with any enforcement issues with respect to dogs at large. Regarding the concern with puppy mills, Animal Control has advised that puppy mills involve underground operations that are not licensed and involve multiple breeds. The applicant will be obtaining the required approvals, including licensing, and is involved in a single breed of dog, which would address this concern.

5. Site Plan Approval under Section 41 of the Planning Act is recommended for the proposed kennel to ensure that the recommended zoning requirements are implemented, and to formally identify the extent of the kennel use and the location of requirements such as fencing and parking on the property.

**ALTERNATIVES FOR CONSIDERATION:**

Should the requested amendment be denied, the property would be used in accordance with the current Agricultural “A” Zone uses.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an Official Plan Amendment and a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

Greenbelt Plan

The subject lands are within the “Protected Countryside” designation of the Greenbelt Plan and have been identified as being “Prime Agricultural” lands. The Greenbelt Plan supports a full range of agricultural, agriculture-related and secondary uses within prime agriculture areas.

Secondary uses are defined as uses secondary to the principal use of the property, including, but not limited to, home occupations, home industries and uses that produce value-added agricultural products from the farm operation on the property.

Staff is of the opinion that kennels would be considered acceptable as a type of secondary use and that they provide a service to the agricultural community.
Provincial Policy Statement

The proposed kennel is not located in an area that will impact groundwater resources (i.e. adjacent/within an ESA, PSW or significant watercourse). The proposal was found to be consistent with the principles and policies of the Provincial Policy Statement (PPS, 2005).

Hamilton-Wentworth Official Plan

The subject property is designated “Rural Area/Prime Agricultural Land”. As the nature of the proposal is to allow a secondary use on the property, the proposal would be in conformity with the Plan.

Ancaster Official Plan

The subject lands are designated “Agricultural” in the Ancaster Official Plan which directs, through Policy 4.1.1, that the predominant use of such lands shall be for agriculture, forestry, and activities connected with the conservation of soil and wildlife.

In addition to ancillary uses which are related to agricultural production, the “Agricultural” designation also permits kennels as an additional use through Policy 4.1.3 xi), only in conjunction with a single detached dwelling on lands which are also designated “Escarpment Rural Area” within the Niagara Escarpment Plan. The “Escarpment Rural Area” designation applies to certain lands outside of the Dundas Valley ESA, which are east of Highway No. 52 between Jerseyville Road and Governor’s Road, and which serve as a buffer for the more ecologically sensitive lands within the Escarpment.

The only assessment criteria for the evaluation of non-agricultural uses within the “Agricultural” designation is provided in Policy 4.1.6 and is intended for the consideration of small-scale institutional and recreation uses. For the purposes of evaluating the merits of the proposed Official Plan Amendment, the criteria of Policy 4.1.6 have been generally applied to the consideration of the proposed kennel in terms of:

(i) serving the needs of the rural community.

(ii) the availability of alternate suitable locations.

(iii) the physical suitability of the site.

(iv) the compatibility of the proposed use with the adjacent area.
Concerning Item i), the proposed kennel would generally serve the City at large in terms of providing a service for the sale and training of German Shepherd pups, although it may also serve the surrounding rural community. The owner has advised that there is an increasing demand for dogs by residents of the rural areas for home and personal security purposes, and many of the pups are sold to local rural residents. The proposed boarding operation would serve the surrounding rural community. It has also been noted that a breeding kennel is currently in operation at 1854 Trinity Road South, approximately 0.5 kilometres to the east.

Concerning Item ii), kennels are considered to be more appropriate as a rural use because they are associated with the keeping and/or breeding of domesticated animals, which typically involves an indoor component for shelter and an outdoor component in the form of dog runs and yards for exercise. Rural locations are favoured because of the potential land extensive nature of kennel operations (i.e. 2 hectares minimum through the Licensing By-law), and in order to avoid land use incompatibility with residential development due to potential nuisances such as noise and odours. As a secondary use to an existing agricultural operation, the proposed kennel is considered to be appropriately located because it could be accommodated within the existing farm building cluster and would not result in the removal of agricultural land from production.

Concerning Item iii), the subject site is considered to be physically suitable for a kennel because the use would be established within the developed part of the property, without impacting the existing livestock and hay farming operation. The location of the proposed kennel would also allow the existing barn to act as a buffer for the enclosure of the outdoor component. The proposed kennel would be setback approximately 100 metres from Sawmill Road and would not be visible from the road. The easterly portion of the subject lands is also surrounded by substantial forest cover, which provides a natural screen and buffer for the mitigation of noise.

Concerning Item iv), the existing kennel has been observed by Planning staff to be a quiet operation. It is considered to be a compatible use because it is located within an agricultural area having a very low population. The closest residential uses are three dwellings, which are located on the south side of Sawmill Road (Township of Onandaga, County of Brant) approximately 150-200 metres from the proposed kennel. There is a natural buffer in the form of an existing wooded area which surrounds the developed portion of the site. Two other residential dwellings to the east, which front onto Trinity Road South, are located between 300-380 metres from the proposed kennel and are unlikely to be impacted by this use. (As a reference, this would be two times greater than the minimum separation requirement from residential dwellings that is provided in the Township of Glanbrook Zoning By-law for kennels). It is also unlikely that additional residential dwellings will be created in the surrounding area due to the Greenbelt Plan, which will restrict the creation of new residential lots in “Prime Agricultural” areas.
Under the draft “Rural” policies for the City's New Official Plan, staff is proposing that kennels be included as ancillary uses within the “Agricultural” land use designation.

Ancaster Zoning By-law

The subject lands are zoned Agricultural “A” Zone in Zoning By-law 87-57. Under the current zoning, only kennels which were in existence at the date of the passing of the By-law are permitted.

“Kennel” is defined in Zoning By-law No. 87-57, as a building used primarily for the breeding, raising, keeping and boarding of dogs.

There are no general zones which permit kennels in Zoning By-law No. 87-57. As a result, there are no regulations which specifically address the development of kennels with the exception of the Agricultural “A-490” Zone, which was created through Zoning By-law Application No. ZAC-02-72, for the development of a kennel at 412 and 416 Highway 52 in 2002.

City of Hamilton Licensing Code

Kennels are subject to the legislative requirements of the Municipal Act, S.O. 2001 c.25, and are licensed as businesses through the City of Hamilton Licensing Code (By-law 01-156). The minimum size requirement for a commercial kennel under the Licensing Code is 2 hectares (5 acres) and a kennel license is required for the raising, keeping, training or boarding of four or more dogs. Upon successful approval of the proposed amendments, the owner will be required to obtain a license in order to operate the use as a commercial kennel.

RELEVANT CONSULTATION:

Department/Agencies with no concerns or objections:

- Traffic Engineering Section, Operations and Maintenance Division, Public Works Department
- Grand River Conservation Authority
- Hydro One

Public Consultation

In accordance with the new Public Participation Policy, approved by City Council on May 29, 2003, the applications were circulated to seven property owners within 120 metres of the property. No correspondence was received as a result of the pre-circulation letter and Public Notice sign, which was posted September 23, 2005. However, two phone calls were received from the owner of the existing kennel located at 1854 Trinity Road South concerning the proposal. The main issues identified through
telephone conversation were with respect to the proximity of the proposed use to the existing kennel, observations that dogs are being allowed to run at large on the property outside of the outdoor kennel, and concerns that the operation may become a puppy mill. These items are addressed in the Analysis/Rationale Section of the report (see Item 4).

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care and satisfying employment are available to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected

Economic Well-Being is enhanced. ☑ Yes ☐ No
The economic base is diversified.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:CT
Attachs. (5)
Appendix “B” to Report PED06072 (Page 1 of 4)

Authority: Item , Planning and Economic Development Committee
Report PED06072
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _________

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting lands located at 1469 Sawmill Road (Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), approved by the Minister under the Planning Act on July 6, 1984, as amended by Official Plan Amendment No. ___ proposed by the Corporation of the City of Hamilton as By-law No. 06-, but not yet approved in accordance with the provisions of the Planning Act.
AND WHEREAS the Council of the City of Hamilton, in adopting Section  of Report of the Planning and Economic Development Committee at its meeting held on the , 2006, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map 1 to Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the Agricultural “A-546” Zone, the lands the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

“A-546” Notwithstanding any provisions to the contrary of Section 8, Agricultural “A” Zone of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “A-546”:

: Permitted Uses

In addition to the uses in Section 8.1, a kennel shall be permitted only in conjunction with an agricultural use and subject to the following special development regulations:

Development Regulations

(a) Minimum Parking 1 parking space per every 10 dogs boarded or kept

(b) Maximum Number of Runs 12

(c) Minimum Setback for Dog Runs 24 metres from any Lot Line

(d) Fencing A minimum 1.8 metre high barrier shall be provided and maintained around the perimeter of the kennel compound.
3. All other provisions of Zoning By-law No. 87-57 (Ancaster) as applicable shall continue to apply.

4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this _______ day of _________, 2006.

_________________________________________  _________________________________
MAYOR                                       CLERK

ZAC-05-89
Schedule "A"

Map Forming Part of
By-Law No. 06——
to Amend By-Law No. 87-57

Subject Property
1469 Sawmill Road
Change in Zoning from Agricultural "A" Zone to Agricultural "A-546" Zone
Sketch Showing Proposed Kennel North of Barn

SITE PLAN OF EXISTING STRUCTURES

- Horse shed (2.7m x 3.3m)
- 2m High Solid Wood Fence Barn (11.5m x 20.4m)
- 1.8m High Chain Link fence
- 1.8m High Solid Wood Fence
- 18m Setback
- Fenced Dog Runs
- 2 Indoor Stalls
- Barn (11.5m x 20.4m)
- Parking Area

N
SAWMILL Rd.
Photo 1 – Kennel is located on left side of barn and enclosed by a solid wood fence.

Photo 2 – Photo of enclosed compound showing outdoor dog runs.