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Item No. 14.1.1
North West Community Council
August 19, 2024

TO: Chair and Members of North West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: July 17, 2024

SUBJECT: **MINORREV-2024-00431: Amendment to the Land Use By-law for Bedford to permit pet daycare uses in the Light Industrial (ILI) zone**

ORIGIN

February 25, 2024 motion of North West Community Council:

THAT North West Community Council direct the Chief Administrative Officer (CAO) to provide a staff recommendation report regarding amendments to the Bedford Land Use By-law to allow for 'dog day care' use in the ILI (Light Industrial) Zone and any additional requirements which might be necessary to reduce possible conflicts between differing land uses.

EXECUTIVE SUMMARY

This report recommends amendments to the Bedford Land Use By-law to add "pet daycares" as a permitted use. North West Community Council previously directed the Chief Administrative Officer to provide a staff report with recommendation on allowing "dog day care" uses in the ILI (Light Industrial) Zone, after multiple requests from the public to permit this use in the Bedford Plan Area. Staff recommend that North West Community Council add pet daycare use to the ILI Zone of the Bedford Land Use By-law. There are no financial implications or noted anticipated risks arising from the addition of this use to the ILI Zone.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Bedford Land Use By-law, as set out in Attachment A, to add "pet daycare use" as a permitted use to the Light Industrial (ILI) zone and schedule a public hearing;
2. Adopt the amendment to the text of the Bedford Land Use By-law as set out in Attachment A.

BACKGROUND

North West Community Council made a motion on February 25, 2024 requesting that “dog day care” be added to the list of permitted uses in the Light Industrial (ILI) zone of the Bedford Land Use By-law (LUB). Over the past several years, HRM has received numerous inquiries about pet daycare facilities within the Bedford Plan Area. Additionally, there are several ongoing compliance cases for pet daycares operating within the Bedford Plan Area, in contravention of the existing LUB regulations.

Enabling Policy and LUB Context

A dog day care use is included within the activities associated with a “kennel”. Kennels are defined by the LUB, but are not listed as a permitted use within any zone. The Bedford Municipal Planning Strategy (MPS) does not provide any policy directive on kennels (or dog day cares). There is no policy directing where they should be permitted within the Bedford Plan Area. It is likely this land use was not contemplated at the time of drafting of the Bedford MPS and LUB, given that the planning documents were adopted over 40 years ago and dog day cares are a relatively newer land use.

While the MPS does not have policy that directly contemplates pet daycares, Policy I-2 enables uses that have a similar urban form to most existing pet daycares, notably “shopping centre commercial uses”, sometimes referred to as “strip malls”. Additionally, the preamble for Policy I-2 specifies that industries that have the least impact on adjacent areas (i.e. do not emit excessive noises or odours) should be located in the Light Industrial Zone. While pet daycares can emit noise and odours, the rate of doing so is not excessive.

Pet care facilities have been addressed differently across HRM's various land use by-laws. Today, a wider range of services are being offered for domestic animals compared to when many of the by-laws were established. These services include the keeping of pets temporarily, during the daytime. Most of HRM's LUBs permit agricultural uses and kennels for the keeping of animals. However, these uses also include the breeding and overnight keeping of animals for commercial purposes. More recently, however, amendments to the municipal planning strategy and land use by-law to permit pet care facilities have been approved in the Regional Centre, Sackville, Lawrencetown, Planning Districts 14 & 17 (Shubenacadie Lakes). Staff recognise that pet daycare facilities are different from kennels and agricultural uses as they do not include the breeding and overnight keeping of animals.

DISCUSSION

Staff have reviewed the Bedford MPS policies and past practices for this type of land use across HRM and propose an amendment to the Land Use By-law (Attachment A) which includes definition of “pet daycare use” as and allows a pet daycare in the ILI Zone:

Pet Daycare Use - means premises where the daytime boarding and care of pets occurs but excludes overnight boarding and a kennel use. May also include ancillary pet grooming and retail sales uses.

Some of the key compatibility concerns with this land use are:

- establishing pet care facilities in denser residential areas;
- allowing too many pets, which can result in noise complaints;
- contaminating watercourses; and
- constructing large buildings for the keeping of pets within a residential neighbourhood.

To address possible land use compatibility concerns, the proposed amendments limit pet daycares to the Light Industrial (ILI) zone which is intended for uses considered more disruptive, such as manufacturing and processing, as well as commercial uses. Pet daycares may include nuisances such as barking, odours from feces, and increased traffic at drop-off/pickup times and are therefore suitable for a zone where these disruptions may be considered more acceptable nuisance.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, this planning application was assessed against the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. While these priority plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan which can and should be considered on a site-by-site basis. Where conflict between MPS policy and priority plan policy exists, staff must weigh the specificity, age, and intent of each policy, and consider how they would be applied to a specific geographic context. In this case, no specific policies were identified as a conflict.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. While pet daycare uses were not originally contemplated in the Bedford MPS and LUB, they have become a desired land use within communities. Based on the potential disruptive nature of pet daycare uses, staff believe they are best suited for the ILI zone and therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2024-2025 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, letters mailed to property owners who met the notification criteria, and a Shape Your City page. A total of 145 letters were mailed to property owners who either owned an ILI-zoned property or owned a property directly abutting an ILI-zoned property. One property owner contacted staff with comments on the application.

The HRM website received a total of 61 unique pageviews over the course of the application, with an average time on page of 35 seconds. The public comments received include the following topics:

- Concerns regarding noise and traffic impacts
- Questions regarding the land use by-law amendment process

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners be notified of the

hearing by regular mail within the ILI Zones shown on Map 2A and 2B and the properties which abut these ILI Zone properties. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and businesses within business parks, which are where the majority of ILI-zoned parcels are located.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

ALTERNATIVES

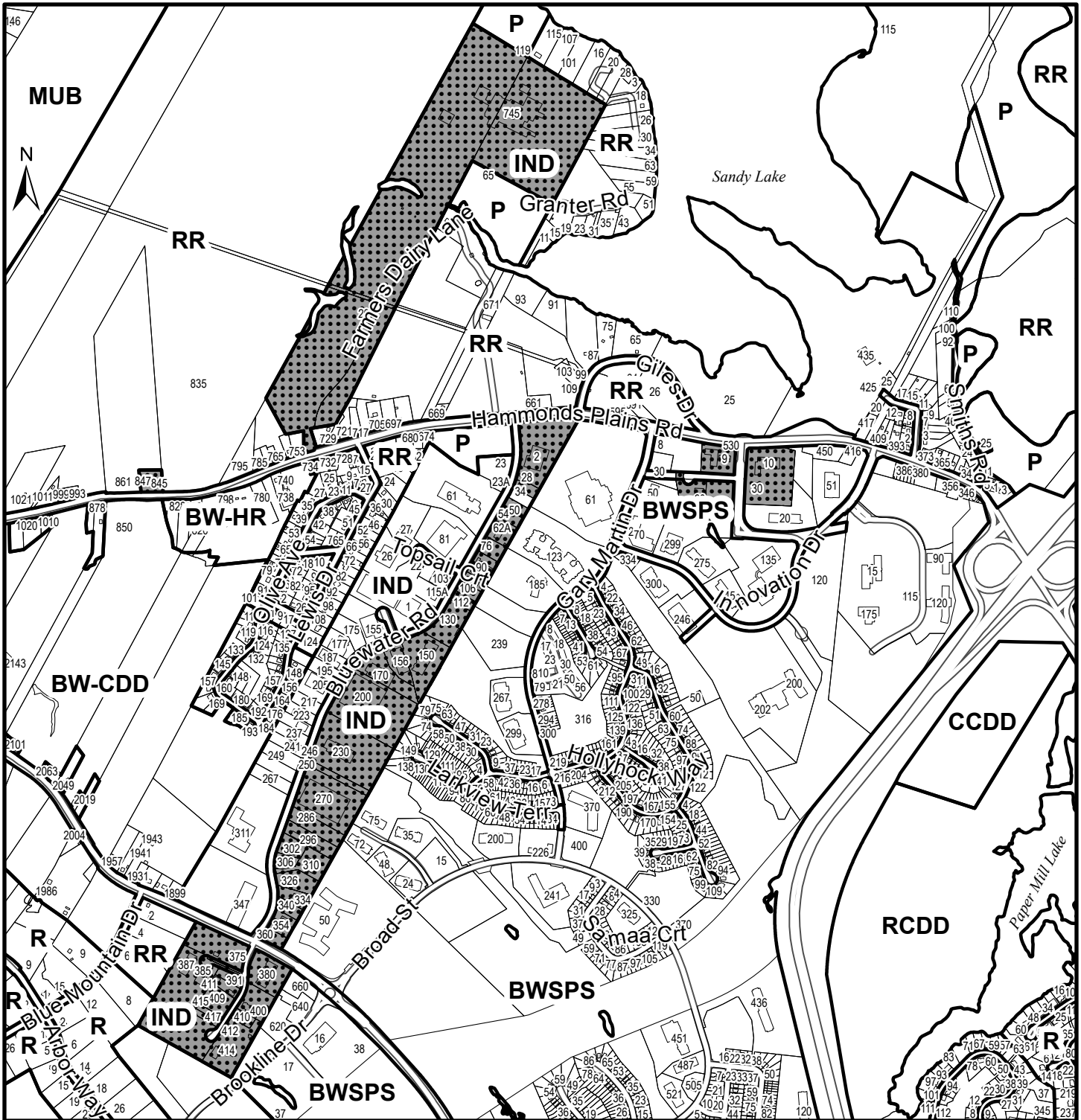
1. North West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1A: Generalized Future Land Use (West)
Map 1B: Generalized Future Land Use (East)
Map 2A: Zoning (West)
Map 2B: Zoning (East)


Attachment A: Proposed LUB Amendment

Report Prepared by: Alex Wilson, Planner II – Planning and Development , 902.719.9248



Map 1A - Generalized Future Land Use

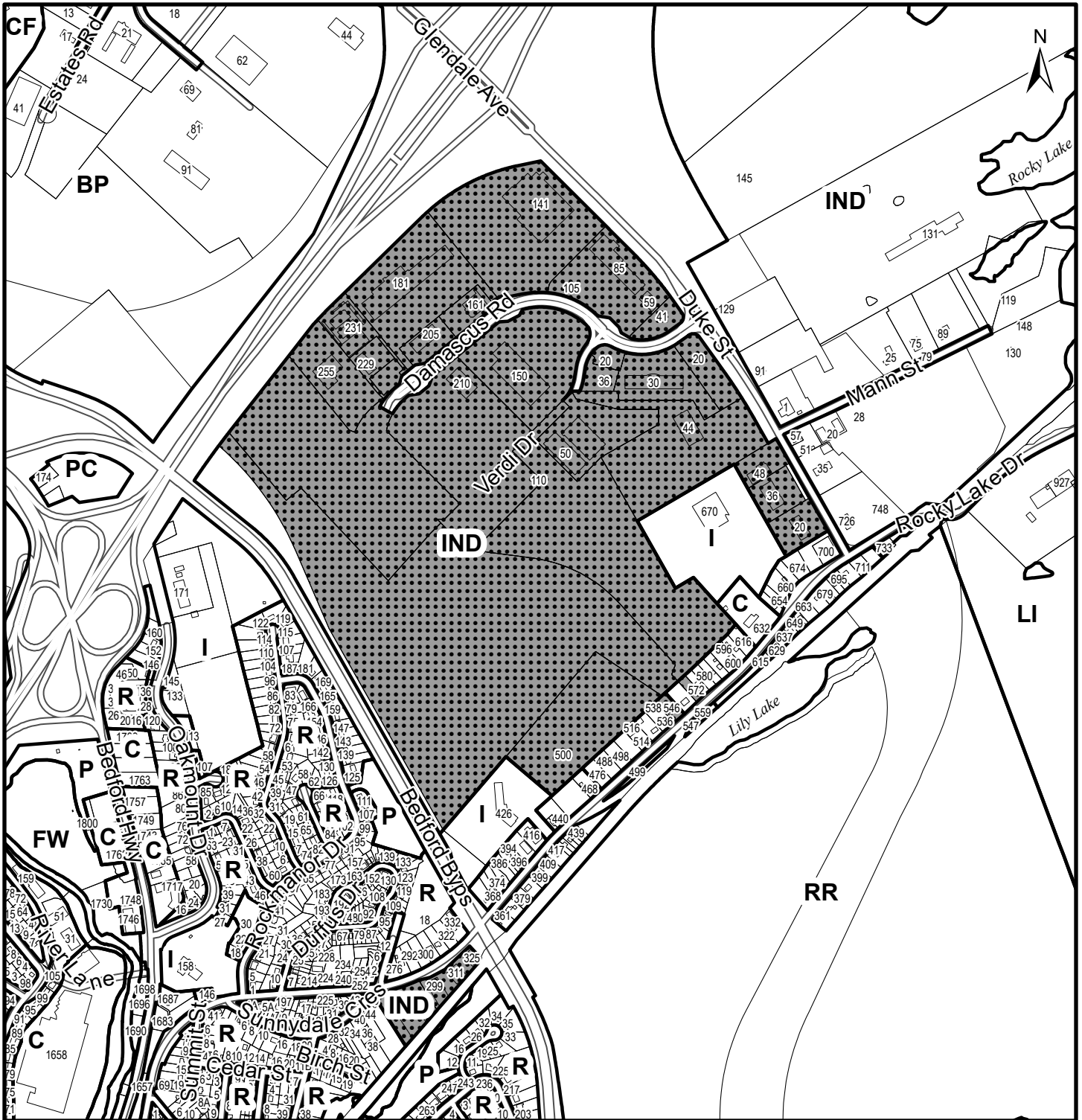
HALIFAX

Designation	
	Subject Properties
R	Residential
P	Park and Recreation
RR	Residential Reserve
IND	Industrial
MUB	Mixed Use B
CCDD	Commercial Comprehensive Development District
RCDD	Residential Comprehensive Development District
BWSPS	Bedford West Secondary Planning Strategy
BW-HR	Bedford West Heritage Residential
BW-CDD	Bedford West Comprehensive Development District
BED/ HPSBB	



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



Map 1B - Generalized Future Land Use

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Subject Properties

Designation

- I Institutional
- C Commercial
- R Residential
- P Park and Recreation
- LI Light Industrial
- RR Residential Reserve
- FW Floodway
- IND Industrial

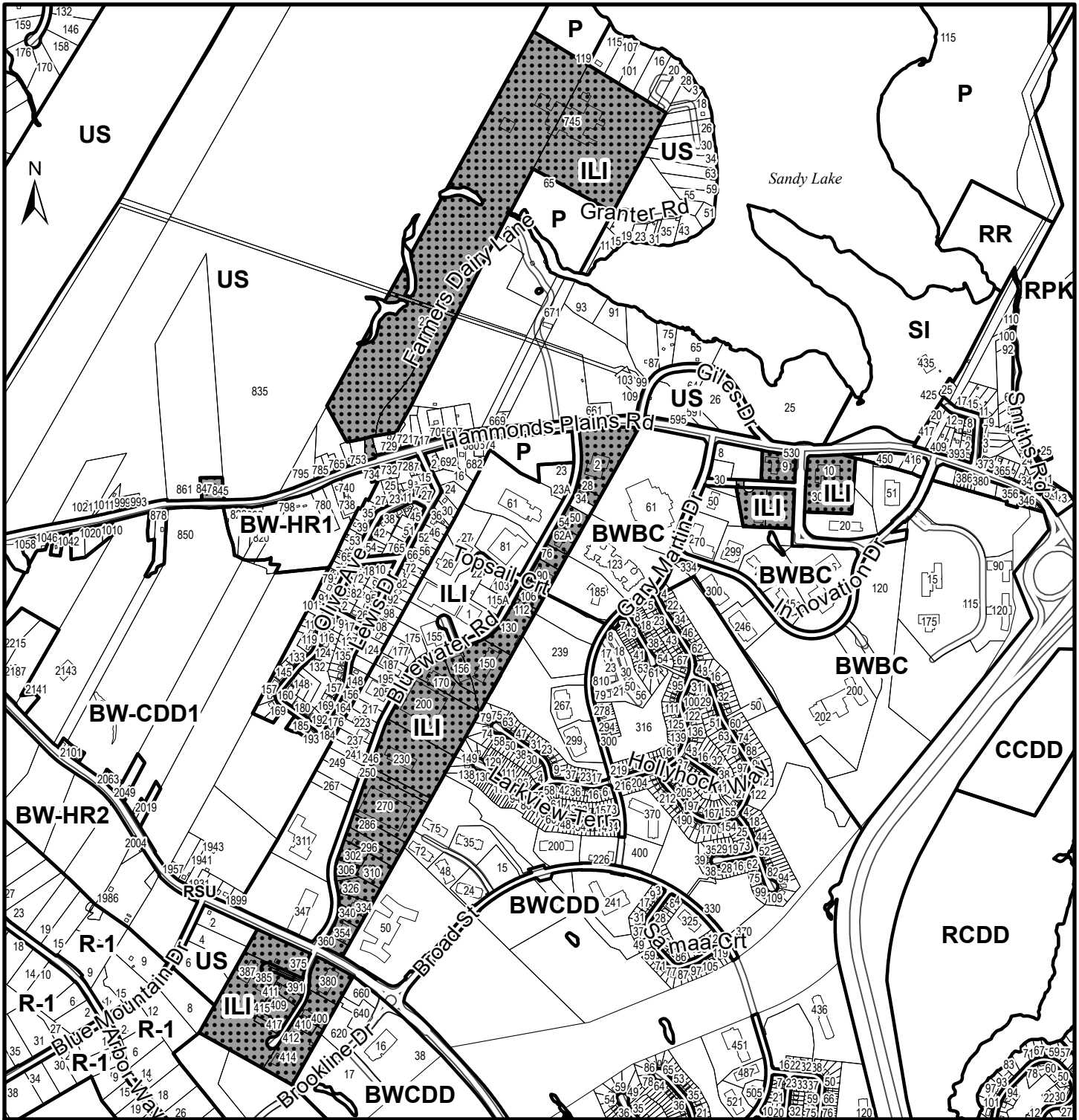


Bedford
Plan Area

- SACKV/ SACKDR BP Business Park
- CF Community Facility
- PC Pinehill / Cobequid

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Map 2A - Zoning

Subject Properties

BED/
HPSBB

Bedford
Land Use By-Law

Zone

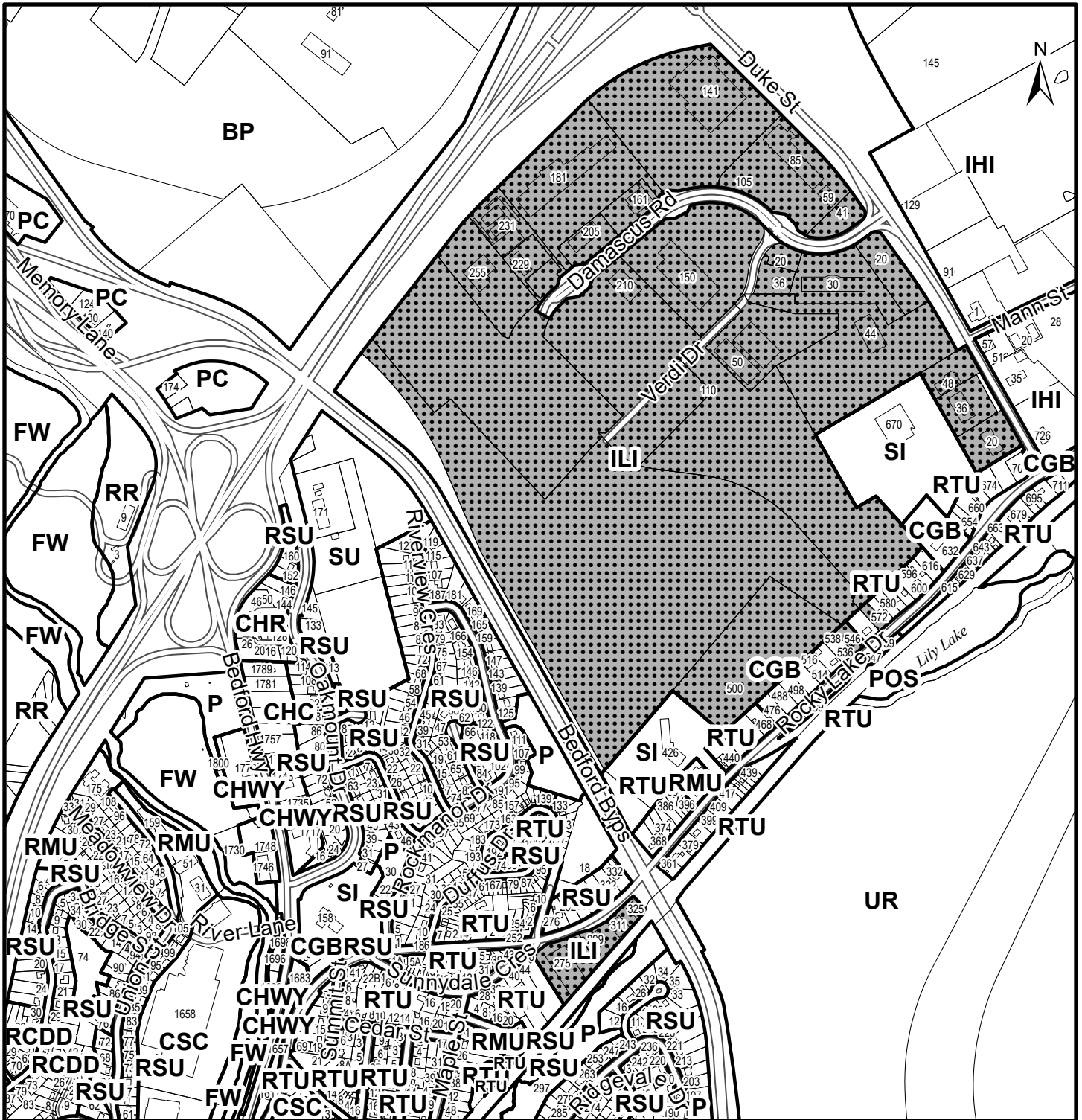
- P Park
- SI Institutional
- US Urban Settlement
- RR Residential Reserve
- ILI Light Industrial
- R-1 Single Unit Dwelling
- RPK Regional Park
- RSU Single Dwelling Unit
- RCDD Residential Comprehensive Development District
- CCDD Commercial Comprehensive Development District
- BWBC Bedford West Business Campus
- BWCCD Bedford West Comprehensive Development District
- BW-HR1 Bedford West Higher-Order Residential 1
- BW-CDD1 Bedford West Comprehensive Development District 1

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Map 2B - Zoning

 Subject Properties

BED

Zone

P	Park	
SI	Institutional	
SU	Utilities	
UR	Urban Reserve	
FW	Floodway	
RR	Residential Reserve	
ILI	Light Industrial	
IHI	Heavy Industrial	
CSU	Shopping Centre Zone	
RTU	Two Dwelling Unit	
RPK	Regional Park	
RSU	Single Dwelling Unit	
CGB	General Business District	
CHR	Cushing Hill Residential	
POS	Park Open Space	
RMU	Multiple Dwelling Unit	
RCCD	Residential Comprehensive Development District	
SACK/	BP	Business Park
SCKDR	PC	Pinehill/Cobequid

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Bedford
Land Use By-Law

ATTACHMENT A

Proposed Amendment to the Land Use By-law for the Bedford Plan Area

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby further amended as follows:

1. Adding the definition, as shown below in **bold**, “Pet Daycare Use” after “Personal and Household Services” in PART 2: DEFINITIONS.

Pet Daycare Use - means premises where the daytime boarding and care of pets occurs, but excludes overnight boarding and a kennel use. May also include ancillary pet grooming and retail sales uses.

2. Amending PART 17: LIGHT INDUSTRIAL (ILI) ZONE, as shown below in **bold**, by adding the text “qd) pet daycare use” after the words “qc) cannabis production facilities” and before the words “r) any uses accessory to the foregoing uses”:

No development permit shall be issued in a Light Industrial (ILI) Zone except for one or more of the following uses:

- a) warehouses and storage and distribution centres
- b) manufacturing, processing, assembly, recycling, or warehousing operations which are not objectionable uses;
- c) parking and or storage of industrial or heavy commercial vehicles, equipment and similar goods;
- d) trade centres
- e) building supplies sales
- f) auto service and supplies centres/outlets
- g) uses permitted in the Shopping Centre Zone (CSC);
- h) wholesalers
- i) full service and take-out restaurants
- j) furniture stores
- k) uses permitted in the CGB Zone, except office buildings, subject to CGB Zone provisions
- l) day care facilities; (RC-Mar 3/09;E-Mar 21/09)
- m) dry cleaning depot
- n) recycling depot
- o) uses permitted in the SU Zone
- p) bingo halls
- q) billiard/snooker club
- qa) Auto body repair shops on properties identified on Schedules C-1 and C-2 (NWCC-Mar 21/16; E-Apr 2/16)
- qb) Service stations and gas bars on properties identified on Schedule C-3 (RC-Sep5/17;E-Oct21/17)
- qc) cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)
- qd) pet daycare uses**
- r) any uses accessory to the foregoing uses.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on **[DATE]**, 2024.

Iain MacLean
Municipal Clerk