

CITY OF FORT SASKATCHEWAN

Bylaw C13-17 – Amend the C5 Fort Mall Redevelopment District in Land Use Bylaw C10-13

Motions:

1. That Council amend Bylaw C13-17 to prohibit outside enclosures for kennel uses by deleting the following from the bylaw:

6.13.15 Outside enclosures for Kennels:

- a) Outdoor enclosures for kennels shall be located to minimize impact on surrounding developments, and shall be enclosed on all sides by fencing or landscaping, or a combination of both.

and adding the following:

6.13.2 (b) C5 Discretionary Uses

Kennel***

*** Outside enclosures, pens, or exercise areas are not permitted

2. That Council give second reading to Bylaw C13-17 to amend Land Use Bylaw C10-13, as amended.
3. That Council give third reading to Bylaw C13-17 to amend Land Use Bylaw C10-13.

Purpose:

To present Council with information on proposed amendments to the C5 – Fort Mall Redevelopment District, and to request consideration of second and third readings of Bylaw C13-17, as amended.

Background:

An application to amend Land Use Bylaw C10-13 was submitted by the owner of K9 Play Doggy Daycare Hotel & Spa. The proposed amendments include adding Fascia Sign as a Permitted Use, and Kennel as a Discretionary Use in the C5 – Fort Mall Redevelopment District. The C5 - Fort Mall Redevelopment District regulations are for the Fort Station Site in the downtown (see Appendix A).

Kennels are developments for boarding pets generally for periods of greater than 24 hours, and typically include outside enclosures, runs, pens or exercise areas. The C5 – Fort Mall Redevelopment District currently does not list kennels as a permitted or discretionary use.

Due to potential impacts caused by barking, noise, and smells from the pets, kennels are generally encouraged to locate in industrial districts where they are believed to have the least potential to impact adjacent properties.

The Applicant has applied for kennels to be listed as a discretionary use and that outside enclosures be allowed within the parameters of the following regulation:

Outdoor enclosures for kennels shall be located to minimize impact on surrounding developments, and shall be enclosed on all sides by fencing or landscaping, or a combination of both.

Kennels would be required to be enclosed by fencing, landscaping, or both. The fencing and landscaping may provide a visual buffer between pedestrians and the dogs, and may mitigate some of the barking and noise. However, in Administration's opinion these regulations are lenient and will not provide adequate screening for the enclosure. There are no details on the type of fencing or landscaping that will be used. The current chain-link fence which has no screening would satisfy this regulation.

Administration's Recommendation:

Administration supports amending the district regulations to include Fascia signs as a Permitted Use, and Kennel as a Discretionary Use provided outdoor enclosures, pens, runs, or exercise areas are not allowed.

It is the opinion of Administration that outside enclosures with dogs will negatively impact neighbouring commercial businesses and residents. New developments in the downtown should enhance the pedestrian experience of walking to local businesses and services. Outside enclosures hinder the ability to provide a pedestrian oriented development.

The Fort Station Site contains both commercial and residential developments. An outside enclosure should not negatively impact adjacent businesses and residences. The site includes eating and drinking establishments that have outdoor patio spaces for patrons. There could be potential noise impacts to these businesses from dogs barking. Fort Station has shared parking agreements in place between the different businesses on site where parking spaces are shared and used by all the businesses and customers. Customers should feel safe and secure walking at this site without being disturbed by dogs in an outside enclosure.

There are several proposed medium density residential developments in close proximity to K9 Play Doggy Daycare Hotel & Spa. A development permit has been issued for multi-unit townhouses at the corner of 98 Avenue and 108 Street. A second townhouse style development has been proposed for the corner of 99 Avenue and 108 Street. An outside enclosure in close proximity to townhouses has a high probability of generating noise and general nuisance for future residents. It is important to note that these townhouse developments have not been built yet, so there is no opportunity for these future residents to provide feedback to this proposal.

Plans/Standards/Legislation

The site has been designated as "Downtown" in the City's *Municipal Development Plan*. It has also been designated as "Mall Redevelopment Precinct" in the *Downtown Area Redevelopment Plan & Design Guidelines*.

Animal Control Bylaw C7-16 regulates and controls domesticated animals within the City's limits. The Bylaw includes the following section on how animal noise complaints are reviewed by the City.

- 6.2 In determining whether the barking, howling or meowing is reasonably likely to disturb the peace of others, consideration may be given, but not necessarily limited, to the:
- proximity of the complainant(s) to the property where the animal is located;
 - duration of the barking, howling or meowing;
 - time of day and day of the week;
 - nature and use of the surrounding area, and
 - effect of the barking, howling or meowing on the complainant(s).

Allowing Kennels to have outside enclosures could generate complaints from residents and businesses in the area. Municipal Enforcement may become involved with these complaints and would need to dedicate addition time and resources to address an impact that could be resolved through land use regulations.

The Public Hearing for Bylaw C13-17 was advertised as per the requirements of the *Municipal Government Act*. Landowners within 100 meters of the Fort Station site received a notification in the mail. In addition, an advertisement was published in the local newspaper for 2 consecutive weeks prior to the hearing.

At the time of writing this report, no comments from the public had been received.

Alternatives:

- Council may approve Bylaw C13-17 with the regulations provided by the applicant;
- Council may amend the Bylaw to prohibit outside enclosures, runs and exercise areas; or
- Council could provide alternate direction.

Attachments:

- Bylaw C13-17
- Appendix A - Location Map
- Appendix B - C5 District regulations with applicant's proposed amendments
- Appendix C - Photos of current enclosure

File No.: Bylaw C13-17

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Approved by:	Dean McCartney Acting Director, Planning & Development	Date: July 4, 2017
Reviewed by:	Janel Smith-Duguid Acting Director, Special Projects	Date: July 5, 2017
Reviewed by:	Troy Fleming Acting City Manager	Date: July 5, 2017
Submitted to:	City Council	Date: July 10, 2017