
COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: ANIMAL KENNELS ON INDUSTRIAL ZONED LANDS

RECOMMENDATIONS:

1. THAT Council authorize the City Solicitor to prepare the necessary bylaw amendments to the Burnaby Zoning Bylaw to permit the establishment of kennels in the M1, M2 and M3 Districts, as outlined in Section 4.0 of this report, for advancement to First Reading on 2010 November 22, and Public Hearing on 2010 December 14 at 7 p.m.
2. THAT a copy of this report be provided to Mr. Tony Haller – Vice President, Woof Dog Lounge and Spa Inc., 3999 Second Avenue, Burnaby, BC V5L 2G1 and Ms. Kathleen Dickie – Owner, Canine Corner Doggie Daycare, 5610 Goring Street, Burnaby BC V5C 4B9.

REPORT

The Community Development Committee, at its meeting held on 2010 October 26, received and adopted the *attached* report regarding the advisability of permitting kennels within Burnaby's industrial zoning districts.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to:	City Manager Deputy City Manager Director Engineering Director Finance Chief Licence Inspector City Solicitor
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TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT COMMITTEE

DATE: 2010 October 20

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000-01
Reference: Bylaw Text Amendments

SUBJECT: ANIMAL KENNELS ON INDUSTRIAL ZONED LANDS

PURPOSE: To respond to a Council request that a report be prepared on the advisability of permitting kennels within Burnaby's industrial zoning districts.

RECOMMENDATIONS:

1. **THAT** Council authorize the City Solicitor to prepare the necessary bylaw amendments to the Burnaby Zoning Bylaw to permit the establishment of kennels in the M1, M2 and M3 Districts, as outlined in Section 4.0 of this report, for advancement to First Reading and Public Hearing at a future date.
2. **THAT** a copy of this report be provided to Mr. Tony Haller - Vice President, Woof Dog Lounge and Spa Inc., 3999 Second Avenue, Burnaby, BC V5L 2G1 and Ms. Kathleen Dickie – Owner, Canine Corner Doggie Daycare, 5610 Goring Street, Burnaby BC V5C 4B9.

REPORT**1.0 INTRODUCTION**

- 1.1 On 2010 June 28, Council received a delegation from Mr. Tony Haller, Vice President of Woof Dog Lounge and Spa Incorporated, regarding the boarding of dogs. The delegation requested that Council amend the Burnaby Zoning Bylaw to allow for the boarding of dogs in Burnaby's industrial zoning districts. In his presentation, Mr. Haller indicated that Vancouver and the District of North Vancouver permit animal daycare facilities in their respective industrial zoning districts to board dogs, and have not experienced any land use conflicts with such establishments.

Arising from discussions, Council requested staff to report on the matter through the Community Development Committee, as well as to advise Mr. Haller of the report date such that he may have an opportunity to attend the Committee meeting at which the report would be considered.

- 1.2 On 2010 August 30, Council received another delegation from Ms. Kathleen Dickie, Owner of Canine Corner Doggie Daycare, regarding the provision of open air runs for dogs. The delegation requested that Council amend the Burnaby Zoning Bylaw to allow animal daycare facilities to provide an open air run, as part of their business operations.

In response to the delegation, Council requested the forthcoming report to the Community Development Committee regarding the boarding of dogs in Burnaby's industrial zoning districts, as well as the issues raised by the delegation regarding the provision of an open air run as part of the operations of an animal daycare facility.

This report responds to Council's requests.

2.0 BACKGROUND INFORMATION

2.1 Daycare facilities for dogs or cats are permitted under two use classifications under the Zoning Bylaw: "Kennel" and "Animal Training and Daycare Facilities." The subsequent sections below provide a summary of the regulations regarding these uses.

2.2 In Burnaby, kennels are defined in the Zoning Bylaw as follows:

"KENNEL" means any building, structure, compound, group of pens or cages or property in which or where 3 or more dogs or 5 or more cats are or are intended to be trained, cared for, bred, boarded or kept for any purpose whatsoever, and shall include any building or part thereof in which 2 or more dogs are kept for breeding purposes. For the purpose of this definition dogs and cats under the age of 4 months shall be excluded.

[Section 3 – Definitions]

In summary, kennels provide for the training, care (including grooming), breeding and/or boarding of 3 or more dogs or 5 or more cats.

2.3 Kennels are permitted in the A1 Agricultural and A2 Small Holdings District provided that all buildings, structures, cages, pens or runs used for such purposes are located at a distance of not less than 24.5 m (80.38 ft.) from all street or lot lines, nor less than 9.0 m (29.53 ft.) from a dwelling situated on the same lot. The A1 and A2 Districts, which are generally located in the Big Bend Area of the City, are larger lots (one acre or greater) which can accommodate indoor and outdoor activities related to the care of such animals, while ensuring that such activities do not pose any conflicts with adjacent land uses, including noise, odour and visual impacts.

2.4 In 1997, Council adopted a Zoning Bylaw amendment to create the "animal training and daycare facilities" use classification, separate from the "kennel" use classification. Animal training and day care facilities are defined in the Zoning Bylaw as follows:

"ANIMAL TRAINING AND DAYCARE FACILITIES" means the use of an enclosed building for the provision during the day of animal training and day care but does not include keeping animals overnight.

[Section 3 – Definitions]

The intent of the Zoning Bylaw amendment was to accommodate the establishment of animal training and day care facilities in a broader range of locations in Burnaby, while

ensuring that such uses would not conflict with adjacent land uses, particularly residential neighbourhoods. The C4 and M1 through M4 Districts were considered appropriate for the establishment of animal training and daycare facilities, given that similar low-intensity, internalized uses were already permitted in these zoning districts, including animal clinics, animal beauty parlours and veterinary hospitals. To ensure that animal training and daycare facilities posed minimal conflicts with adjacent residential uses, as a condition of use, all activities within an animal training and daycare facility are required to be within an enclosed building. In addition, the boarding of dogs or cats is not permitted.

With regard to training and daycare facilities for dogs, wherein the care of such animals requires time outdoors, the intent of the Zoning Bylaw was for such animals to be walked off-site, such as to a nearby trail, open park or off-leash facilities, as part of the operations of the daycare facilities.

- 2.5 The keeping, training, care, breeding, treatment, or boarding of dogs and cats are also regulated through the *Burnaby Kennel Regulation* and *Burnaby Health Bylaws*. In summary, these bylaws regulate the number of animals that may be boarded on a premise; siting and physical space requirements of all buildings and structures for the animals; and operations of the service provider to ensure the health and safety of the public and animals in care.
- 2.6 This report reviews the advisability of permitting kennels in Burnaby's industrial zoning districts to address the following two issues:
- a) the need for boarding services for dogs and cats in a broader range of locations in Burnaby; and
 - b) the need to provide open air runs within daycare facilities for dogs.

As part of that review, staff prepared the following summary of existing kennels and animal training and daycare facilities licensed in Burnaby, and surveyed neighbouring municipalities regarding regulations for such facilities.

3.0 EXISTING ANIMAL TRAINING AND DAYCARE FACILITIES & KENNELS LICENSED IN BURNABY

3.1 The following nine animal training and daycare facilities are licensed in Burnaby:

- 4438 Dawson Street (*Metro Dogs Dog Daycare*) – M1 District;
- 2345 Douglas Road (*The Beloved Dog*) – M2 District;
- 7587 Edmonds Street (*Carefree Canines Doggie Daycare*) – C4 District;
- 5610 Goring Street (*Canine Corner Doggie Daycare*) – M2 District;
- 6939 Hastings Street (*Pup Culture Dog Daycare*) – M1 District;
- 3999 Second Avenue (*The Woof Dog Lounge and Spa*) – M3 District;

- 4025 Second Avenue (*Paws Ahead Doggy Daycare*) – M3 District;
- 3831 Still Creek Avenue (*Waterworkz Paw Spa*) – M2 District; and
- 491 Sperling Avenue (*Small Paws Doggie Daycare*) – M4 District

Almost all the animal training and daycare facilities are located within an industrial site, operating as daycare facilities for dogs.

3.2 There are no kennel businesses currently licensed in Burnaby. There are a number of non-profit organizations and government agencies operating kennels for various purposes, including:

- 9048 Stormont Avenue (A2 District) - Pacific Assistance Dog Society (PADS), a non-profit organization, operates a kennel for the training of assistance dogs.
- 3202 Norland Avenue (M3a District) – Burnaby SPCA operates an animal shelter, including kennels for dogs and cats.
- 6355 Deer Lake Avenue (P2 Administration and Assembly District) - RCMP – Burnaby Detachment operates a kennel for the housing of police dogs during the day.

Based on a review of these kennels operating in Burnaby, such facilities typically consist of an indoor recreational/communal space, as well as smaller individual boarding units for the animals (dogs or cats); grooming/treatment room; caretaker accommodations; and a fenced outdoor open-air run.

Given the general lack of kennel facilities within Burnaby, there would be merit in providing for increased opportunities for their establishment by permitting kennels within a broader range of zoning districts, as outlined in Section 4.0 below.

4.0 ADVISABILITY OF ESTABLISHING KENNELS WITHIN A BROADER RANGE OF ZONING DISTRICTS

4.1 There would be merit in permitting kennels within a broader range of zoning districts, where appropriate. Kennels could be permitted in the M1, M2 and M3 Districts, wherein similar low-intensity uses are already permitted within these zoning districts, including animal training and daycare facilities, and veterinary hospitals. It is noted, however, that not all industrial sites would be appropriate for the location of a kennel. In some locations, industrial uses may conflict with other on-site uses, including kennels, posing health and safety risks. Further, given the characteristics of kennel operations, such operations may also impact nearby residential and commercial areas, through noise and odour impacts with outdoor runs.

4.2 In view of the above, it is proposed that kennels be permitted in the M1, M2 and M3 Industrial Districts, subject to conditions. This proposal responds to both requests from the delegations to permit the boarding of dogs or cats within a broader range of zoning districts, as well as the establishment of open air runs for dogs, as part of daycare facilities.

The conditions outlined below are intended to address issues with regard to kennel establishments in industrial lands to ensure minimal land use conflicts with adjacent and other on-site uses, and to provide for the appropriate care and safety for animals.

- a) *Kennel uses in the M1, M2 and M3 District shall be for the care, grooming, training, and boarding of dogs and cats only.*

The establishment of kennels in the above noted industrial districts would be to accommodate businesses providing care, grooming, training and/or boarding services for dogs or cats. Kennels which are intended for the breeding of such animals would continue to be permitted in the appropriate agricultural zoning districts only.

The intent of this condition is to accommodate daycare and boarding services for dogs and cats within more central areas of Burnaby, while minimizing potential conflicts with adjacent land uses by limiting the use to the light, general and heavy industrial zoning districts.

- b) *All uses shall be housed completely within an enclosed building, except for permitted open-air runs.*

Kennels would be required to operate within an enclosed building, except for the provision of an open-air run, which is consistent with the conditions of use for most permitted uses within the M1, M2 and M3 Districts. The open air runs would provide outdoor recreational space for the dogs or cats in care, as well as an area for these animals to discharge wastes, subject to all conditions of the Burnaby Health Bylaw.

The intent of this condition is to ensure minimal conflicts with adjacent land uses, and other land uses within an industrial site given that industrial activities within these zoning districts generally include the use of industrial material, equipment and vehicles, which could pose health and safety risks for animals. It is noted that the disposal of animal wastes would continue to be addressed through the Burnaby Kennel Regulation and Health Bylaws.

- c) *A side yard shall be provided on each side of the building of not less than 3.0 m (9.84 ft.) in width;*

The intent of this condition is to mitigate the potential impacts a kennel may have on adjacent properties and land uses. It is noted that a 3.0 m (9.84 ft.) side yard set back is generally consistent with the side yard set back requirements for the M1, M2 and M3 Districts.

- d) *The kennel facility shall have a minimum floor area of 0.93 m² (10 sq. ft.) for each dog or cat in care or keeping with up to a maximum of 30 dogs or cats.*

This condition regulates the overall animal density within a kennel establishment, the intent of which is to ensure the adequate provision of indoor space. These conditions are consistent with the requirements of the Burnaby Kennel Regulation Bylaw.

- e) *All buildings and structures shall be located a minimum of 24.5 m (80.38 ft.) from the boundary of any B, C, M8, R or RM zoning district.*

It is acknowledged that kennels could pose potential noise, odour and visual impacts on adjacent land uses. As such, industrial sites accommodating a kennel establishment would be required to be a minimum distance of 24.5 m (80.38 ft.) from any B, C, M8, R or RM District lot to mitigate conflicts with adjacent business centre, office-commercial and/or residential uses. It is noted that the minimum distance is the same as distance requirements for kennels in the A1 and A2 Districts, as well as pounds permitted in the M3a District.

- f) *An open-air run with a minimum area of 18.58 m² (200 sq. ft.) shall be located to the rear of the building and shall be screened with a 1.8 m (6.0 ft.) solid fence constructed of wood, masonry, stone or concrete.*

Kennel establishments are currently required to provide an open air run of not less than 18.58 m² (200 sq. ft.) to the rear of the building, which is properly screened. The intent of this condition is to ensure the provision of adequate outdoor space, as well as ensure that such open air runs to be permitted in the M1, M2 and M3 Districts do not impact adjacent land uses, including noise, odour and visual impacts. It is noted that the minimum area for an open-air run is consistent with the requirements of the Kennel Regulation Bylaw.

- g) *Kennels that provide boarding services shall provide caretaker accommodation, as permitted in the M1, M2 and M3 Districts.*

For kennels or veterinary clinics/hospitals providing boarding services for dogs or cats, a caretaker is required to ensure the health and well-being of the animals kept on a 24 hours basis. The M1 through M3 Districts have provisions for caretaker accommodations, wherein a caretaker is integral to the operations of that industrial use. In view of the above, the requirement that kennels providing boarding services also provide caretaker accommodations is consistent with the provisions of the M1 through M3 Districts.

These guidelines are intended to ensure that kennels are located within an appropriate industrial site, which would provide adequate indoor and outdoor space for the care and safety of the animals, while ensuring that such kennels do not pose any conflicts with internal and adjacent land uses.

- 4.3 The accommodation of kennels within Burnaby's M1 through M3 Districts would provide a needed service and benefit to the City's communities, as well as address the requests presented by the two delegations. Kennels seeking to establish within the M1, M2 and M3 Districts would be subject to all City Approvals processes, including Preliminary Plan Approval, to ensure that the proposed use would meet all requirements of the proposed Zoning Bylaw provisions. It is acknowledged that not all of the existing animal training and daycare facilities licensed in Burnaby would be able to meet the conditions proposed within this report. Such facilities, however, would be able to continue to operate as an animal training and daycare facility.

- 4.4 With Council's concurrence to the proposed approach, minor amendments to the Burnaby Kennel Regulation Bylaw would be needed. Specifically, amendments to Sections 10 and 11 of the Kennel Regulation Bylaw would need to be amended to permit the establishment of kennels on lots improved with an industrial building or structure, as well as to permit kennels to be within 80 ft. of an industrial building, street or lot line.
- 4.5 It is proposed that one off-street parking space be provided for every two employees for a kennel in the M1, M2 and M3 District, plus one parking space for every 15 dogs or cats. The proposed off-street parking requirement would provide for adequate employees parking, and client drop-off and pick-up of their pets, and is generally consistent with the off-street parking requirements for other daycare uses.
- 4.6 Staff conducted a review of the zoning regulations in neighbouring municipalities regarding kennels in industrial districts. North Vancouver (District) and Vancouver permit the care, grooming, training and boarding of dogs or cats in their respective industrial zoning districts with the establishment of open air runs. Coquitlam (retail-industrial zoning district only), New Westminister and Port Moody also permit the care, grooming, training and boarding of dogs or cats within their respective industrial zoning districts provided that all activities are within an enclosed building. Richmond permits the care, grooming and training of dogs or cats in their industrial zoning districts with outdoor open air runs, but prohibits their boarding. North Vancouver (City), Port Coquitlam and Surrey prohibit kennels, including daycare facilities, in their respective industrial zoning districts.

Recommended Bylaw Amendment

1. **THAT** the Burnaby Zoning Bylaw be amended to permit kennels in the M1, M2 and M3 District, subject to the following conditions:
 - a) All uses within a kennel shall include the care, training, and boarding of dogs and cats only, but exclude the breeding or keeping of such animals for all other purposes;
 - b) All uses shall be housed completely within an enclosed building, except for permitted open-air runs;
 - c) A side yard shall be provided on each side of the site of not less than 3.0 m (9.84 ft.) in width;
 - d) All buildings and structures shall be located a minimum of 24.5 m (80.38 ft.) from the boundary of any B, C, M5, M8, R or RM zoning district;
 - e) A minimum gross floor area of 0.9 m² (10 sq. ft.) per dog or cat shall be provided within a building which is being used as a kennel facility;
 - f) A kennel shall not house more than 30 dogs or cats at any given time;
 - g) An open-air run with a minimum floor area of 18.58 m² (200 sq. ft.) shall be located to the rear of the building and shall be screened with a 1.8 m (6.0 ft.) solid fence constructed of wood, masonry, stone or concrete; and

- h) Caretaker accommodation, as described in Section 401.1(16) of the Burnaby Zoning Bylaw, where the boarding of dogs or cats is provided.
- 2. **THAT** Section 800.4 of Schedule VIII Off-street Parking be amended to include the following off-street parking provisions for Kennels in the M1, M2 and M3 Districts:
 - 1 for each 2 employees, plus 1 for each 15 dogs or cats.

5.0 CONCLUSION

The establishment of kennels in a broader range of locations in Burnaby would provide a needed service dog and/or cat pet owners. Section 4.0 of this report reviews the advisability of permitting kennels within the M1, M2 and M3 Districts and proposes that such establishments could be established within the above zoning districts subject to conditions intended to minimize conflicts with adjacent land uses and ensure the health and welfare of the animals and employees. It is noted that a number of neighbouring municipalities permit kennels in their industrial zoning districts as well. It is therefore recommended that Council authorize the City Solicitor to prepare the necessary bylaw amendments to the Burnaby Zoning Bylaw, as outlined in Section 4.0 of this report, for advancement to First Reading and Public Hearing at a future date. It is also recommended that a copy of this report be sent to the delegations, Mr. Tony Haller and Ms. Kathleen Dickie.


B. Luksun, Director
PLANNING AND BUILDING

ZM:tn

cc: City Manager
Director Finance
Director Engineering
Chief Licence Inspector
City Solicitor
City Clerk