



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: April 15, 2019

Report No: PD-021-19

Subject: Technical Report: General Housekeeping Amendments to Comprehensive Zoning By-law 016-2014, as amended, and Comprehensive Zoning By-law 144-2003, as amended. (File HKA-01/18)

Recommendation: THAT Planning and Development Report PD-021-19 outlining Town initiated housekeeping amendments to Comprehensive Zoning By-law 016-2014, as amended, and Comprehensive Zoning By-law 144-2003, as amended, BE APPROVED;

AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following the approval of the By-laws proposed to implement a series of housekeeping amendments, BE IT RESOLVED that a privately initiated application for a minor variance may be made;

AND FURTHER THAT staff be authorized to bring forward amending Zoning By-laws, in accordance with Appendix 1 and 2 to Report PD-021-19 for Council adoption.

EXECUTIVE SUMMARY

Staff continues to monitor the effectiveness of its current Comprehensive Zoning By-laws, recommending changes through housekeeping amendments to clarify directions and consolidate provisions where appropriate.

The purpose of this report is to provide Council with an update on the consultation process relating to the proposed housekeeping amendments prepared for public and agency review in January 2019, and to outline the changes staff recommends be incorporated into the final draft housekeeping amendment by-laws, attached as Appendix 1 and 2 to Planning and Development Report PD-021-19 as a result of the full evaluation of the application.

REPORT



Background

Planning and Development Report PD-005-19, provided details with respect to a series of Town initiated housekeeping amendments to the Town's Comprehensive Urban Area Zoning By-law 016-2014, as amended, and Comprehensive Rural Area Zoning By-law 144-2003, as amended, to be discussed at a public meeting on January 21, 2019. The majority of the proposed housekeeping amendments affected Town-wide regulations and were general in nature, with the exception of a few site-specific matters. The proposed amendments related to the following provisions:

By-law 016-2014, as amended

- Transition clauses
- The definitions of "Bay and Boxed Window", "Home Day Care", "Balcony", "Hospital", "Day Nursery", "School", "Monument Sales Shop", "Asphalt Batching Plant", "Concrete Batching Plant", "Child Care", "Child Care Centre", "Home Based Child Care (Licensed)", "Unlicensed Child Care", "Dog Daycare", "Hospital, Private", "School, Adult Education", "School, Elementary", "School, Secondary" and "School, Post-Secondary"
- Permeable landscape surfaces adjacent to side lot lines and dwellings
- Emergency generators / ground mounted HVAC
- Acquisitions by a Public Authority
- Dog daycares
- Permitted encroachment for porches on back-to-back townhouse dwellings
- Required setbacks from a building to all other zones and grade related dwelling units within the Mixed Use (MU) Zone
- Loading spaces and areas
- Accessible parking
- Additional permission for Warehouse/Distribution Centres
- Orientation of parking spaces within a driveway that accesses a residential dwelling
- Incorrect section references and titles
- Minor errors in text and tables
- Site-specific provisions relating to fencing for lots fronting onto Main Street East between Thompson Road and Maple Avenue, Section 13.1.1.57 and 13.3.1.4 (NE corner of Britannia Road and Bronte Street South), Section 13.1.1.123 (NW Corner of Maple Ave and Fox Crescent) and Section 13.1.1.252 (Mattamy Martin West).

By-law 144-2003, as amended

- Site-specific mapping relating to 4249 Donaldson Lane (Kalmoni)(Section 13.1.1.37)



Discussion

The purpose of the proposed zoning by-law revisions outside of a Comprehensive Zoning By-law Review is to address issues resulting from multiple supported variances, matters of interpretation, and suggestions from other departments within the Corporation. It is the intention of staff to monitor the usage of the by-laws on a regular basis and bring forward revisions at appropriate times to aid in improving its effectiveness and ensure the continued relevance of the by-laws.

The issues brought forward by members of the public and circulated agencies, along with staff's recommended actions, are outlined below.

Public Consultation and Review Process

The statutory public meeting was held on January 21, 2019. Two members of the public spoke to the application at the public meeting. In addition, staff received two written submissions (See Appendix 3).

All of the comments received as a result of public consultation were related to the introduction of the proposed dog daycare use and related provisions, which was unanimously supported. A member of the public, who currently has a dog daycare business did express her concerns about having to find a new location for her existing dog daycare business, as the zone in which she is located will continue to not permit the new use. A request to consider overnight boarding was also brought forward to staff for consideration. Staff will address the aforementioned comments and concerns in the "Issues" section of this report.

Planning staff has provided formal notice that the technical report will be brought forward for consideration by Council on April 15, 2019, to those who provided written comments, spoke at the public meeting, and/or signed the public register.

Agency Consultation

The proposed housekeeping amendments, along with a description and rationale for the proposed changes to the Urban and Rural Zoning By-laws, were circulated to internal departments and external agencies on January 11, 2019. The only substantive comments received were from the School Boards, which have been summarized below.

Halton District School Board and Halton Catholic District School Board

Both Halton School Boards supported staff's proposed addition of Child Care related definitions based on the Child Care and Early Years Act, 2014 (CCEYA) as well as the other changes proposed to other sections to implement the new definitions. Although in support, the Boards did note that through the CCEYA, the Ministry of Education

supports programming through EarlyON Child and Family Centres, which offer free drop-in programs for caregivers and children from birth to 6 years old. Both Boards would like to ensure that the definition of Child Care Centres be inclusive of EarlyON Child and Family Centres and potentially other community uses, so that this use would also be permitted in the same zones that Child Care Centres are permitted under the Zoning By-law.

In regard to the proposed school related definitions, (i.e. “School, Adult Education”, “School, Elementary”, and “School, Secondary”), the Boards offered no concerns. However, in specific regard to the “School, Adult Education” use, both Boards recommended that permissions be carried into the Employment Zones (i.e. EMP-2, M1 and M2), where similar uses such as Commercial School - Skill are permitted.

Summary of Issues

The following issues raised as part of the consultation and review process have been addressed as follows:

Consideration of Overnight Boarding In Addition to the Dog Daycare Use

Overall, the introduction of the dog daycare use, permissions and provisions through the proposed housekeeping amendments, have been very well received. Given that the dog day care use is a new use for the Town, staff recommend monitoring the proposed use and its impacts prior to considering additional permission for overnight boarding in association with dog daycares.

While staff understands that there may be a demand for short-term overnight boarding of dogs within the Urban Area (as suggested through the information provided as part of a public submission, see Appendix 3), the Town only permits such overnight boarding of animals as part of a “Boarding Kennel”, within the Rural (A2) Zone of the Town, subject to specific provisions (e.g. minimum lot size, minimum setbacks, located on a lot with an existing detached dwelling, and operated by a resident of the dwelling).

While the overnight boarding may be appropriate in some cases, staff cannot recommend the inclusion of as-of-right permissions in the By-laws at this time. Other municipalities including the City of Brampton, the City of Pickering and the City of Burlington, all of which were approached with the same request for overnight boarding of animals in association with a service use in the urban area, required that each case be reviewed on its own merits through an application of a minor variance to the Zoning By-law. As a result of requiring a minor variance application, the municipalities were also able to attach conditions to the overnight boarding use (e.g. number of animals, and that the use was accessory to the dog daycare or grooming use, not the principal use) to address concerns.



Child Care Provisions & Associated Programs

In response to changes to Provincial legislation, the Town's Zoning By-laws require certain amendments. Some of these changes to the legislation would necessitate substantive amendments better addressed through a comprehensive review process. At this time, staff recommends that combining the applicable components of the new legislation into the current use definitions (i.e. Day Nursery and Home Day Care) is the correct approach at this time. It should be noted however, that staff has proposed to change the "Day Nursery" term, which was based on the previous legislation (i.e. Day Nurseries Act), to "Day Care Centre", which is commonly used by other municipalities and the public. This term also covers both children and adult scenarios, the latter being introduced as a result of a number of inquiries in the past.

With respect to the EarlyON Child and Family Centres, staff is of the opinion that the use does not need to be included within the definition of "Day Care Centre" since the program is in most cases being provided by or being housed by a Public Authority (i.e. the Province and publicly funded School Boards as per the Town's definition). A Public Use, is permitted in any zone.

Given that the EarlyON Child and Family Centre would be considered a public use and would be permitted in any zone, staff is of the opinion that it is not necessary to include the specific use within the definition of "Day Care Centre".

Permission for Adult Education School in Employment Zones

Staff has reviewed the nature of the School, Adult Education use, which operates similar to a Commercial School, in that the use offers a variety of short term programs at various times during the day. Given that the impact of the use would be very similar to that of a Commercial School-Skill and Commercial School-Trade, staff recommends that the new "School, Adult Education" use should be added as a permitted use in the EMP-2, M1 and M2 Zones (Section 8.1, Table 8A).

Interpretation/Clarification of Various Provisions Suggested by Zoning Staff

The following revisions have also been recommended and implemented in the revised draft zoning amendment attached as Appendix 1 to this report:

- Text referring to the transition provisions (that are to be deleted), is to be revised.
- Wording to describe permitted elements associated with the definition of "Bay and Boxed Window" are to be simplified.
- Existing definitions of "Day Nursery" and "Home Daycare" are to be replaced by new definitions for "Day Care Centre" and "Home Daycare."
- The permission for "emergency generators" is to be added to both residential and non-residential zones, not just the latter.



The Corporation of the Town of Milton

Report #:
PD-021-19
Page 6 of 6

- The word “training” is to be deleted from the dog daycare provision that caps the size of related accessory retail uses, as it is not a retail use.
- The new “Dog Daycare” use is to be added to the Employment (EMP-2) Zone.

The aforementioned revisions along with a few minor revisions to syntax have been incorporated into the proposed general zoning amendment to Urban Area By-law 016-2014, as amended, attached as Appendix 1 to this report. To address the change to 4249 Donaldson Lane under Rural Area By-law 144-2003, as amended, to ensure consistency with the original OMB decision, a proposed map change, attached as Appendix 2 to this report has been prepared.

Conclusions

Based on the foregoing, it is staff’s opinion that the proposed housekeeping amendments are appropriate, and are intended to clarify and strengthen existing regulations within the Town’s Urban and Rural Zoning By-laws. As a result staff recommends that the housekeeping amendments discussed herein be approved and that staff be authorized to bring forward amending Zoning By-laws in accordance with the draft zoning by-law amendments attached as Appendix 1 and 2 to this report for Council adoption.

Financial Impact

None arising from this report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning and Development

For questions, please contact: Angela Janzen, MCIP, RPP, Planner Phone: Ext. 2310

Attachments

Appendix 1: Draft Zoning Amendment to By-law 016-2014, as amended
Appendix 2: Draft Zoning Amendment to By-law 144-2003, as amended
Appendix 3: Public Comments

CAO Approval
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX- 2019

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE PLANNING ACT, AS AMENDED, TO INCORPORATE A SERIES OF HOUSEKEEPING AMENDMENTS THAT AFFECTS ALL LANDS WITHIN THE URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - (TOWN FILE: HKA-01/18).

WHEREAS the Council of the Corporation of Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

AND WHEREAS the Town of Milton Official Plan provides for lands affected by this by-law to be zoned as set forth in this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1.0 THAT the text of the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended as follows:

The following table outlines the changes that are included in this zoning by-law amendment. Text that is underlined indicates new text to be inserted in the By-law. Text that is crossed out ("~~strikethrough~~") is to be deleted from the By-law.

Item No.	Section or Schedule	Description of Change in By-law
1	Section 1.11 (Transition Matters)	<p><i>Delete the existing text of Section 1.11 – Transition Matters, and replace the section title with the words "SECTION NOT IN USE" as follows:</i></p> <p>1.11 TRANSITION MATTERS <u>SECTION NOT IN USE.</u></p> <p>1.11.1 Transition Matters General</p> <p>i) Subject to Section 1.1 and except as provided in transition Clauses 1.11.1 to 1.11.4, the provisions of this By-law will otherwise apply.</p> <p>1.11.2 Transition: Site Plan Approval and Building Permit Applications</p> <p>i) Nothing in this By-law will prevent the erection or use of a <i>building</i> or <i>structure</i> for a project for which a complete application for site plan approval and/or building permit was filed on or prior to the date of passage of this By-law, if the project in question complies or the <i>building</i> permit application for the project is amended to comply, with</p>

Item No.	Section or Schedule	Description of Change in By-law
		<p>the provisions of the applicable former Comprehensive Zoning By-law 144-2003 as it read on the date of passage of this By-law.</p> <p>1.11.3 Transition: Minor Variance Applications</p> <p>i) Nothing in this by-law shall prevent the issuance of a building permit or site plan approval in accordance with both the former Comprehensive Zoning By-law 144-2003 as it read on the date of the passage of this By-law and a related minor variance that was granted approval by the Town of Milton Committee of Adjustment or the Ontario Municipal Board, under the applicable Comprehensive Zoning By-law 144-2003 as it read on the date of the passage of this By-law, so long as the complete application for the building permit has been filed by the date of compliance with the conditions pursuant to the decision of the Town of Milton Committee of Adjustment or the decision of the Ontario Municipal Board, or July 31, 2015, whichever date comes first.</p> <p>ii) Notwithstanding the provisions of Section 1.11.2 i), an application for minor variance associated with a complete application for site plan approval and/or building permit that was filed prior to the date of the passage of this By-law, can still be made under the provisions of former Comprehensive Zoning By-law 144-2003, as it read on the date of passage of this By-law.</p> <p>1.11.4 Transition Clause Duration</p> <p>i) Transition Clause Application Nothing in this By-law applies so as to continue the application of Sections 1.11.1 to 1.11.3 beyond the issuance of the building permit and/or site plan approval upon which the exemptions are founded.</p> <p>ii) Transition Clause Duration In no case do the exemptions mentioned in Clauses 1.11.1 to 1.11.3 continue beyond the repeal of this transition section.</p> <p>1.11.5 Sunset Clause Relating to Transition Matters</p> <p>i) Repeal Sections 1.11.1 to 1.11.5 are repealed two years from the date of enactment of this By-law.</p>
2	Section 2.1 (Establishment of Zones)	<p><i>Delete the text pertaining to transition provisions from the second paragraph in the opening portion of Section 2.1 as follows:</i></p> <p>All lands within the HUSP Urban Area of the Town of Milton, with the exception of those lands that are subject to transition provisions in Section 1.11 of this By-law, are contained within one or more of the following Zones:</p>
3	Section 3 (Definitions)	<p><i>Add the definitions of “Asphalt Batching Plant”, “Concrete Batching Plan”, “Dog Daycare” and “Monument Sales Shop” as follows:</i></p>

Item No.	Section or Schedule	Description of Change in By-law
		<p><u>“ASPHALT BATCHING PLANT</u> <u>Means an industrial facility used for the production of asphalt, used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.”</u></p> <p><u>“CONCRETE BATCHING PLANT</u> <u>Means an industrial facility used for the production of concrete, used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.”</u></p> <p><u>“DOG DAYCARE</u> <u>Means a premises used for the short-term non-veterinary care of dogs, and may include accessory grooming, training and retail, but does not include overnight accommodation of dogs, and does not include a kennel, a veterinary clinic or a veterinary hospital.”</u></p> <p><u>“MONUMENT SALES SHOP</u> <u>Means a place where cemetery monuments and related articles are displayed for sale or sold.”</u></p>
4	Section 3 (Definitions)	<p><i>Revise the definition of “Balcony” as follows:</i></p> <p>BALCONY Means a platform that may be partially enclosed projecting from the main wall of a building, which is not supported by vertical uprights other than the wall itself except when located above a porch/veranda and which is only accessible from within a building.</p>
5	Section 3 (Definitions)	<p><i>Revise the definition of “Bay and Boxed Window” as follows:</i></p> <p>BAY AND BOXED WINDOW Means a multi-sided window that projects outwards from an exterior wall of a building, which may or may not have a foundation or <u>a door, or windows at the side projections.</u></p>
6	Section 3 (Definitions)	<p><i>Revise the definition of “Commercial School - Skill” as follows:</i></p> <p>COMMERCIAL SCHOOL – SKILL Means a premises where students are taught a skill (e.g. music, dancing, gymnastics, adult/children learning centers, cultural related activities, etc.), but does not include a Day Nursery, Day Care Centre, or a School <u>an Adult, Elementary, Secondary, or Post-Secondary School.</u></p>

Item No.	Section or Schedule	Description of Change in By-law
7	Section 3 (Definitions)	<p>Delete the existing definition of “Day Nursery” in its entirety (including its title) and replace it with the following new “Day Care Centre” definition and terminology:</p> <p><u>DAY NURSERY</u> Means a premises licensed in accordance with the Day Nurseries Act, as amended, in which more than 5 children are provided with temporary care, protection and supervision but which shall not provide overnight accommodation.</p> <p><u>“DAY CARE CENTRE means:</u></p> <p>a) <u>a premises licensed in accordance with the Child Care and Early Years Act, or a successor thereof, where children are provided with temporary care or supervision for a continuous period that does not exceed 24 hours; or,</u></p> <p>b) <u>a premises in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.”</u></p>
8	Section 3 (Definitions)	<p>Delete the existing definition of “Home Day Care” and replace it with the following new definition:</p> <p><u>HOME DAY CARE</u> Means a private residence where care, protection and supervision are provided for up to five children or five elderly persons but which does not provide overnight accommodation to those being cared for.</p> <p><u>“HOME DAY CARE</u> <u>Means a premises where temporary care or supervision is provided for not more than six children in a private residence, other than the residence of a parent or guardian of any such child, for a continuous period that does not exceed 24 hours and is in accordance with applicable provincial legislation. Care may also be provided for not more than 5 adults but shall not include overnight accommodation.”</u></p>
9	Section 3 (Definitions)	<p>Revise the current definition title and text of “Hospital” as follows, and add a new definition of “Hospital, Private” as follows:</p> <p><u>HOSPITAL, PUBLIC</u> Means any institution, <i>building</i> or other <i>premises</i> established for the treatment of persons afflicted with or suffering from sickness, disease or injury for the treatment of convalescent or chronically ill persons that is approved under the Public <i>Hospitals</i> Act, or as superseded by other legislation, as a Public <i>Hospital</i>.</p> <p><u>“HOSPITAL, PRIVATE</u> <u>Means a premise in which four or more patients are or may be admitted for treatment, that is not a public hospital, for the care of:</u></p>

Item No.	Section or Schedule	Description of Change in By-law
		a) <u>Persons afflicted with or suffering from sickness, disease or injury;</u> b) <u>Convalescent or chronically ill persons;</u> c) <u>Persons suffering from substance addictions; or</u> d) <u>Persons suffering from emotional, psychological or mental disorders.”</u>
10	Section 3 (Definitions)	<p><i>Delete the existing general definition of “School” and replace it with the specific individual definitions of “School, Adult Education”, “School, Elementary”, School, Secondary, and “School, Post-Secondary” as follows:</i></p> <p>SCHOOL Means a Provincially approved institution for academic instruction and may include a public, private or separate school, a vocational school, or a post-secondary school such as a college or university.</p> <p>“SCHOOL, ADULT EDUCATION SCHOOL <u>Means the use of a premises for a publicly funded institution for academic instruction which offers courses such as language, literacy and basic skills programming, credit courses for adults, continuing education programs, general interest courses, or Canadian citizenship preparation programs, but does not include a School, Post-Secondary, Commercial School-Skill or Commercial School – Trade/Profession.”</u></p> <p>“SCHOOL, ELEMENTARY SCHOOL <u>Means the use of a premises for a provincially approved institution for academic instruction typically offered from kindergarten to grade eight including a public, private, or separate school, but does not include a Commercial School-Skill or Commercial School – Trade/Profession.”</u></p> <p>“SCHOOL, SECONDARY SCHOOL <u>Means the use of a premises for a provincially approved institution for academic instruction typically offered from grade nine to grade twelve including a public, private or separate school, but does not include a Commercial School-Skill or Commercial School – Trade/Profession.”</u></p> <p>“SCHOOL, POST-SECONDARY <u>Means the use of a premises for education purposes by a degree, diploma, or certificate granting college or university under Provincial legislation, but does not include a Commercial School-Skill or Commercial School – Trade/Profession.”</u></p>
11	Section 4.6.1 (Regulations for Ground Level H.V.A.C)	<p><i>Revise Section 4.6.1 i) and ii) as follows:</i></p> <p>i) <u>Ground level HVAC and emergency generators are</u> is <u>permitted accessory</u> to a residential use in the Residential Zones, excluding the RHD and RO Zones, and in the Future Development Zone in accordance with the following:</p> <p style="text-align: center;">TABLE 4E</p>

Item No.	Section or Schedule	Description of Change in By-law																							
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12	Section 4.14.2 iii), Table 4G (Waste Storage Areas in Non-Residential Zones)	<p data-bbox="475 957 1255 993"><i>Revise the heading text of Section 4.14.2 iii), Table 4G as follows:</i></p> <table border="1" data-bbox="521 1035 1243 1129"> <thead> <tr> <th data-bbox="521 1035 812 1129">PROVISIONS</th> <th data-bbox="812 1035 1243 1129"><i>Detached Accessory Waste Storage Buildings and Structures</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="521 1129 812 1129"></td> <td data-bbox="812 1129 1243 1129"></td> </tr> </tbody> </table>		PROVISIONS	<i>Detached Accessory Waste Storage Buildings and Structures</i>																				
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13	Section 4.19.1 (Pre-Requisites to Erecting, Using or Occupying a Building or Structure)	<p data-bbox="475 1230 1328 1266"><i>Revise the cross-referenced section within Section 4.19.1 vi) as follows:</i></p> <p data-bbox="475 1308 1511 1371">vi) Notwithstanding i), ii), iii), and iv) above, permits for temporary uses as described in 4-6-2 <u>4.20.2</u> may be issued.</p>																							
14	Section 4.19.3 (Non-Complying Buildings and Structures)	<p data-bbox="475 1541 1401 1612"><i>Delete the existing text from Section 4.19.3.2 (Non-Compliance as a Result of Expropriation) in its entirety and replace it with the following title and text:</i></p> <p data-bbox="475 1654 1182 1686">4.19.3.2 Non-Compliance as a Result of Expropriation</p> <p data-bbox="605 1728 1511 1852">Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setback, lot coverage or maximum permitted gross floor area, then the lands so acquired</p>																							

Item No.	Section or Schedule	Description of Change in By-law
		<p>shall be deemed to continue to form part of the <i>lot</i> upon which the <i>building</i> or <i>buildings</i> are located in determining compliance with this By-law.</p> <p>“4.19.3.2 <u>Acquisition by a Public Authority</u></p> <p>a) <u>No existing <i>lot, building</i> or <i>structure</i> shall be deemed to have come into contravention with any regulations or provisions of this By-law by reason that any part or parts of the <i>lot</i> has or have been conveyed to or acquired by any <i>public authority</i>.</u></p> <p><u>This provision shall not apply where the conveyance of any part or parts of the <i>lot</i> to any <i>public authority</i> is required as a condition of an approval required for the creation of a <i>lot</i>, or where the construction of a new <i>building</i> or <i>structure</i> or addition to a <i>building</i> would further increase the extent or degree of non-conformity.</u></p> <p>b) <u>Where subsection (a) above applies and a new <i>building</i> or <i>structure</i> is proposed:</u></p> <p>i) <u><i>Lot area, lot depth, lot frontage</i> and <i>lot coverage</i> shall be calculated using the original lands conveyed to or acquired by the <i>public authority</i>; and,</u></p> <p>ii) <u>All other regulations shall be calculated using the remaining lands not conveyed to or acquired by the <i>public authority</i>.</u></p>
15	Section 4.23 (Dog Day Cares)	<p>Add a new section 4.23 (DOG DAYCARES) to section 4 as follows:</p> <p>“4.23 <u>DOG DAYCARES</u></p> <p><u>Where a dog daycare is permitted, the following provisions apply:</u></p> <p>i) <u>The dog daycare shall not be permitted in a residential mixed use building.</u></p> <p>ii) <u>Outdoor play areas shall not be permitted adjacent to a residential zone.</u></p> <p>iii) <u>Accessory grooming and retail shall be limited to 5% of the gross floor area.</u></p> <p>iv) <u>Waste shall be contained within an enclosed structure.”</u></p>
16	Section 5.6.2 (Driveway Access to a Residential Dwelling)	<p>Revise Section 5.6.2 viii) relating to permeable landscape surfaces adjacent to side lot lines and dwellings, as follows:</p> <p>viii) The following surface areas of a <i>lot</i> shall only be a permeable Residential landscaped surface such as grass, trees, shrubs, flowers or other plants, <u>river rock, decorative stone, etc.</u> or any other surface that permits the infiltration of water into the ground, but may include a portion of a retaining <i>wall</i> that is not permeable:</p> <p>a) an area at a minimum width of 0.6m <i>abutting</i> both <i>side lot lines</i> on <i>interior lots</i> of <i>detached dwellings</i> (or the <i>rear lot line</i> on <i>corner lots</i> of <i>detached dwellings</i> where the <i>driveway</i> accesses over the <i>exterior lot line</i>), except within 3.0m of the <i>front lot line</i> for those <i>lots</i> where the <i>side lot lines</i></p>

Item No.	Section or Schedule	Description of Change in By-law																																							
		<p>converge towards the front of the <i>street</i>, in which case less than 0.6m may be provided; and,</p> <p>b) an area at a minimum width of 0.6m <i>abutting one side lot line on lots of semi-detached and townhouse dwellings</i>, except within 3.0m of the <i>front lot line</i> and within the road right-of-way for those <i>lots</i> where the <i>side lot lines</i> converge towards the <i>street</i> in which case less than 0.6m may be provided;</p>																																							
17	Section 5.6.2 (Driveway Access to a Residential Dwelling)	<p>Revise Section 5.6.2 x) as follows:</p> <p>x) On lots that contain an attached or detached garage or carport, all required parking spaces shall be oriented towards the face of the attached or detached garage or carport and not more than 45 degree off-set of the garage face or front of the carport.</p>																																							
18	Section 5.8 (Size Requirements of Off-Street Parking, Loading or Queuing Spaces and Bicycle Parking)	<p>Delete Footnote (*1) from Section 5.8, Table 5D and renumber subsequent footnotes as follows:</p> <p>i) The minimum size requirements of off-street <i>parking, loading or queuing spaces and bicycle parking</i> shall be provided in accordance with the following:</p> <p>TABLE 5D</p> <table border="1" data-bbox="483 1108 1464 1692"> <thead> <tr> <th data-bbox="483 1108 837 1255" rowspan="2">Type</th> <th colspan="3" data-bbox="837 1108 1464 1150">REQUIRED DIMENSIONS</th> </tr> <tr> <th data-bbox="837 1150 1042 1255">Minimum Length</th> <th data-bbox="1042 1150 1247 1255">Minimum Width</th> <th data-bbox="1247 1150 1464 1255">Minimum Vertical Clearance</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 1255 837 1304">Angle - <i>Parking Space</i></td> <td data-bbox="837 1255 1042 1304">6.5m</td> <td data-bbox="1042 1255 1247 1304">2.75m</td> <td data-bbox="1247 1255 1464 1304">N/A</td> </tr> <tr> <td data-bbox="483 1304 837 1352">Parallel - <i>Parking Space</i></td> <td data-bbox="837 1304 1042 1352">6.5m</td> <td data-bbox="1042 1304 1247 1352">2.75m</td> <td data-bbox="1247 1304 1464 1352">N/A</td> </tr> <tr> <td data-bbox="483 1352 837 1430">Perpendicular - <i>Parking Space</i></td> <td data-bbox="837 1352 1042 1430">5.8m</td> <td data-bbox="1042 1352 1247 1430">2.75m</td> <td data-bbox="1247 1352 1464 1430">N/A</td> </tr> <tr> <td data-bbox="483 1430 837 1539">Accessible- <i>Parking Space</i> Type A Type B</td> <td data-bbox="837 1430 1042 1478">5.8m 5.8m</td> <td data-bbox="1042 1430 1247 1539">3.4m (*21) 2.75m (*21)</td> <td data-bbox="1247 1430 1464 1539">N/A</td> </tr> <tr> <td data-bbox="483 1539 837 1587">Loading Space (*1)</td> <td data-bbox="837 1539 1042 1587">12.0m</td> <td data-bbox="1042 1539 1247 1587">3.5m</td> <td data-bbox="1247 1539 1464 1587">4.2m</td> </tr> <tr> <td data-bbox="483 1587 837 1635"><i>Loading Area</i></td> <td data-bbox="837 1587 1042 1635">6.0m</td> <td data-bbox="1042 1587 1247 1635">3.5m</td> <td data-bbox="1247 1587 1464 1635">3.0m</td> </tr> <tr> <td data-bbox="483 1635 837 1684"><i>Queuing Space</i></td> <td data-bbox="837 1635 1042 1684">6.0 m</td> <td data-bbox="1042 1635 1247 1684">3.0</td> <td data-bbox="1247 1635 1464 1684">N/A</td> </tr> <tr> <td data-bbox="483 1684 837 1732"><i>Bicycle - Parking Space</i></td> <td data-bbox="837 1684 1042 1732">1.8m</td> <td data-bbox="1042 1684 1247 1732">0.6m</td> <td data-bbox="1247 1684 1464 1732">1.9 m</td> </tr> </tbody> </table> <p>Footnote(s) to TABLE 5D</p> <p>(*1) Where only one (1) loading space is required, that loading space may be reduced to the minimum size requirements of a loading area.</p> <p>(*2 1) An accessible aisle must be provided adjacent to an <i>accessible parking space</i> with a minimum width of 1.5m and length of 5.8m. Adjacent <i>accessible parking spaces</i> may share one access aisle.</p>	Type	REQUIRED DIMENSIONS			Minimum Length	Minimum Width	Minimum Vertical Clearance	Angle - <i>Parking Space</i>	6.5m	2.75m	N/A	Parallel - <i>Parking Space</i>	6.5m	2.75m	N/A	Perpendicular - <i>Parking Space</i>	5.8m	2.75m	N/A	Accessible- <i>Parking Space</i> Type A Type B	5.8m 5.8m	3.4m (*21) 2.75m (*21)	N/A	Loading Space (*1)	12.0m	3.5m	4.2m	<i>Loading Area</i>	6.0m	3.5m	3.0m	<i>Queuing Space</i>	6.0 m	3.0	N/A	<i>Bicycle - Parking Space</i>	1.8m	0.6m	1.9 m
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Item No.	Section or Schedule	Description of Change in By-law												
19	Section 5.8.2 ii) (Non-Residential Off-Street Parking Requirements)	<p><i>Revise Section 5.8.2 ii) (Non-Residential Off-Street Parking Requirements) as follows:</i></p> <table border="1" data-bbox="487 352 1446 1047"> <thead> <tr> <th data-bbox="487 352 883 422">Type or Nature of Use</th> <th data-bbox="883 352 1446 422">Minimum Off-Street Parking Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="487 422 883 737"> <i>Day Nurseries</i> <i>Day Care Centre</i> </td> <td data-bbox="883 422 1446 737"> 1.5 <i>parking spaces</i> per classroom; <u>PLUS</u> 1 space per 30m² of <i>gross floor area</i> Notwithstanding the requirements above, where a before and/or after school Day Nursery <u>Day Care Centre</u> program is located within an Elementary school, no additional parking shall be required. </td> </tr> <tr> <td data-bbox="487 737 883 905"> School <i>Elementary School</i> <i>Secondary School</i> <i>All Other Schools</i> </td> <td data-bbox="883 737 1446 905"> 2 <i>parking spaces</i> per class room; 4 <i>parking spaces</i> per class room; 5 <i>parking spaces</i> per class room </td> </tr> <tr> <td data-bbox="487 905 883 1047"> Before and After School Programs </td> <td data-bbox="883 905 1446 1047"> For Before and After School Daycare programs, refer to the parking requirements under “Day Nursery” <u>Day Care Centre</u>. </td> </tr> </tbody> </table>	Type or Nature of Use	Minimum Off-Street Parking Requirements	<i>Day Nurseries</i> <i>Day Care Centre</i>	1.5 <i>parking spaces</i> per classroom; <u>PLUS</u> 1 space per 30m ² of <i>gross floor area</i> Notwithstanding the requirements above, where a before and/or after school Day Nursery <u>Day Care Centre</u> program is located within an Elementary school, no additional parking shall be required.	School <i>Elementary School</i> <i>Secondary School</i> <i>All Other Schools</i>	2 <i>parking spaces</i> per class room; 4 <i>parking spaces</i> per class room; 5 <i>parking spaces</i> per class room	Before and After School Programs	For Before and After School Daycare programs, refer to the parking requirements under “ Day Nursery ” <u>Day Care Centre</u> .				
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20	Section 5.9 (Accessible Parking Requirements)	<p><i>Delete Footnote (*2) from Section 5.9, Table 5H and add a new subsection iii), and renumber the subsequent subsections accordingly, as follows:</i></p> <p>5.9 ACCESSIBLE PARKING REQUIREMENTS</p> <p>Designated accessible <i>parking spaces</i> for persons with a disability shall be provided in accordance with the provisions of this By-law and the Highway Traffic Act.</p> <p>i) The minimum required accessible <i>parking spaces</i> for persons with a disability shall be provided in accordance with the following:</p> <p>TABLE 5H</p> <table border="1" data-bbox="487 1528 1344 1873"> <thead> <tr> <th data-bbox="487 1528 818 1604">No. of Required <i>Parking Spaces</i></th> <th data-bbox="818 1528 1344 1604">No. of Designated Accessible <i>Spaces</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="487 1604 818 1646">1 to 12</td> <td data-bbox="818 1604 1344 1646">1 Type A (*2)</td> </tr> <tr> <td data-bbox="487 1646 818 1688">13 to 100</td> <td data-bbox="818 1646 1344 1688">4% (*1)</td> </tr> <tr> <td data-bbox="487 1688 818 1743">101 to 200</td> <td data-bbox="818 1688 1344 1743">1 accessible parking space <u>PLUS</u> 3% (*1)</td> </tr> <tr> <td data-bbox="487 1743 818 1808">201 to 1000</td> <td data-bbox="818 1743 1344 1808">2 accessible parking spaces <u>PLUS</u> 2% (*1)</td> </tr> <tr> <td data-bbox="487 1808 818 1873">More than 1000 spaces</td> <td data-bbox="818 1808 1344 1873">11 accessible parking spaces <u>PLUS</u> 1% (*1)</td> </tr> </tbody> </table>	No. of Required <i>Parking Spaces</i>	No. of Designated Accessible <i>Spaces</i>	1 to 12	1 Type A (*2)	13 to 100	4% (*1)	101 to 200	1 accessible parking space <u>PLUS</u> 3% (*1)	201 to 1000	2 accessible parking spaces <u>PLUS</u> 2% (*1)	More than 1000 spaces	11 accessible parking spaces <u>PLUS</u> 1% (*1)
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		<p>Footnotes to Table 5H</p> <p>(*1) Where the minimum number of accessible <i>parking spaces</i> required is even, an equal number of Type A and Type B <i>accessible parking spaces</i> shall be provided. Where the minimum number of <i>accessible parking spaces</i> is odd, an equal number of Type A and Type B <i>accessible parking spaces</i> shall be provided but the last accessible <i>parking space</i> may be a Type B.</p> <p>(*2) Whenever only one (1) Type A designated accessible <i>parking space</i> is required for a non-residential use, the minimum width of the one required accessible <i>parking space</i> shall be 4.6 m.</p> <p>ii) The total number of accessible <i>parking spaces</i> shall be included within the total required <i>parking</i> calculation for the <i>lot</i> or <i>use</i> and shall be rounded up to the nearest whole number;</p> <p>iii) <u>Where required parking on a <i>lot</i> is calculated separately for a residential component, a visitor component, and/or a non-residential component and the parking is provided in a common <i>parking area</i>, the accessible parking required by this by-law shall also be calculated and provided separately for each of the individual components.</u></p> <p>iii) <u>iv)</u> Accessible parking spaces shall be signed in accordance with the Town of Milton's Accessible Parking By-law and/or Highway Traffic Act; and,</p> <p>iv) <u>v)</u> Accessible <i>parking spaces</i> shall be located in proximity to the primary entrance(s) to a <i>building</i> and shall have direct access to the entrance(s) by a minimum 2.2m wide unobstructed sidewalk or access route.</p>																	
21	Section 5.11 (Loading Space and Loading Area Requirements)	<p>5.11 LOADING SPACE AND LOADING AREA REQUIREMENTS</p> <p>i) Off-street <i>loading spaces</i> and <i>loading areas</i> shall be provided for each non-residential principal <i>building</i> in all Commercial, Employment, and Institutional <i>Zones</i> and for any non-residential <i>floor area</i> located in a Residential <i>Zone</i> as follows:</p> <p>TABLE 5J</p> <table border="1" data-bbox="488 1602 1273 1892"> <thead> <tr> <th data-bbox="488 1602 808 1703" rowspan="2">Gross Floor Area</th> <th colspan="2" data-bbox="808 1602 1273 1654">Loading Requirements</th> </tr> <tr> <th data-bbox="808 1654 1045 1703">g Spaces</th> <th data-bbox="1045 1654 1273 1703">Loading Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 1703 808 1751">280m² or less</td> <td data-bbox="808 1703 1045 1751">0</td> <td data-bbox="1045 1703 1273 1751">0</td> </tr> <tr> <td data-bbox="488 1751 808 1799">281m² to 930m²</td> <td data-bbox="808 1751 1045 1799">0</td> <td data-bbox="1045 1751 1273 1799">1</td> </tr> <tr> <td data-bbox="488 1799 808 1848">931m² to 2325m²</td> <td data-bbox="808 1799 1045 1848">4<u>0</u></td> <td data-bbox="1045 1799 1273 1848"><u>0</u>1</td> </tr> <tr> <td data-bbox="488 1848 808 1892">2326m² to 7440m²</td> <td data-bbox="808 1848 1045 1892">2</td> <td data-bbox="1045 1848 1273 1892">0</td> </tr> </tbody> </table>	Gross Floor Area	Loading Requirements		g Spaces	Loading Area	280m ² or less	0	0	281m ² to 930m ²	0	1	931m ² to 2325m ²	4 <u>0</u>	<u>0</u> 1	2326m ² to 7440m ²	2	0
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Item No.	Section or Schedule	Description of Change in By-law								
		7,441m ² or greater	3 (*1)	0						
		Footnote(s) to TABLE 5J (*1) PLUS 1 additional <i>loading</i> space for each additional 9,300m ² or fraction thereof in excess of 7441m ² .								
22	Section 5.13 (Illumination)	Revise Section 5.13 v) as follows: v) Notwithstanding any other section of this by-law, lighting fixtures for playing fields, tennis courts in <u>and</u> public parks shall be exempt from the requirements of subsections 5.13 i) to iv) of this By-law.								
23	Sections 6, 7, and 13 (Terminology Revisions)	Delete all existing "Day Nursery" references within the Zoning By-law and replace them with the new "Day Care Centre" reference, within, but not limited to the following Sections: <ul style="list-style-type: none"> Section 6.1, Table 6A-1 (Permitted Uses in the Mixed Use Zone); Section 7.1, Table 7A (Permitted Uses in Commercial Zones within the Central Business District); Section 7.1, Table 7B (Permitted Uses in Other Commercial Zones); and, Site specific sections 13.1.1.74, 13.1.1.117, 13.1.1.122, 13.1.1.128, 13.1.1.134, 13.1.1.176, 13.1.1.204, 13.1.1.217, 13.1.1.225, 13.1.1.237, 13.1.1.247, 13.1.1.248, and 13.1.1.249. 								
24	Section 6.2, Table 6F (Mixed Use Zone – Regulations)	Revise the provisions in Section 6.2, Table 6F (Mixed Use Zone Regulations) relating to setbacks to all other zones and grade related dwelling units as follows: <table border="1" data-bbox="483 1129 1490 1843"> <thead> <tr> <th rowspan="3">Regulations</th> <th>Mixed Use Zones</th> </tr> <tr> <th>MU</th> </tr> <tr> <th>Mixed Use</th> </tr> </thead> <tbody> <tr> <td>Setbacks to All Other Zones and Grade Related Dwellings (minimum):</td> <td> <p><u>For buildings</u> Up to 10.5 m in <i>height</i>: 7.5 m from a <u>property line</u>, and where there is no property line, 7.5 m plus the typically <u>required yard setback</u> for the <u>grade-related dwelling unit(s)</u>.</p> <p><u>For buildings</u> Above 10.5 m in <i>height</i>: No part of any <u>building abutting another zone or grade-related dwelling unit(s) on a lot with a rear or side lot line, whichever is applicable, abutting grade-related dwellings</u> may project above a 45 degree angular plane measured at a <u>height</u> of 10.5 metres from a point <u>and a distance of</u> 7.5 metres from the rear <u>abutting lot line</u>, or where there is no property line, 7.5 m plus the typically <u>required yard setback</u> for the <u>grade-related dwelling unit (s) projecting upwards towards the front lot line</u>.</p> </td> </tr> </tbody> </table>			Regulations	Mixed Use Zones	MU	Mixed Use	Setbacks to All Other Zones and Grade Related Dwellings (minimum):	<p><u>For buildings</u> Up to 10.5 m in <i>height</i>: 7.5 m from a <u>property line</u>, and where there is no property line, 7.5 m plus the typically <u>required yard setback</u> for the <u>grade-related dwelling unit(s)</u>.</p> <p><u>For buildings</u> Above 10.5 m in <i>height</i>: No part of any <u>building abutting another zone or grade-related dwelling unit(s) on a lot with a rear or side lot line, whichever is applicable, abutting grade-related dwellings</u> may project above a 45 degree angular plane measured at a <u>height</u> of 10.5 metres from a point <u>and a distance of</u> 7.5 metres from the rear <u>abutting lot line</u>, or where there is no property line, 7.5 m plus the typically <u>required yard setback</u> for the <u>grade-related dwelling unit (s) projecting upwards towards the front lot line</u>.</p>
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Item No.	Section or Schedule	Description of Change in By-law
25	6.3.2.3. (Special Residential Provisions)	<p><i>Revise Section 6.3.2.3 iii) with respect to permitted encroachments for porches/verandas within a front yard, as follows:</i></p> <p>6.3.2.3 Porches / Verandas</p> <p>i) Porches / Verandas are permitted in the exterior side yard and front yard;</p> <p>ii) Porches / Verandas are permitted to encroach up to 60% of the required exterior side yard, but at no time shall be closer than 1.0m to the property line;</p> <p>iii) Porches / Verandas are permitted to encroach up to 60% of the required front yard, but at no time shall be closer than 2.0 <u>1.0 m</u> to the property line.</p>
26	Sections, 6, 7, 8 and 9 (Permissions for School, Adult Education use)	<p><i>Add permission for the “School, Adult Education” use to the following tables and zones:</i></p> <p>Table 6A-1: MU Table 7 A: CBD-A, Secondary Commercial CBD-B, UGC-MU and UGC-MU-2 Table 7B: C2, C3, C6 and MC Table 8A: EMP-2, M1 and M2 Table 9A: I-A and I-B</p>
27	Sections 7 and 8 (Permissions for Dog Daycare use)	<p><i>Add permissions for the “Dog Daycare” use to the C2 (Secondary Mixed Use), C5 (Auto Commercial), C6 (Business Commercial), MC (Major Commercial), EMP-2 (Employment), M1 (Business Park) and M2 (Industrial) Zones.</i></p>
28	Section 7.1, Table 7A (Commercial Zones- Permitted Uses)	<p><i>Revise Footnote (*5) in Section 7.1, Table 7A, as follows:</i></p> <p>(*5) Drive—Through Service Facilities are only permitted within the C1—C, C1—E, and C1—F Zones in Zoning By—law 144-2003, as amended, until such time as the OMB appeals (Case No. PL140294) are resolved or withdrawn.</p>
29	Section 7.2, Table 7D (Commercial Zones – Regulations)	<p><i>Delete the word “Combined” in the Gross Floor Area regulation title block in Section 7.2, Table 7D (Other Commercial Zones) as it relates to individual buildings;</i></p>
30	Section 8.2, Table 8B (Employment Zones –	<p><i>Add the “Warehouse/Distribution Centre” use to the EMP-2 Zone in Section 8.1, Table 8A;</i></p>

Item No.	Section or Schedule	Description of Change in By-law
	Permitted Uses)	
31	Section 13.1.1.57 and 13.3.1.4 (Site-Specific Provision for Northwest Corner of Britannia Road and Bronte Street	<i>Delete the existing text in site-specific Section 13.1.1.57 and Temporary Use Section 13.3.1.4 and replace both sections with the word “DELETED”.</i>
32	Section 13.1.1.123 (Site-Specific Provisions for NW Corner of Maple Ave. & Fox Crescent)	<i>Delete the word “maximum” from the required off-street parking requirement set out in subsection iv) a) of site-specific provision 13.1.1.123</i>
33	Section 13.1.1.252 (Site Specific Provisions re: Mattamy Martin West- (File 24T-15002/M)	<i>Add the following subsection under the title of “Detached Dwellings – Street Access – Interior Lot” to site-specific Section 13.1.1.252 as follows:</i> “ <u>c. Notwithstanding the Zone Regulations of Section 6.3.1.1 to the contrary, the dwelling shall have a minimum dwelling face, which may include the porch/veranda, of 3.3 metres provided that no more than 60% of the building face is used for the garage portion of the elevation.</u> ”
34	Section 13.1.1.259 (Main Street Fencing between Thompson Road and Maple Avenue)	<i>Add a new site-specific subsection 13.1.1.259, as follows:</i> Residential Medium Density 1 – Special Section (RMD1*259) Zone i) Special Site Provisions Notwithstanding any provisions of the By-law to the contrary, the following standards and provisions shall apply to fences within a <i>front yard</i> : a) <i>Front lot line</i> fences or fences within the <i>front yard</i> running parallel to the <i>front lot line</i> are prohibited. b) <i>Interior side lot line</i> fencing in the <i>front yard</i> is permitted to have a maximum height of 1.4 m.”
35	Schedule A (Lands subject to Site Specific	<i>Amend Schedule A, as amended, by changing:</i> 1. <i>the existing “RMD1-A” zone symbol to a site-specific “RMD1*259” zone symbol; and,</i>

Item No.	Section or Schedule	Description of Change in By-law
	Zoning RMD1`*259)	<p>2. <i>the existing "RMD1" zone symbol to a site-specific "RMD1*259" zone symbol on the properties municipally known as 1148 Davis Lane, 1212 Mowat Lane and 1332 Mowat Lane,</i></p> <p><i>as shown on Schedule A attached hereto.</i></p>

- 2.0 THAT all other provisions of By-law No. 016-2014, as amended, in existence at the time of the passing of this by-law remain in force and effect.
- 3.0 THAT if no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Local Planning Appeal Tribunal amends the by-law pursuant to Section 34(26) of the *Planning Act*, as amended, the part or parts so amended come into force upon the day the Tribunal's Order is issued directing the amendment or amendments.

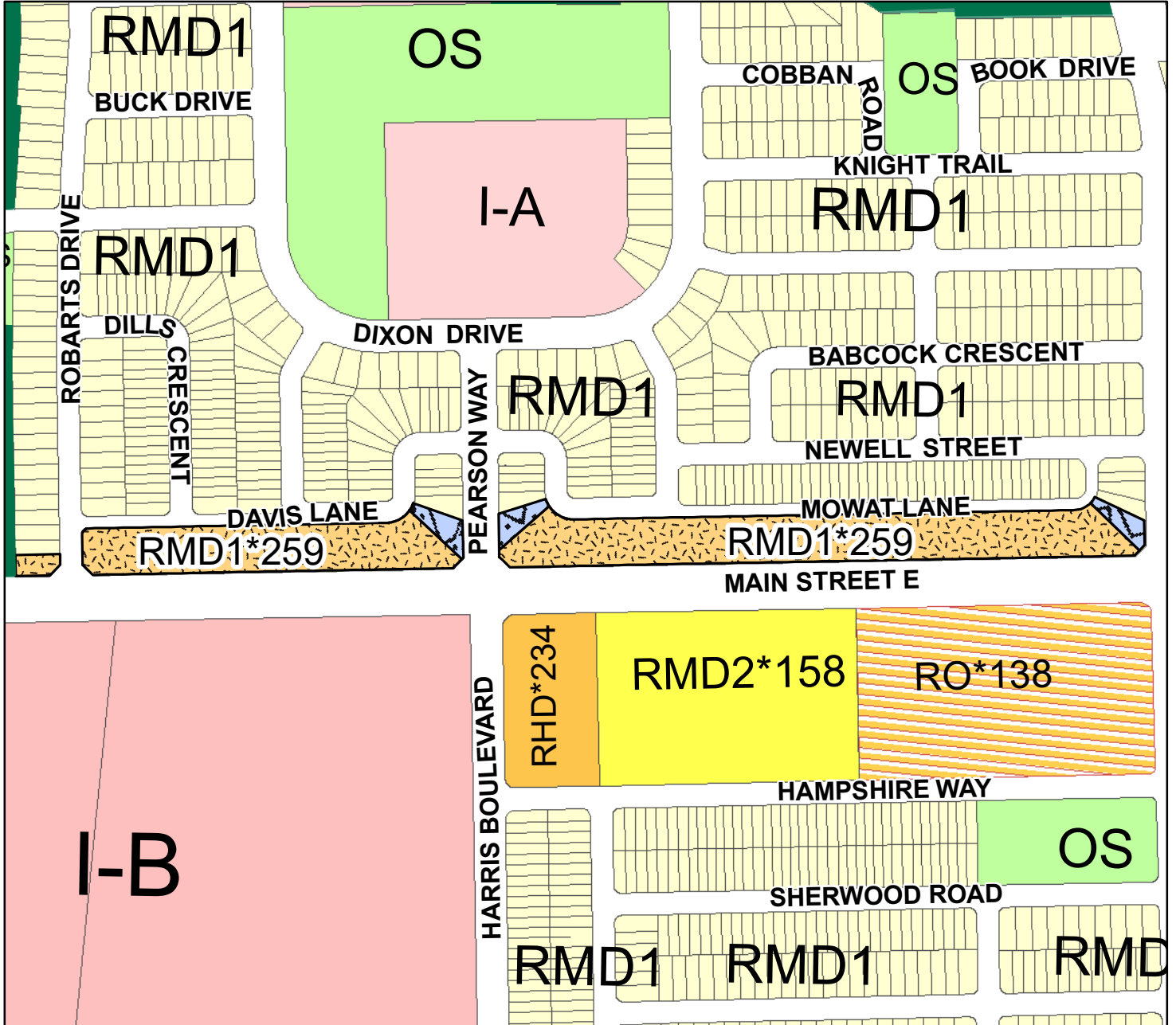
PASSED IN OPEN COUNCIL ON APRIL 15, 2019.

_____ Mayor
Gordon Krantz

_____ Acting Town Clerk
William Roberts

SCHEDULE A
 TO BY-LAW No. -2019
 TOWN OF MILTON

Town of Milton



THIS IS SCHEDULE A
 TO BY-LAW NO. -2019 PASSED
 THIS ___ DAY OF _____, 2019.



To be Rezoned From RMD1 to RMD1*259



To be Rezoned From RMD1*A to RMD1*259

 MAYOR - Gordon A. Krantz

 ACTING TOWN CLERK - William Roberts



THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2019

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE PLANNING ACT, AS AMENDED, TO INCORPORATE A HOUSEKEEPING AMENDMENT THAT AFFECTS THE LANDS MUNICIPALLY IDENTIFIED AS 4249 DONALDSON LANE, IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - (TOWN FILE: HKA-01/18).

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

AND WHEREAS the Town of Milton Official Plan provides for lands affected by this by-law to be zoned as set forth in this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

- 1.0 **THAT** Schedule A to Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by changing the existing site-specific Greenlands B*37 (GB*37) Zone Symbol to an Estate Residential (RE) Zone Symbol on the lands shown on Schedule A attached hereto.
- 2.0 **THAT** if no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Local Planning Appeal Tribunal amends the by-law pursuant to Section 34(26) of the *Planning Act*, as amended, the part or parts so amended come into force upon the day the Tribunal's Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON APRIL 15, 2019.

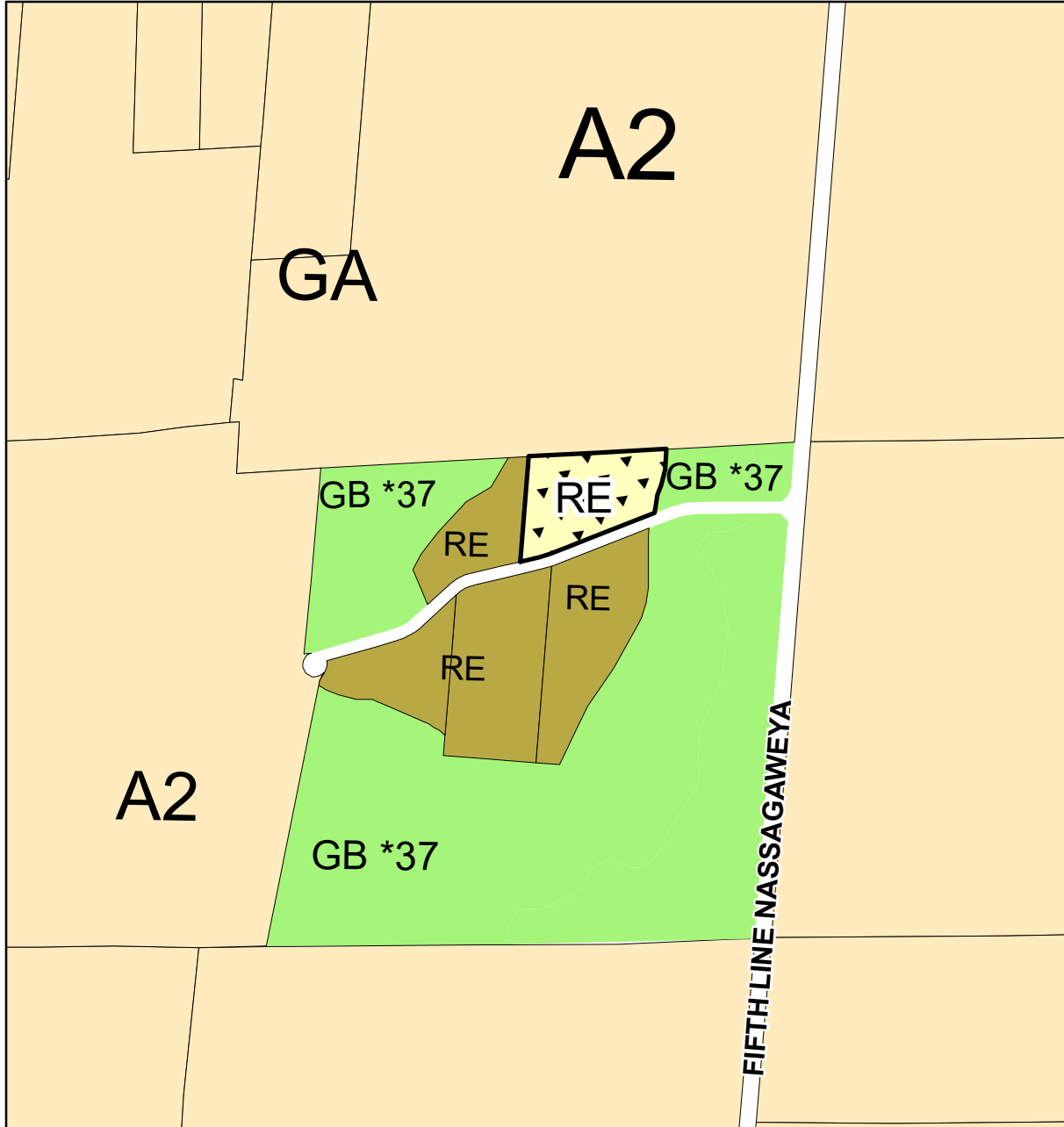
Gordon A. Krantz Mayor

William Roberts Acting Town Clerk

SCHEDULE A
TO BY-LAW No. -2019
TOWN OF MILTON

PLAN 20M856 LOT 1

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. -2019 PASSED
THIS ___ DAY OF _____, 2019.

 RE - Estate Residential Zone

MAYOR - Gordon A. Krantz

ACTING TOWN CLERK - William Roberts



Angela Janzen

From: Bev Cartwright [REDACTED]
Sent: Thursday, January 24, 2019 9:21 AM
To: Angela Janzen
Subject: Re: Doggie Day Cares - Proposed Zoning Provisions

Ok, thank you

Hi Angela,

I attended the council meeting that was held Monday Jan 21 2019, the subject of addressing the proposed change of the by-laws re "doggie day care" was brought up. Unfortunately I did not take the stand and express my thoughts on this matter, however I would very much like to do so now.

Two years ago I approach the town hall to inquire about the present by-laws requirements regarding opening up a urban "doggie day care" I conducted my own market research to the surrounding veterinarian clinics to ask their clients would they be in favor and benefit from a day care center for the their dogs, with positive results. I worked with a commercial realtor and found a unit just on the fringe of the town and also conducted my own traffic count, but was told I the town wouldn't accept my survey, it would be done by them independently.

My objective is to provide a service for the people of Milton who own pets in the vastly growing town, it is a working class town and has great availability access to the highway, so I was hoping to be situated in an area of convince to the busy working public, close to highway access. It would also be help to employ local town people.

I would incorporate a salon and training available, to make it a "one stop shop" Unfortunately I was deterred when I was informed of my personal cost of changing the by-law, which if I paid would not be exclusive to myself.

I look forward to hearing if these changes would be made to help many people of the town of Milton.

Kind Regards

Bev Cartwright

Angela Janzen

From: Ronald Richards [REDACTED]
Sent: Tuesday, February 12, 2019 9:21 AM
To: Angela Janzen
Cc: [REDACTED]
Subject: PD-005-19

Public Meeting and Initial Report: General Housekeeping Amendments to Comprehensive Zoning By-law 016-2014, as amended, and Comprehensive Zoning By-law 144-2003, as amended.

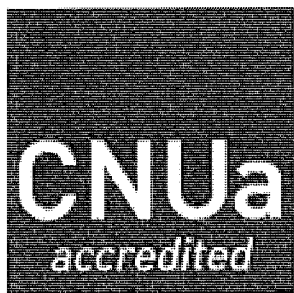
Angela, regarding the above, I represent Eastern Canada Doggy Care Ltd, the franchisor of 'Dogtopia' stores in Ontario. Dogtopia operates dog daycare, grooming and boarding stores throughout the province. You may be familiar with stores in Brampton, Mississauga and Burlington among others. As a result, we are very interested in the proposed amendments to the City of Milton zoning bylaw that would permit dog daycare but not boarding.

A key component of the service provided to clients is overnight boarding. This service is in operation at the stores noted above and have not resulted in any conflicts with adjacent uses. Forcing pet owners to kennels, usually located in rural areas, is not a reasonable response to the need. Often overnight stays are required for pets as a result of business trips or family emergencies that arise unexpectedly. Proper, licensed, facilities in a convenient location should be considered a 'personal service'.

Please provide an update on the status of the bylaw and timing for consideration by Committee and Council.

Regards

Ron Richards
[REDACTED]
[REDACTED]



Angela Janzen

From: Ronald Richards [REDACTED]
Sent: Wednesday, February 20, 2019 1:44 PM
To: Angela Janzen
Cc: [REDACTED]
Subject: RE: PD-005-19
Attachments: Pet-Safe Cleaning Program University_July 2016.pptx; Dogtopia Waste Management.pptx; Dogtopia - Odor Sound Specifications.pdf; PCA 74-18 Report.pdf; PL170695-JUN-13-2018.pdf; Cover Letter July xx, 2018.docx.doc; decision.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

It was a pleasure to speak to you this morning. As discussed I attach a number of documents:

1. Pet Safe power point
2. Dogtopia Waste Management power point
3. Dogtopia odour/sound specs.
4. Staff report on minor variance in Pickering to support daycare and boarding (service and personal service use)
5. LPAT Decision in Burlington approving a variance to allow the use(s)
6. A copy of my minor variance application cover letter to allow overnight boarding at Brampton store
7. A copy of the conditions attached to the COA approval of boarding in Brampton (kennel licence etc.)

I am reviewing my files and will forward additional material as relevant.

In response to the recommendations in the staff report PD-005-19 we are generally in support with the obvious exception to you proposed prohibition on overnight boarding. As I mentioned, dog ownership is increasing and owners need convenient and high quality accommodation for their pets. Dogtopia meets this need in a number of GTA municipalities such as Newmarket, Brampton, Mississauga and Burlington where the use was already permitted or supported through minor variance.

The above attached decision of the LPAT in Burlington is informative in that it assesses the use in comparison to a typical 'kennel' use as set out in the Burlington bylaw. My experience has been that in the absence of a specific category for dog daycare as an accessory use to dog grooming or overnight boarding staff default to a 'kennel' use and impose the same locational requirements. The Dogtopia uses do not fit well into most municipal zoning bylaws as it is a relatively new phenomena although the uses have been provided (perhaps illegally and certainly unlicensed) by individuals and businesses for many years. This is an opportunity for Milton to recognise the need and regulate location as well as ensure proper operation through licensing (similar to Brampton).

Kennel operations have and are typically located in rural areas and are not convenient for short term stays the need for that which arise on short notice such as business travel or family emergency out of town. Dogtopia can address this need and provide exceptional care and supervision of dogs without worry to the owner.

Under the circumstances I would request that overnight boarding in addition to dog daycare be accommodated in the Milton Zoning bylaw. If I can be of further assistance please do not hesitate to contact me. Please also ensure I am notified of any upcoming meetings in this regard and that I am provided with any relevant staff reports/bylaws proceeding to council.

Regards,



Pet-Safe Cleaning Program

Health Technology
Professional Products Inc.

HT Health
Technology
Professional Products Inc.



Agenda

- Our Goals Based on Health & Safety
- Health Technologies Professional Products, Inc.
- Updated Procedures
- Questions?



Health and Safety: a core principal of our brand

Pet-Safe Cleaning Program Goals:

- 1) Provide clean, safe, odor-free environment
- 2) Protect your investment
- 3) Save you money



Health Technologies Professional Product, Inc.

- Serving the Veterinary, Grooming, Pet Boarding and Animal Care Sector since 1989
- Specializing in maintaining all areas of an animal care facility



Health Technologies Professional Product, Inc. Chris Quinlan - President



Grew up in a family business that has specialized in hospital hygiene, sanitation, laundry, and floor care since 1958.

- While attending California Polytechnic University, Chris received extensive training in the areas of chemistry, microbiology, hospital infection control principles and practices, institutional hygiene, environmental sanitation, odor control, floor care, and OSHA compliance.
- He owns the Riverwalk Pet Resort with his wife Gia.
- Chris has been a speaker on sanitation for the Pet Services Association national meeting, as well as speaking on hospital hygiene and sanitation at several veterinary schools and associations.



Oxivir used until April 2016

- Oxivir is a hydrogen peroxide based chemical that has a low toxicity level.
- The correct dilution of Oxivir to be effective is 1:16 (NOT 1:256)



Goal #1: Provide Clean, Safe and Odor-free Environments



Health Technology Products Achieve Goal #1: Provide Clean, Safe and Odor-free Environments



Meets stringent Colorado cleaning standards



Health Technology Chemicals



4 Main Cleaning Chemicals

In an effort to keep it **simple** and **efficient**, use as few products as possible.

1. Eliminator – A bacterial enzyme for **spot cleaning** and odor control.
2. Triple Two – A combination product cleaner, disinfectant, deodorizer, used for all **daily cleaning**.
3. Cage & Kennel – A degreaser for **detail cleaning**.
4. Glass Cleaner



Eliminator

Ratio 1:64 (2oz/gal)

Bio-Enzymatic Odor Digester

- Effectively eliminates odors and eats bad bacteria
- Use in mop buckets for playrooms and spot cleaning
- Use on artificial grass
- ❖ Safe to use when dogs are in open play



Triple Two

Ratio 1:64 (2oz/gal)

Disinfectant, Cleaner, Deodorizer

- Use in mop buckets for daily deep cleaning in the AM & PM
- Use to sanitize and disinfect all hard surfaces
- Use to sanitize dog bowls in 3 min. with dilution of $\frac{1}{2}$ oz/gal (1:256)



Cage & Kennel

Ratio 1:128 (1oz/gal)

Degreaser, Deodorizer

- Use as part of a weekly, deep cleaning protocol to remove grease, grime, and oil buildup
- Use on FRP walls, crates, and hard surfaces



Glass Cleaner

Ratio 1:64 (2oz/gal)

Streak-Free Glass Cleaner

- Use on all glossy and reflective surfaces including windows, mirrors, stainless steel, chrome, laminates, plastics and vinyl



Metered Dispensing Unit

Safety meets Savings

- Ensures safety by automatically distributing the appropriate dilution of chemicals
- Safeguards against accidental over-concentrated chemicals
- Less time calculating ratios
- Made of stainless steel to sustain frequent daily use
- Mounts on wall near water source
- Can be connected to larger gallons or pails via hoses



**Goal #2:
Protect Your Investment**



Health Technology Products Achieve Goal #2: Protect Your Investment



Harsh chemicals like hydrogen peroxide and bleach will break down and corrode the flooring and coating on kennels.



HT Products keep equipment looking new and in good working order.



Franchisee Testimonial

Dogtopia of Herndon:



"After using the Odor Eliminator and Triple Two my playrooms and store both smell and look so much better. The floors are much cleaner and don't leave a residue after it dries. It cleans old stains well. The smell of my store has improved dramatically. We used to get complaints that it 'smelled like wet/stinky dog' but now we are hearing 'it smells so good in here; you can't tell there are dogs here!'"

- Jersey Lynch

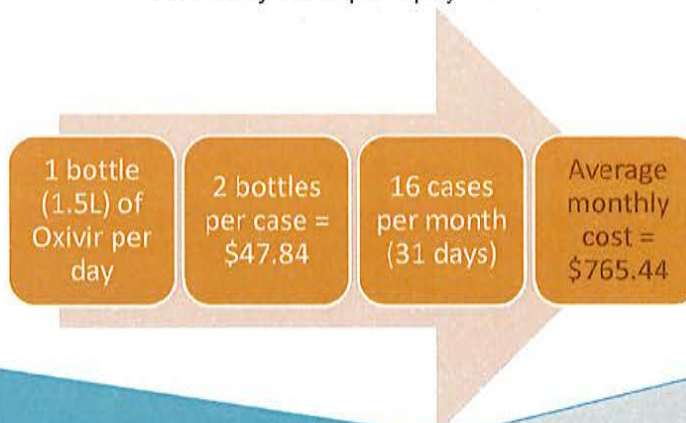


Goal #3: Save You Money



Historical Costs for Oxivir

Case Study 3000sq ft. of playroom



Average Monthly Cost with HT

Case Study for a Store with 1-2 Large Playrooms

Cleaner	Price per mop bucket	Price per month
Triple Two (5 mop buckets/day)	\$1.13	\$175*
Eliminator (5 mop buckets/day)	\$1.22	\$189*
Cage & Kennel** (1 gallon)		\$36
Streak-free Glass Cleaner** (1 gallon)		\$35
Monthly Total		\$435

*Cost is based on our negotiated price for a 5 gallon pail

**One Gallon of Cage & Kennel and Glass Cleaner will likely last longer than 1 month



Health Technology Products Achieve Goal #3: Save You Money

Estimated Cost Savings Over Time

Case Study: 3000sq ft. of playroom

Monthly Supply of the Cleaning Product	
Oxivir = \$765.44	HT = \$435

This saving could increase with bulk orders

A savings of 43%



Shipping Costs

Order Amount	USA Shipping Cost
Average monthly order - \$435	\$49.50
All chemical orders of at least \$650*	FREE Shipping
*Ordering in bulk saves more money	

For Canadian shipping rates, please speak to Mel Forbes at Heath Technologies



Basic Start Up Package Includes:

- 4-Product Metered Dispensing Unit
- 8 OSHA Compliant Bottle/Trigger Sprayers (2 for each of the 4 cleaning products) - **FREE**
- 1 Gallon of each of the 4 solutions - **FREE**
 - Triple Two
 - Eliminator
 - Cage and Kennel
 - Streak Free Glass Cleaner

Basic Package:
\$ 725
(Saving of \$174.92)



Health Technology Offers a Full Catalog of Products and Equipment

We have negotiated pricing for Dogtopia.
We can order additional items from HT including:

- Cleaning Chemicals
- Foaming Hand Soap and Sanitizer
- Dog Bowl Wash Products
- Trigger Sprayers
- Laundry Chemicals
- Laundry Chemical Dispensers
- Back Pack Vacuums
- Floor Scrubbing Machines
- Mop Buckets and Mop Heads
- Micro Fiber Mop Systems
- Floor Squeegees and Brushes
- Trash Cans
- Floor Signs
- Nature's Specialties Dog Shampoos



Orders Can Be Placed Today

Health Technology has created a website for Dogtopia ordering!

Find your HT website login information on FranConnect:

*Intranet > Library > Operations > Health and Safety Protocol >
HT Login for Dogtopia Locations*

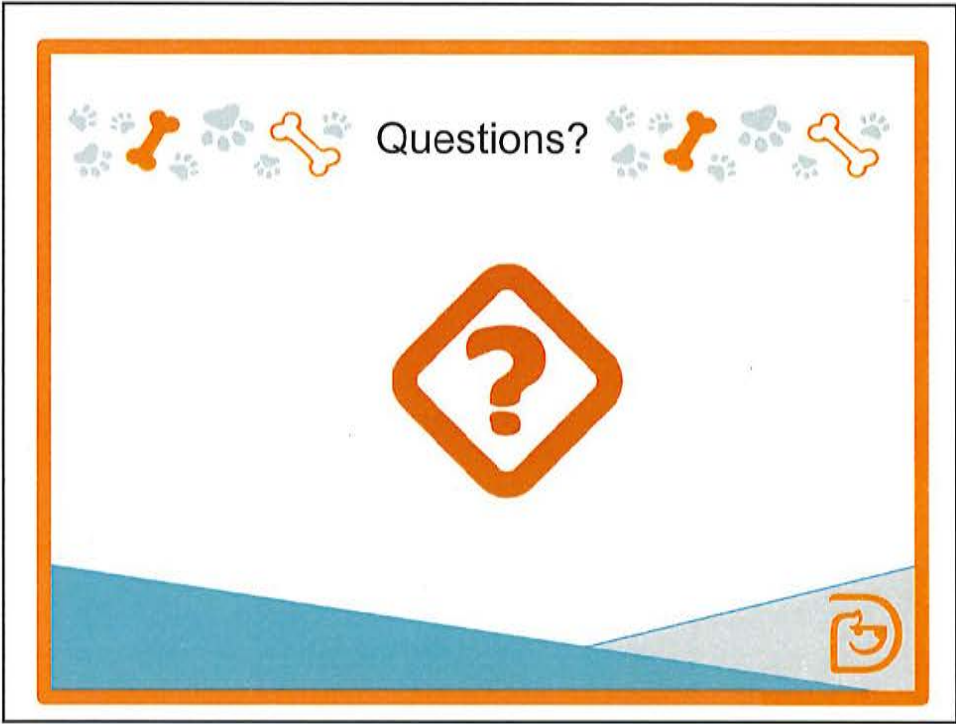
Our Account Representative:

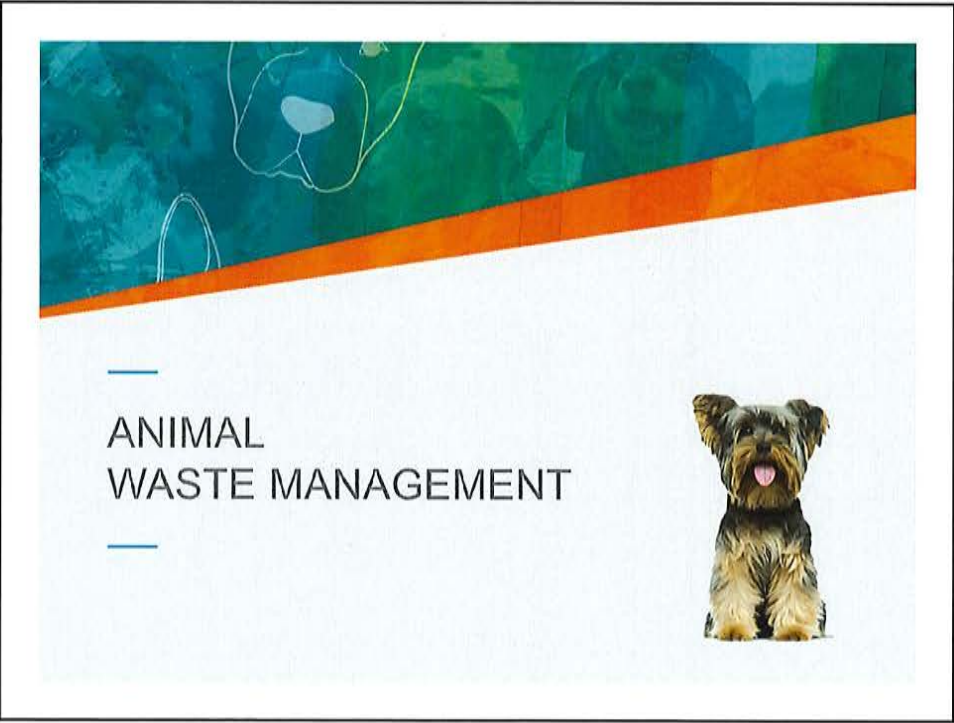
Mel Forbes

Email: mforbes@htproducts.net

Text or call: 951-870-0994










Dogtopia Protocols

- Pick up solid waste immediately
- Securely tie the plastic bag
- Place in a tightly lidded bin
- Empty the trash bin at the end of each day, making sure to double bag the waste
- Place in location's dumpster



—
SHARED DUMPSTER
OR ODOROUS TRASH
—





Dogtopia Protocols

- Pick up solid waste immediately
- Securely tie the plastic bag
- Place in a small deep freezer that is labeled Hazardous Waste



Dogtopia Protocols

- Once a week, on the day of dumpster collection, empty the freezer into the location's dumpster
- This protocol is highly effective at eliminating animal waste odors for our location as well as neighboring tenants.



Odor Control

Requirements for Odor Reduction

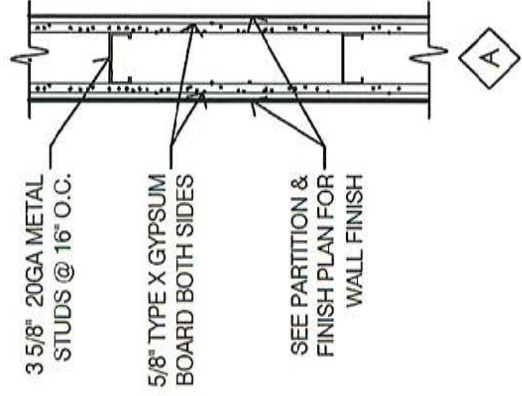
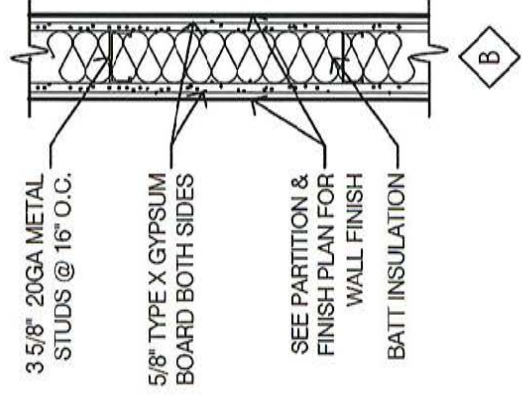
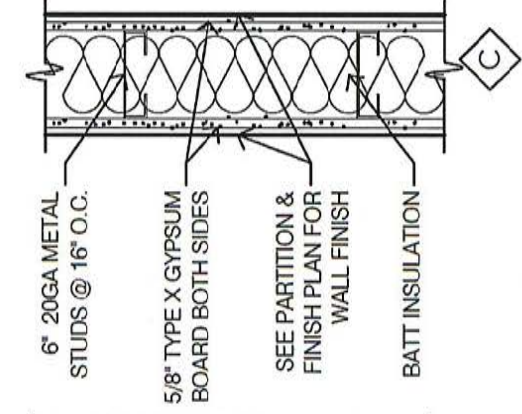
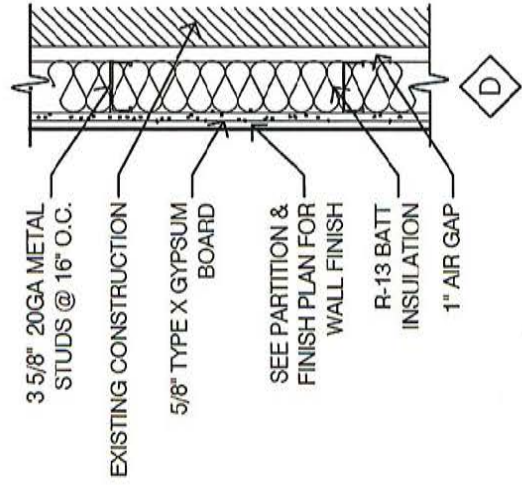
- Playrooms on Separate HVAC Systems. Each System has an Outside Air Intake Requirement
- Steril-Aire UVC Emitters Installed on each HVAC System
- HVAC System Installed with Economizers and Dehumidification
- Temp design / relative humidity requirement:
 - Playrooms/Spa
 - 75-78 Degrees in Summer
 - 68-70 Degrees in Winter
 - 30%-60% Relative Humidity
 - Rest of the Daycare:
 - 72-75 Degrees in Summer
 - 70-72 Degrees in Winter
 - 30%-60% Relative Humidity
- Walls Extend to the Deck to Avoid Smell and Sound Transfer Between Playrooms
- Rooms Cleaned Three Times per Day
- ScentAir System Installed
- HVAC Air Filters Replaced Quarterly Versus Annually



Sound Control

Requirements for Sound Reduction

- Special Wall Type at Demising Wall(s) that Extend to the Roof Deck
- Special Wall Type Between Playrooms and People Space that Extend to the Roof Deck
- Air Gap at the Demising Wall
- Type A: Walls for Bathrooms, Dog Food Prep Area, etc (Non-Dog Rooms)
- Type B: Walls Between the Dog Playrooms.
- Type D: Demising Walls (Adjacent/Shared wall with Neighboring Tenant(s))
- Type C: Wall Between Playroom and People Spaces (i.e. – Hallways, Restrooms, Spa/Grooming, etc) Extends to Roof Deck



From: Deborah Wylie, MCIP, RPP
Principal Planner, Development Review

Subject: Committee of Adjustment Application P/CA 74/18
Emix Limited
1099 Kingston Road

This report is prepared for the Committee's information. The comments included herein do not necessarily reflect the opinion of the Committee.

Application

The applicant requests relief from Zoning By-law 3036, as amended by By-law 6777/07 to permit an animal boarding establishment in association with a Service Shop (dog grooming facility), whereas the by-law does not permit an animal boarding facility.

The applicant requests approval of this variance in order to permit a portion of the existing building to be used for an animal boarding establishment in association with a proposed dog grooming facility.

Recommendation

The City Development Department considers an animal boarding establishment to be minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, and therefore recommends **Approval** of the proposed variance, subject to the following conditions:

1. That an animal boarding establishment shall mean a building, structure or part thereof, where dogs, cats and other domesticated animals, excluding livestock, are groomed, trained or kept for a fee on a temporary basis and may include outdoor facilities.
2. That the proposed animal boarding establishment shall only be permitted within the area of the existing commercial building identified as Unit 7 on the submitted plan (refer to Exhibit 3).

Comment

Official Plan and Zoning By-law

The Pickering Official Plan designates the subject property "Mixed Use Areas – Mixed Corridors" within the Liverpool Neighbourhood. Permissible uses within this designation include, but are not limited to: residential; retailing of goods and services generally serving the needs of the surrounding neighbourhoods; offices and restaurants; community, cultural and recreational uses, and special purpose commercial uses. The City Development Department considers an animal boarding establishment to be a service use under the Official Plan.

This report is prepared for the Committee's information. The comments included herein do not necessarily reflect the opinion of the Committee.

The subject property is currently zoned "MU-22" – Mixed Use Zone within Zoning By-law 3036, as amended by By-law 6777/07, which permits a variety of specifically defined uses, including: an assembly hall, business office, commercial-recreational establishment, commercial club, commercial school, day nursery, discount department store, drug store, dry cleaning depot, duplicating shop, financial institution, furniture & appliance store, food store, outdoor storage, display and sale of retail and garden center products, personal service shops, professional office, place of amusement/entertainment, restaurant, retail store, service store, and residential apartments.

Appropriateness of the Application

Proposal

The owner of the subject lands is requesting to expand the list of permitted uses on the subject property to include an animal boarding establishment in association with a Service Shop (dog grooming facility).

The applicant has advised that the requested variances will not result in any exterior alterations to the subject property or the existing building, however internal alterations will be required to accommodate the proposed uses. The site plan for the existing building was approved in 1988. If any future significant exterior alterations are proposed, a site plan approval application will be required.

The applicant is proposing to operate the animal boarding facility in association with a dog grooming facility. A dog grooming facility is currently a permitted use on the subject lands, as it is considered a Personal Service Shop use under Zoning By-law 6777/07. The dog grooming facility and animal boarding establishment are proposed to operate out of a unit within the existing commercial building, as indicated on Exhibit 3.

Conforms to the intent of the Official Plan

The subject property is designated "Mixed Use Areas – Mixed Corridors" under the Pickering Official Plan. Lands designated "Mixed Use Areas – Mixed Corridors" are intended to accommodate a wide mix of uses that serve the needs of the surrounding community and residents, including: residential; retailing of goods and services; offices and restaurants; community, cultural and recreational uses and special purpose commercial uses. The proposed use of an animal boarding establishment will provide a pet care service to the community, including residents and employees within the surrounding area. Therefore, staff are of the opinion that the requested variance to permit an animal boarding establishment in association with a dog grooming facility is consistent with the intent of the Official Plan.

Conforms to the intent of the Zoning By-law

The subject property is zoned "MU-22" – Mixed Use Zone within Zoning By-law 3036, as amended by By-law 6777/07, which permits a variety of specifically defined commercial uses, including offices, retailing, personal services and restaurants. As noted above, a permitted use on the subject property includes a "Personal Service Shop" and "Service Store".

This report is prepared for the Committee's information. The comments included herein do not necessarily reflect the opinion of the Committee.

A dog grooming facility is recognized as a personal service shop under this by-law. An animal boarding facility, as defined by the proposed conditions of approval, would be a similar use to that of a dog grooming establishment as it involves the supervision of domesticated animals through a specified period of time in the absence of an owner. Adding the use of an animal boarding facility will enable the business operation to care for animals without the requirement of being groomed as well as provide overnight boarding.

The proposed variance would maintain the general intent of the Zoning By-law, which is to accommodate a wide range of commercial uses, including services, as the variance will expand the existing service uses permitted on the subject lands.

Desirable for the Appropriate Development of the Land

The subject lands are occupied by a two-storey commercial building, which accommodates a wide range of commercial uses, as permitted by the zoning by-law. As indicated on Exhibit 3, the animal boarding establishment and dog grooming facility is proposed to operate within a unit (Unit 7) of the existing building. No exterior alterations are proposed, however, interior alterations to the unit will be completed in order to accommodate the proposed use and ensure that no odor or noise impacts the adjacent unit tenants. Appropriate activity and rest space will also be provided within the unit to accommodate daily and overnight boarding.

The proposed animal boarding establishment will be regulated by the City of Pickering Kennel By-law (By-law 6852/08). The operator will be required to obtain a license to operate the animal boarding establishment and will be required to meet specified criteria in relation to the care and housing of animals, facility standards, noise mitigation and waste. If the criteria as set by the Kennel By-law is not met, a license to operate can be revoked at any time at the discretion of the City Clerk.

The lands immediately to the west, east and north are also all designated "Mixed Use Areas – Mixed Corridors" within the Pickering Official Plan. These lands are also zoned to provide for a wide variety of commercial uses, including retail, restaurant, offices and personal services. Therefore, the proposed use of an animal boarding establishment would be in keeping with the range of commercial uses permitted on the subject lands, adjacent lands and along Kingston Road.

The proposed variance to permit an animal boarding establishment in association with a service shop is desirable for the appropriate development of the land, as the proposed use will be accommodated within the existing commercial building and will be compatible with the commercial uses permitted within the immediate area. Additionally, the proposed animal boarding establishment will be regulated by the City's Kennel By-law, which will ensure that the facilities are properly designed to accommodate the proposed use, while mitigating any negative noise or odor impact on adjacent tenants or land owners.

This report is prepared for the Committee's information. The comments included herein do not necessarily reflect the opinion of the Committee.

Minor in Nature

The request to add an animal boarding establishment use in association with a dog grooming facility (personal service shop) is minor in nature. The proposed use of an animal boarding establishment is similar in nature to the permitted uses on the subject lands, such as a personal service shop or service store. In addition, the proposed use will be accommodated within an existing unit (Unit 7) of the commercial building, with no exterior alterations to the building being proposed.

In conclusion, staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development of the property and maintains the purpose and intent of the Official Plan and Zoning By-law.

Input From Other Sources

Engineering Services

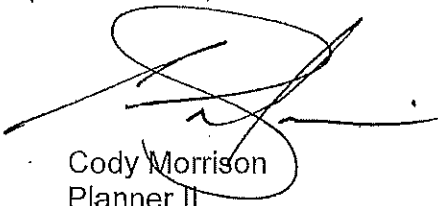
- no comments on the application

Toronto and Region Conservation Authority


- no objection to the approval of the application

Date of report: August 15, 2018

Comments prepared by:



Cody Morrison
Planner II

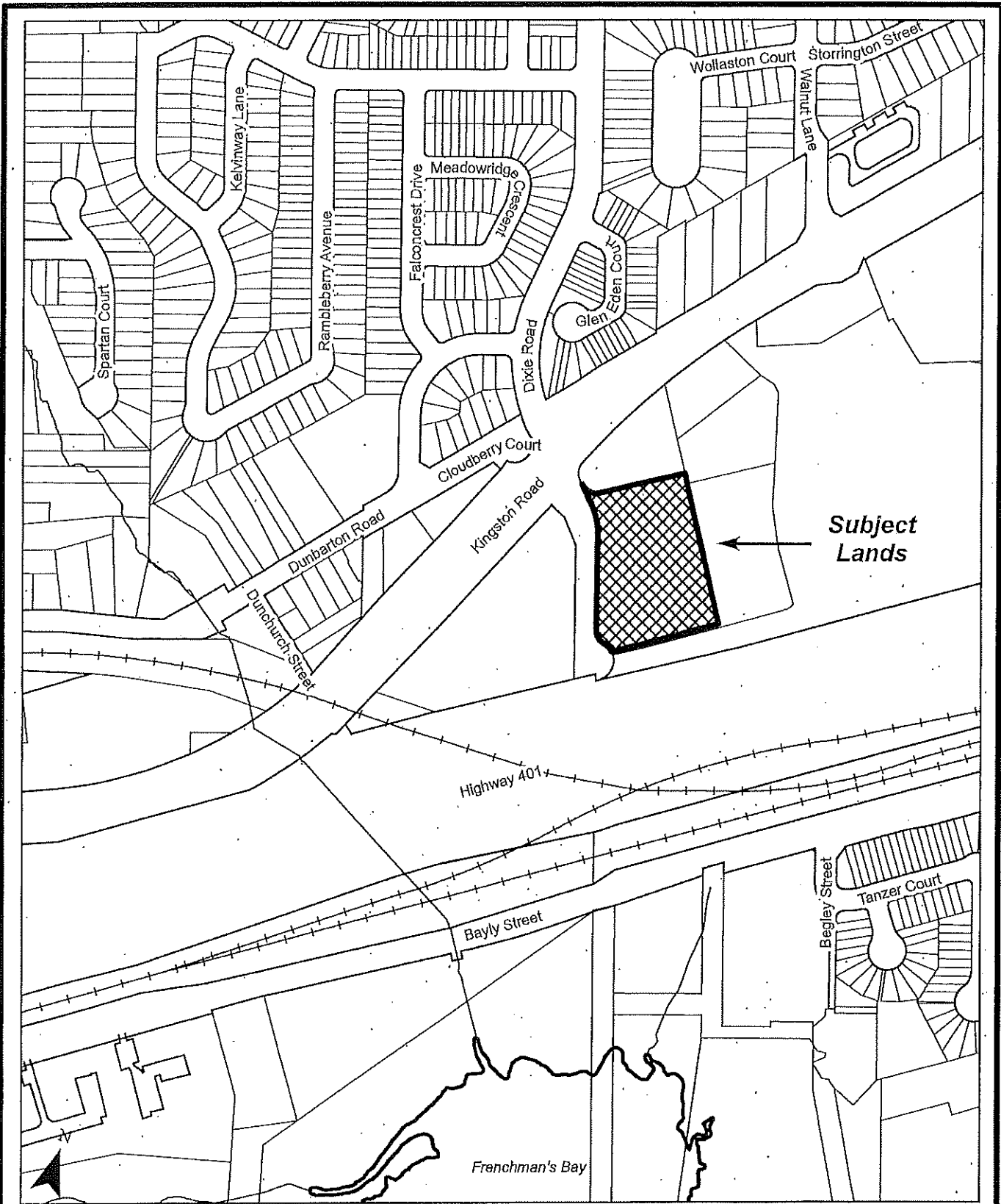


Deborah Wylie, MCIP, RPP
Principal Planner, Development Review

CM:DW:jc

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Attachments



Subject Lands

City of
PICKERING
City Development
Department

Location Map

File: PICA 74/18

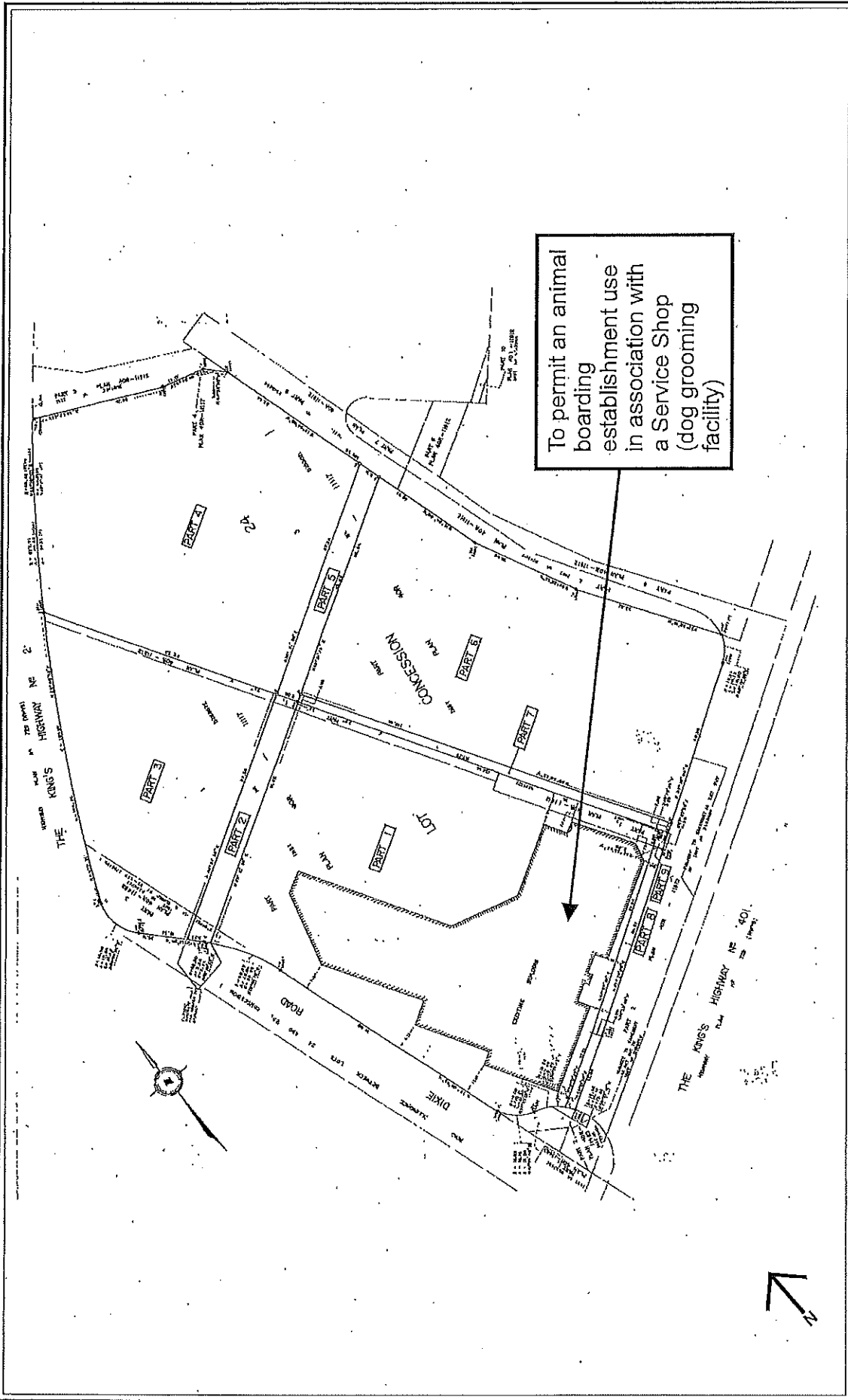
Applicant: Emix Ltd.

Property Description: Part of Lot 24 Con 1 Now Parts 1 & 2, 40R12678 and Parts 2-4, 6-8, 40R16455 (1099 Kingston Road)

Date: Aug. 02, 2018

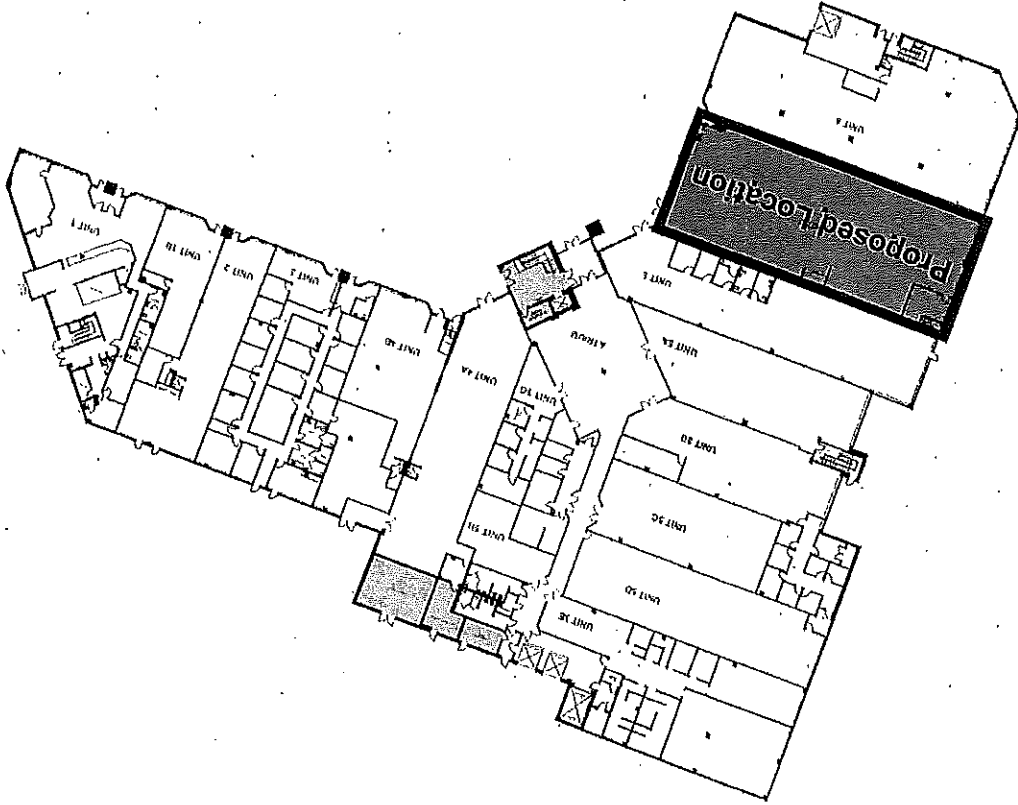
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SCALE: 1:5,000
THIS IS NOT A PLAN OF SURVEY.



Submitted Plan	File No: P/CA 74/18
Applicant: Emix Limited	Property Description: Part of Lot 24 Con 1 Now Parts 1 & 2, 40R12678 and Parts 2-4, 6-8, 40R16455
(1099 Kingsfon Road)	FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.
DATE: August 8, 2018	

City of
PICKERING
City Development
Department



Submitted Plan

File No: P/CA 74/18

Applicant: Emix Limited

**Property Description: Part of Lot 24 Con 1 Now Parts 1 & 2, 40R12678 and Parts 2-4, 6-8, 40R16455
(1099 Kingston Road)**

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING
CITY DEVELOPMENT DEPARTMENT.

DATE: August 8, 2018

City of
PICKERING
 City Development
 Department

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: June 13, 2018

CASE NO(S): PL170695

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	3 Dogs Daycare Inc.
Subject:	Minor Variance
Variance from By-law No.:	2020
Property Address/Description:	2020 Appleby Line
Municipality:	City of Burlington
Municipal File No.:	540-02-A/171/16
OMB Case No.:	PL170695
OMB File No.:	PL170695
OMB Case Name:	3 Dogs Daycare Inc. v. Burlington (City)

Heard: April 26 and 27, 2018 in Burlington, Ontario

APPEARANCES:

Parties

Counsel

3 Dogs Daycare Inc.

Jennifer Meader

City of Burlington

David Klacko

Holly's Pride
Escarpment Pet Retreat

Andrew Biggart

DECISION DELIVERED BY PAULA BOUTIS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This is an appeal by 3 Dogs Daycare Inc. (the “Applicant”) from a decision of the Committee of Adjustment (“Committee”) in which the Applicant seeks to be allowed to keep dogs overnight at its rented unit (Unit B008) within a commercial plaza, located at 2020 Appleby Line, the “Subject Site”. The Applicant operates as “Dogtopia”, a franchise operation.

[2] At the outset of the hearing, the Tribunal, on consent, granted¹ two additional parties, Holly’s Pride and Escarpment Pet Retreat, party status. These two parties operate what the Tribunal is advised are kennels. Holly’s Pride is approximately 1.6 kilometres (“km”) away from the Subject Site. Escarpment Pet Retreat is about 14 km away from the Subject Site. The Tribunal understood that these facilities operate in areas which reflect Zoning By-law No. 2020’s (“ZBL”) definition of a kennel, i.e. they operate as accessory uses to residential or agricultural uses. The Tribunal understood that both facilities have outdoor spaces for the dogs. They appeared in support of the City’s case opposing the variance.

[3] The Tribunal heard evidence from the Applicant’s planner, Glenn Wellings. On behalf of Holly’s Pride and Escarpment Pet Care, planner Alan Ramsay testified. The City did not proffer a planning witness. City staff wrote a report in favour of the variance.

[4] In addition, resident Stephen White sought and was granted participant status. He spoke in favour of the requested variance.

[5] Dogtopia operates in a rented unit in a commercial plaza that is zoned Uptown Mixed-Use Centre. It has no outdoor space for the dogs. The plaza buildings are surrounded by surface parking. Dogtopia does not consider that it would be operating a kennel by virtue of being able to keep dogs overnight. However, the zoning examiner, apparently “out of an abundance of caution”, considered that the overnight keeping of

¹ The parties had earlier made an appearance before the Tribunal. It was unclear to the Tribunal if party status had been formally granted further to that appearance. As a result, the Tribunal confirmed it at the outset of the hearing.

dogs constitutes a kennel use. As a result, the Applicant sought the following variance before the Committee:

- a. To permit as an accessory use the overnight accommodation of a maximum of 15 dogs at any one time whereas Zoning By-law No. 2020 classifies such accommodation as a “kennel” which is not permitted.

[6] As noted, staff was supportive of the variance, though the reasoning included reference to the boarding being acceptable for short-term overnight stays. Mr. Wellings indicated he was not sure why staff concluded that the dogs would be present only for short-term stays, but in his opinion, that is not really of any relevance. It was his opinion that how long any particular dog stays overnight at the facility does not matter. The maximum number at any one time would be 15 either way.

[7] At the Committee hearing, the Tribunal understands the variance was tested against s. 45(2)(b) rather than s. 45(1) of the *Planning Act* (“Act”), though the Applicant sought to proceed under s. 45(1) when it applied.

[8] The minutes of the Committee meeting seemed to suggest that the Committee confused the two tests, as well as some of the facts related to the proposal. There was also a suggestion that it was a “complex application that should be before Council”, which the Tribunal understood to mean that this was more properly the subject of a zoning by-law amendment application, a suggestion also made by the City’s counsel and which was supported by Holly’s Pride and Escarpment Pet Retreat.²

[9] At the appeal, the Applicant sought to address the variance request under both s. 45(2)(b) and s. 45(1) of the Act.

[10] After the Tribunal sought clarification at the appeal, Dogtopia confirmed it was seeking the following variance at the appeal:

² While counsel for the City urged that the Tribunal could not ignore what the Committee thought, the Tribunal notes that recent amendments to the *Planning Act* make it clear that the Tribunal does not have to have regard to decisions of a Committee of Adjustment.

- a. To permit as an accessory use the overnight accommodation of a maximum of 15 dogs at any one time, whereas Zoning By-law No. 2020 does not permit the overnight keeping of dogs as an accessory use to “other service commercial uses”.

[11] Email correspondence exchanged between the parties in April of 2018 (Exhibit 5) introduced an element of confusion around what variance the Applicant would be seeking at the appeal. However, the Tribunal concludes that the correspondence read as a whole indicates the Applicant intended to seek what is referenced in paragraph 10.

[12] Though the Tribunal was not asked to find that this change in language was a minor change, requiring no further notice, the Tribunal rules that it is a minor change and no further notice was required.

[13] The Tribunal, after reviewing all the evidence, concludes it will allow the appeal.

ROLE OF THE TRIBUNAL

[14] At this juncture the Tribunal makes some preliminary remarks about the role of the Tribunal.

[15] The owner of Escarpment Pet Retreat spoke at the Committee hearing in opposition to the application, raising concerns about fair competition and permitting an unfair advantage by allowing this use closer to an employment and residential base. All parties are aware of course that the Tribunal’s purpose is not to address concerns regarding market competition, but solely to determine from a planning perspective whether the proposed variance should be authorized. This is the basis upon which Escarpment Pet Care and Holly’s Pride proceeded before the Tribunal.

[16] Similarly, the participant, who spoke highly of the facility, in one of his submissions, identified the community’s need for the proposed accessory use. Need *per se*, like market competition concerns, is also not relevant to the Tribunal’s deliberations.

[17] Finally, animal welfare issues arose at the Committee hearing and were touched upon in the appeal. The concern seems to be that no one is at the facility overnight to address the needs of a dog should an emergency arise. Mr. Wellings testified that the dogs will be crated in the facility and monitored remotely, and, in fact, having people at the facility may cause disruption to the dogs' sleep. In any event, from the Tribunal's point of view, this is not an issue that the Tribunal can consider. Planning legislation is not animal welfare legislation. Like market and need concerns, it is not relevant to the planning question. To the extent animal welfare legislation may apply to this facility, the Applicant will have to comply with that legislation.

EVIDENCE AND ANALYSIS

Issues

[18] The Tribunal has several obligations under the Act when making a decision.

[19] Under s. 2, it must have regard to matters of provincial interest, including the orderly development of safe and healthy communities and the appropriate location of growth and development.

[20] Every decision of the Tribunal must be consistent with the Provincial Policy Statement, 2014 ("PPS") and conform to the Growth Plan for the Greater Golden Horseshoe, 2017 ("2017 Growth Plan"). The latter emphasizes the development of complete communities.

[21] Regarding minor variances, the test under s. 45(1) is the following. The proposed minor variances must:

- a. maintain the general intent and purpose of the official plan;
- b. maintain the general intent and purpose of the zoning by-law;

- c. be desirable for the appropriate development and use of the land; and
- d. be minor.

[22] Regarding the minor variance test under s. 45(1), item c) relates to desirability in the public interest, not that of an applicant. Regarding item d), the main concern is unacceptable impacts.

[23] Variances can also be considered under s. 45(2)(b), which states the following:

[W]here the uses of land, buildings or structures permitted in the by-law are defined in general terms, [the Committee] may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted by the by-law.

[24] Section 45(2)(b) is the test against which the variance was considered by the Committee, as described above. Under that section, one issue is whether the proposed use for the overnight keeping of dogs is defined in general terms or not, i.e. does the overnight keeping of dogs means it is a kennel – which is a specifically defined term in the ZBL.

[25] The City proceeded on the basis that this proposal constitutes a kennel, which was a point of dispute between the Applicant and the City. The Tribunal cannot go behind the zoning examiner's determination and as a result, the Tribunal will make no finding as to whether the proposed accessory use constitutes a kennel or not; it simply must accept that the proposed use constitutes a kennel if that is the opinion of the zoning examiner. As the Applicant's planner noted at the outset of the hearing, the options for the Applicant were to either accept the zoning examiner's opinion and seek the variance, or seek an interpretation from the Superior Court of Justice. It chose to seek the variance.

[26] On the basis that the proposed accessory use constitutes a kennel, and notwithstanding the redraft of the variance sought at appeal, s. 45(2)(b) does not seem to be available for a variance request. It was Mr. Ramsay's opinion that s. 45(2)(b) could

not apply to this application because a kennel is specifically defined under the ZBL. The Tribunal agrees with this analysis and proceeds to consider the variance under s. 45(1) only, which was also the Applicant's preference at the initial application stage.

[27] The parties took the Tribunal through a thorough review of the ZBL and this was instructive to the Tribunal to understand the purpose and intent of the provisions that apply to kennels and whether the minor variance should be authorized.

The Zoning By-law

[28] As noted earlier, the Subject Site is within the Uptown Mixed-Use Centre Zone. Specifically, it is in an "Uptown Commercial/Residential 2", or UCR2 Zone. Until this application, Dogtopia as a dog day care use has been considered to fall within the "Service Commercial" uses, and within that category, it falls within "other service commercial uses". "Service commercial" is simply defined as "non-retail commercial uses" in the ZBL. The ZBL lists at Table 7.2.1 the following as permitted under Service Commercial for the UCR2 Zone:

- a. Standard Restaurant
- b. Standard Restaurant with Dance Floor
- c. Fast Food Restaurant
- d. Convenience Restaurant
- e. Funeral Home
- f. Veterinary Services
- g. Other Service Commercial Uses

[29] The zoning examiner concluded that when the facility operates as a dog day

care it is classified as “other service commercial uses” under the ZBL. He further concluded that the grooming of dogs, which service Dogtopia also offers, is also classified as “other service commercial uses”.

[30] The zoning examiner had a different view of the proposed overnight boarding use, however, and concluded that overnight uses are specifically permitted with kennels, which term is defined, and therefore overnight boarding cannot be an “other service commercial use” for the zone.

[31] The ZBL defines “kennel” as follows:

An establishment accessory to a residential or agricultural use for the keeping, breeding, and raising of domesticated animals for profit or gain but which does not include a veterinary establishment.

[32] The Tribunal notes that as a “kennel” is defined as being “for profit or gain”. Thus, non-profit organizations, like most, if not all, animal shelters, would not be captured by this definition. A veterinary establishment would not ordinarily be accessory to a residential or agricultural use, so the exception for a veterinary establishment seems unnecessary. Nonetheless, it does make certain that a veterinary establishment is not included in the definition of a kennel.

[33] Veterinary clinics, like animal shelters, would also not generally keep domesticated animals outside for any purpose related to their service, whereas the Tribunal has concluded that the ZBL definition and related siting obligations for kennels reflects the understanding by City staff that kennels typically do keep the dogs outside as part of their care service. This is in contrast to the proposal on appeal.

[34] The definition of kennel under the ZBL, while clearly drafted in the conjunctive for three parameters of keeping, breeding, and raising, is apparently not treated as conjunctive by the City for the purposes of determining what constitutes a kennel. Mr. Ramsay, formerly a planner with the City, testified that this was the case.

[35] The definition does not explicitly state that an entity is a kennel when the dogs are kept overnight. However, overnight boarding is commonly understood to constitute a kennel. The Tribunal heard that the Escarpment Pet Retreat operates a kennel as it boards dogs overnight, although it does not breed dogs. It “keeps” dogs overnight. However, as noted by Mr. Wellings on cross-examination, this facility is not subject to the ZBL. Mr. Wellings was retained by Escarpment Pet Retreat to assist with a development permit through the Niagara Escarpment Commission.

[36] Holly’s Pride also does not breed dogs, but also only keeps them overnight, and the Tribunal understood it too is considered a kennel. There was no suggestion it does not fall under the ZBL.

[37] While the Tribunal is not here to adjudicate this issue, Mr. Wellings’ opinion was that Dogtopia is not a kennel under the ZBL because it does not have outdoor space for the dogs. Dogtopia has built large, sound proofed indoor facilities for the dogs they look after. Mr. Wellings testified that he has visited the facility four times and has never heard a dog from the exterior of the unit. As a result, no land use conflict is possible in his opinion.

[38] Mr. Wellings was also of the opinion that the boarding is an accessory use to the principal use, which is the dog day care use: it would be limited to the boarding of 15 dogs, a much smaller number of dogs than the facility otherwise would service for the day care use, anticipated to be anywhere between 60 to 80 dogs as the business develops.

[39] As noted, the main difference between Holly’s Pride and Escarpment Pet Care and Dogtopia is that they operate in rural or agricultural settings with outdoor spaces, as the ZBL definition of “kennel” would contemplate; by contrast, Dogtopia, were it to also keep dogs overnight, instead operates out of a unit within a commercial plaza with no outdoor space.

[40] While the choice of “and” rather than “or” may have been a case of imprecise

drafting in the definition, the same cannot be said for the ZBL definition of “kennel” being accessory to a residential or agricultural use. There must be a reason for this definition. A careful review of the ZBL provisions, including the regulations for the siting of kennels, assists to determine what that is. The Tribunal now reviews the zoning provisions that apply to this site and to kennels more generally under the ZBL.

[41] The plaza location at which Dogtopia rents a unit is the subject of an exception - Exception 75. This exception is subject to a Holding provision (“H”), which has not been lifted.³

[42] In addition to uses allowed in UCR2 Zones, under s. 2.21 of the ZBL, the ZBL outlines permitted uses in all zones. This section allows kennels to be used in all zones, subject to exceptions.

[43] There was a dispute at the hearing about whether a kennel use was permitted at the Subject Site, because the Subject Site, or rather the entire the plaza where the Subject Site is situated, is subject to an “H” provision. Sites with “H” provisions are excluded from the uses outlined in s. 2.21. The Applicants argued that the terms of the zoning exception for the Subject Site brought back in the uses permitted under s. 2.21, notwithstanding the “H”.

[44] Ultimately the Tribunal concludes the resolution of that particular issue is not necessary as in any event, the granting of a variance to authorize the kennel use does not necessarily turn on what is permitted in the zone.

[45] Even if what is proposed amounted to a use not otherwise permitted at the Subject Site because of the “H”, the test for authorizing this through a minor variance application is established in *Fred Doucette Holdings Ltd. v. Waterloo (City)*, 1997 CarswellOnt 2765, where the Divisional Court held at para. 19, “The question, in my

³ The removal of the “H” would marginally change what is permitted, adding 24 square metres of space for the maximum retail commercial floor area. The owners of the plaza have not done any market study to allow for the lifting of the “H” and it remains on the Subject Site plaza site as a whole.

view, is not helpfully described as whether a 'new use' has been authorized, but rather whether the use permitted by the decision can be described as a 'minor variance' in light of the by-law and other factors specified by [s. 45(1)]." Further, at para. 25, the court noted that the issue is whether the variance contemplated significantly alters the use of the land.

[46] To address these issues, it is instructive to review the conditions under which a kennel is permitted under s. 2.21.

[47] Under s. 2.21, a kennel is permitted if it is on a lot that is a minimum of one hectare ("ha") in size, and as long as it is set back (presumably at least) 30 metres ("m") from any lot line or street line. Parking is not permitted within 3 m of a residential property in a residential zone.

[48] Mr. Ramsay suggested that the conditions imposed for a kennel requires that kennels must have a large space, and that they not be located on small subdivision lots. This is to address the potential impacts of the facility, which he identified as noise. He agreed there were no other impacts of concern on cross-examination.

[49] The Tribunal concludes that the rationale behind "kennel" being defined as an accessory use to a residential or agricultural use must make the assumption that the kennel facility in question uses outdoor space for the animals it looks after, which outdoor use would then raise concerns about noise and compatibility with neighbouring uses. Otherwise, s. 2.21 in the ZBL, which imposes a large lot size and setback requirements, would make little sense: these criteria are simply not needed for indoor facilities for dogs which do not spend any substantial time outdoors.

[50] This interpretation of the ZBL regulations in respect of kennels – i.e. that their siting and the definition necessarily reflects an outdoor use - is recognized by the exception for veterinary facilities within the definition of "kennel", which offices are not typically associated with outdoor uses and therefore cannot pose land use conflicts. Veterinarian offices do not need one ha lots and do not need 30 m setbacks from any

lot line or street line as the animals they care for are handled indoors. The Tribunal understood from Mr. Wellings, unsurprisingly, that a nearby vet within the plaza had no restriction on the overnight keeping of dogs. Mr. Wellings advised however there is a restriction that they cannot operate outdoors – an unlikely circumstance for a veterinary office in any case.

[51] As it relates to the Subject Site, whether there for the day or overnight, the dogs are indoors. Even if they were not indoors all the time, a rail line with berms is to the west of the plaza, with the closest residence being 95 m to the west of the Subject Site. To the south east, through the parking lot at the plaza, it is 100 m away from another road, Heron Way. To the south, it is 245 m away through the plaza to Upper Middle Road. It is on a lot that is at least one ha in size.⁴ It therefore meets the siting conditions for a kennel use under 2.21 of the ZBL.

Is the proposed use an accessory use?

[52] Prior to considering the *Planning Act's* tests on the facts of this case, it was urged upon the Tribunal by the opposing parties that the proposed overnight boarding use did not meet the definition of accessory. This is because the boarding use need not be connected to the day care use; that is, a dog can be dropped off for overnight boarding, for a single night and be picked up in the morning, never using the day care facility at all. While the Tribunal agrees with this, that does not mean it is not accessory to the primary use of the facility.

[53] Accessory is defined in the ZBL in the following way:

[A] use customarily incidental to, subordinate to, and exclusively devoted to the principal use and which operates together with the principal use on the same lot. An accessory use within a principal building shall provide customer/client access from the building interior only.

⁴ The Tribunal appreciates that ZBL likely contemplates that the lot only has one user on it and is the single residential or agricultural lot. In the context of the plaza, there are several units on the site. The owner and landlord, RioCan Holdings Inc., authorized the application, which suggests the landlord must not be concerned that other units are affected by Dogtopia's facility.

[54] In this case, the overnight boarding use is intended for a small portion of the business, making it incidental to and subordinate to the principal use. It will operate within the principal building and access to it would be from the building interior only. Can it be said to be exclusively devoted to the principal use? While it is possible that a dog may come for an overnight without using the day care use at all, this does not mean that the use is not exclusively devoted to the principal use as a day care.

[55] The Tribunal would note it is unclear how a kennel could be any more of an accessory use to a residential use than what is proposed here. The definition of kennel contemplates that the kennel is accessory, i.e. customarily incidental to, subordinate to, and exclusively devoted to, the principal use of a residence. As a general proposition, a kennel is not customarily incidental to the use of a residence. In that light, it seems at least as appropriate, if not more so, that the overnight boarding of dogs could be accessory to a dog day care use.

[56] The Tribunal is satisfied that the proposed use is accessory.

[57] The Tribunal now turns its mind to whether the variance as proposed by the Applicant should be authorized, with or without conditions.

PROVINCIAL MATTERS

[58] Mr. Wellings testified that the proposal was consistent with the PPS, conforms to the 2017 Growth Plan and has appropriate regard to s. 2 of the Act. Mr. Wellings noted that the Subject Site is within a settlement area and built-up area, which are focal areas for growth and development. It is within a fully serviced commercial development within the urban boundary and takes advantage of existing available services. It contributes to complete communities.

[59] Mr. Ramsay advised there was no dispute between the parties on these issues.

[60] The Tribunal adopts these opinions and concludes the proposal meets these

requirements.

MINOR VARIANCE TESTS

[61] Under the s. 45(1) test, it was Mr. Wellings' opinion that the proposal maintains the general intent and purpose of the City's Official Plan ("OP"). He concluded this on the basis that the subject lands are designated for mixed uses, which permit a broad range of retail and service uses. The intent, as he described it, was to provide a range and diversity of commercial services in the Uptown Mixed Use Centre for nearby residential uses.

[62] Mr. Ramsay took the position that the OP neither maintains nor detracts from the OP, as it does not specifically address the question of kennels.

[63] An OP would not typically refer to something as specific as a "kennel", as Mr. Ramsay noted when asked about it by the Tribunal. The Tribunal concludes that the proposal maintains the general intent and purpose of the OP.

[64] Regarding whether the proposal meets the intent and purpose of the ZBL, the Tribunal also concludes that it does.

[65] Both planners agreed that noise is the main and really the only concern in respect of kennels from a land use planning perspective. This is reflected in how they are sited under the ZBL, which use is anticipated to have outdoor facilities. Both planners agreed that noise is of no concern at this facility.

[66] Regarding the remainder of the tests under s. 45(1), being the desirability of the proposal for the use of the land and whether the proposal is minor, the Tribunal concludes that it meets these elements of the s. 45(1) test as well.

[67] The Tribunal concludes the proposed use is minor as it does not substantially change the use of the land and it does not introduce any impacts. On the same basis, it

is desirable for the use of the land.

Should the Tribunal attach conditions?

[68] In closing submissions, Applicant's counsel suggested conditions could be attached should the Tribunal be concerned about issues raised at the hearing.

[69] For example, the Applicant suggested that the Tribunal could add a condition which would ensure that the proposed accessory use is incidental, subordinate and exclusively devoted to the principal use. In addition to the maximum number of dogs for overnight boarding being set at 15, a condition can be that it can only occur in conjunction with the main day care use. The Tribunal understands this to mean that the dog day care use would have to continue to be offered, and the overnight boarding use can only exist if the dog day care service continues to be offered as the principal service. The Tribunal agrees this will assist to ensure that the overnight boarding remains accessory to the principal use.

[70] The Applicant also suggested explicit reference to restricting operations to the indoors. The Tribunal heard evidence that the facility was specifically sound-proofed and designed for an indoor use, making it unlikely that an outdoor use would be contemplated.⁵ Perhaps more importantly, the use subject to the variance is the overnight keeping of the dogs at the Subject Site, which is a rented unit within a commercial plaza. It is implausible that the dogs would be kept outside, overnight, at a commercial plaza in a parking lot. As a result, the Tribunal does not see a need to attach this condition.

[71] The Applicant also suggested a condition limiting the total boarding stay of a dog to two weeks, if long-term boarding raises concerns, as in any event, stays are not generally expected to be longer than two weeks. The Tribunal adopts the evidence of Mr. Wellings that the duration of the stay is irrelevant, since there will never be more

⁵ The Tribunal suspects this is not even possible under the terms of the lease, but the Tribunal heard no evidence on this.

than 15 dogs. Further, how long any one dog stays would not have any land use implications. The Tribunal does not consider such a condition to be necessary.

ORDER

[72] The Tribunal grants the appeal and authorizes the following minor variance for the Subject Site:

To permit as an accessory use the overnight accommodation of a maximum of 15 dogs at any one time, whereas Zoning By-law No. 2020 does not permit the overnight keeping of dogs as an accessory use to "other service commercial uses".

[73] The authorization is subject to the following condition:

The overnight keeping of dogs accessory use will only be permitted so long as the main dog day care use, which is an "other service commercial use", remains the principal service at the Subject Site.

"Paula Boutis"

PAULA BOUTIS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



R.G. Richards & Associates

July 19, 2018

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON
L6Y 4R2

Delivered by Hand

Re: Application for Minor Variance to permit an additional 'kennel' use (overnight boarding of dogs) at 17 Worthington Avenue, Unit D5, Brampton

We act for Gabbage Patch Developments Inc. (First Gulf), the owner of the property, and for Johanna Jansen, the tenant and franchisee. The existing business is a Dogtopia franchise that provides services to dog owners in the community by offering pet grooming and dog daycare.

The subject property (Site), zoned C3-S1001, permits a wide range of uses including the existing Dogtopia use. The 'kennel (dog daycare)' component of the use was approved, for 5 years and subject to conditions, by way of minor variance on August 22, 2017 (A17-135).

The Site is located in a Commercial Zone in a large multi-tenanted commercial building. The closest Residential buildings are located on the opposite sides of Bovaird Dr. W. and of Worthington Ave. in a reverse frontage orientation.

The existing Dogtopia store is a wholly enclosed use and is proposed to remain as such. Currently and typically dogs are dropped off in the morning and picked up in the late afternoon/evening. Dogs are provided with large 'play' and 'quiet' areas and are constantly supervised. Dogs are not taken on 'walks' outside the store for any purpose. Dogtopia now has two stores in Mississauga and stores in Toronto, Burlington and Newmarket. All stores, except Toronto at this time, provide boarding and operate with a high degree of professionalism and passion with well trained staff. Pet activity can be monitored by the public at all times via webcam.

This application is to permit 'the overnight boarding of dogs'. This use was not part of the previous application A17-135.

In preparation for this application a pre-application consultation was held with city planning staff (Kevin Freeman) on May 24, 2018. At that time staff advised that they did not anticipate any issues and encouraged the filing of a minor variance application to permit boarding.

Our understanding is that the Committee has dealt with at least one similar application and found the requested variances acceptable. We cite the Committee's decision of September 13, 2016 on file A16-166 wherein dog daycare and boarding were approved for the site at 18 Corporation Drive. A copy of that decision and conditions is attached.

In our opinion, the application meets the four tests as set out in the Planning Act:

1. The application is consistent with the Official Plan,
2. The application is in keeping with the spirit and intent of the Zoning Bylaw,
3. The application is appropriate for the development/use of the property and
4. The variance requested is minor in nature.

In support of the Application, we enclose the following:

1. The Application form duly completed and executed
2. Our client's cheque in the amount of \$2,373.00
3. 12 prints of the Site with the boundaries of the property outlined in red and the Unit outlined in green
4. A completed authorization form allowing R.G. Richards to act on behalf of the owner
5. A completed Permission to Enter form

If further information is required, please contact the undersigned.

Yours very truly,



Ronald Richards, President
R.G. Richards & Associates



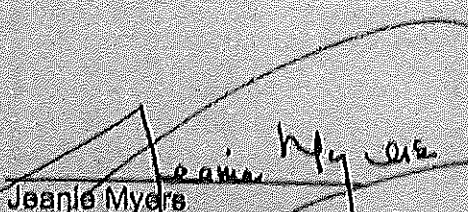
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: A18-120

DATED: AUGUST 21, 2018

Conditions:

1. That the temporary approval granted by the Committee under the Notice of Decision A17-139 (which includes a condition prohibiting the overnight boarding of any animals) be declared null and void;
2. That the variance to permit a Kennel (including dog daytime care and overnight boarding services) in conjunction with a dog grooming facility be approved for a temporary period of four (4) years from the final date of the decision of the Committee;
3. That the Kennel (dog day care and overnight boarding) be approved to operate only from Unit D-5 as indicated in the sketch attached to the Public Notice;
4. That the Kennel (dog day care and overnight boarding) in association with a dog grooming facility be limited to a maximum gross floor area of 464 square metres (4,995 square feet);
5. That the applicant obtain the required Kennel license within sixty (60) days of the final date of the decision of the Committee and prior to the establishment of the overnight boarding use;
6. That the applicant obtain any building permit (including unit finish) as required prior to the establishment of the overnight boarding use; and
7. That failure to comply with and maintain any of the conditions of the Committee will render the temporary approval null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment