



Memorandum

July 7, 2020

Memo To: Tracey Steele, Director of By-law and Licensing Enforcement

From: Gus Galanis, Director of Development Planning

Copy To: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Subject: **Proposed Amendment to Kennel Licensing By-law – Staff Report SRCS.20.09**

Background and Purpose:

At the Council meeting held on May 27, 2020, the Community Services Department brought forward Staff Report SRCS.20.09 to recommend a series of amendments to Kennel Licensing By-law 188-05, most notably the deletion of a clause which stipulates that *"No part of a kennel shall be constructed or maintained closer than 30.48 metres (100 feet) from the property line of any residence other than that of the operator"*. The purpose of this amendment was to ensure that an existing licensed kennel at 11491 Leslie Street (Pet Chateau) would be eligible for a license in the future following construction and occupancy of an approved residential development on adjacent lands at 1521 19th Avenue. During the commentary and debate portion of the meeting, planning related questions were raised and Council ultimately passed the following resolution in respect of Staff Report SRCS.20.09 (refer to Appendix A):

"That consideration of staff report SRCS.20.09, regarding Amendment of the Kennel Licensing By-law be referred to the June 10, 2020 Council meeting, to permit staff to provide Council with additional information to address the planning related concerns of the delegate."

The purpose of this Memorandum is to provide additional information to address the planning related concerns raised at the Council meeting held on May 27, 2020.

1521 19th Avenue (Leslie Richmond Developments Inc.):

On March 26, 2018, Council adopted the recommendations of Staff Report SRPRS.18.074 and approved Zoning By-law Amendment and draft Plan of Subdivision applications (City Files D02-15025 and D03-15007) to permit a low and medium density residential development on lands municipally known as 1521 19th Avenue (refer to Maps 1 and 2).

During the processing of these planning applications, concerns were raised by the owners of Pet Chateau with respect to the impact of construction and development adjacent to their kennel operation, including licensing compliance, noise disturbances, air quality, business disruption, and the general health and wellbeing of animals boarding at the kennel. In an effort to balance

the approval of urban development without compromising the adjacent kennel operation, staff has always contemplated various potential measures to address licensing and compatibility concerns.

From a licensing perspective, the proposed amendments to the Kennel By-law serve to remedy one of the impacts of residential construction adjacent to Pet Chateau by deleting the current setback requirement that would otherwise prevent the kennel from obtaining a license to operate in the future once the adjacent development is constructed. Since Council has already approved residential development on the Leslie Richmond lands, the proposed amendments to the Kennel By-law are a reasonable solution to allow the kennel to operate without negatively impacting the approved development on the Leslie Richmond lands.

From a planning perspective, the Leslie Richmond lands are subject to a Site Plan application (City File D06-18031) adjacent to Pet Chateau, and staff will be reporting out to Council in late-Summer, early Fall 2020 to obtain comments on the proposal since the lands are located on an arterial street (refer to Map 3). Matters to be considered as part of the Site Plan approval process include adequate buffers, setbacks, fencing and landscaping between proposed residential development and the existing kennel, in addition to noise warning clauses in all agreements of purchase and sale to warn future homebuyers of the existence of Pet Chateau.

11491 Leslie Street (Pet Chateau):

The subject lands are currently zoned “Agricultural (A1) Zone” in accordance with Zoning By-law 2325-68, being the former Township of Markham Zoning By-law that has historically applied to the subject lands and the surrounding area. Kennels are a permitted use in the “Agricultural (A1) Zone”, and the proposed amendments to the Kennel By-law will have no impact on the current zoning or kennel permission.

Notwithstanding that the subject lands and the surrounding area have historically been used for rural and agricultural purposes, these lands are approved for urban development and form part of the North Leslie Secondary Plan Area. In this regard, the subject lands are designated “Employment Corridor” and will eventually be rezoned to facilitate urban development, either through the submission of a site specific Zoning By-law Amendment application or through the City’s current comprehensive Zoning By-law Review process. The comprehensive Zoning By-law Review process is still in the early phases of background research and stakeholder consultation. The owner of Pet Chateau is encouraged to become active in that process in order to work with staff on potential solutions to preserving existing kennel permissions in conjunction with the zoning of their property eventually being brought into conformity with the City’s Official Plan.



Gus Galanis
Director of Development Planning

Attachments:

- Appendix A, Extract of Council Meeting C#20-20 held May 27, 2020
- Map 1, Aerial Photograph
- Map 2, Draft Approved Plan of Subdivision
- Map 3, Proposed Site Plan