

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Managing Director, Development and Compliance
Services and Chief Building Official

Subject: The Corporation of the City of London
City-wide – Amendment to Section 4.10 (Home Occupations)

Public Participation Meeting on: October 9, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, with respect to the application of the Corporation of the City of London, the following actions be taken with respect to the Zoning By-law for Home Occupations, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting October 16, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to **ADD** day sitting for dogs and domestic cats as a permitted use, subject to specific regulations limiting such uses to single detached dwellings, day time use only, and the number of animals permitted on the premises to a total of eight (8), of which a maximum of three (3) dogs be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4).

Executive Summary

Summary of Request

The requested zoning amendment is to allow for day sitting of dogs and domestic cats as a Home Occupation.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to amend specific regulations of the Zoning By-law that relate to permitted uses as Home Occupations in the City. This specific recommendation is being brought forward as Civic Administration was directed by Council on June 12, 2018 to hold a public participation meeting before the Planning and Environment Committee on a by-law to amend the Zoning By-law to permit pet boarding and/or sitting business as a Home Occupation. This Zoning By-law Amendment is to permit day sitting for dogs and domestic cats, subject to the following regulations:

- A maximum of eight (8) dogs and domestic cats, of which a maximum of three (3) dogs be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4);
- No breeding, boarding or overnight accommodation of dogs or domestic cats for grooming or day sitting be permitted on the premises;
- Dogs or domestic cats that are brought into the premises shall be permitted outside the dwelling only while leashed or within an enclosed yard but are not to be unsupervised;
- A dog and domestic cat day sitting business may only be permitted within a single detached dwelling;
- The business owner must be the owner of the property, or receive written consent from the property owner to operate a dog and domestic cat day sitting business;
- A dog and domestic cat day sitting business may exceed 25 percent (25%) of the total floor area of the dwelling unit and may exceed 28.0 square metres, and may not be confined to one area.

Rationale of Recommended Action

- 1) The recommended amendment is consistent with, and will serve to implement, the policies of the Provincial Policy Statement 2014 (2014 PPS), which emphasizes the need to plan communities in a manner that accommodates an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs (PPS1.1.1(b), 1.1.3.2(a));
- 2) The recommended amendment conforms to the Neighbourhoods Place Type policies of The London Plan, which also permits home occupations, provided they do not generate any impacts that may have an adverse effect on adjacent properties or dwellings, subject to the regulations of the Zoning By-law;
- 3) The recommended amendment conforms to the policies of the 1989 Official Plan, which permits home occupations provided they do not generate any impacts that may have an adverse effect on adjacent properties or dwellings, subject to the regulations of the Zoning By-law.

2.0 Description of Proposal

2.1 Proposal

The recommended rezoning will result in permission for individuals to operate a day sitting business for dogs and/or domestic cats as a home occupation, subject to a number of regulations.

3.0 Relevant Background

3.1 Planning History

On April 24, 2006, a report was brought to Planning Committee recommending an amendment to Section 4.10 – Home Occupations of the Zoning By-law to allow for a dog and domestic cat grooming business as a home occupation, subject to specific regulations.

A submission was made to the Community and Protective Services Committee on July 18, 2017 by Councillor Ridley which recognized that individuals providing sitting and boarding services for pets as home occupations were doing so in contravention of the Dog Licensing and Control By-law, as well as the Zoning By-law, and identified that such uses may be desirable. Civic Administration was directed to review and report back with respect to the potential amendments to City of London By-laws to provide for individuals to operate a pet boarding and/or sitting business from their homes.

On October 17, 2017 the City of London Animal Control By-law (PH-3), and Dog Licensing and Control By-law (PH-4) were amended, allowing an increased number of dogs and cats to be registered to an owner. This registration is connected to the pet owner's place of residence. The combined total of spayed or neutered cats and dogs within a single detached dwelling unit was increased to eight (8), with no more than three (3) being dogs. In any residential building containing more than one dwelling unit the limit was increased to five (5), with no more than three (3) being dogs.

On May 9, 2018, a report was received by the Community and Protective Services Committee with respect to pet boarding and pet sitting services, which directed Civic Administration to hold a public participation meeting before the Planning and Environment Committee on an amendment to the Zoning By-law to permit pet boarding and/or sitting business as a Home Occupation. The motion was passed by Council on June 12, 2018.

3.2 Community Engagement (see more detail in Appendix B)

Two (2) public responses were received at the time this report was prepared, both of which expressed opposition to the amendment as proposed. One member of the public found the allowance for eight cats and dogs to be too intense in residential areas while the other was opined that pet boarding should be a permitted use.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Permitted Uses

The General Provisions of the Zoning By-law allow for Home Occupations provided that the character of the dwelling as a private residence does not change and any nuisance such as noise, fumes, dust, odour, traffic or parking is not created which would interfere with the enjoyment of the residential amenities of the neighbourhood. Presently, the only pet-based business permitted is a dog and domestic cat grooming business, which is subject to specific regulations, including the prohibition of breeding, boarding, and overnight accommodation.

Following Council's direction for a Zoning By-law amendment to permit pet boarding and/or pet sitting, Civic Administration consulted nine similar municipalities on their policies regarding such businesses as home occupations, the detailed results of which are attached and included in Appendix "C". None of the municipalities contacted permit pet boarding as a home occupation, nor do they allow overnight pet boarding. Such permissions are typically associated with a kennel use which are typically directed to industrial, commercial, and agricultural areas.

The definition of a kennel in the City of London's Zoning By-law is as follows:

"KENNEL" means any lot, building or structure, on or within which three or more domesticated animals are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

As per the Dog Licensing and Control By-law (PH-4), kennels must be licensed and registered with an association incorporated under the *Animal Pedigree Act* (Canada).

Kennels are expressly permitted in only the Auto-Oriented Commercial Corridor and Restricted Service Commercial designations in the 1989 Official Plan, which provide for commercial uses that may create nuisance impacts on adjacent land uses. The London Plan is silent with respect to the location of kennels and other pet-based businesses.

Based on the above, permitting pet boarding as a home occupation would be inappropriate given its similarity in nature to a kennel use, which is required to be licensed and are typically directed away from residential neighbourhoods. The recent amendments to the City of London Animal Control By-law (PH-3), and Dog Licensing and Control By-law (PH-4) now allow for a maximum of eight (8) pets within a detached dwelling, of which a maximum of three (3) may be dogs. Granting permissions to allow for pet boarding within residential neighbourhoods could have the potential for greater nuisance impacts on adjacent lands and change the character of the dwelling as a private residence.

While pet boarding is not being recommended as part of this amendment, day time sitting for dogs and domestic cats can be supported, subject to regulations that ensure no nuisance be created by the use which would interfere with the enjoyment of the residential amenities of the neighbourhood.

Notwithstanding the existing provisions in the Zoning By-law that limit home occupations to a confined area of a maximum of 28.0 square metres, the recommended amendment is to allow for greater flexibility for pet day sitting businesses. The regulation is intended to limit the intensity of home occupations and ensure they remain ancillary to the residential dwelling. The nature of a pet sitting use is not necessarily compatible with

confinement to 28.0 square metres, especially if multiple pets are being cared for at the same time.

While the Zoning By-law also requires that the operator of a home occupation be a resident of the dwelling unit, the recommended amendment is to allow pet sitting to be carried out only by the owner of the property or a resident with permission from the property owner to operate a pet sitting business. The owner or landlord of a property is responsible for maintaining rental units thereon, and for complying with health, safety, housing and maintenance standards, while a tenant's responsibility is for ordinary cleanliness and repair of undue damage caused by their own wilful or negligent conduct. The introduction of animals to the dwelling unit as part of a business may constitute a more intensive use of the dwelling than is typically contemplated with personal pets and as such, consent should be obtained from the property owner for the business use.

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. The proposed amendment to allow day sitting as a home occupation facilitates the efficient use of land and accommodates an appropriate range and mix of residential and employment uses that, subject to the specific zoning regulations herein, will not cause environmental or public health and safety concerns.

The London Plan

As noted above, The London Plan does not contain specific provisions regarding kennels or pet-based businesses, though it does contain similar policies to the 1989 Official Plan with respect to home occupations within the Neighbourhoods Place Type Policies. It is recognized that these provisions are still under appeal.

The proposed amendment for the inclusion of day sitting for dogs and domestic cats as a permitted home occupation is consistent with the key directions of The London Plan as it provides for an appropriate mix of commercial and residential uses. Under the 1989 Official Plan and Zoning By-law, kennels and other larger scale pet-based businesses are directed to auto-oriented commercial areas. Permitting pet day sitting in residential areas provides for increased accessibility to services within a community that respects the existing character of residential neighbourhoods.

1989 Official Plan

Section 3.6.3 of the Official Plan allows for home occupations within residential land use designations provided the business activity is clearly ancillary to the residential use of the property, is carried on entirely within the dwelling unit by a resident of the dwelling unit, and does not generate any noise, odour, traffic, or visual impacts that may have an adverse effect on adjacent properties. Specific regulations regarding the uses permitted according to dwelling unit type are to be contained in the Zoning By-law.

As the Official Plan permits the regulation of uses as home occupations based on dwelling type, it is recommended that day sitting for dogs and domestic cats be permitted solely in single detached dwellings. This will ensure that potential impacts to abutting property owners are mitigated, and that there is sufficient space and facilities to adequately accommodate the use. In this regard, while a home occupation is to be contained entirely within the dwelling, pets may be permitted outside provided they are leashed or under supervision within an enclosed yard. The business shall be contained within the dwelling, but the nature of the use may require incidental use of outdoor space without creating a nuisance.

5.0 Conclusion

The recommendation is to permit day sitting for dogs and domestic cats as a home occupation, subject to specific regulations limiting such uses to single detached dwellings, day time use only, and the number of animals permitted on the premises to a total of eight (8), of which a maximum of three (3) dogs be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4).

The amendment to the Zoning By-law is considered appropriate as it is consistent with the PPS 2014, the policies of the The London Plan and the 1989 Official Plan and implements the June 12, 2018 direction from Municipal Council related to pet sitting as a home occupation.

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Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

October 1, 2018
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Previous Reports Pertinent to this Matter

May 29, 2018 – Report to Community and Protective Services Committee regarding pet boarding and pet sitting services with the recommendation that the Civic Administration BE DIRECTED to hold a public participation meeting before the Planning and Environment Committee on a by-law amendment to the Zoning By-law to permit pet boarding and/or sitting business as a Home Occupation.

April 24, 2006 – Z-7053 – Report to Planning Committee regarding pet grooming businesses as a home occupation.