

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2010-???

**A BY-LAW TO AMEND ZONING BY-LAW NO. 79-14, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT Section 3 “Definitions” of Zoning By-law 79-14, as amended, is hereby amended by deleting Subsection 3.59 and replacing it with the following:

3.59 “Kennel, Commercial”

Is a kennel where the primary purpose of the facility is for the boarding of dogs for hire or gain and/or where the primary purpose of the facility is for the breeding of dogs for commercial gain and/or where the primary purpose of the facility is for the training of dogs. No commercial kennel may have more than 50 dogs at one time, excluding pups under ten (10) weeks of age, except by amendment to this by-law.

2. THAT Section 3 “Definitions” of Zoning By-law 79-14, as amended, is hereby amended by deleting Subsection 3.60 and replacing it with the following:

3.60 “Kennel, Private”

Is a kennel where five or more dogs, excluding pups under ten (10) weeks of age, are kept for personal use such as hunting dogs, or show dogs kept for the purpose of training or are kept as pets; and where there is no boarding and no revenue derived from the kennel. No private kennel may have more than 20 dogs at one time, excluding pups under ten (10) weeks of age, except by amendment to this by-law.

3. THAT Section 3 “Definitions” of Zoning By-law 79-14, as amended, is hereby amended by adding the following:

3.94a “Pet Care Establishment”

Is a business for grooming, training or the day-care of pets, but where no pets are kept overnight, and does not include the sale of pets.

4. THAT Section 7.9 “Prohibited Uses” of Zoning By-law 79-14, as amended, is hereby amended by deleting Subsection 7.9 (a) 23 and replacing it with the following:

23. Keeping or raising of any bull, ox, cow, horse, sheep, goat, pig or other cattle or any poultry, or any reptile or any wild animal including any tamed or domesticated wild animal or exotic bird on any residential lot or in any building or structure on such lot or in any building or structure in a Residential Zone, but this shall not prevent the keeping of up to four (4) of any type of household pet, such as dogs, cats, hamsters, mice, rabbits, turtles.

5. THAT Section 7 “General Provisions for All Zones” of Zoning By-law 79-14, as amended, is hereby amended by adding the following:

7.43 Commercial and Private Kennels

In addition to the regulations governing the zone in which this use is proposed to be located, the following additional provisions shall apply to “Commercial and Private Kennels”:

- a) Must be in accordance with the definition of 3.59 and 3.60 as amended from time to time.
- b) Must be a lot with at least 4 ha of land.
- c) Any buildings or structures used in conjunction with a commercial or private kennel must be a minimum of 150 m from an existing dwelling on any adjacent lot. Where an adjacent lot is vacant, any buildings or structures used in conjunction with a commercial or private kennel must be a minimum of 75 metres from the common lot line.
- d) Any new dwellings on adjacent lands to a Commercial or Private Kennel must be located a minimum of 150 metres from the existing licensed private or commercial kennel
- e) Dog runs, pens, dog enclosures and all structures used in connection with the operation (including exercising yards) shall be at least 15 metres from any drilled well and 30 metres from any dug well.
- f) Dog runs, pens, and enclosures shall be enclosed with a solidly constructed fencing so as to fully obstruct the visibility of the pets from neighbouring properties, and to prevent the escape of pets.

6. THAT Section 7 “General Provisions for All Zones” of Zoning By-law 79-14, as amended, is hereby amended by adding the following:

7.44 Pet Care Establishment

In addition to the regulations governing the zone in which this use is permitted, the following additional provisions shall apply to “Pet Care Establishments”:

- a) The establishment as defined in 3.94a shall operate only between the hours of 7:00 am and 11:00 pm, in accordance with all applicable by-laws.
- b) An establishment wholly enclosed within a building shall not be located closer than 150 m to any residential dwelling unit in separate ownership in a residential zone.
- c) In the case of an establishment which also includes an outdoor pen, the outdoor pen area shall not be located closer than 150 m to any residential dwelling unit, excluding of the Pet Care Establishment operator’s dwelling unit.
- d) Any outdoor run associated with a Pet Care Establishment shall be enclosed with solidly constructed fencing so as to fully obstruct the visibility of the pets from the neighbouring properties, and prevent the escape of pets.
- e) Where a Pet Care Establishment is located within a C1, C2 or C3 zone, it is exempt from any setback provisions found in subsection b) an c) above, “Pet Care Establishments.”

7. THAT Section 9 “Agricultural A2 Zone” of Zoning By-law 79-14, as amended, is hereby amended by deleting 9.2.2 (c) and renumbering the remaining subsections.

8. THAT Commercial and Private Kennels be added to the list of permitted uses in the following sections:

Section 8 (Agricultural A1);
Section 9 (Agricultural A2); and
Section 21 (Highway Commercial C3)

9. THAT Pet Care Establishments be added to the list of permitted uses in the following sections:

Section 8 (Agricultural A1);
Section 9 (Agricultural A2);
Section 15 (Rural Residential RuR);
Section 19 (Local Commercial C1);
Section 20 (General Commercial C2); and
Section 21 (Highway Commercial C3)

10. THAT Section 3.53 (h) "Home Occupation" of Zoning By-law 79-14, as amended, is hereby amended by deleting 'pet grooming' as a permitted home occupation.
11. THAT Section 3.52a of Zoning By-law 79-14, as amended, is hereby amended by deleting 'animal kennel' as a permitted use for a home industry.
12. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
DAY OF _____, 2010.**

MAYOR KATIE TROMBETTA

CAROLYN LANGLEY, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2010-

The purpose of this by-law is to update the kennel provisions of the Zoning By-law to better reflect the kennel by-laws of surrounding municipalities and to reduce the number of non-compliance issues with respect to kennels in the Township.

A number of site specific amendments are required to recognize deficiencies that will not be rectified through this by-law amendment.

File: 1601-008-10

Applicants: Township of West Lincoln

DRAFT