



TOWN OF ONOWAY MUNICIPAL PLANNING COMMISSION

August 10, 2023

9:35 am

Town of Onoway Civic Centre, Council Chambers

AGENDA

1. Call to Order by CAO Thompson
2. Nominations
 - a) Chair – Call for nominations 3 times
 - b) Vice Chair – Call for nominations 3 times
3. Agenda Adoption
4. Approval of Minutes – N/A
5. Business arising from the minutes – N/A
6. Old Business - None
7. New Business
 - a) Development Permit Application No. 23DP06-24
8. Adjournment

Town of Onoway

Development Officer Report to MPC

Meeting:	Municipal Planning Commission Meeting
Meeting Date:	August 10, 2023
Originated By:	Tony Sonnleitner, Development Officer
Title:	Development Permit 23DP06-24 Home Occupation – Dog Kennel.
Lands:	Plan 946 KS; Parcel F : 5012 – 53 Avenue (the "Lands").
Land Use District:	R2 – Residential – Medium Density District

APPLICATION:

Prior to June 25, '23: The Development Officer became aware that a Dog Kennel was being operated upon the Lands because of a complaint from an adjacent landowner. The CPO reviewed the Lands and brought to the attention of Town of Onoway Administration that no Development Permit was in place for the use.

On June 25, 2023: The Development Officer for the Town of Onoway received an application for Development Authority approval for the Operation of a Home Occupation, specifically a Kennel. The application proposes a maximum of twenty (20) dogs to be housed upon the Lands at any given time.

A copy of the Development Permit Application is attached.

LAND USE BYLAW 712-13:

- A. The Land Use Bylaw 712-13 provides the following definition for Home Occupation:
"HOME OCCUPATION" - means an occupation carried on within a dwelling unit or manufactured home and which is not visible or noticeable in any manner from outside the dwelling. Such occupation is an accessory use and is secondary to the residential occupancy and does not change the character thereof;
- B. Land Use Bylaw 712-13, Section 4.28 HOME OCCUPATIONS sets out requirements for Home Occupations as follows:

Home occupations (Home Based Businesses) that involve home visits/client related traffic shall be considered "major" home occupations and must adhere to the following section of this bylaw. For "minor" home occupations note section 3.2(x) of this Bylaw.

1. Home occupations (Home Based Businesses) shall comply with the following provisions:

- (a) Home occupations shall not be allowed on a site unless a dwelling is located

on the site on which the home occupation is to be located.

(b) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the home occupation is or has become detrimental to amenities of the neighborhood in which it is located or if there is any change or intensification of the home occupation as originally approved.

(c) The Development Authority may, in its sole discretion, place time limits on the period for which a development permit for a home occupation is valid.

(d) No home occupation shall substantially change the principal character of external appearance of the dwelling involved or of any accessory buildings.

(e) Home occupations shall be incidental and subordinate to the principal use of the dwelling and/or garage and shall not be conducted within any other structures on the property.

(f) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.

(g) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.

(h) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.

(i) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

(j) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the district in which the home occupation is located.

(k) Only one (1) commercial vehicle, of a haul capacity not exceeding 5.5 metric tonnes (5500 kgs.), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be kept on site unless they are located within an accessory building.

(l) Home occupations shall not involve:

- a. activities that use or store hazardous material in quantities exceeding those found in a normal household; or

b. any use that would in the opinion of the Development Authority, materially interfere with or affect the used, enjoyment, or value of neighboring properties.

(m) The number of non-resident employees or business partners working on site shall not exceed one (1) at any time. No more than two people shall be working at the home occupation site at any time.

(n) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or garage.

(o) The home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in the Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.

(p) The dwelling or garage in which a home occupation is located may have one fascia sign placed on the structure, providing that the sign does not exceed 0.4 sq. m (4 sq. ft.) in area. No other signage will be permitted.

(q) In addition to a development permit, home occupations shall be required to obtain a business license in accordance with the Town of Onoway Business License Bylaw.

ANIMAL CONTROL BYLAW 796-22:

The Town of Onoway Animal Control Bylaw 796-22, Section 5 – RESTRICTIONS AND RESPONSIBILITIES states:

5.1 No person shall keep or harbor more than two (2) animals of the same kind whatever sex or age at the same time in any residential area or on properties smaller than one-half (1/2) acre in size within the Town of Onoway boundaries nor shall they be allowed on the Town of Onoway streets or parks, unless a Development Permit for operating a kennel has been sought and obtained from the Town of Onoway as per their Land Use Bylaw. (Specifically, a person may have two dogs, two cats, two hamsters and two rabbits at the same time but no more than two of each kind of animal at one time.) Fish in an Aquarian or pond are an exception to this regulation. The owner that keeps or harbors more than two (2) animals of the same kind shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;

DISCUSSION:

The application, 23DP06-24, is for the Use of a Dog Kennel as a Home Occupation, where Dog Kennel is neither a Permitted, nor a Discretionary, Use within the R2 – Residential – Medium District (nor within any Residential District). In 2013, when Land Use Bylaw 712-13 was in Draft

and discussions on the document were occurring with Council and the Community, the use of a Dog Kennel within a residential district was not contemplated. The control of animals was relegated to the Animal Control Bylaw. The current iteration of that document, Bylaw 796-22, restricts the number of dogs on a Residential parcel to two (2). Where the Animal Control Bylaw speaks to the opportunity for a Development Permit for a Dog Kennel, such approval was clearly envisioned in Districts other than Residential Districts (Commercial or Industrial). In most other municipalities the use of a Dog Kennel would be relegated to Commercial or Industrial districts to limit incompatibilities between uses upon adjacent lands. With assent being granted to Bylaw 796-22, Council has strongly signaled that a reasonable number of dogs to be allowed upon a parcel within the Residential districts is two (2), thus the allowance for twenty (20) upon an adjacent parcel seems unreasonable. The task of the Development Authority remains to determine whether a proposed use would at all times, preserve the privacy of the adjacent dwellings and not unduly offend the surrounding residents by way of excessive lighting, noise, smell, traffic, congestion, late visitations by clients, etc. It does not seem that the proposed development meets this test.

RECOMMENDATION

It is the Development Officer's recommendation that the MPC refuse to grant approval of Development Permit Application 23DP06-2 for the following reasons:

1. The proposed development does not meet the requirements for a Home Occupation (Home Based Business) specified in Section 4.28 of the Town of Onway Land Use Bylaw No. 712-13.
2. The proposed development does not meet the requirements under Section 5.1 of the Animal Control Bylaw 796-22 with respect to the maximum number of dogs allowed upon a Residential parcel within the R2 – Residential – Medium Density District (Two (2) allowed, where twenty (20) is applied for.).
3. The Development Officer has determined that the proposed development would, in his opinion,
 - a) unduly interfere with the amenities of the neighbourhood, and
 - b) materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

If the MPC supports this use, at this location, it is recommended that either:

- a) The Lands are districted to either a Commercial or Industrial districting, so that the Animal Control Bylaw remains consistent with the Land use Bylaw, or
- b) The use of a Dog Kennel be added to the list of Permitted or Discretionary uses within the R2 – Residential – Medium District. Again, to keep our planning documents consistent.



Development Services
For the

Town of Onoway

Box 2945, Stony Plain, AB., T7Z 1Y4
Phone (780) 718-5479 Fax (866) 363-3342
Email: pcm1@telusplanet.net

E-MAILED

App: June 25, 2023

MPC: August 10, 2023

DEVELOPMENT PERMIT APPLICATION FORM

Application No: 23DP06-24
Permit Fee: \$315.00

Make Cheque Payable to: Town of Onoway

SECTION 1: GENERAL INFORMATION (completed by all permit applicants)

Applicant _____
Mailing Address _____
Email Address: ONOWAY AB TOEIVD
DM
Telephone Number: _____
Owner of Land (if different from above) _____
Address ONOWAY AB
TOEIVD
Telephone Number 780
Interest of Applicant (if not the Owner) _____

SECTION 2: PROPOSED DEVELOPMENT (completed by all permit applicants)

I/We hereby make application for a Development Permit in accordance with the plans and supporting information submitted.

Begun prior to approval

A brief description of the proposed development is as follows:

Use as Kennel 16x32 shed. Max. (20 animals)

Estimated cost of Development _____
Legal Description Lot(s) Parcel F
Block(s)
Plan 946 KS
Street Address 5012 53 AVE

Estimate Commencement Date June 1, 2022
 Estimate Completion Date Immediate

SECTION 3: SITE REQUIREMENTS (does not need to be completed if applying only for a permit of sign)

Land Use District RR-Residential
 Permitted Use _____ () _____
 Discretionary Use _____ () _____

PRINCIPAL BUILDING

	Proposed	*Bylaw Requirements	*Conforms to Bylaw Requirements (Yes or No)
(1) Area of Site	_____	_____	_____
(2) Area of Building	_____	_____	_____
(3) % Site Coverage by Building	_____	_____	_____
(4) Front Yard Setback	_____	_____	_____
(5) Rear Yard Setback	_____	_____	_____
(6) Side Yard Setback	_____	_____	_____
(7) No. of Off-Street Parking Spaces	_____	_____	_____
(8) Height of Building	_____	_____	_____

Other Supporting Material Attached (e.g., site plan, architectural drawing)

ACCESSORY BUILDINGS, ETC.

	Proposed	*Bylaw Requirements	*Conforms to Bylaw Requirements (Yes or No)
(1) Area of Site	_____	_____	_____
(2) Area of Building	<u>512 sq ft</u>	_____	_____
(3) % Site Coverage by Building	<u>1.2%</u>	_____	_____
(4) Front Yard Setback	_____	_____	_____
(5) Rear Yard Setback	<u>25 ft</u>	_____	_____
(6) Side Yard Setback	<u>135 ft.</u>	_____	_____
(7) No. of Off-Street Parking Spaces	_____	_____	_____
(8) Height of Building	_____	_____	_____

Other Supporting Material Attached (e.g., site plan, architectural drawing)

**To be completed by Development Officer.*

SECTION 4: AUTHORIZATION

I, ~~SEB~~ am the registered owner
authorized to act on
behalf of the
registered owner

and the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the Municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

June 23 - 2023 _____
Date Signature

SECTION 5: PROCESSING TIME LIMITS

DATE OF ACCEPTANCE OF DEVELOPMENT/SIGN PERMIT APPLICATION FORM

(to be completed by the development officer)

Where a decision on this application is not made within forty (40) days if the date of acceptance specified above, you may:

- (a) consider this development application to be REFUSED by the Development Officer and appeal this decision to the Development Appeal Board within fourteen (14) days of the date of this refusal; or
- (b) obtain and complete an extension agreement available from the Development Officer to extend the forty (40) day decision period specified to allow the Development Office additional time to reach a decision.

ADDITIONAL INFORMATION REQUIRED

PLEASE INDICATE BELOW THE TYPE OF SEWAGE DISPOSAL AND WATER SUPPLY TO BE USED ON THE DEVELOPMENT / SUBDIVISION.

<u>TYPE OF WATER SUPPLY</u>	
	DUGOUT
	WELL
	CISTERN & HAULING
✓	MUNICIPAL SERVICE
	OTHER (Please Specify)

<u>TYPE OF SEWAGE DISPOSAL</u>	
	SEWAGE HOLDING TANK
	SUB-SURFACE DISPOSAL / SEPTIC TANK
	ABOVE GROUND / SEPTIC TANK
	SEWAGE LAGOON
	OUTDOOR PRIVY
✓	MUNICIPAL SERVICE
	OTHER (Please Specify)

PLEASE INDICATE IF THE ABOVE IS:

- (A) EXISTING ✓
 (B) PROPOSED

(If unsure please check with the local Health Unit or the Plumbing Inspection Branch)

IMPORTANT NOTES

1. In addition to completing this application in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provisions for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances.
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-returnable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

**FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY ACT NOTICE**

Please be advised that the information contained in your application for:

- Development permit approval
- Subdivision approval
- Re-Districting approval

Is being collected for the purpose of decision making by the Development Authority and the Subdivision Approving Authority. For this purpose, your application may be forwarded to the following people/organizations,

- ◆ Adjacent landowners
 - ◆ Utility Companies
 - ◆ Adjacent Municipality Municipal Offices
 - ◆ Government Departments
 - ◆ Statistics Canada
 - ◆ Other organizations as determined by the Development Authority
 - ◆ Local newspaper for public advertisement

Under the authority of Sections 606, 640(1), 653(4) of the Municipal Government Act, Statutes of Alberta, Chapter M-26.1, as amended and the Subdivision and Development Regulation 212/95.

I, _____ have no objections to the above stated procedures being used in the review and decision making process for application no. 23DP06-24.

Signature: _____

Date: June 23 - 2023

For more information contact:

Town of Onoway
Freedom of Information and Protection of Privacy Coordinator
Box 540
Onoway, Alberta
T0E 1V0
(780) 697-5338

RIGHT OF ENTRY

File No: 23DP06-24

I authorize the Development Authority of The Town of Onoway and other agencies as designated in Section 653(2) of the Municipal Government Act, 2000 to enter my land for the purpose of conducting a site inspection in connection with my application.

SIGNED: _____

Registered Owner

DATE: Jan 23-2023

Complete this section only if the applicant is NOT the owner of the property being subdivided.

AUTHORIZATION FORM

File No: _____

I (We), _____, being the registered owner(s)
(Name of Registered Owner(s))

of _____ do hereby authorize
(Legal Description of Land)

_____ to make application for
(Individual or firm seeking application)

subdivision affecting the above lands.

SIGNED: _____ Registered Owner

_____ Registered Owner

DATE: _____