

REQUEST FOR PLANNING DECISION

RPD# 2018141

Date: October 22, 2018

SUBJECT: Amendments to the Land Use Bylaw to allow the Keeping of Chickens within Town Limits.

RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE: That Council not amend the Land Use Bylaw to allow chickens.

NEXT COURSE OF ACTION: Should the recommendation of the PAC be accepted, no further action is required. If the recommendation is rejected and first reading is approved, schedule a public hearing and consider second reading of the amendments.

PLANNING MANAGER COMMENTS: The PAC considered this matter in August, then held a Public Participation Opportunity (PPO) in September that was advertised per the Policy for Public Notifications. There were approximately 18 residents that attended the PPO along with five written submissions. In summary of the verbal comments, one expressed that they were not against keeping chickens but felt the draft regulations needed improvements. Most attendees expressed concerns about enforcement and compliance and felt there bylaws already in place are not adequately enforced. Some felt that keeping chickens in town is not appropriate and allowing them will create problems. Those in favour of allowing chickens felt the issue is being blown out of proportion relative to the presence of other animals in town, including dogs and cats. There was general agreement with the intent of the draft regulations, although it was expressed that the potential negative impact of 6 hens would be negligible.

RECOMMENDATION: Report/Document: *Attached PAC report and draft Bylaw amendments*

KEY ISSUE(S) CONCEPTS DEFINED: The attached draft amendment takes into account PAC's direction and incorporates regulations from other jurisdictions, particularly those of Moncton and Fredericton. These cities underwent pilot projects before establishing their regulations. The requirements were also cross referenced with a Best Practices Manual for Chicken-Keepers created by the chicken-keeping community of New Haven, Connecticut. The draft amendments shown in the Attachment would allow chickens, subject to the following:

1. Option A – no minimum lot area Option B - minimum lot area 1/2 acre (2,023 m²)
2. Minimum setbacks of 3 metres of any property line, and 10 metres from adjacent dwellings
3. Single detached dwellings only
4. Maximum of 6 hens, roosters are prohibited
5. No sale of products, and no slaughtering
6. Minimum coop requirements that reflect best practice
7. Provisions to control manure and food storage.
8. Screened requirements from the street and adjacent dwellings.

In developing the draft amendment, staff contacted a selection of other municipalities that allow chickens within their jurisdiction. While some noted minor isolated issues, most municipalities reported no significant problems.

A key consideration of this issue relates to ongoing enforcement. While the Development Permit process is intended to ensure the location and details of the chicken coop meet the LUB regulations at the time of construction, ongoing maintenance and treatment of the animals will be a determining factor around whether the practice is a nuisance to neighbouring properties. As such, ongoing enforcement may have an impact on staff capacity and resources.

RELEVANT POLICY: Currently the Land Use Bylaw includes chickens under the definition of an Agricultural Animal (LUB section 1.0 (7)). Section 4.3 of the Bylaw prohibits the keeping of Agricultural Animals in town, except for three specified land parcels that contain existing pasture along Robert Angus Drive (McInnis' farm).

RESPONSE OPTIONS:

1. Give First Reading of Option A or Option B of the draft amendments to allow chickens.
2. Reject the draft amendments and maintain status quo that prohibits chickens.
3. Defer a decision and direct Staff to provide more information or alternative amendments.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: After considering the staff report and hearing input from the public, the PAC recommended that Council not amend the LUB to allow chickens. In general, it was felt that allowing chickens could create nuisance problems in the community that would difficult to regulate. Ongoing enforcement was a significant concern.

FOLLOW UP ACTION: First reading; public hearing; second reading, if amendments are approved

COMMUNICATION: Should Council give first reading to the amendments; an advertised public hearing will be scheduled.

OTHER COMMENTS: None

Submitted by: *Andrew Fisher, Manager of Planning and Strategic Initiatives*

Reviewed by: *CAO*