

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: October 1, 2018
Subject: LUB amendments to allow keeping chickens

INTRODUCTION

In June Council referred the issue of keeping chickens within town limits to the PAC for review and to provide a recommendation to Council following a Public Participation Opportunity. On August 13th staff provided a report to the PAC to introduce the topic and get direction with regard to the character of the regulations that might be forwarded to Council for consideration. The PAC subsequently directed staff to draft regulations that in part: prohibit roosters and the sale of products, require large lot sizes and setbacks, and only allow chickens on lots with single detached dwellings.

BACKGROUND

Note: The August 13 staff report stated that Cumberland County does not allow chickens in the Lower Density Zone (ex. D'Orsay Road, Fox Ranch) on properties smaller than approximately 4.9 acres. Upon further review of the Bylaw and discussions with County staff, this statement was found to be incorrect. The LUB does permit up to 5 chickens on any lot in the Lower Density Zone without a development permit. The chickens must not be permitted to run at large, and slaughtering is not permitted.

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.¹ 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.

¹ <https://www.ctnofa.org/documents/Chicken%20Manual.pdf>

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). Below are aforementioned LUB sections:

- 6) **Agricultural Use** means an operation involving the keeping of agricultural animals.
- 7) **Agricultural Animal** means an animal kept for the purpose of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, foxes, chinchillas, bees, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish, and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be house- hold pets.

4.3 Agricultural Animals

The keeping of agricultural animals is prohibited in Town except for the following lots which have agricultural uses existing at the date of this bylaw:

- i) PID# 25047010
- ii) PID# 25037219
- iii) PID# 25358086

Any amendment to the LUB must be in keeping with the intent of the policies of the Municipal Planning Strategy (MPS). There are no policies specific to agricultural animals or chickens, so the amendment should have consideration for the general criteria set out in Policy A-5:

A-5 *It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) *the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) *the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) *the adequacy of road networks, in, adjacent to, or leading to the development;*
- (c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) *type of use;*
 - (ii) *height, bulk and lot coverage of any proposed building;*
 - (iii) *parking, traffic generation, access to and egress from the site;*
 - (iv) *any other matter of planning concern outlined in this strategy.*

Regarding Policy A-5 (c), the extent to which the keeping of chickens could conflict with adjacent or nearby land uses is most relevant. The draft amendment includes minimum setbacks to adjacent properties and other provisions to mitigate this potential conflict.

As per Policy, notice of the Public Participation Opportunity was posted in the local newspaper and the Town's website.

DISCUSSION:

Interest in urban agriculture has experienced a resurgence in the last 1-2 decades since the regulatory practices tended to separate rural from urban land uses after WW II. Industrial farming practices, the need to address poverty, increased food security, and the desire for locally sourced food are some of the reasons for the resurgence. There are benefits to allowing the keeping of chickens; however, there are also potential negatives the practice could create for the surrounding neighbourhood. Noise, smell, attraction of rodents, and aesthetics are some of the potential negative impacts on surrounding property. However, it should be noted that none of the jurisdictions that were contacted reported significant problems with keeping chickens.

As noted previously, the draft amendment incorporates PAC's direction from August 13th and regulations from other jurisdictions. In general, the regulations are an attempt to minimize the potential negative impacts on surrounding properties while providing minimum standards for the animals. Two options are provided for section 4.3.2, one with a minimum ½ acre lot requirement, and the other with no minimum lot area requirement.

The minimum ½ acre lot area requirement restricts chicken keeping to larger lots, but staff feel this is not an effective way to address the potential negative impacts on surrounding properties. Regardless of the size of the property it is the minimum setback requirements to lot lines and adjacent dwellings that provides effective separation. For further context, the attached map identifies residential properties an acre or more in area (red), ½ - 1 acre (dark Green), and ¼ - ½ acre (yellow). The map points to the fact that setting minimum lot creates an uneven distribution of lots where chicken keeping is permitted amongst lots where the use is restricted.

To mitigate impacts, it is more effective to establish minimum setbacks to property lines and adjacent dwellings than setting minimum lot area requirements. The draft amendment requires a 3 metre (10 ft) setback to property lines, and a 10 metre (33 ft) setback to adjacent dwellings. These requirements generally reflect the more restrictive requirements in other jurisdictions.

CONCLUSION:

As previously noted, there can be benefits to the keeping of chickens and many jurisdictions that permit the practice have reported very few problems. The draft amendments attempt to address potential negative impacts on the surrounding neighborhood; however, negative impacts will greatly depend on how well the property owner maintains the operation. The health of the flock, food, and manure management are all ongoing issues that go beyond the scope of land use planning.

MOTION OPTIONS:

Option One: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw as shown in the Attachment with **Option A** to allow the keeping of chickens.

Option Two: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw as shown in the Attachment with **Option B** to allow the keeping of chickens.

Option Three: I move that the Planning Advisory Committee recommend that Council **not** amend the Land Use Bylaw to allow chickens

STAFF RECOMMENDATION: Option One should the PAC wish Council to allow chickens.