



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Monday, August 13, 2018**
Time: **4:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Approval of Agenda	
1.2 Approval of Minutes	1 - 4
2. Review of Recent Variances	
2.1 11 Victor Avenue - Verbal Report	
3. Staff Reports / Presentations	
3.1 99 West Victoria Street Agreement - Garden Suite	5 - 13
3.2 Urban Chickens	14 - 19
4. Public Participation Opportunity	
4.1 Staff Report/Presentation	
4.2 Committee Questions	
4.3 Applicant/Public Questions & Comments	
4.4 Close Public Participation Opportunity	
5. Recommendation	
6. Adjournment	

Town of Amherst

Planning Advisory Committee

Minutes

Date of Meeting: Monday, June, 4, 2018
Location: Council Chambers, Town Hall

Members Present: Deputy Mayor Sheila Christie
Councillor Wayne MacKenzie
Councillor Terry Rhindress (Vice Chair)
Citizen Appointee Gordon Goodwin
Citizen Appointee Ronald Wilson

Staff Present: Manager of Planning and Strategic
Initiatives Andrew Fisher
Municipal Clerk Kim Jones
Admin Assistant Emily Wainwright

1. Call to Order

Vice-Chair called the meeting to order at 5:02 p.m.

1.1. Approval of Agenda

Moved By: Deputy Mayor Christie
Seconded By: Councillor MacKenzie
That the agenda be approved.

Motion Carried

1.2. Approval of Minutes

Citizen Appointee Wilson wanted to inform the Committee that he was not present for the last meeting as he was not advised of the meeting and did not receive notification.

Moved By: Councillor MacKenzie
Seconded By: Citizen Appointee Goodwin
That the minutes of the April 9, 2018 PAC meeting be approved.

Motion Carried

2. Application to Amend Land Use By-Law Zoning Map for 283 and 295 Church Street

2.1 Staff Report

Mr. Fisher Discussed the application by the property owner of 283 and 295 Church Street to change the zoning from Industrial to Highway Commercial. The change is being requested by the owner to allow for a portion of the existing building to be used for a residential purpose. Mr. Fisher also pointed out that the request also requires an amendment to the Future Land Use Designations Map of the Municipal Planning Strategy. Staff recommended that the Committee recommend that Council approve the requested amendments.

2.2 Committee Questions

Deputy Mayor Christie stated if the properties were to be rezoned to Highway Commercial, since there is an ability to live there, there is an ability for the owner to subdivide and sell off the lots for other homes. Mr. Fisher replied that that was correct. She followed up with asking if there were a way to keep it part Industrial and part residential. Mr. Fisher responded that no there is not. She then asked if this rezoning could have a potential impact on the houses across the street since there is a leased land community across the street. Would something like that have to come through the town as well? Mr. Fisher replied that yes, permission for a leased land community would require the properties be rezoned to the Mini Home Zone.

Citizen Appointee Wilson, speaking to the 8.2 Highway Commercial Zone as it states halfway down the list of permitted uses that the Industrial & Agricultural uses existing as of the date of adoption of this bylaw. He stated that as he understands, we have the added uses with the rezoning in addition to the industrial uses, which stays the same. Wilson continued that since the additional uses are now included under Highway Commercial, this now gives the owner greater latitude to develop the property. Mr. Fisher responded that it also includes Light Manufacturing, so he suggested that the existing use as a storage facility be considered as light industrial use. He further noted that the reference to 'existing industrial and agricultural uses of the date of adoption' refers to particular use of individual properties at the time of adoption. It does not include all agricultural and industrial uses existing throughout the town.

Deputy Mayor Christie asked if the Highway Commercial zone is put in place, would there be two tax rates on the property. Mr. Fisher responded yes that that portion of the building used for residential purpose would be assessed for residential, and the rest for commercial.

Citizen appointee Goodwin asked if staff knew how many dwelling units could be approved for the property. Mr. Fisher responded that the owner has proposed only one dwelling unit, but assuming they meet the Bylaw requirements for lot size, they can have up to four dwelling units on the property as-of-right. Mr. Fisher continued that the property owner could subdivide the property, or expand the building.

Vice-Chair Rhindress asked if this rezoning would only apply to the building out front. Mr. Fisher responded that the zoning applies to the entire property.

Citizen Appointee Goodwin asked if an application has been made under section 8.2.1 and 8.2.2. Mr. Fisher responded that no, he was not approached by the property owner to do any residential development beyond the single dwelling unit. No such application has yet to be made.

There were no further questions at this time. Vice-Chair Rhindress opened the Public Participation Opportunity at 5:30 pm.

3. Application to Amend Land Use By-Law Zoning Map for 283 and 295 Church Street – Owner / Complainant Invited to Address Committee

3.1 Staff Report

Mr. Fisher reviewed his report as included as part of the agenda package.

3.2 Committee Questions

No further Committee questions at this time.

3.3 Owner/Complainant Address Committee

Property owner Steven Ellis addressed the Committee. "I am wanting to turn the front part of the building into a space where I can live. This way there is more security for the storing of the boats, cars, and travel trailers. I want to redo the office space and change to a residence for myself as I am in town frequently and want a place to stay while I am here.

3.4 Public Participation Opportunity

Four members of the public were in attendance.

Jane McInnis was in attendance on behalf of her father, Roger McInnis, who owns the property behind the properties in question. She was wondering how this rezoning would affect their property and their taxes. Mr. Fisher responded that it would not affect them, only the property in question, and that property tax concerns should be brought to the Revenue Officer.

3.5 Recommendation

Moved By: Councillor MacKenzie

Seconded By: Citizen Appointee Wilson

That the Planning Advisory Committee amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial and amend the Land

Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

Motion Carried

4. Adjournment

Deputy Mayor Christie motioned to adjourn the meeting at 5:47 p.m

Motion Carried

Andrew Fisher, Manager of Planning and Strategic Initiatives

Vice Chairman Terry Rhindress

DRAFT

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: August 13, 2018
Subject: **99 West Victoria Street – Proposed Development Agreement to allow a garden suite.**

PROPOSAL

An application by the property owner of 99 West Victoria Street (PID# 25000589) for a development agreement that would permit a garden suite (aka In-law suite) in the rear yard of the subject property. A garden suite means an accessory building used as a single detached dwelling unit.

BACKGROUND

Site Details: The subject property is approximately 2,861 m² (0.7 acre), and contains a converted 2-unit dwelling, and two accessory buildings. The property is bordered by marshland to the west and north, with an adjacent single detached dwelling to the east. Single detached, and low-density apartment dwellings exist across the street. The subject property and those that surround it are zoned General Residential, except for nearby Liberty Lane, which is in the Mini Home Zone.

Proposal Details: The proposed single-story garden suite is 109 m² (1,176 sqft (42 ft. x 28 ft.)) in area and will be located approximately 14 m (46 ft) behind the main dwelling. At its nearest point, the garden suite would be located approximately 20 metres (65 ft.) from the dwelling next door. Please see the attached site plan and building elevations for further reference.

The existing driveway can accommodate approximately 6 vehicles, which exceeds the minimum requirements for parking under the LUB. The garden suite would be serviced separate from the main dwelling with water from West Victoria, and a separate sanitary connection would be made to the sewer main that runs along the back of the property.

RELEVANT POLICY AND DISCUSSION:

As per LUB Section 3.8, staff confirm that notification was completed as per the Town's Public Notification Policy.

The following provides the Municipal Planning Strategy (MPS) policies most relevant to consideration of garden suites. Staff comment is provided below each section.

RP-14 *It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:*

- (a) the garden suite be secondary to the main dwelling on the lot;*
- (b) water and sewer services be provided independent from the main dwelling;*
- (c) two off street parking spaces be provided on the property;*
- (d) the garden suite be a minimum of 1.2 metres from the side property lines;*
- (e) the garden suite be a minimum of 6 metres from the rear property line;*
- (f) the garden suite be a minimum of 1.2 metres from the main dwelling;*
- (g) the garden suite not be located in the front yard of the property;*
- (h) no home occupation, group home, boarding house, day care or other such secondary use be permitted on the property;*

(i) the development agreement be discharged should the garden suite be removed from the property.

The size and proposed location of the garden suite meets all the above noted criteria. Aside from a basement apartment (not listed in subsection (h)), there are no secondary uses on the property.

RP-11 *It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:*

- (a) encouraging a mix of housing types and densities;*
- (b) permitting secondary apartments in all dwelling units;*
- (c) permitting a secondary residential structure (Garden Suite) on a lot;*
- (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the Town.*

Garden suites address housing affordability by allowing seniors to remain independent longer while having family support close by. In addition to the affordability benefits, garden suites can also come with social benefits by reducing demand on local health and support services.

RP-8 *It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.*

The proposed garden suite would add to, but would not stand out in, the existing mix of housing types and densities in this area.

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.*

Staff feel the proposed garden suite conforms to the intent of the Town's MPS, and other regulations. The potential for negative impact on the Town's financial capacity, infrastructure, or street networks is negligible. Given the size of the subject lot, ample separation from the adjacent dwelling, and ample parking, the impact on nearby land uses would also be negligible.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the MPS and LUB. Staff do not anticipate significant negative impacts on the surrounding neighbourhood.

OPTIONS:

Option One: Recommend that Council enter into the proposed Development Agreement for 99 West Victoria Street as drafted by Staff, subject to any revisions that may arise during the public participation process.

Option Two: Recommend to Council not to enter into the Development Agreement for 99 West Victoria Street, citing specific policies with which the proposal does not conform.

Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

STAFF RECOMMENDATION: Option One.

This Agreement made this _____ Day of _____ 2018.

Between:

Jeffrey Bembridge and Valarie Cousins (owner of property located at 99 West Victoria Street [PID 25000589], hereinafter called the "Owner"),

of the one part, and

The Town of Amherst (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP- 14 of the Municipal Planning Strategy of the Town of Amherst, to locate a Garden Suite Dwelling on the property located at 99 West Victoria Street (PID 25000589).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the _____ Day of _____ 2018, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Site Plan
- (c) Schedule 'C' – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may locate a Garden Suite Dwelling on said lands.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) This Agreement shall be discharged upon the Garden Suite being removed from the Lands.
- 7) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 8) This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

SIGNED, SEALED AND DELIVERED

In the presence of

THE TOWN OF AMHERST

David Kogon MD, Mayor

Gregory D. Herrett, CAO

FOR THE OWNER

Valarie Cousins

Jeffrey Bembridge

Schedule A

99 West Victoria Street - Development Agreement

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to a converted two-unit main dwelling and one (1) Garden Suite dwelling in the approximate location as shown on Schedule 'B'.
- 1.2 A minimum of one (1) parking space shall be provided for each dwelling unit on the Lands.
- 1.3 Accessory buildings and uses may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw*.
- 1.4 The Garden Suite dwelling shall have dimensions of approximately 13 metres by 8.5 metres.
- 1.5 The Garden Suite dwelling shall generally conform to the designs shown on Schedule 'C'. Variations to the architectural details shall not be considered a substantial change to this agreement.

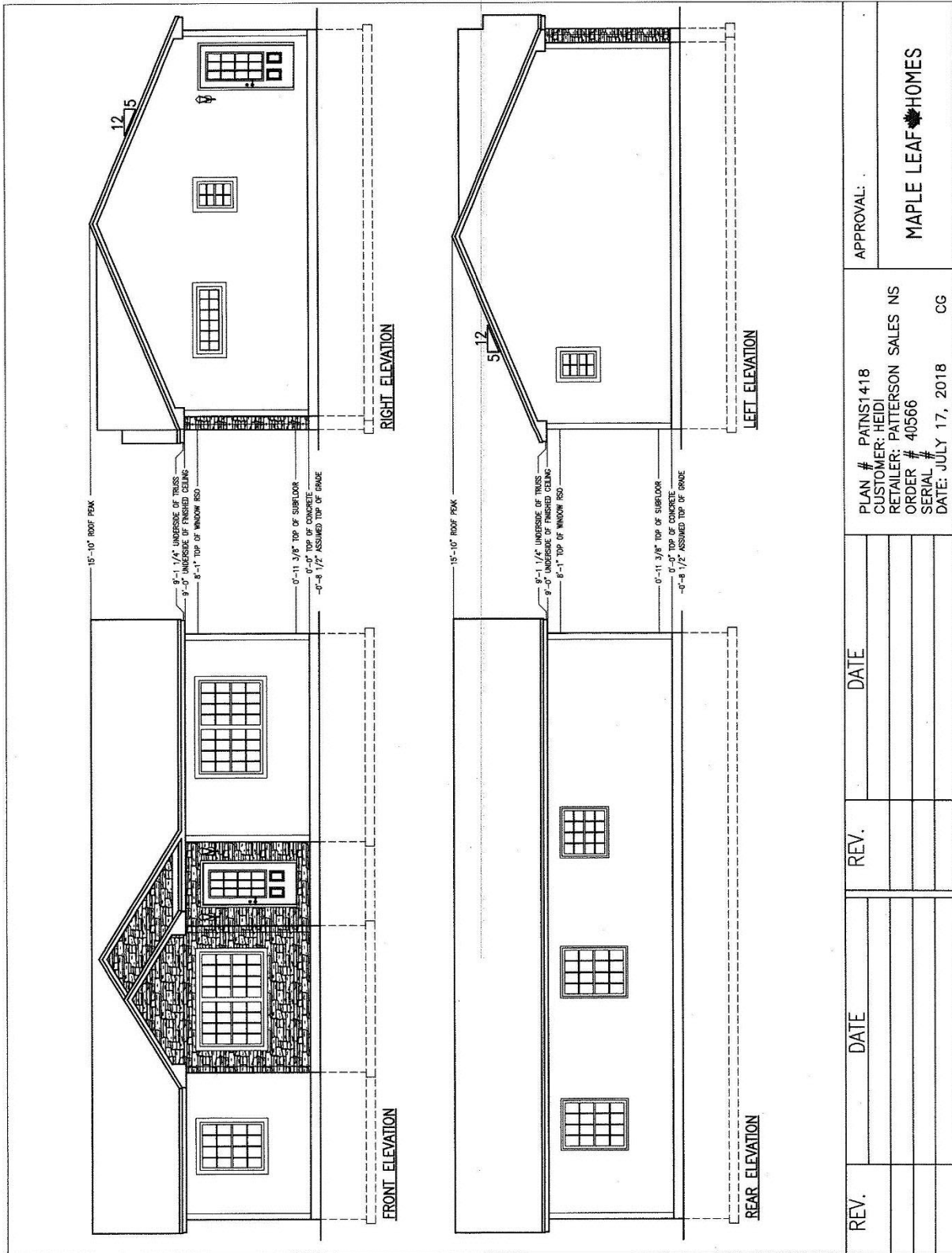
2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.

SCHEDULE 'B'



SCHEDULE 'C'



REV.	DATE	REV.	DATE	APPROVAL:
				MAPLE LEAF HOMES
				PLAN # PATNS1418
				CUSTOMER: HEIDI
				RETAILER: PATTERSON SALES NS
				ORDER # 40566
				SERIAL #
				DATE: JULY 17, 2018
				CG

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: August 13, 2018
Subject: Discussion item – 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. The purpose of this memo is to introduce the topic and get feedback from the Committee on the most appropriate regulations, and what additional information might be helpful to make an informed recommendation. With this discussion and feedback, staff would look to draft a Land Use Bylaw amendment for consideration and a Public Participation Opportunity at a later date.

BACKGROUND

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).

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 significant benefits to allowing the keeping of chickens; however, this issue can be controversial given the potential nuisance the practice could create for the surrounding neighbourhood. Noise, smell, attraction of rodents, and aesthetics are just some of the potential negative impacts on surrounding property.

The regulations for keeping chickens in urban areas varies greatly amongst municipalities in North America. The following provides a cursory scan of select municipalities to illustrate the disparity in regulations around urban chickens:

- **Moncton** adopted a bylaw in 2014 to allow chickens following a multi-year pilot project. The regulations are provided below. Moncton staff reported low uptake on the new provisions, but reported no significant problems.
- **Fredericton** introduced a Bylaw in 2013 following a pilot project that allows up to 3 chickens on properties with single-detached dwellings only. The regulations are provided below. Staff reported low uptake (less than 10 applicants), and no problems to date.
- **Truro** allows a range of agricultural animals on any residential property, subject to minimum lot area and other requirements. The regulations are provided below. Staff reported approximately 20 applications, and a few minor issues to date.
- **Wolfville** permits up to four laying hens that must be contained on the property. Wolfville staff advised that this provision has been in place for a long time with little or no issues.

- **HRM** consists of a collection of pre-amalgamation bylaws where chickens are permitted in some areas but not others. Within Peninsular Halifax the Bylaw is silent so the decided interpretation was to allow them while the issue is being reviewed.
- **CBRM and Guysborough** allow chickens in serviced residential areas on properties 1-acre or greater in area. Given the very low number of developed properties in town that are an acre or more in area, this requirement would essentially prohibit chickens.
- **Cumberland County** does not allow chickens in Lower Density Zone (ex. D’Orsay Road, Fox Ranch) on properties smaller than approximately 4.9 acres.
- **Sackville NB, Yarmouth, Antigonish** prohibit chickens outright.

Of those municipalities noted above that permit chickens, most have a maximum number permitted regardless of lot size. Others require minimum lot sizes, yard setbacks; as well as, coop, feed and manure standards. Many municipalities restrict chickens to properties with single-detached dwellings only. Prohibition on roosters is universal.

To further illustrate how chickens and other agricultural animals might be regulated, the following provides three examples taken from Fredericton, Moncton, and Truro.

Fredericton

7.3(9) KEEPING OF HENS

(a) **General Provisions:** Where permitted, the keeping of *hens* shall comply with the following:

- (i) be restricted only to *lots* where there is an existing *single detached dwelling*;
- (ii) a maximum of 3 hens can be kept; roosters are prohibited;
- (iii) the sale of eggs or meat and the slaughter of animals on the *lot* is prohibited;
- (iv) any manure or waste material shall be removed from the *site* (or composted) on a regular basis;
- (v) the *keeping of hens* shall not take place in Zones A1 or A2 of the City of Fredericton’s Wellfield Protection Area.

(b) **Standards:** Where permitted, the *keeping of hens* shall comply with the following:

- (i) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators;
- (ii) the enclosure shall be visually *screened* from a public *street* and neighbouring properties;
- (iii) the enclosure shall be set back a minimum of 10 metres from any *dwelling* on an adjacent *lot*.

Moncton

Urban agriculture

100(1) Despite paragraph 36(1)(f), when permitted as a secondary use, an urban agricultural use shall comply with the following:

- (a) the use shall be located outdoors on a lot occupied by a single unit dwelling;
- (b) all hens shall be kept at all times in a chicken coop;
- (c) despite subparagraph 36(1)(d)(iii), a chicken coop shall have a minimum 3 metres setback from a side or rear lot line;

- (d) a chicken coop shall have a minimum 7.5 metres setback from any existing dwelling on an adjacent property;
- (e) a chicken coop shall have a minimum 30 metres setback from an existing well;
- (f) the sale of eggs manure, meat or other products derived from hens is not permitted.

100(2) A chicken coop shall be enclosed on all sides and have:

- (a) a roof;
- (b) doors, capable of being locked;
- (c) a minimum of 0.37 square metres of coop floor area per hen;
- (d) at least 0.92 square metres of enclosed outdoor roofed area per hen;
- (e) predator and bird-resistant wire mesh no greater than 2.5 centimetres over all openings;
- (f) at least one perch that provides at least 15 cm of space per hen, and one nest box per hen;
- (g) a heating device to ensure the temperature in the enclosed part of the chicken coop remains Above 0 °C.

100(3) Not more than 0.1 cubic metres of manure generated by the hens shall be stored on a lot, and shall be stored within a fully enclosed structure.

100(4) Stored food for the hens shall be kept indoors or in a weather-resistant container sufficient to prevent access by animals.

100(5) The slaughtering or euthanizing of hens on the lot is not permitted.

Truro

4.4 Urban Agricultural Uses

The requirements of this section shall apply to all urban agricultural uses where livestock are bred and raised, not including pets.

4.4.1 Animal Units

- a) Table 4.15 lists types of animals relative to the amount of animal units permitted on a lot.
- b) Animals not listed shall be treated according to the approximate equivalency to the categories below based on their body weight as a mature animal, and the amount of noise normally produced by the animal.

Table 4.15: Animal Units

<i>Type of Animal</i>	<i>Animal Unit Equivalency</i>
1 Cattle, Horse, Deer, Llama, Donkey	44 Units
1 Sheep, Pony, Emu	24 Units
1 Duck, Pheasant, Turkey, Goose	6 Units
1 Beehive	2 Units
1 Chicken	1 Unit

4.4.2 Calculating Animal Units

- a) Animals are permitted only on lots at least 465 m² (5000 ft²) in size. One animal unit is permitted for every 93 m² (1000 ft²) of lot area.

- b) In the case of fractional numbers when calculating animal units, round down for the amount of animal units permitted.

4.4.3 General Requirements

- a) Any urban agricultural use that includes the keeping of any livestock or animal must be accessory to a use that is permitted use within the zone where the urban agricultural use is located.
- b) Roosters and swine (excluding pot-bellied pigs) are prohibited in all Zones excluding the Rural Residential Zone (R8) and Watershed Residential Zone (R9).
- c) Animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.
- d) Any animal barn, kennel, stable, coop, or other structure intended for the keeping of animals, any animal run, hive, grazing area or open air enclosure are permitted in rear yards only.
- e) Animals may not be housed in any structure used for human habitation.
- f) The sale of eggs, meat, honey, manure, or any other product derived from the domestic keeping of animals is prohibited in all Residential Zones.
- g) The slaughter of any animal is prohibited in all residential Zones. Animals may only be euthanized by a veterinarian or an appropriate body which can act lawfully.

4.4.4 Animal Shelter Setback Requirements

The following requirements shall apply to any animal barn, kennel, stable, coop, or other structure intended for the keeping of animals, excluding beehives which are subject to special regulations set out in Subsection 4.4.6 of this By-law.

- a) Any animal barn, kennel, stable, coop, or other structure intended for the keeping of animals must maintain a minimum setback of 4.5 m (15 ft) from any abutting property line.
- b) Any animal run, grazing area or open air enclosure must maintain a minimum setback of 3 m (10 ft) from any and all abutting property lines.
- c) Any animal barn, kennel, stable, coop, or other structure intended for the keeping of animals must maintain a minimum distance of 4.5 m (15 ft) from any dwelling.

4.4.5 Buffering Requirements

In addition to any applicable requirements of this By-law, where an Urban Agricultural use is deemed incompatible with the abutting properties, the Development Officer may require that the abutting yard:

- a) be entirely landscaped with a combination of existing and planted trees which are:
 - i) spaced in a staggered manner at intervals of 3 m (10 ft) on centre over the entire area;
 - ii) be a minimum of 1.5 m (5 ft) in height at the time of planting;
 - iii) be at least 75 percent coniferous trees indigenous to the area; or
- b) contain a berm that is a minimum of 2 m (6.5 ft) in height with at least a 7 m (23 ft) wide base, which is landscaped with trees and bushes of at least 0.6 m (2 ft) in height at the time of planting and spaced at least 6 m (20 ft) on centre; or
- c) contain a fence that shall be erected along the abutting property line which:
 - i) has the finished side facing the abutting property;
 - ii) is of a residential design;
 - iii) forms a visual barrier from grade to 1.85 m (6 ft) high;

- iv) is a minimum of 2 m (6.5 ft) high from ground to the top horizontal member; and
- v) extends a minimum of 6 m (20 ft) horizontally.

4.4.6 Special Regulations for Beekeepers

It shall be the responsibility of beekeepers to:

- a) Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the Nova Scotia Bee Industry Act.
- b) Adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behaviour, especially in providing adequate water to prevent bees from seeking water on abutting properties.
- c) Requeen bees when necessary to prevent undue swarming or aggressive behavior.
- d) Collect and relocate bee swarms originating from a managed hive to a parcel of land outside of the Town.
- e) Ensure the appropriate height of bee flight paths by:
 - i) situating beehives a minimum of 2.15 m (7 ft) above grade; or
 - ii) placing a solid fence that is 2 m (6 ft) in height along any section of abutting property line(s), within 9 m (29.5 ft) of any bee hive.
- f) Beehive entrances are situated away from neighbouring properties, and the beehives are a minimum of 3 m (10 ft) from any and all abutting property lines.

DISCUSSION:

If chickens were to be permitted in town, staff feel the following provisions should be included in any regulation:

1. Prohibit: breeding, roosters, the sale of any product (meat, eggs, milk), and the slaughter of animals on the lot.
2. Minimum standards for enclosures and open run areas.
3. Require the use to be located in the rear yard with minimum setbacks to property lines, and adjacent dwellings.
4. Requirements for proper food storage, and manure removal.

In addition, Staff are looking for feedback from the Committee on the following to assist the development a draft set of regulations for consideration:

1. Should there be a total maximum number of animals (ex. Fredericton) or a minimum lot area requirement per animal (ex. Moncton & Truro)?
2. Should chickens or agricultural animals be permitted on all residential properties or restricted to single-detached dwellings only?
3. Should the town permit chickens only or other agricultural animals (ex. Truro)?
4. Should the keeping of chickens or agricultural animals be screened from view with fencing and/or vegetation?
5. What additional information might the PAC require in order to make an informed recommendation?

CONCLUSION:

The trend toward allowing agricultural uses in urban areas has resulted in a wide range of regulations across municipalities. While there can be benefits to the practice of keeping chickens, there are also potential negative impacts on the surrounding neighborhood. Upon discussion and feedback from the committee, staff will be in a position to draft regulations for public feedback and ultimately a recommendation to Council.