

COUNCIL REPORT

To: Mayor and Council

From: Corporate Services

Date: June 20, 2023

Subject: Backyard Ducks

RECOMMENDATION:

THAT Council receive this report for information.

BACKGROUND:

The purpose of this report is to bring forward the associated bylaws for consideration by the Council in response to the request received from a Mackenzie resident at the June 12, 2023 Regular Council meeting. The resident expressed a desire to keep backyard ducks and highlighted the benefits of urban farming, sustainable practices, and the educational opportunities associated with raising ducks in residential areas. Council directed staff to bring forward amendments to bylaws, that would support this request, for consideration. This report outlines the specific bylaws that need to be amended to accommodate the request.

Proposed Actions:

To address the request and enable the keeping of backyard ducks in Mackenzie, similar to backyard hens, the following bylaws must be amended:

- Animal Control and Licencing Bylaw
- Municipal Ticket Information Bylaw
- Zoning Bylaw Changes

The proposed amendments are attached as Appendix A, B, C with changes highlighted in yellow.

The proposed bylaws with amendments are included in the Bylaw Section for consideration.

Zoning Bylaw No. 1503 Next Steps:

As the changes requested to Zoning Bylaw No. 1368, 2017 are consistent with the Official Community Plan No. 1304, 2014, Council is not required to hold a public hearing under the *Local Government Act Section 464 (2)(b)*. However, due to the time constraints for Public

Notification prior to first reading of Zoning Amendment Bylaw No. 1503, 2023 staff is recommending holding a public hearing prior to the adoption of the bylaw.

If Council chooses to hold a public hearing:

- First reading could take place at the Regular Council Meeting of June 26, 2023.
- Public Hearing could take place July 24, 2023 or earlier.
- Final Readings would take place at the Regular Council meeting of July 24, 2023.

If Council chooses not to hold a public hearing:

- First reading would have to take place at the Regular Council meeting of July 24, 2023 or earlier by special meeting to accommodate the period for notification.
- Final Readings would take place at the Regular Council meeting of August 7, 2023.

BUDGETARY IMPACT:

There is no budgetary impact for this request.

COUNCIL PRIORITIES:

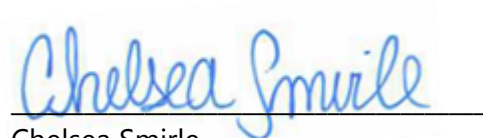
Community and Social Development

- Our investment in the municipality's services and infrastructure, our commitment to principles of social equity and well-being, and our belief in the value of resident engagement, creates a healthy community in which everyone feels valued and enjoys a high quality of life.

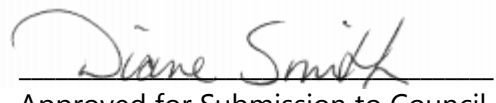
Environmental Sustainability

- The way we operate has an impact on the environment. We are committed to integrating sustainability and Environmental, Social and Governance factors (ESG) into our decision making and business practices.

Respectfully Submitted,



Chelsea Smirle
Legislative Clerk/Executive Assistant



Approved for Submission to Council

APPENDIX A – Animal Control and Licencing Amendments

Amending Bylaw No. 1354, 2016

Adding and updating the following definitions:

- **Coop** means a covered enclosed structure to shelter hens and/or ducks
- **Duck** means any domesticated duck species, excluding those raised for commercial purposes.
- **Duck Owner** means a person keeping one or more ducks on a property.
- **Pen** means a fully enclosed outdoor space for hens and or ducks.

Updating Section 11. Livestock Regulation:

(d) Backyard Hen and Duck Enclosure and Beekeeping Regulations

(i) Backyard Hen and Duck Enclosures

- a. A hen or duck owner must obtain a Backyard Hen or Duck Permit from the District to keep hens or ducks. This process includes:
 - i. Completing the Backyard Hen and Duck Permit Application form prescribed by the District;
 - ii. Pass an inspection by the District's Bylaw Enforcement Officer or other designated District staff member;
 - iii. Paying a one-time fee for obtaining a Backyard Hen or Duck Permit as prescribed in Schedule "E".
- b. A Backyard Hen or Duck Permit applicant who fails to pass the District's inspection requirement must reapply for a Backyard Hen or Duck Permit, including paying a separate fee as prescribed in Schedule "E" and passing an additional inspection by the District.
- c. The Backyard Hen or Duck Permit is not transferable to another person or property.
- d. There shall be no more than one Hen Owner or Duck Owner per property.
- e. The Backyard Hen or Duck Permit holder must be the resident of the property. If the resident is not the property owner, they must receive approval from the property owner through a signature on the Backyard Hen or Duck Permit Application form.

- f. The RR1 and RR2 residential zones are not subject to the backyard hen or duck regulations.
- g. Backyard hens and ducks are permitted on properties zoned R1, R2, and R3, subject to the following conditions:
 - i. Roosters are prohibited;
 - ii. The dwelling on the property is a single-detached dwelling;
 - iii. All hens and ducks must remain within the coop or pen at all times;
 - iv. The backyard of a property must be fully fenced in to prevent the escape of hens and ducks and to prevent predators from accessing the hens and ducks;
 - v. Coops and pens must be sized and situated within the appropriate areas on the property in accordance with the backyard hen and duck enclosure regulations in the District's Zoning Bylaw;
 - vi. The pen and coop must be maintained in good repair and sanitary condition, free from vermin and free from obnoxious smells and substances;
 - vii. All hen and duck food stored outside must be secured in a self-contained manner as to not provide an attractant to bears, other wildlife, or vermin;
 - viii. All hens and ducks must be provided sufficient food, water, shelter, light, heat, ventilation, veterinary care; and opportunities for essential behaviors such as scratching, dustbathing, and roosting; to maintain good health;
 - ix. Slaughtering or euthanizing hens and ducks within the District's townsite is prohibited unless at a certified facility;
 - x. Any diseased hens or ducks must be killed, and the carcass destroyed;
 - xi. Manure must be stored within a fully enclosed and self-contained device in a manner that does not generate excessive heat or odour, ensuring that no more than 0.085m³ (3 cubic feet) of manure is stored at a time;
 - xii. No deposit of manure may be made in the District's sewage or storm drain system. Small quantities of manure may be placed in a receptacle for household garbage but must be contained within a sealed bag.
- h. The District's Bylaw Enforcement Officer may revoke a Hen Owner's Backyard Hen Permit or Duck Owner's Backyard Duck Permit in relation to the non-compliance of any of the backyard hen and duck regulations by issuing a permit revocation notice to the permit holder.

- i. A hen owner or duck owner who has received a permit revocation notice may within fourteen (14) days of issuance, rectify all instances of non-compliance and apply in writing to the District's Bylaw Enforcement Officer to reconsider revocation of the Backyard Hen Permit and or Backyard Duck Permit.
- j. Failure to rectify any instance of non-compliance within fourteen (14) days of the issuance of the permit revocation notice will result in revoking of their Backyard Hen Permit and or Backyard Duck Permit.

Adding the following fee to Schedule E

"SCHEDULE E – BACKYARD HEN AND DUCK ENCLOSURE & BEEKEEPING PERMIT FEES

3. Backyard Duck Permit Application	\$25.00
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Appendix B – Municipal Ticket Information Bylaw Amendments

1. That Section 14 of Schedule 2 to the “Municipal Ticket Information Bylaw No. 1465, 2022” as amended, be amended to state the following:

Animal Control and Licencing Bylaw No. 1354, 2016 as amended	Section	Fine
14. Failure to comply with backyard hen and duck enclosure regulations.	11.(d)(i)	\$40

Appendix C - Zoning Bylaw No. 1368 Changes

Definitions

BACKYARD HEN AND DUCK ENCLOSURE means the use of land for the keeping of domestic hens and/or ducks for egg laying purposes.

COOP means a part of the backyard hen and duck enclosure that is a covered enclosed structure to shelter hens or ducks.

PEN means a part of a backyard hen and duck enclosure that is a fully enclosed outdoor space for hens or ducks.

General Regulations

Backyard Hen and Duck Enclosures

1. Where permitted within a zone, a backyard hen and duck enclosure must, unless otherwise indicated in a zone, comply with the following regulations:
 - i. Backyard hen and duck enclosures must be clearly incidental and secondary to the use of the dwelling for residential purposes, and must be conducted by a resident of the parcel
 - ii. On properties 500m² or less a maximum of four (4) hens or ducks may be kept
 - i. For each additional full 100m² of lot area one additional hen or duck may be kept up to a maximum of eight (8) hens or ducks combined.
 - iii. A minimum enclosure of 0.37 m² (4 ft²) must be provided per chicken or duck
 - iv. The maximum size of a coop is 8.0 m² in floor area and 2.0 metres in height
 - v. Backyard hen and duck enclosures must be located in a fenced backyard and the dwelling unit must be between the backyard hen and duck enclosure and the front parcel line
 - vi. A backyard hen and duck enclosure must only use a pen and a coop as defined by this bylaw
2. A valid permit must be obtained through the District of Mackenzie in order to maintain a backyard hen and duck enclosure

Zone Amendments

RR1 – Rural Residential 1 Zone

The following uses and no others are permitted in the RR1 Zone:

Principal Uses

- i. Dwelling, single detached

Accessory Uses

- i. Accessory building
- ii. Backyard hen and duck enclosure
- iii. Bee keeping
- iv. Bed and breakfast
- v. Hobby farm
- vi. Home business
- vii. Home industry
- viii. Kennel
- ix. Riding stable
- x. Shipping container
- xi. Suite, attached
- xii. Suite, detached

Regulations

On a parcel located in an area zoned RR1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below.

COLUMN I	COLUMN II
1. Minimum parcel size for new subdivision	8,100 m ² (0.81 ha)

2. Minimum parcel width	45.0 m
3. Minimum setback of principal building from: <ul style="list-style-type: none"> • Front parcel line • Exterior side parcel line • Interior side parcel line • Rear parcel line 	15.0 m 10.5 m 10.5 m 15.0 m
4. Minimum setback of accessory building from: <ul style="list-style-type: none"> • Front parcel line • Exterior side parcel line • Interior side parcel line • Rear parcel line 	30.0 m 7.5 m 7.5 m 7.5 m
5. Maximum building and structure height <ul style="list-style-type: none"> • Principal building and structures • Accessory building 	10.7 m 9.2 m
6. Maximum parcel coverage (all buildings)	10%
7. Maximum dwelling units per parcel	2

Other Regulations:

Accessory Buildings:

1. Only one accessory building or structure per parcel may have a height that exceeds 5.5 metres.
2. Accessory buildings that do not exceed 5.5 metres and height may be sited with the following setbacks:
 - i. Front parcel line – 15.0 metres

- ii. Exterior side parcel line – 4.5 metres
- iii. Interior side parcel line – 4.5 metres
- iv. Rear parcel line – 4.5 metres

Backyard Hen and Duck Enclosures:

1. A parcel with a backyard hen and duck enclosure must adhere to the livestock regulation in the District's Animal Control and Licensing Bylaw.

Hobby Farm:

1. A parcel containing a hobby farm as an accessory use must adhere to the livestock regulation in the District's Animal Control and Licensing Bylaw.

Shipping Containers:

1. A maximum of two shipping containers may be permitted on a parcel in the RR1 zone.

R1 – Residential 1 Zone (Single-Family Residential)

The following uses and no others are permitted in the R1 Zone:

Principal Uses

- i. Dwelling, single detached

Accessory Uses

- i. Accessory building
- ii. Backyard hen and duck enclosure
- iii. Bee keeping
- iv. Bed and breakfast
- v. Daycare
- vi. Home business
- vii. Suite, attached
- viii. Suite, detached

Regulations

On a parcel located in an area zoned R1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below.

COLUMN I	COLUMN II
1. Minimum parcel size for new subdivision	557 m ²
2. Minimum parcel width	17.0 m
3. Minimum setback of principal building from: <ul style="list-style-type: none"> • Front parcel line • Exterior side parcel line • Interior side parcel line • Rear parcel line 	10.0 m 3.5 m 1.2 m 6.0 m
4. Minimum setback of accessory building from: <ul style="list-style-type: none"> • Front parcel line • Exterior side parcel line • Interior side parcel line • Rear parcel line 	6.0 m 3.5 m 1.2 m 1.2 m
5. Minimum principal building width	7.0 m
6. Maximum building and structure height <ul style="list-style-type: none"> • Principal building and structures • Accessory building 	10.7 m 4.8 m
7. Maximum parcel coverage (all buildings)	40%
8. Maximum dwelling units per parcel	2

Other Regulations:

Backyard Hen and Duck Enclosures:

1. A parcel with a backyard hen and duck enclosure must adhere to the livestock regulation in the District's Animal Control and Licensing Bylaw.

Suites:

1. Detached suites in the R1 zone must be garden suites. Detached suites above a detached garage are not permitted.

R2 – Residential 2 Zone (Two-Family Residential)

The following uses and no others are permitted in the R2 Zone:

Principal Uses

- i. Dwelling, duplex
- ii. Dwelling, semi-attached
- iii. Dwelling, single detached
- iv. Suite, attached
- v. Suite, detached

Accessory Uses

- i. Accessory building
- ii. Backyard hen and duck enclosure
- iii. Bee keeping
- iv. Daycare
- v. Home business

Regulations

On a parcel located in an area zoned R2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below.

COLUMN I	COLUMN II
1. Minimum parcel size for new subdivision	557 m ²
2. Minimum parcel width	18.0 m
3. Minimum setback of principal building from: <ul style="list-style-type: none"> • Front parcel line • Exterior side parcel line • Interior side parcel line • Rear parcel line 	6.0 m 3.5 m 1.2 m 6.0 m
4. Minimum setback of accessory building from: <ul style="list-style-type: none"> • Front parcel line • Exterior side parcel line • Interior side parcel line • Rear parcel line 	15.0 m 3.5 m 1.2 m 1.2 m
5. Minimum principal building width (per dwelling unit)	6.0 m
6. Maximum building and structure height <ul style="list-style-type: none"> • Principal building and structures • Accessory building 	10.7 m 4.8 m
7. Maximum parcel coverage (all buildings)	40%
8. Maximum dwelling units per parcel	2

Other Regulations:

Backyard Hen and Duck Enclosures & Bee Keeping:

1. A parcel with a backyard hen and duck enclosure must adhere to the livestock regulation in the District's Animal Control and Licensing Bylaw.
2. Backyard hen and duck enclosures and bee keeping are only permitted on parcels containing a single detached dwelling.

Suites:

1. Attached suites and detached suites in the form of garden suites are only permitted on parcels containing a single-detached dwelling.

R3 – Residential 3 Zone (Compact Residential)

The following uses and no others are permitted in the R3 Zone:

Principal Uses

- i. Dwelling, single detached

Accessory Uses

- i. Accessory building
- ii. Backyard hen and duck enclosure
- iii. Bee keeping
- iv. Daycare
- v. Home business

Regulations

On a parcel located in an area zoned R3, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below.

COLUMN I	COLUMN II
1. Minimum parcel size for new subdivision	420 m ²
2. Minimum parcel width	12.0 m

3. Minimum setback of principal building from:	
• Front parcel line	6.0 m
• Exterior side parcel line	3.5 m
• Interior side parcel line	1.2 m
• Rear parcel line	3.0 m
4. Minimum setback of accessory building from:	
• Front parcel line	6.0 m
• Exterior side parcel line	3.5 m
• Interior side parcel line	1.2 m
• Rear parcel line	1.2 m
5. Minimum principal building width	7.0 m
6. Maximum building and structure height	
• Principal building and structures	10.7 m
• Accessory building	4.8 m
7. Maximum parcel coverage (all buildings)	45%
8. Maximum dwelling units per parcel	1

Other Regulations:

Backyard Hen and Duck Enclosures & Bee Keeping:

1. A parcel with a backyard hen and duck enclosure must adhere to the livestock regulation in the District's Animal Control and Licensing Bylaw.
2. Backyard hen and duck enclosures and bee keeping are only permitted on parcels containing a single detached dwelling.