



REGIONAL DISTRICT OF NORTH OKANAGAN

BOARD of DIRECTORS MEETING

Wednesday, February 6, 2013

4:00 pm

PUBLIC HEARING AGENDA

A. CALL PUBLIC HEARING TO ORDER

B. INTRODUCTION OF BYLAW

1. **Zoning Text Amendment Bylaw No. 2573, 2012 [Laying Hens]**

- Staff report dated January 22, 2013

Bylaw 2573, 2012 – Zoning Test Amendment

Purpose: A bylaw to amend the text of Zoning Bylaw No. 1888 to allow for the keeping of urban hens.

C. PUBLIC PRESENTATIONS

D. CLOSE PUBLIC HEARING



**REGIONAL DISTRICT
of
NORTH OKANAGAN**

REPORT

File No.: 3060.03.03

TO: Board of Directors
FROM: Planning Department
DATE: January 22, 2013
SUBJECT: Zoning Text Amendment Bylaw No. 2573, 2012 [Laying Hens]

RECOMMENDATION:

That following consideration of comments received at the Public Hearing, Zoning Text Amendment Bylaw No. 2573, 2012, which proposes to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to permit chickens within Residential and Rural zones be given Third Reading.

BACKGROUND:

At the Regular Meeting of January 16, 2013, the Board of Directors gave First and Second Readings to Zoning Text Amendment Bylaw No. 2573 which proposes to permit chickens (laying hens) within residential and rural zones of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003.

The Board also resolved to forward Bylaw No. 2573 to a Public Hearing. Since then, the Public Hearing for Bylaw No. 2573 has been advertised in local newspapers in accordance with Regional District Bylaws and the provisions of the *Local Government Act*.

SUMMARY:

Zoning Text Amendment Bylaw No. 2573, 2012 proposes to amend the Regional District Zoning Bylaw to permit chickens within Residential and Rural zones. As there are no conditions required to be met prior to Third Reading of the Bylaw, it is recommended that following consideration of comments received at the Public Hearing, Bylaw No. 2573 be considered for Third Reading.

Submitted by:

Handwritten signature of Ashley Bevan in blue ink.

Ashley Bevan
Executive Assistant

Endorsed by:

Handwritten signature of Rob Smailes in blue ink.

Rob Smailes, MCIP
General Manager, Planning and Building

Approved For Inclusion:

Handwritten signature of Trafford Hall in blue ink.

Trafford Hall, Administrator

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2573

A bylaw to amend the text of Zoning Bylaw No. 1888
to allow for the keeping of urban hens.

WHEREAS pursuant to Section 903 [Zoning bylaws] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888 being the "*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*" and amendments thereto;

AND WHEREAS, pursuant to Section 895 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto*" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

AND WHEREAS the Board is desirous to amend the Zoning Bylaw to allow for backyard chickens (urban hens) ;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

GENERAL

This Bylaw may be cited as "***Zoning Bylaw Text Amendment No. 2573, 2012***".

DEFINITIONS

"**Hen**" means a domesticated female chicken (*Gallus gallus domesticus*) that is at least four months old that are kept on a property other than an agricultural use as defined in the Zoning Bylaw.

TEXT AMENDMENTS

Amend Division Four, Section 401 of Zoning Bylaw No. 1888, 2003 by adding Section 401.3 as follows:

3. Laying Hens

- a. Notwithstanding the provisions of this Bylaw, *any residential or rural property that does not allow restricted or intensive agricultural use and contains a single family dwelling or manufactured home and is zoned Rural or Residential (except properties zoned R.5) within the Regional District is permitted to possess:*

- i. a maximum of four (4) hens on properties which are less than 4047 m² (1 acre); and,
 - ii. a maximum of ten (10) hens on properties that are, at a minimum, 4047 m² (1 acre) in area.
- b. No roosters shall be permitted on any lot zoned Residential or that is less than 1 ha (2.471 acres) and zoned Rural.
- c. All hens must be housed within a building or structure that meets the following regulations:
- i. A minimum of 0.37 m² floor area per hen, with the provision that the maximum floor area shall not exceed 9.2 square metres (100 square feet); and
 - ii. the height shall not exceed 2 metres (6.56 feet), as measured from the finished grade; and
 - iii. the setback from any door or window of any dwelling shall not be less than 3 metres (9.8 feet); and
 - iv. shall be located only to the rear or side of a single family dwelling; and
 - v. shall be screened and located to the rear of a single family dwelling on a corner lot; and
 - vi. the setback from any property line shall be not less than 2 metres (6.56 feet).
- d. On all properties that have a lot area less than 4047 m² (1 acre), an attached secure open enclosure (run), with a minimum floor area of 0.92 m² per hen, will be required in addition to 401.3.c and all hens must be completely enclosed within either the secure open enclosure or enclosed structure at all times.

Read a First and Second time

this 16th day of January, 2013

Advertised on

this 30th day of January, 2013, and

this 1st day of February, 2013

Public Hearing held pursuant to the provisions of
Section 890 of the *Local Government Act* on

this 6th day of February, 2013

Read a THIRD Time

this day of , 2013

**APPROVED by Ministry of
Transportation & Infrastructure**
(Transportation Act, Sec. 52(3))

this day of , 2013

ADOPTED

this day of , 2013

Chair

Corporate Officer