



Corporate Report

NO: R221

COUNCIL DATE: OCTOBER 15, 2007

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **October 11, 2007**
FROM: **General Manager, Planning and Development** FILE: **3900-30**
0550-20-10
SUBJECT: **Provisions of Surrey Zoning By-law, 1993, No. 12000 Dealing with the Keeping of Farm Animals – Delegation to Council-in-Committee**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Authorize the City Clerk to forward a copy of this report to Richard Stanbridge, who appeared before Council on the subject matter of this report.

INTENT

The purpose of this report is to address concerns raised by a recent delegation to Council-in-Committee, regarding the keeping of farm animals on residential properties and to provide a comparison of Surrey's regulations for the keeping of farm animals with those of neighbouring municipalities.

BACKGROUND

On July 9, 2007, Council-in-Committee received a delegation from Richard Stanbridge, regarding the provisions of Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law") dealing with the keeping of animals. The delegation expressed concern with the provisions of the Zoning By-law that permit the keeping of farm animals on residential properties and, in particular, concern with noise and potential health issues related to the keeping of chickens on a residential property neighbouring his property. Mr. Stanbridge requested that the City review and amend the Zoning By-law to eliminate, as a permitted use, the keeping of farm animals on lots that are zoned "residential" and that dogs, cats and koi fishponds continue to be permitted.

DISCUSSION

The General Provisions section of the Zoning By-law states that for RA properties that have a minimum lot size of 0.4 ha (1 acre), 12 head of poultry (excluding roosters) are permitted, as well as two livestock, six sheep or goats, and rabbits and chinchillas. This provision also applies to properties that are zoned Half-Acre Residential Zone (RH), Single Family Residential Zone (RF) and Single Family Residential Secondary Suite Zone (RF-SS).

The property which was subject of Mr. Stanbridge's concern is 0.43 hectares (1.08 acres) in size, is designated Suburban in the Official Community Plan and is in the RA Zone. As such, it meets the minimum requirements for the keeping of up to 12 chickens.

Health Issues

The delegation expressed concern that there may be potential health issues associated with keeping chickens and, more generally, farm animals on residential property. According to the BC Ministry of Agriculture and Lands Animal Health Branch, the risks associated with the transfer of Avian Influenza (which is carried by wild birds who are able to spread the virus to poultry via bird droppings) from chickens to humans, or of other types of zoonotic diseases from livestock to humans, is very small. The Ministry advises that the health risks of keeping poultry or livestock on a 0.4 hectare (1 acre) property are miniscule.

The Fraser Health Authority's Health Protection Division has noted that health issues are not restricted to farm animals on residential properties, as animal health issues can arise any time and at any place. The Fraser Health Authority does not have any specific regulations regarding whether animals should be allowed to be kept on residential property and/or the type of animals that should be permitted, advising that the issue as something that is addressed by the City through its Zoning By-law.

Zoning By-law Provisions

A summary of provisions in the Zoning By-law, related to the keeping of farm animals on residential properties, is attached as Appendix I.

The Zoning By-law addresses the issue of farm animals on residential properties, primarily through the General Provisions section, which states that a lot must be at least 0.4 hectares (1 acre) in area to be able to keep two livestock, six sheep or goats, 12 head of poultry (excluding roosters), and rabbits and chinchillas in RA, RH, RF and RF-SS zones. Where the lot is less than 0.4 hectares (1 acre), only two rabbits or chinchillas are permitted. The General Provisions also consider the siting of buildings and structures used to shelter the animals, which must be situated such that there is adequate setbacks – a 36 metre (120 foot) front yard, 7.5 metre (25 foot) rear yard, 7.5 metre (25 foot) side yard and 36 metre (120 foot) side yard on a flanking street.

In RA and RH Zones, Agricultural and Horticultural uses are permitted, which includes the keeping of livestock, but only where a lot is two hectares (five acres) or more in area.

Equestrian facilities (both open and covered) are permitted uses in the Acreage Residential Gross Density Zone (RA-G), Half-Acre Residential Gross Density Zone (RH-G) and Single Family Residential Gross Density Zone (RF-G), provided that the enclosed or covered portion of the facility does not exceed ten percent of the total open space set aside and does not infringe upon the quality of the features being preserved, are for the enjoyment of the residents within the subdivision, and do not constitute a commercial undertaking. In the RA-G Zone, the keeping of one horse is also permitted where the minimum lot area is 2,800 square metres (30,000 square feet) if the portion of the lot in which the horse is kept is securely fenced at a height of at least 1.2 metres (4 feet) and if the lot abuts or provides direct access to open space suitable for equestrian activities. In RA Zones, horse boarding is permitted as an accessory use.

The Surrey Pound By-law requires that any person entitled to or in possession, charge or control of any animal (any species of animal domesticated by man, including any horse, mule, ass, cattle, sheep, goat, swine, rabbit, or poultry and any wildlife species such as birds) must not allow the animal to run at large or to trespass on any public or private land. Infractions may result in the animal being seized or impounded and the issuing of fines.

By-law Infractions

By-law Enforcement & Licensing Services staff advise that, in recent years, there have been few farm animal related Zoning By-law complaints or infractions.

- In 2005, there were five farm animal related infractions. Three involved the keeping of roosters (two in RA Zones and one in an RF Zone) and two involved chickens being kept on a residential lot contrary to the Zoning By-law (one in an RH-G Zone and another in an RA Zone).
- In 2006, there were seven farm animal related by-law infractions. Two infractions included the illegal keeping of roosters, three included the keeping of chickens contrary to the Zoning By-law in RA, RH and RF Zones, and two complaints were regarding geese and ducks.
- To date, there have been no farm animal related by-law infractions recorded in 2007.

It is noted, however, that By-law Enforcement & Licensing Services staff do not keep a record of complaints, regarding uses that are legally permitted in the Zoning By-law.

The Nature of the Property Zoned for the Keeping of Farm Animals

Concern was expressed by the delegation that the keeping of farm animals on residential property may impact property value.

Most of the properties which have zoning and property characteristics that support the keeping of a limited number of farm animals are designated Suburban in the Official Community Plan. This designation is "intended to support a semi-rural and suburban life-style and provides a transition between urban and agricultural land uses. This designation is characterized by a range of larger sized lots". This designation provides for small hobby farms and acreages as well as for large lot subdivisions. Others are in Gross Density Zones that are characterized by large proportions of open space. The nature of these properties is conducive to the keeping of animals, subject to the provisions set out in the Zoning By-law.

The number and nature of animals permitted is further regulated in relation to the lot size to provide for adequate setback of animal enclosures from adjacent properties. The Zoning By-law's General Provisions section requires that buildings and structures that shelter animals be situated in a certain manner, so as to avoid nuisance and health concerns to neighbours.

Provisions of By-laws in Other Municipalities

As requested by Council, staff have researched the zoning by-laws of other municipalities, with respect to provisions for the keeping of farm animals on residential properties. It would appear that Surrey's by-law provisions are more restrictive in this regard than those found in Delta, Langley Township and in Richmond. For example:

- Surrey requires a minimum lot size of 0.4 hectare (1 acre) to permit the keeping of farm animals on residential properties, whereas Delta and Richmond only require minimum lot sizes half that size;
- In Delta, single-family residential lots of 0.2 hectare (0.5 acre) permit the keeping of chinchillas, rabbits, and a horse, cow, goat, sheep, or 12 poultry. If a lot exceeds 0.2 hectare for each 0.4 hectare, an additional horse, cow, goat, sheep, or 12 poultry are permitted.
- In Richmond, residents are permitted to keep poultry and a domestic farm animal (horse, mule, donkey, emu, hinny, llama, ostrich, pot belly pig, swine, sheep, goat or cow, or other animal of the bovine species) on a lot of 0.2 hectare (0.5 acre, with up to one more domestic farm animal for each 0.2 hectare (0.5 acre) of additional area.
- Langley Township permits agricultural uses in suburban residential zones and does not regulate numbers of animals, but requires that no building or structure used to shelter or house any animals or poultry shall be sited less than 15 metres from any property line.

However Surrey's required side yard setback for buildings that house farm animals is 7.5 metres (25 feet), slightly less than the 12 metres (39 feet) required in Delta and the 15 metres (49 feet) required in Langley. All other setbacks are similar or more generous in Surrey.

Surrey, Delta and Langley Township all have noise control by-laws that prevent the keeping of any animal that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of others.

CONCLUSION

Based on a review of the City's Zoning By-law provisions in comparison to the by-law provisions of neighbouring municipalities and other regulatory by-laws, and in consideration of the small number of by-law infractions related to the issue of keeping farm animals on residential property, and after consulting with provincial health agencies, it is recommended that Council receive this report as information and not proceed to amend its by-laws with regard to the current provisions for the keeping of farm animals on residential properties. It is further recommended that a copy of this report be forwarded to Mr. Stanbridge, who appeared before Council on this matter.

Jean Lamontagne
General Manager,
Planning and Development

FW/kms/saw

Attachments:

Appendix I - Summary of the Provisions in the Surrey Zoning By-law that Permit the Keeping of Farm Animals on Residential Properties.

**Summary of Provisions in the Surrey Zoning By-law that Permit the
Keeping of Farm Animals on Residential Properties**

General Provisions	
Permitted Uses	Applicable Zone
<p>(a) The keeping of livestock, poultry, rabbits and chinchillas is permitted, subject to the following maximum permitted numbers:</p> <ol style="list-style-type: none"> i. Two livestock for every 0.4 ha [1 acre], with the minimum lot size of 0.4 ha [1 acre]; ii. Six sheep or goats, for every 0.4 ha [1 acre], with the minimum lot size of 0.4 ha [1 acre]; iii. Twelve head of poultry, excluding roosters, for every 0.4 ha [1 acre], with the minimum lot size of 0.4 ha [1 acre]; and iv. Rabbits and chinchillas where the lot is 0.4 ha [1 acre] or greater, or two rabbits or chinchillas where the lot is less than 0.4 ha [1 acre]. 	<ul style="list-style-type: none"> • RA (One Acre Residential Zone) • RH (Half-Acre Residential Zone) • RF (Single Family Residential Zone) • RF-SS (Single Family Residential Secondary Suite Zone)
<p>(b) Buildings and structures to shelter the animals shall be situated as follows:</p> <ol style="list-style-type: none"> i. Front Yard: 36 m (120 ft); ii. Rear Yard: 7.5 m (25 ft); iii. Side Yard: 7.5 m (25 ft); and iv. Side Yard on Flanking Street: 36 m (120 ft). 	<ul style="list-style-type: none"> • RA • RH • RF • RF-SS
Residential Zones	
Permitted Uses	Applicable Zone
<p>Agricultural and Horticultural uses are permitted where the lot is 2 ha (5 acres) or more.</p>	<ul style="list-style-type: none"> • RA • RH – excludes poultry farming, mushroom growing, piggeries or mink farms
<p>Both open and covered equestrian facilities are permitted, provided that:</p> <ul style="list-style-type: none"> • the enclosed or covered portion of this facility does not exceed 10% of the total open space set aside, and • these uses do not infringe upon the quality of the features being preserved and are for the enjoyment of the residents within the subdivision and do not constitute a commercial undertaking. 	<ul style="list-style-type: none"> • RA-G (Acreage Residential Gross Density Zone) • RH-G (Half-Acre Residential Gross Density Zone) • RF-G (Single Family Residential Gross Density Zone)
<p>Where the minimum lot area is 2,800 sq. m (30,000 sq. ft), the keeping of 1 horse is permitted, provided that:</p> <ul style="list-style-type: none"> • the portion of the lot in which the horse is kept is securely fenced at a height of not less than 1.2 metres [4 ft.]; and • the lot in question abut, or provide direct access to open space suitable for equestrian activities. 	<ul style="list-style-type: none"> • RA-G
<p>Horse-boarding is permitted as an accessory use.</p>	<ul style="list-style-type: none"> • RA