Agenda – Council – February 24, 2016

Report - Executive Policy Committee – February 17, 2016

Item No. 5 Text Amendment – Downtown Winnipeg Zoning By-law No. 100/2004 File DAZ 230/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 (draft amending By-law attached as Schedule 'A') to incorporate beekeeping as a regulated land use, be approved, with the following amendments:

    A. That any reference to making beekeeping a Conditional Use be changed to make beekeeping a Permitted Use.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Executive Policy Committee – February 17, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Add the following to the end of recommendation 1:

  ", with the following amendments:

  A. That any reference to making beekeeping a Conditional Use be changed to make beekeeping a Permitted Use."

and submitted its recommendation to the Executive Policy Committee and Council.

RE: **Text Amendment – Downtown Winnipeg Zoning By-law No. 100/2004**
File DAZ 230/2015

For submission to: **Executive Policy Committee**

Prepared by: **Mr. A. Poitras, Senior Committee Clerk**
Standing Policy Committee on Property and Development, Heritage and Downtown Development

Report date: **February 16, 2016**

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Executive Policy Committee:

1. That the amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 (draft amending By-law attached as Schedule 'A') to incorporate beekeeping as a regulated land use, be approved***, with the following amendments:***

    A. That any reference to making beekeeping a Conditional Use be changed to make beekeeping a Permitted Use.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Note: The wording in bold and italics denotes recommendations made by the Standing Committee.

The Standing Policy Committee on Property and Development, Heritage and Downtown Development provided the following supporting reason(s) for its recommendation:

1. It will give us a living example of why there's no reason to be scared of this.
2. There is no opposition.
3. The amendments made mean there wouldn't be a significant cost for a conditional use application.
4. There will still be an application process and adequate regulation under Provincial control.
5. This will increase the bee population and awareness.
6. It is a fun thing to do in the downtown area.
7. It's a positive and progressive step forward.

PUBLIC HEARING SUMMARY

File:	DAZ 230/2015
Before:	Standing Policy Committee on Property and Development, Heritage and Downtown Development Councillor Orlikow, Chairperson Councillor Allard Councillor Gerbasi Councillor Wyatt
Public Hearing:	February 16, 2016 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Subject:	

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT

PUBLIC HEARING

Date: Tuesday, February 16, 2016
Time: 9:00 AM
Location: Council Building, 510 Main Street, Winnipeg, Manitoba



APPLICANT: Director, Planning, Property and Development Department
FILE: DAZ 230/15

Proposal: An amendment to Downtown Winnipeg Zoning By-Law No. 100/04 to incorporate beekeeping as a regulated a land use.

For more information regarding the proposed amendments, please contact: Kurtis Kowalke at 204-986-5917, or email kkowalke@winnipeg.ca.

Exhibits Filed:
1. Advertising Notice
2. Report from the Director of Planning, Property and Development dated February 11, 2016

REPRESENTATIONS:

In Support:

Joy Belmana
James Campbell
Christopher Kirouac

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Kiernan, Director, Planning, Property and Development Department
Mr. B. Smith, Chief Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: **DAZ 230/2015 *Downtown Beekeeping***

Issue: **For consideration at the public hearing for text amendments to Downtown Winnipeg Zoning By-law 100/2004**

Critical Path: **Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
B. Smith	J. Kiernan	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That Council enact amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 (draft amending By-law attached as Schedule 'A') to incorporate beekeeping as a regulated land use.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Following a cross-jurisdictional analysis and consultation with the beekeeping community, the Winnipeg Public Service was directed to prepare the necessary amendments to Downtown Winnipeg Zoning By-law No. 100/2004 (the "Downtown Zoning By-law") to accommodate beekeeping in the area to which the Downtown Zoning By-law applies (the "Downtown area").

Text amendments to a zoning by-law require a public hearing. Standing Policy Committee on Property and Development, Heritage and Downtown Development is the delegated hearing body for zoning applications in Downtown Winnipeg. Amendments to by-laws require Council approval.

EXECUTIVE SUMMARY

The Winnipeg Public Service proposes amending the Downtown Zoning By-Law to make urban beekeeping possible as a conditional accessory use. Standards related to number of hives, setbacks and fencing would also be included.

IMPLICATIONS OF THE RECOMMENDATIONS

If Council passes the proposed amending by-law, the applicable text amendments will be incorporated into the Downtown Zoning By-law. This will allow beekeepers, when authorized by the property owner, to make a conditional use application to establish a beekeeping yard as an accessory use, subject to the standards and limitations set out in the by-law.

HISTORY

On May 7, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management directed that the Winnipeg Public Service investigate and report back, at its September 18, 2015 meeting, on the following:

1. A cross jurisdictional analysis and a summation of best practices over several Canadian cities of urban bee keeping in particular on the roof tops of high buildings.
2. Recommendations for amendments to the Downtown Winnipeg Zoning Bylaw No. 100/2004 to allow for the keeping of bees on building roof tops in the downtown.

On September 21, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management directed the Winnipeg Public Service to prepare an amendment to the Downtown Winnipeg Zoning By-law No. 100/2004 regarding apiaries along with guidelines to be developed in collaboration with stakeholders.

DISCUSSION

The Winnipeg Public Service examined guidelines and regulations from other Canadian cities to identify best practices. These findings were reviewed with stakeholders from the beekeeping community.

The Guidelines

Because the idea of bees can spark interest, curiosity and potentially anxiety on the part of the public, an informational and educational campaign has formed a key pillar of urban beekeeping strategies elsewhere. Schedule 'C' (attached), developed by the City of Winnipeg, contains information and guidelines geared to address questions and concerns of this kind, and to assist potential beekeepers in safe and viable beekeeping in an urban setting.

The Regulations

The Winnipeg Public Service recommends that urban beekeeping be a conditional accessory use in the Downtown area. The conditional use application process provides an opportunity to ensure compliance with the guidelines and to provide public notice. Even in Agricultural areas outside the Downtown area, apiaries are conditional uses under the Winnipeg Zoning By-law No. 200/2006. In the Downtown area, conditional use applications are handled administratively, by decision of the Director of Planning, Property and Development. Appeals are heard by the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

The Winnipeg Public Service further recommends that the following standards be applied with respect to urban beekeeping through the Downtown Zoning By-law:

1. The maximum number of hives on a zoning lot shall be four plus one nucleus hive.

2. Hives located must be within a secure fenced enclosure at least six feet high.

3. Hives must be set back at least 20 feet from the edge of a permeable fence. No setback is required if it is a solid opaque fence or includes a vegetative obstruction at least 5 feet tall.

4. Hives on rooftops or on elevated terraces/decks/balconies at least 8 feet above grade are exempt from the fencing and setback requirements.

There may be interest in relaxing regulations further to facilitate urban beekeeping and to make it more affordable. (A conditional use application in the Downtown is over $1,000.) Based on the research, it appears as though Winnipeg would be the only major city in Canada to regulate urban beekeeping through zoning. The Winnipeg Public Service would intend to track and evaluate the proposed approach to Downtown beekeeping to determine if changes are warranted in the future. Additionally, the Winnipeg Public Service is currently researching the establishment of a food policy council which may inform other changes to beekeeping regulations in the future.

FINANCIAL IMPACT

Financial Impact Statement Date: February 8, 2016

Project Name:

DAZ 230/2015 Downtown Beekeeping

COMMENTS:

While there is likely to be incremental revenue from conditional use application fees resulting from adoption of the recommendations contained in this report, the amount is not estimable at this time and is likely to be immaterial in nature. As such, there are no material financial implications associated with this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

- Legal Services

OURWINNIPEG POLICY ALIGNMENT

Our Winnipeg, Section 03-2 – Quality of Life > Vitality
Encourages pursuing opportunities to support local food production.

- Direction 8: Working through community partnerships, respond to food needs as identified by communities:
    - Pursue opportunities to support local food production.
    - Develop planning tools to manage the sustainability of existing community gardens and to enable the creation of new permanent or temporary gardens.

A Sustainable Winnipeg, Section 05 – The Foundation:

- Leading by Examples, Direction 3 contains policies that encourage the promotion of citizen awareness of sustainability.

These policy directions provide support of urban beekeeping especially as it pertains to food production and public education.

SUBMITTED BY

Department:	Planning, Property, and Development
Division:	Urban Planning
Prepared by:	Kurtis Kowalke
Date:	February 11, 2016
File No.	DAZ 230/2015

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UD 2016-008

List of Schedules and Attachments

1. Schedule ‘A’: Draft By-law
2. Schedule ‘B’: Consultation Notes
3. Schedule ‘C’: Beekeeping Information and Guidelines

THE CITY OF WINNIPEG

BY-LAW NO. 15/2016

A By-law of THE CITY OF WINNIPEG to amend the Downtown Winnipeg Zoning By-law No. 100/2004 to permit urban beekeeping as a conditional use.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Downtown Winnipeg Zoning By-law amended

1 The Downtown Winnipeg Zoning By-law No. 100/2004 is amended by this By-law.

Part 2 amended

2 Part 2 is amended by adding the following after subsection 200(11):

Beekeeping Yards

200(12) A Beekeeping Yard is a conditional accessory use in any sector, subject to compliance with the following standards:

(a) the maximum number of beehives which may be permitted on a zoning lot is 4, in addition to 1 nucleus hive;

(b) beehives must be located within an area surrounded by a fence at least 6 feet in height which is secured with a gate; and

(c) beehives must be set back 20 feet from any fence, unless the fence:

(i) is a solid opaque fence, or

(ii) includes a hedge or other vegetative obstruction which is at least 5 feet in height and which covers the entire length of the fence.

200(13) Beehives located on rooftops or elevated terraces, decks or balconies which are at least 8 feet above grade are exempt from the requirements under clauses 200(12)(b) and 200(12)(c).

Subsection 700(3) amended

3 Section 700(3) is amended by adding the following, in alphabetical order:

"bee colony"
Means a cluster of worker bees with a queen bee and drone bees living together in a beehive.

"beehive"
Means a receptacle constructed and used for housing a bee colony.

"beekeeping yard"
Means a place where one or more beehives are kept.

"nucleus hive"
Means a beehive that is used intermittently for splitting a large colony or for raising and storing queen bees.

Subsection 310(2) amended

4 Subsection 310(2) is amended by adding the following to the Accessory section of the Use Categories and Uses Table:

Beekeeping Yard	C

Subsection 410(2) amended

5 Subsection 410(2) is amended by adding the following to the Accessory section of the Use Categories and Uses Table:

Beekeeping Yard	C

Subsection 510(2) amended

6 Subsection 510(2) is amended by adding the following to the Accessory section of the Use Categories and Uses Table:

Beekeeping Yard	C

Subsection 610(2) amended

7 Subsection 610(2) is amended by adding the following to the Accessory section of the Use Categories and Uses Table:

Beekeeping Yard	C

Land Use Comparative Table amended

8 The Land Use Comparative Table contained in the Appendices is amended by adding the following to the Accessory section:

Beekeeping Yard	C	C	C	C

DONE AND PASSED, this day of , 2016.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property
and Development
Approved as to form:

_____
For Director of Legal Services and
City Solicitor

Meeting November 5, 2015

- When people see a hive in a backyard they become defensive.
- Bees are protective/aggressive at the hive entrance.
- Rheal Lafrenière confirmed that he is fine with having his information on public documents as the Province of Manitoba contact.

How many hives should be allowed? 4?

- Suggested that 5 hives be allowed as:
    - this allows for Nucleus colony (6 frames or less)
    - allows for hive splitting
    - standard hive is 8 – 10 boxes
- Nucleus colonies can be taken off-site to another location. Alternate location needs to be at least 1 mile away from the original hive (so the two don't mix).
- Cap needs to be placed on the number of supers.
- The Edmonton definition of hives may work well. It also reflects what is included in most beekeeper start-up kits that are sold.
- Swarming can be controlled through the use of nucleus hives.
- Windbreak and sun exposure regulations shouldn't be included in the by-law. Not that pertinent.
- Water source is critical – makes for good neighbours.
- The Bee Act requires apiaries to have an identification sign. In the guidelines should include sentence like "must comply with all requirements of the Bee Act."
- Should the ZBL have a sign requirement?

Swarms

- Current process is to call Rheal.
- Provincial Exterminators direct calls to Rheal as they don't want to kill them.
- Beekeepers have no interest in collecting swarms in August as it's too late in the season to establish a new colony that would survive the winter.
- Exterminators are in discussion with Rheal about having a role in collecting swarms but want place(s) identified where they can bring the swarms (i.e., Fort Whyte?).
- Rheal confirmed that he is fine to be the contact for swarms.

Guidelines/Education/Awareness

- Mosquito fogging is done at night so hasn't impacted bees as they stay in hive at night.
- Bees like BBQ sauce.
- Clarify that Africanized bees are not found in Canada. Africanized bees are a hybrid between Brazilian and European bees. "African" bees are a separate species.
- Beekeepers tend to use the word "bee yard" when referring to their apiaries. Could use this word in the ZBL.
- The Province regulates "Beekeeper operations" and not "Apiary sites". They don't register by location of sites.
- Rheal suggested contacting a medical organization for comments.

- As part of the application requirements the City should ask for the Manitoba Beekeepers Registration Number.
- Include Zoning and Permits contact info on the guidelines.
- Consider including Urban Bee Network site.
- Should list cost for DCU application and posting time for Public Notice. There was concern about the cost impacts of the conditional use on small operators with a couple of accessory hives. Also worry about the processing and approval time affecting spring start up.
- Follow-up with Rheal to get web link to registration form and Bee Act.
- Follow-up with Rob Currie to get best web link to course information. One of the links changes from year-to-year.