Agenda – Council – October 25, 2017

Report – Executive Policy Committee – October 18, 2017

Item No. 5 Winnipeg Zoning By-law Text Amendment – To Allow the "Apiary" Use as a Listed Permitted Accessory Use in all Zoning Districts File DAZ 210/2017

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 18, 2017, 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 Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 (draft amending by-law attached as Schedule 'A') to accommodate urban beekeeping as a permitted accessory use in all zoning districts.

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 – October 18, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 18, 2017, 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 October 10, 2017 the Standing Policy Community on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Executive Policy Committee.

RE: **Winnipeg Zoning By-law Text Amendment – To Allow the "Apiary" Use as a Listed Permitted Accessory Use in all Zoning Districts**
File DAZ 210/2017

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: **October 10, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 10, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and recommended to the Executive Policy Committee:

1. That Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 (draft amending by-law attached as Schedule 'A') to accommodate urban beekeeping as a permitted accessory use in all zoning districts.

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

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

1. There are many benefits to this including environmental, educational, quality of life and food security.
2. This has been vetted through the public with significant consultation.
3. We first did this in the downtown and it's working well.
4. I don't see any downside to this.
5. We're seeing this in other jurisdictions across the country and they haven't had significant problems.
6. It's a wonderful and positive initiative.

PUBLIC HEARING SUMMARY

File:	DAZ 210/2017
Before:	Standing Policy Community on Property and Development, Heritage and Downtown Development Councillor Orlikow, Chairperson Councillor Dobson Councillor Gerbasi Councillor Schreyer
Public Hearing:	October 10, 2017 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Robert Galston)
Subject:	



Premises Affected:	The Entire City of Winnipeg Governed under By-law No. 22/2006
Exhibits Filed:	1. Application dated July 26, 2017 2. Notification of Public Hearing 3. Report from the Urban Planning Division dated December 12, 2016 4. Minutes from the May 9, 2017 Standing Policy Committee on Property and Development, Heritage and Downtown Development 5. Report from the Urban Planning Division dated August 21, 2017 6. Communication dated October 6, 2017 from Jason A. Rogers and Denis R.J. Courcelles in regards to the application 7. Communication dated October 9, 2017 from Melissa Dupuis in support of the application

REPRESENTATIONS:

In Support:

Colby Baver
James Campbell
Chris Kirouac
Kurtis Kowalke
Rebecca Krowelski
James Uttley

In Opposition

Nil

For Information:

Nil

For the City:

J. Kiernan, Director, Planning, Property and Development
J. Veitch, Principal Planner, Planning, Property and Development Department
K. Kowalke, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 210/2017

ADMINISTRATIVE REPORT

Title: City-Wide Beekeeping

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	n/a	M. Jack A/CAO

EXECUTIVE SUMMARY

Beekeeping is now a permitted accessory use within the area covered under the Downtown Winnipeg Zoning By-law No. 100/2004, and the Winnipeg Public Service has been asked to investigate the potential expansion of urban beekeeping to the entire City of Winnipeg through amendments to our city-wide zoning by-law, the Winnipeg Zoning By-law No. 200/2006. Consultation was carried out in June and revealed a great deal of support in favor of expanding urban beekeeping. A number of considerations are discussed below. The proposed amending by-law is drafted for a public hearing, and is attached to this report (Schedule 'A'). Under these recommendations, beekeeping would be permitted as an accessory use, and would be subject to a number of standards regarding quantity of hives, fencing, setbacks, etc.

RECOMMENDATIONS

1. That Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 (draft amending by-law attached as Schedule 'A') to accommodate urban beekeeping as a permitted accessory use in all zoning districts.

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

On May 9, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development directed that the Winnipeg Public Service prepare an amendment to

the Winnipeg Zoning By-law No. 200/2006 to permit beekeeping as an accessory use in all zoning districts.

IMPLICATIONS OF THE RECOMMENDATIONS

If Council enacts the proposed amending by-law, the applicable text amendments will be incorporated into the Winnipeg Zoning By-law No. 200/2006 (the "By-law"). This will allow beekeepers, when authorized by the property owner, to establish an apiary as an accessory use, subject to the standards and limitations set out in the By-law.
The mosquito fogging buffer zone for beehives will be reduced from 300 metres to 90 metres.

HISTORY/DISCUSSION

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendations of the Winnipeg Public Service to amend the Downtown Winnipeg Zoning By-law No.100/2004 to allow beekeeping as a permitted land use in the Downtown.

Beekeeping is currently permitted in the downtown area (under the Downtown Winnipeg Zoning By-law No.100/2004). However, it is still prohibited across most of the remainder of the City. Apiaries can be approved as a conditional use through a public hearing in agricultural, institutional and rural residential zoning districts. Beekeeping is currently prohibited in residential, commercial and industrial zoning districts.

In addition to municipal regulations, *The Bee Act* (C.C.S.M. c. B15) requires anyone keeping bees to register with the Province of Manitoba. The Province is responsible for managing the health of the bee population through hive inspections.

Background

There has been growing interest in urban beekeeping locally and nationally to support:

- **Biodiversity – bees are part of a balanced ecosystem;**
- **Bee population – bee numbers have been declining in recent years;**
- **Interest and education – beekeeping provides opportunities to learn about science and nature, fostering environmental stewardship;**
- **Local food production – one bee hive can produce 100 pounds of honey in a year and is part of the small-business economy;**
- **Pollination – one third of food crops require pollination, and bees are responsible for the majority of pollination.**

Regulatory Options

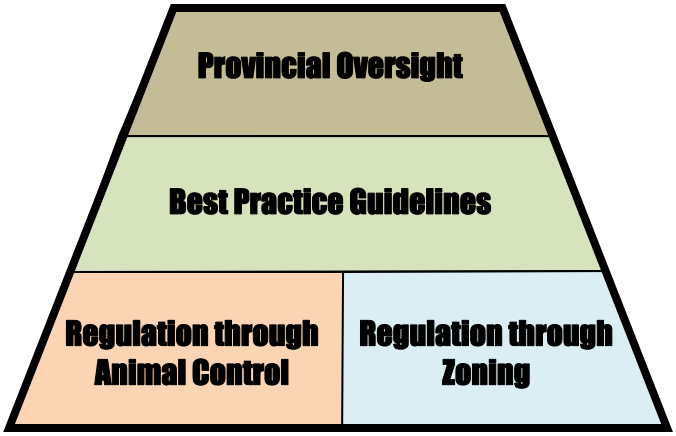
There are layers of oversight and guidance available to a municipality seeking to support urban beekeeping. At a minimum, there is provincial oversight within the mandate of the provincial *Bee Act*.

Best practice guidelines can be added. On their own, these guidelines are largely voluntary, relying on promotion and self-regulation by the beekeeping community (as is the case in Vancouver and Calgary).

A civic enforcement layer can be implemented to achieve compliance with the guidelines. The City of Winnipeg currently uses the conditional use process under the Winnipeg Zoning By-Law No. 200/2006 to regulate apiaries in the absence of guidelines.

The City of Edmonton uses guidelines in combination with a rigorous application and enforcement process through Animal Control. Eighty-five permits have been issued for hives in Edmonton, with only one application being denied (due to a neighbour with a serious allergy). No permits have been revoked and no complaints have been received about any of the 85 permitted sites.

In most Canadian cities, urban beekeeping is either permitted or not regulated at the municipal level. Winnipeg and Ottawa-Gatineau appear to be the only major cities that prohibit urban beekeeping through zoning.



Regulatory approaches available

Considerations

Concern has been raised about whether permitting beekeeping would lead to more amateur beekeepers and more issues with swarming and disease. These bees need to be cared for appropriately by individuals with the proper equipment and knowledge. Through Zoning and Permits, the City can require that provincial registration be presented in order to establish an accessory beehive. Many individuals consulted suggested that the City of Winnipeg should conduct its own registration/certification and carry out inspections. If this were an option Council wished to pursue, it would have to be determined whether the City would absorb the cost of hiring inspectors and doing certification, or if that cost would be passed on to the applicants. For the hobby beekeeper or small businesses with two hives, that level of service fees would be a major deterrent.

The City can also expand and promote online information resources for potential beekeepers to encourage proper education and hive management. This information could include guidelines for beekeepers and information for the general public. More public information will be compiled for the City's web site to expand an understanding of bees, beekeeping, pollination, and the City's regulations and guidelines.

Winnipeg has a unique challenge in that its use of Malathion or DeltaGuard for adult mosquito fogging has potential impacts on beehives. (Other Canadian municipalities do not adulticide for mosquitoes.) Although fogging occurs at night when bees are in their hives, the City will establish automatic buffer zones around all registered beekeeping operations. The number of registered beehives (especially in residential areas) would have an impact on mosquito fogging coverage. Some adjacent residents in favor of mosquito fogging may become very concerned about the presence of this buffer zone. Although the City's Insect Control Branch currently uses a 300 metre buffer around registered beehives, that buffer could be safely lowered to 90 metres, the same as that used for citizen-registered buffer zones, due to natural barriers such as fences, buildings, shrubs, etc. The 300 metre standard was established to build in additional contingency before GPS technology was introduced to more accurately operationalize the buffer zones.

It should be noted that the City does not regulate the private mosquito abatement industry, which means that those that pay for private mosquito fogging on their property are not bound by buffer zones. Despite the hazards of urban pesticides, experts consulted by the Public Service believed that impacts on the success of bee colonies are typically no worse than in rural areas impacted by agricultural chemicals.

Issues related to allergies have been identified as a concern with urban beekeeping, even though some individuals who expressed that concern still indicated support for expanding urban beekeeping. Bees and wasps are already part of the urban landscape. There are several species of bees that are native to Manitoba and live throughout our city, including bumble bees, mason bees and leafcutter bees. Bees travel up to five kilometres from their hives. Since allergies can be quite serious, those with severe allergies must be proactive already when spending time outdoors (such as carrying an EPI-pen).

In 1998, a zoning change resulted in apiaries going from permitted to conditional in rural and agricultural areas. This change was part of an omnibus amendment to a set of agricultural uses which were identified as potentially incompatible with new encroaching residential subdivisions. Apiaries were included with Animal Pound, Animal Training, Kennel, Aviary, Dairy, Fur Farm, Livestock Feedlot, Piggery, Livestock Pasturing, Poultry Hatchery, Riding Stable or Academy, and Boarding Stable. The current recommendation may be seen as a reversal in direction from this 1998 zoning change, however, this report is only recommending changes to small scale accessory beekeeping, with no changes proposed to commercial apiaries as a principal land use.

The Proposed Amendments

In reviewing the results of a consultation process (detailed in the appendices), it should be acknowledged that there is always an inherent bias in that interest groups tend to be over-represented. Of the surveys completed, a very high number expressed interest in establishing beehives in their backyard, or more generally, in having backyard beekeeping in their neighbourhood.
Acknowledging potential bias, efforts were made to reach out to the public where they normally congregate (the Forks and shopping centres). The Public Service observed overwhelming support for expanded urban beekeeping at each venue. The options in the table below are similar to those presented during the consultation process. The public generally expressed a preference to either permit or deregulate urban beekeeping.

On the basis of feedback received and cross-jurisdictional review of experience in other cities, the Winnipeg Public Service would recommend making accessory beekeeping permitted in all districts, subject to fencing requirements and limitations on size/quantity.

Zoning District	A	PR1	PR2	PR3	RR5	RR2	R1	R2	RMF	RMU	RMH	TOD	C1	C2	C3	C4	CMU	EI	MMU	M1	M2	M3	USE SPECIFIC STANDARD	PARKING CATEGORY
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	109.1	N/A

Alternatively, a more incremental change may be preferable. The proposed amendments could make accessory beehives permitted in all *non-residential* zoning districts only (which would exclude R1, R2, RMF, RMU, and RMH zoning districts). This would address most concerns regarding mosquito fogging in residential districts.

Zoning District	A	PR1	PR2	PR3	RR5	RR2	R1	R2	RMF	RMU	RMH	TOD	C1	C2	C3	C4	CMU	EI	MMU	M1	M2	M3	USE SPECIFIC STANDARD	PARKING CATEGORY
Apiary	P	P	P	P	P	P	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	109.1	N/A

Summary

To summarize the three approaches illustrated above:

- Winnipeg currently **prohibits** accessory beekeeping in most zoning districts. No application is possible to establish beekeeping in those areas.

- A **conditional use** would provide for public notice, a public hearing and an appeal process. (Similarly, the City of Edmonton requires notification, but no public hearing.) Shortcomings of the conditional use process:
    - The on-site posting would be seen from limited number of adjacent properties, while the bees can travel in a five kilometer radius.
    - The Public Service has no evaluation criteria for accessory beehives and would not be able to add value through an additional layer of review.
    - The cost of a conditional use application would likely dissuade any hobby beekeeping in residential zoning districts.
- **Permitted** accessory beekeeping would still require a development permit through the Zoning and Permits office. Zoning and Permits staff would review the details of the proposal to ensure it complies with limitation on size/quantity and fencing requirements. No public notice or appeal opportunity would exist provided the site meets the applicable standards. This is the approach recommended in this report.

FINANCIAL IMPACT

Financial Impact Statement Date: September 1, 2017

Project Name:

City-Wide Beekeeping

COMMENTS:

There are no financial implications associated with the recommendations contained in this report.

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

CONSULTATION

This Report has been prepared in consultation with: Legal Services, as to legal issues

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: Robert Galston, Planner
Date: August 21, 2017
File No: DAZ 210/2017
O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2017 Reports\City-wide beekeeping – DAZ 210 2017

Attachments:

1. Schedule ‘A’: Draft By-law
2. Schedule ‘B’: Consultation Notes
3. Schedule ‘C’: Results from Multiple Choice Survey Questions
4. Schedule ‘D’: Consultation Participation by Postal Code Area

Schedule ‘A’ - Draft By-law



Amending By-law v2
- Zoning By-law (urba

Schedule 'B': Consultation Notes

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.

Schedule 'C': Results from Multiple Choice Survey Questions



Adobe Acrobat Document

Schedule ‘D’: Consultation Participation by Postal Code Area



Adobe Acrobat Document