

**ARTICLE 33. PETITION - ZONING BYLAW
ACCESSORY LIVESTOCK OR POULTRY
(Gerber et al)**

SHOWING CHANGES UNDER THE REVISED MOTION

[~~deletions~~; *additions*]

“To see if the Town will amend Section 5.014 and Article 12, of the Zoning Bylaw, by deleting the lined out language and adding the language in *bold italics*, as follows:

A. Amend Section 5.014, as follows:

5.014 Livestock or Poultry

The raising or keeping of livestock or poultry for use by residents of the premises shall be considered as an accessory use that is *to residential uses in selected residential districts in Amherst, and shall not be permitted in other districts. All livestock and poultry raised and kept as an accessory use, ~~whether for food, as pets, or for other uses,~~ shall be raised and kept in a safe and humane manner consistent with best agricultural practices, and shall be subject to the regulations of this section and all applicable local and state laws. The accessory raising or keeping of livestock or poultry in residential districts:*

5.0140 *Shall be allowed by right in the Outlying Residence (R-O) and Low-Density Residence (R-LD) Districts;*

5.0141 *Shall be allowed subject to approval of a Special Permit by the Board of Appeals, in the General Residence (R-G), Village Center Residence (R-VC), and Neighborhood Residence (R-N) and Residential Village Center Districts, under the following provisions: and not permitted elsewhere.*

5.0141.0 *Only selected domesticated fowl (hens, ducks, pigeons, and doves) and domesticated rabbits (including domesticated hares) may be raised and kept as an accessory use. On such properties, no roosters, geese, swans, turkeys, pheasants, peacocks, guinea fowl, pygmy goats, potbellied pigs, or any other livestock or poultry shall be permitted, except under the provisions of a Special Permit granted by the Zoning Board of Appeals.*

5.0141.1 *No more than a combined total of twelve (12) total adult domesticated fowl and rabbits shall be kept on any property, regardless of the number of dwelling units. Only reproductively mature fowl and rabbits shall be considered adults counting toward this maximum.*

5.0141.2 *Domesticated fowl and rabbits shall be confined with fencing or other secure enclosure, which enclosure and any associated sheltering structure shall be set at least ten (10) feet from any property lines and twenty (20) feet from residential structures on any adjacent property. Within such an enclosure, a minimum of ten (10) square feet of open yard area shall be provided per adult animal. Upon receipt of a signed affidavit from all owners of property affected by a setback, in which said owners agree to a specific modification, the Building Commissioner may vary the setback from the property lines in question for enclosures, and*

for sheltering structures within the height and setback limitations established for accessory structures under Section 6.15.

5.0141.3 *Within or attached to any such enclosure shall be provided a **secure sheltering** structure (e.g., coop, dovecote, ~~or~~ hutch **or shed**, as appropriate) of sufficient size to ensure the health and safety of the animals.*

5.0142 *In all cases, the accessory keeping and raising of livestock or poultry shall require registration of said livestock or poultry with the Amherst Health Department and shall permit regular inspections by the Animal Welfare Officer under applicable state and local law or regulations. All Special Permits issued under this section shall include as conditions of approval the submission of evidence of such registration.*

5.0143 *Any provision of Section 5.014, Livestock or Poultry, may be waived or modified under a Special Permit granted by the Zoning Board of Appeals for compelling reasons or for public health, safety, and general public welfare.*

5.0144 *No provision of Section 5.014, Livestock or Poultry, shall apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3, as amended.*

B. Amend Article 12, by adding the following new definitions in alphabetical order, and renumbering the remaining sections accordingly:

12. __ *Livestock and Poultry: All domesticated mammals and birds that are ~~eustomarily~~ raised and kept for agricultural purposes, including but not limited to horses, ponies, donkeys, mules, cattle, goats, llamas, alpacas, swine, sheep, rabbits, hares, and fowl, which shall be defined as including, but not limited to, chickens (hens and roosters), turkeys, pigeons, capons, ducks, geese, swans, pheasants, peacocks, guinea fowl, emus, and all wild mammals and game birds raised and kept in accordance with state and local law. Except as provided for under Section 5.014, livestock and poultry shall not include domesticated animals **raised and kept as pets** such as dogs, cats, **rabbits**, various species of rodents, exotic birds, reptiles, fish, amphibians or wild animals ~~eustomarily raised and kept as pets~~ **as provided for** in accordance with state and local law.*

12. __ *Pets: Domesticated animals such as dogs, cats, selected exotic mammals (pot-bellied pigs, dwarf goats, etc.), various species of rodents (rats, mice, guinea pigs, hamsters, ferrets, chinchillas, etc.), exotic birds, reptiles, fish or amphibians. The keeping of wild animals, exotic birds, fish, reptiles, and amphibians as pets is subject to the requirements of M.G.L. Ch. 131, Sections 23, 25 and 26A, as amended, and 321 CMR 2.12 and 9.01, as amended.”*