



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Committee of the Whole – Community Development

Date: November 4, 2024

Department: Community Development and Planning

Topic: Domestic Fowl Coop Review

Purpose: To review current zoning by-law provisions pertaining to the use and location of Domestic Fowl Coops and explore opportunities to expand the use to include all settlement areas in the municipality.

Background: Township staff was directed by the Committee of the Whole during the June 10th, 2024 committee meeting, to review the current zoning by-law provisions pertaining to the use of domestic fowl coops and if the use could be expanded to be permitted in settlement areas.

The attached report, prepared by Novatech dated October 30, 2024, reviews the Township of Edwardsburgh Cardinal's current zoning bylaw restrictions on domestic fowl coops, which are allowed in specific zones, subject to minimum lot size and setback distances.

The report suggests expanding permissions for these coops to additional residential zones, especially in settlement areas like Spencerville, Johnstown and Cardinal. It compares regulations from other municipalities and emphasizes the importance of setbacks to prevent water contamination, especially for lots with private wells and known Well Head Protection Areas.

Novatech's recommendation includes amending our zoning bylaw to permit coops in residential zones with continued restrictions and suggests that a licensing system could be considered that would require the owner of the property to provide the township with a site sketch showing the location of the domestic fowl coop, the location to any well on the subject property and its adjacent properties and to ensure that the required setbacks are adhered to.

Policy Implications: The Township of Edwardsburgh Cardinal Zoning By-Law Number 2022-37 defines a Domestic Fowl Coop in Section 2, while the use of Section 4.5, Hobby Farms and Keeping of Domestic Fowl provides the provisions of where such a use can be located and its required setbacks. Novatech's recommendation is in keeping with the general intent of the township's zoning by-law.

Strategic Plan Implications: Novatech's recommendation is in keeping with the Township of Edwardsburgh Cardinal Strategic Plan.

Financial Considerations: Novatech's recommendation to review and update Section 4.5 of the Townships Zoning By-Law related to Domestic Fowl Coops will not result in any financial implications for the Township. Further review of the permitting system for domestic fowl coops will be required.

Recommendation: That Committee direct staff to schedule a public meeting to consider the proposed zoning bylaw amendment, and further recommend that Council direct staff to draft a policy requiring permits for domestic fowl coops that will ensure compliance with setback requirements.



Tim Fisher, Municipal Land Use Planner

PLANNING REPORT

DATE: OCTOBER 30, 2024

TO: TOWNSHIP OF EDWARDSBURGH CARDINAL
C/O WENDY VAN KEULEN

FROM: NOVATECH

RE: TOWNSHIP OF EDWARDSBURGH CARDINAL DOMESTIC
FOWL COOP GENERAL ZONING BY-LAW AMENDMENT
BACKGROUND REPORT

The following Planning Report has been prepared in relation to the current Zoning By-law provisions regarding Domestic Fowl Coops. Domestic Fowl Coops are currently limited to the Hamlet Residential (HR) Zone, the Limited Services Residential (RLS) Zone, the Agriculture (A) Zone, and the Rural (RU) Zone. It is understood that Council has expressed interest in the potential for expanding permissions to permit the keeping of domestic fowl coops more broadly within the Township, and in particular, within its settlement areas of Spencerville and Cardinal.

Background

Township of Edwardsburgh Cardinal Zoning By-law 2022-37:

Domestic Fowl Coops are defined in the Township of Edwardsburgh Cardinal Zoning By-law 2022-37 as “an accessory residential structure consisting of a coop and run and intended to securely house a maximum of five (5) female egg laying chickens or five (5) female ducks”.

Section 3.2 of the Zoning By-law states that the keeping of livestock is not permitted on a lot less than 5 hectares in size, except for hobby farms or the keeping of domestic fowl. Section 4.5 states that a domestic fowl coop is permitted accessory to a permitted residential dwelling in the Hamlet Residential (HR) Zone, the Limited Services Residential (RLS) Zone, the Agriculture (A) Zone, and the Rural (RU) Zone, subject to the following provisions:

1. The minimum lot area shall be 0.4 ha.
2. Domestic fowl coops and runs shall be a minimum of 3 m from rear and interior lot lines.
3. Domestic fowl coops and runs shall be a minimum of 10 m from any window or door opening of a dwelling on an adjacent lot.
4. Domestic fowl coops and runs shall be a minimum of 15 m from any well.
5. Domestic fowl coops and runs shall not be located in any front of exterior side yard.
6. Runs shall be constructed to provide a minimum of 0.9 m² and a maximum of 2.3 m² of floor space per hen.

As written, the Zoning By-law would not permit a domestic fowl coop to be provided within most residential zones in the areas of Cardinal, Spencerville, and Johnstown or within other settlement areas in the Township.

Zoning By-laws from other Municipalities:

For the purposes of this report, four other municipalities have been reviewed as examples of municipal approaches used to regulate the keeping of domestic fowl. This is not meant as an exhaustive review, but rather, simply intended to inform Council with respect to other approaches that Council may wish to consider.

The Township of Front of Yonge Zoning By-law 20-08 permits the keeping of backyard poultry as an accessory use in the General Residential (RG) Zone and the Rural (RU) Zone, subject to the following provisions:

- The minimum lot area shall be 0.2 ha;
- The backyard poultry is housed in a building or structure specifically designed for such purpose;
- Any buildings or structures and manure storage used for the keeping of poultry shall be located a minimum of 15 m from any well or water body;
- The keeping of backyard poultry shall not be permitted on a lot located within a Wellhead Protection Area A or B;
- The keeping of backyard poultry on a lot located within a Settlement Area designation of the Official Plan shall be in accordance with the requirements of a Municipal By-law.

The Township of Front of Yonge has a separate by-law regulating the keeping of backyard poultry in the Village of Mallorytown, which provides additional regulation on the separation of hen coops from lot lines, wells, and surface bodies of water and sets a requirement for hen coop permits.

The City of Kingston Zoning By-law 2022-62 permits backyard hen coops and backyard hen runs as accessory buildings on any lot where the principal use of the lot is a dwelling unit or agricultural use. The City of Kingston Zoning By-law does not regulate hen coops based on lot area. The City of Kingston Animal Control By-law 2021-166 provides more detailed regulation on hen coops including setbacks and requires a hen coop permit to be applied for.

The Town of Carleton Place has a separate municipal by-law regulating the keeping of hens on residential properties. No more than six backyard hens are permitted on a residential property. Hen coops and runs are required to be setback 1.2 metres from rear lot lines and side lot lines. Specific setback requirements are provided for hen coops and runs from schools, churches, businesses, and the windows and doors of dwellings on abutting properties. Setback requirements are not specified from wells. Hen coops are restricted to residential properties with a single-detached or semi-detached dwelling and on residential properties with lot sizes greater than 325 square metres. A licence must be obtained for the hen coop.

The Township of West Nipissing prepared a draft by-law regulating the keeping of backyard chickens in the Residential One (R1), Residential Two (R2), Residential Three (R3), Shoreline Residential (SR), Rural Residential (RR), and Rural (RU) zoned properties under four hectares in area. The draft by-law aims to permit backyard chickens in the R1, R2, R3, SR, RR, and RU zones, subject to the following provisions:

- For properties greater than or equal to 4,000 m², the maximum number of hens is 10.
- For properties greater than or equal to 800 m², the maximum number of hens is 4.
- No hens may be kept on properties less than 800 m².

Specific regulations are provided on the number of enclosures permitted, size and location requirements for hen coops and outdoor runs, and setbacks. Hen enclosures are to be setback 15 metres from any well and a minimum of 3.0 metres from all property lines. Hen coops are required to be registered.

On the basis of this limited review, it is apparent that municipal approaches to regulate the keeping of domestic fowl vary across jurisdictions, including the use of zoning standards contained in a Zoning By-law as well as the use of municipal by-laws and licensing requirements, or a combination both. Minimum lot size standards tend to vary depending on whether lands are municipally serviced or serviced by private on-site sewer and water.

Servicing Limitations:

There are full municipal water and wastewater services in Cardinal, which is identified as an Urban Settlement Area in the Official Plan. The Township's villages and hamlets are primarily serviced by private well and septic systems. Some villages, such as New Wexford and Spencerville, have partial services. In Spencerville, development is serviced by individual private wells and municipal wastewater services. In New Wexford, development is serviced by municipal water services and individual private septic systems.

The MECP recommends a setback of 15 metres between a source of contaminants and a well with a watertight casing that is 6 or more metres deep. The existing zoning provisions requires domestic fowl coops and runs to be a minimum of 15 metres from any well. The Zoning By-law requirements in the Township of Front of Yonge provide the same minimum setback of 15 metres between buildings and structures used for keeping poultry and any well.

Lots that have full municipal services may be at less risk of potential water contamination as a result of domestic fowl coops than lots that utilize private servicing (particularly private wells). In addition to the 15 metre setback requirement, lots with private wells should have an adequate lot area to accommodate sufficient setbacks from wells and to ensure that domestic fowl coops do not become a source of water contamination.

For lots with private wells, a minimum lot area requirement for a domestic fowl coop is recommended. The current zoning provisions permit a domestic fowl coop subject to a minimum lot area of 0.4 hectares.

Recommendation

Domestic fowl coops are limited to select zones outside of settlement areas in the current Zoning By-law. Domestic fowl coops are permitted in these select zones subject to the performance standards outlined in Section 4.5 of the Zoning By-law, including a minimum lot area of 0.4 hectares, which precludes many lots within settlement areas.

The areas in the Township where domestic fowl coops are permitted can be expanded to include settlement areas. The current Zoning By-law permits domestic fowl coops in the HR Zone, the RLS Zone, the A Zone, and the RU Zone. The recommendation of this report is to amend Section 4.5 of the Zoning By-law to add the R1 Zone, the R2 Zone, and the R3 Zone to the list of zones where domestic fowl coops are permitted.

Section 4.5 could be amended to require a minimum lot area of 0.4 hectares where only private wells are available. This would ensure that adequate lot area is available to support a domestic fowl

coop in residential zones within settlement areas with partial servicing (Spencerville and New Wexford) and settlement areas with private services (Johnstown and most villages in the Township) while providing for sufficient space between potential sources of contamination and wells. This would also ensure that domestic fowl coops may be permitted in fully serviced settlement areas (Cardinal) without overly restrictive minimum lot area provisions that would preclude many residential lots in the Urban Settlement Area.

The existing 15-metre setback requirement for a domestic fowl coop from a well is proposed to be maintained for areas where only water service on the basis of private wells is available. The other existing performance standards, including minimum setbacks from lot lines and window/door openings and minimum/maximum floor areas per hen are proposed to be retained.


Other municipalities including the Township of Front of Yonge, the City of Kingston and Town of Carleton Place have separate municipal by-laws that require licences or permits to be obtained for Domestic Fowl Coops. A licensing requirement would allow the Township to require a site sketch that shows the location of the proposed coops and runs and keep track of whether permits have been issued for Domestic Fowl Coops. Council may wish to consider implementing a by-law that requires owners to obtain a domestic fowl coop permit.

For consideration, a draft by-law has been prepared to implement the proposed revisions to the Zoning By-law.

Please do not hesitate to contact the undersigned if you have any questions or wish to discuss.

Yours truly,

NOVATECH



Arjan Soor, M.PL
Planner

CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL

BY-LAW No. _____

BEING A BY-LAW TO AMEND ZONING BY-LAW No. 2022-37

**General Amendment to
Comprehensive Zoning By-law No. 2022-37**

WHEREAS By-law No. 2022-37, as amended, regulates the use of land and the use and erection of buildings and structures within the Township of Edwardsburgh Cardinal;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to amend By-law No. 2022-37, as amended, as hereinafter set forth;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. The lands affected by this By-law include the entire corporate limits of the Township of Edwardsburgh Cardinal.
2. Section 4.5 (Hobby Farms and Keeping of Domestic Fowl) is hereby amended by deleting and replacing subsection 4.5.2 with the following:
 2. **Notwithstanding the provisions of Section 3.1, a domestic fowl coop, as defined herein, shall be permitted accessory to a permitted residential dwelling in the Residential First Density (R1), Residential Second Density (R2), Residential Third Density (R3), Hamlet Residential (RH), Limited Services Residential (RLS), Rural (RU), and Agriculture (A) zones, subject to the following provisions:**
 1. **Where only private water service (wells) are available:**
 - a. **The minimum lot area shall be 0.4 ha.**
 - b. **Domestic fowl coops and runs shall be a minimum of 15 m from any well.**
 2. **The keeping of backyard poultry shall not be permitted on a lot located within a Wellhead Protection Area Overlay (WHPA) or an Intake Protection Zone Overlay (IPZ).**
 3. **Domestic fowl coops and runs shall be a minimum of 3 m from rear and interior lot lines.**
 4. **Domestic fowl coops and runs shall be a minimum of 10 m from any window or door opening of a dwelling on an adjacent lot.**
 5. **Domestic fowl coops and runs shall not be located in any front or exterior side yard.**
 6. **Runs shall be constructed to provide a minimum of 0.9 m² and a maximum of 2.3 m² of floor space per hen.**

3. The By-law shall become effective on the date of passing hereof, subject to the provisions of Section 34(21) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this ____ day of _____, 2024.

Read a third time and adopted this ____ day of _____, 2024.

CORPORATE SEAL OF TOWNSHIP

Head of Council

Clerk