



TOWNSHIP OF EDWARDSBURGH CARDINAL DISCUSSION ITEM

Committee: Committee of the Whole, Community Development

Date: March 3, 2025

Department: Community Development/ Planning

Topic: Zoning By-Law Amendment - Hobby Farm and Domestic Fowl Coop Amendments

Purpose: To provide the Committee with a proposed Zoning By-law Amendment to implement new provisions to regulate Domestic Fowl Coops in settlement areas within the Residential First Density (R1) and Residential Second Density (R2) Zones and to revise the provisions for Hobby Farms and Domestic Fowl Coops within the Agricultural and Rural zones throughout the Township.

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.

A report prepared by Novatech dated October 30, 2024, reviewed 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 suggested 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.

Township staff was directed by the Committee of the Whole during the November 4, 2024 committee meeting, 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.

Planning staff reviewed all the public comments collected to date, reviewed other local municipal zoning by-laws pertaining to hobby farms and domestic fowl coops, and prepared an updated draft by-law for the Committee's review.

Township staff held an Open House on January 28, 2025 in the Council Chambers at 18 Centre Street Spencerville pertaining to the proposed changes to the Domestic Fowl Coop requirements in Section 4.5(2) of the townships Zoning By-Law.

The meeting began at 4:00 p.m. with approximately 20 residents in attendance. Due to the number of attendees, a brief presentation was given by the Municipal Land Use Planner. An informal question and answer period followed the presentation. A copy of the question-and-answer summary and the presentation are attached to this report. The meeting adjourned at 6:00 p.m.

The information obtained during the Open House was presented to the Committee of the Whole - Community Development during a public meeting held on February 3, 2025 in the Council Chambers at 18 Centre Street, Spencerville.

The Committee directed staff to take all comments heard into consideration prior to making a recommendation to the Committee of the Whole – Community Development. The changes are meant to include improvements to provisions in the Settlement area and the Rural area. The Committee noted to the public that the next Committee meeting is scheduled for March 3rd 2025, provided information on how to attend virtually, and noted that the agenda will be made available online the Friday before the meeting (February 28, 2025).

The Committee informed the public in attendance that they will review any information and recommendations from staff and make a recommendation to Council. If the Committee feels that more revisions are necessary, they will ask the Planner to make changes for another review at a future meeting.

Policy Implications: When a Zoning By-law amendment is considered, the proposed changes are evaluated to determine if it circumvents or undermines the policies in the Provincial Planning Statement and the Townships Official Plan. It is important to examine the Official Plan and consider the intent and purpose of the document. There can often be times when slight adjustments need to be made through a zoning amendment to the current Zoning By-law to reflect the Official Plan and the vision of Council.

Provincial Planning Statement

The Provincial Planning Statement (2024) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. The PPS, 2024 recognizes Ontario as a vast, fast-growing province and the need to increase the supply and mix of housing options to support a diverse population and workforce. The PPS also focuses on the development of rural areas in the municipalities and focuses on the protection of prime agricultural lands (specialty crop areas) and providing agricultural related uses for diversified farms. The document shall be reviewed in its entirety.

The zoning by-Law amendment to amend the Hobby Farm and Domestic Fowl Coop provisions to expand the use in settlement areas and to adjust the requirements for rural areas of the township is consistent with the Provincial Planning Statement.

Official Plan Considerations:

The zoning by-law amendment to expand and update the Hobby Farm and Domestic Fowl Coop provisions in Zoning By-Law Number 2022-37 will not result in any policy changes in the Official Plan. The expansion of domestic fowl coops in settlement areas of the township and the adjustment to the existing hobby farm and domestic fowl coop provisions in the rural area, will provide residents with the opportunity to establish self sustainable “urban farming” in settlement areas and smaller lots in rural areas and “small scale agricultural” hobby farms in the rural areas which satisfies the needs and requests of residents in the township.

The township must consider land use compatibility when reviewing the potential sensitive uses on abutting land uses. Any livestock operation or manure storage facility in the rural area of the township is subject to the Minimum Distance Separation (MDS) formulae. The MDS does not apply to agricultural buildings less than 10 square metres however, the zoning by-law may apply specific requirements for the use of such structures.

The proposed amendments to the Hobby Farm and Domestic Fowl Coop requirements in Zoning By-Law Number 2022-37, is in keeping with the policies of the Official Plan and does not require an Official Plan Amendment.

Zoning By-Law Number 2022-37:

The township’s zoning bylaw contains land use zones in accordance with the policies contained within this Official Plan and establishes regulations to control the use of land and the character, location, and use of buildings and structures. The zoning by-law also provides general provisions (Section 3.0) and specific use provisions (Section 4.0) for uses which are generally applied to most zones.

Section 4.5 regulates Hobby Farms and Keeping of Domestic Fowl. The current regulation does not permit domestic fowl in a settlement area. The proposed amendment will permit domestic fowl in settlement areas subject to specific requirements. During the public consultation process, the township was made aware that the residents wanted additional flexibility to the existing requirements in the rural area to provide additional fowl and hobby farm related uses.

Township staff reviewed the comments and concerns submitted to date and reviewed adjacent municipalities zoning by-law requirements and have the suggest the following:

EXISTING PROVISIONS	PROPOSED PROVISIONS
<p>4.5 Hobby Farms and Keeping of Domestic Fowl</p>	<p>4.5 Hobby Farms and Keeping of Domestic Fowl</p>
<p>1. Notwithstanding the provisions of this By-law to the contrary, a hobby farm, as defined herein, shall be permitted on a lot in any Rural (RU) or Agriculture (A) zone, provided that such livestock are housed in a building or structure specifically designed for such purpose, and subject to the following provisions:</p> <ol style="list-style-type: none"> 1. On a lot having an area of 1.6 ha up to 3.2 ha, a maximum of eight (8) small livestock units or their equivalent in any combination shall be permitted 2. On a lot having an area greater than 3.2 ha up to 5.0 ha, a maximum of twelve (12) small livestock units or their equivalent in any combination shall be permitted. 3. On a lot having an area greater than 5.0 ha, a maximum of five (5) nutrient units, as defined by the Minimum Distance Separation Formulae, shall be permitted. <p>For six (6) or more nutrient units, a hobby farm shall be subject to the setbacks determined by the Minimum Distance Separation Formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.</p> <p>4. For this purpose of calculating livestock units, the following shall apply:</p> <ul style="list-style-type: none"> • 2 small livestock units equals 1 medium livestock unit • 4 small livestock units equals 1 large livestock unit • 2 medium livestock units equals 1 large livestock unit 	<p>1. Hobby Farms</p> <p>Notwithstanding the provisions of this By-law to the contrary, a hobby farm, as defined herein, shall be permitted on a lot in any Rural (RU) or Agriculture (A) zone, provided that such livestock are housed in a building or structure specifically designed for such purpose, and subject to the following provisions:</p> <ol style="list-style-type: none"> 1. On a lot having an area of 1.2 ha up to 2.0 ha, a maximum of eight (8) small livestock units or their equivalent in any combination shall be permitted. 2. On a lot having an area greater than 2.0 ha up to 5.0 ha, a maximum of twelve (12) small livestock units or their equivalent in any combination shall be permitted. 3. On a lot having an area greater than 5.0 ha, any livestock facility or a manure storage facility on a hobby farm greater than 12 square metres shall be subject to the setbacks determined by the Minimum Distance Separation (MDS) Formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs. 4. For this purpose of calculating livestock units, the following shall apply to hobby farms: <ul style="list-style-type: none"> • 2 small livestock units equals 1 medium livestock unit • 4 small livestock units equals 1 large livestock unit • 2 medium livestock units equals 1 large livestock unit

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 Hamlet Residential (HR), Limited Services Residential (RLS), Agriculture (A), and 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 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.

2. Domestic Fowl Coop (Rural Areas)

Notwithstanding the provisions of Section 3.1, a domestic fowl coop, shall be permitted accessory to a permitted residential dwelling in the Hamlet Residential (HR), Limited Services Residential (RLS), Agriculture (A), and Rural (RU) zone, subject to the following provisions:

- a) On a lot having an area less than 0.4 ha, a coop and run shall house a maximum of three (3) female egg laying chickens or three (3) female ducks.
- b) On a lot having an area greater than 0.4 ha, a coop and run shall house a maximum of seven (7) female egg laying chickens or seven (7) female ducks.
- c) Shall not be located in any front yard or exterior side yard.
- d) Shall be setback a minimum of 1.2 m from a rear lot line and interior side lot line.
- e) Shall be setback a minimum of 3 m from any window, door opening or air intake vent of a dwelling on the subject lot
- f) Shall be setback a minimum of 10 m from any window, door opening or air intake vent of a dwelling on an adjacent lot.
- g) Shall be setback a minimum of 5m from any well located on the subject property or on any adjacent property.
- h) Any run shall provide a minimum of 1 m² and a maximum of 3 m² of floor space per hen.
- i) Roosters are prohibited.
- j) Shall be prohibited on a parcel of land located within a Wellhead Protection Area Overlay (WHPA) or an Intake Protection Zone Overlay (IPZ).

Not Permitted in a Settlement Area

3. Domestic Fowl Coop (Settlement Areas)

Notwithstanding the provisions of Section 3.1, a domestic fowl coop, shall be permitted accessory to a permitted residential dwelling in the Residential First Density (R1), Residential Second Density (R2) zones within the Village of Cardinal, Village of Johnstown and Village of Spencerville, subject to the following provisions:

- a) A coop and run shall house a maximum of three (3) female egg laying chickens or three (3) female ducks.
- b) Shall not be located in any front yard or exterior side yard.
- c) Shall be setback a minimum of 1.2 m from a rear lot line and interior side lot line.
- d) Shall be setback a minimum of 3 m from any window, door opening or air intake vent of a dwelling on the subject lot
- e) Shall be setback a minimum of 10 m from any window, door opening or air intake vent of a dwelling on an adjacent lot.
- f) Shall be setback 5m from any well located on the subject property or on any adjacent property.
- g) Any run shall provide a minimum of 1 m² and a maximum of 3 m² of floor space per hen.
- h) Roosters are prohibited.
- i) Shall be prohibited on a lot located within a Wellhead Protection Area Overlay (WHPA) or an Intake Protection Zone Overlay (IPZ).

Summary of Changes:

Section 2.0 provides definitions within the Zoning By-Law. The current definition of a domestic fowl coop limits the number of female egg laying chickens or female ducks. The amendment proposes to change the definition to remove the limitation which will be addressed under Section 4.5. The new definition will be:

DOMESTIC FOWL COOP shall mean an accessory residential structure consisting of a coop and run (fixed or mobile) intended to securely house fowl.

Section 4.5 will be reformatted to provide subheadings identifying provisions for a Hobby Farm, Domestic Fowl Coop (Rural Area) and Domestic Fowl Coop (Settlement Area).

Section 4.5.1, Hobby Farms, the amendment proposes to reduce the minimum lot area to permit a hobby farm from 1.6 hectares to 1.2 hectares which will result in additional lots in the rural area to be permitted to have a hobby farm. It is the intent of this provision that any lot greater than 5 hectares in lot area will be subject to the standard farm regulations and setbacks of the parent zone and subject to the Minimum Distance Separation Formulae for any livestock facility and manure storage facility.

Section 4.5.2 Domestic Fowl Coop (Rural Area), the amendment will separate the rural area and settlement area. Lots in the rural area less than 0.4 hectares will now be permitted to have a maximum of 3 egg laying chickens or 3 female ducks, and lots greater than 0.4 hectares will have an increase in the number of permitted fowl from 5 to 7 egg laying chickens or 7 female ducks.

The setbacks from a rear and side lot line are reduced from 3 metres to 1.2 metres. Reduced setbacks are also proposed from any window, door opening, or air intake vent of a dwelling on the subject property and on an adjacent property, and a reduction in the setback from a well on the subject property or adjacent property, which is intended to open areas in the rear yard to locate a domestic fowl coop.

Additional provisions prohibiting roosters and protection from a well head protection area overlay or an intake protection zone overlay are proposed for clarity and protect sensitive well head and intake areas identified in the township.

Section 4.5.3 Domestic Fowl Coop (Settlement Area), this is a new provision which will permit the use within the R1 and R2 zones in the Village of Cardinal, Village of Johnstown and Village of Spencerville. The settlement areas typically have smaller lots and denser development which may result in potential impacts on adjacent uses. In order to reduce potential impacts on adjacent uses, it is proposed that a coop will be limited to a maximum of 3 egg laying chickens or 3 female ducks. The proposed maximum number of fowl will result in setbacks to lot lines, wells on the property and adjacent properties and windows, door openings and air intakes to a dwelling on the subject lot or adjacent lot which is consistent in limiting potential impacts and opening up areas in the rear yard to permit such a use.

It was determined that an application or permitting system is not warranted at this time.

Public Comments

A summary of the public comment received to date is attached to this report.

Strategic Plan Implications: The amendment is in keeping with the Township of Edwardsburgh Cardinal Strategic Plan.

Financial Considerations: The amendment will not result in any financial implications for the Township. Further review of the domestic fowl coops will be required.

Recommendation: That Committee recommend that Council approve the amendments to the definition of Domestic Fowl Coop and to Section 4.5, Hobby Farms and Keeping of Domestic Fowl in Zoning By-Law Number 2022-37



Tim Fisher, Municipal Land Use Planner