



TOWNSHIP OF EDWARDSBURGH CARDINAL DISCUSSION ITEM

Committee: Committee of the Whole, Community Development

Date: April 7, 2025

Department: Community Development/ Planning

Topic: Supplementary Report – ZBA Domestic Fowl Coop, Settlement Area

Purpose:

This supplementary report provides the Committee with an update on the suggested amendments to the Hobby Farm and Domestic Fowl Coops requirements in the Zoning By-Law, address the Committee's questions which arose during the March 3rd, 2025 meeting and provide the Committee during an upcoming meeting to present the information and provide a recommendation.

This report will address Domestic Fowl in Settlement Areas only. Another report will be forwarded to the next Committee of the Whole, Community Development meeting to provide an update on the suggested amendments to the Hobby Farm and Domestic Fowl in the rural area.

Background:

Township staff was directed by the Committee of the Whole during its 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 settlement areas in the township.

Township staff held a Public Open House on January 28th, 2025 and a Public Meeting on February 3rd, 2025 to discuss the proposed amendments to the Zoning By-Law pertaining to provisions of Domestic Fowl Coops. Staff reviewed all comments received and determined that the public not only wanted to have the domestic coops to be included in settlement areas, but wanted the Hobby Farm provisions, specifically for domestic fowl updated to lessen restrictions and allow more fowl.

A staff report and recommendation were discussed during the Committee's March 3rd, 2025 meeting. The Committee deferred the item to allow staff to attend a seminar regarding backyard coops held at the end of March and for staff to investigate the following items:

- 1) Why are roosters not permitted;

- 2) Meat Birds should be permitted;
- 3) Number of fowl should be increased; and
- 4) Rational behind the proposed restrictions.

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. 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 within the Villages of Cardinal, Johnstown and Spencerville, subject to specific requirements.

Current Zoning Provisions:

4.5 Hobby Farms and Keeping of Domestic Fowl

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:
 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. 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.
 4. For this purpose of calculating livestock units, the following shall apply:
 - 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

During the public consultation process, the Township was made aware that the residents wanted additional flexibility to the existing requirements for lots located in the rural area and to the Hobby Farm provisions. Staff will prepare a separate report and amending by-law to address the amendments to Domestic Fowl and Hobby Farms in the rural area.

Discussion and Rational:

Township staff reviewed all comments and concerns provided by the public to date and the comments raised by the Committee.

The initial intent of this process was to investigate the possibility of permitting the keeping of domestic fowl only within the settlement areas, specifically The Villages of Cardinal, Johnstown and Spencerville. Through the public consultation process, it was determined that the Hobby Farm provisions should be amended to provide flexibility with the existing fowl use in the rural areas.

It is staff's opinion, that the Committee should review the settlement area and rural area requirements separately as the urban and rural areas propose different amendments which are specific to the settlement area vs rural area.

SETTLEMENT AREAS

(a) Should the use be permitted in the Settlement Areas?

Yes Each municipality may independently review their policies and by-laws to permit the keeping domestic fowl in settlement areas. The Township permits the keeping of domestic fowl subject to the requirements of Section 4.5 of the Zoning By-Law. The existing provisions do not permit the use in a settlement area.

Permitting backyard fowl in urban areas can foster community connections, provide educational opportunities, and contribute to local food security and sustainability, while also offering residents a source of fresh eggs and companionship.

OMAFRA and Poultry Industry Council stated that the average cost for 1 dozen eggs from an urban backyard coop within a one week period can range from \$12.00 per dozen to \$70.00 per dozen. The cost is determined on the type and cost of the fowl, specialized feed and supplements, setup costs and materials, daily maintenance, the processing of fowl and veterinary care and medication, etc. Costs can also increase if fowl are kept over winter months.

Many municipalities across Ontario permit the keeping of backyard domestic fowl subject to specific requirements and in some cases a permitting or licensing process which addresses minimizing environmental impacts, such as noise pollution and odour, and prevent conflicts with neighbours

This can be achieved by:

- Limiting the use to lots with specific lot area or provide a sliding scale for multiple lot areas;
- limiting the number and type of fowl for its intended use on a property;
- limiting the size, height and location of a coop or run;
- providing setbacks from adjacent dwellings, school and churches;
- ensuring the fowl are contained within a structure on the property;
- restricting the processing of fowl on the property;
- restricting the sale of eggs;
- providing educational resources;
- update or create by-laws (eg, animal control by-law) and licensing.

Some municipalities have implemented such changes as a Pilot Project to determine if the use is sustainable in the settlement area and does not result in adverse impacts or discontent in settlement areas.

Staff Recommends, that permitting domestic fowl within the Villages of Cardinal, Johnstown and Spencerville should be implemented through a Pilot Project and reviewed after a minimum of 2 years to determine any impacts it may have had and possible amendments to relax or restrict the requirements, or to fully implement the requirements.

Provision	
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:	

(b) Should the number of fowl be regulated?

Yes Limiting the number of fowl and the species within the settlement area is common to regulate. The intent of permitting domestic fowl in a settlement area is not intended to result in the production of eggs and meat to be self sustaining, but to be an educational tool, a hobby, and to provide some fresh eggs for the property owner while minimizing environmental impacts, such as noise pollution and odour, and prevent conflicts with neighbours.

Most municipalities limit the maximum number of fowl in the settlement area from 4 to 6. Based on the size of typical rear yards in the settlement area and after considering the setback requirements, size and height of a coop, most properties have room to sustain a maximum of 4 to 6 fowl.

The intent of limiting the number of fowl also limits potential sound and odour issues. Sounds from fowl are generally not concern when they are kept within a coop, however, they will be vocal when they are within the run during the day. Limiting the number of fowl will limit the amount of noise generated which may

have impacts on the adjacent properties enjoyment and continued use of their rear yards.

The number of fowl will also result in the amount of manure generated. Fowl manure has a high concentration of ammonia and can create odour issues if the coops are not cleaned and maintained properly, and disposal or composting is not regularly conducted. OMAFRA and the Poultry Industry Council recommends that any small flock farming practice which includes backyard coops be self sufficient and use composters when dealing with manure and bedding.

The average chicken can produce approximately 45 pounds of manure a year. OMAFRA suggests that composters are to be used and setback from adjacent land uses, to allow time for off gassing. The manure is then made into compost providing nutrients to lawns and gardens on the property. Excess manure is to be disposed of in a safe manner.

Staff Recommends, that the maximum number of fowl permitted on a property in a settlement area to be five (5). This is in keeping with the existing number permitted outside of the settlement area and is also consistent with the number of fowl permitted in settlement areas or small lots in other municipalities.

It is also recommended that composters or manure storage areas be setback the same distances from lot lines and other requirements as the coop or run.

Provision	Requirement
Maximum Number of Domestic Fowl	5 (female hens and/or female ducks)
The location of a manure storage container or composter shall comply with the same setback requirements as a coop or run.	

(c) What size of coop and run is appropriate in the settlement area?

Coops and runs come in many prebuilt sizes and heights. These structures are only permitted within the rear yard of the R1 and R2 zoned properties in the settlement area. Lots in the settlement areas are much smaller than typical rural lots which limits the size of the structure. Other factors should be taken into account such as the installation of swimming pools, detached garages, sheds, gardens or other landscaping, decks and patios, etc.

OMAFRA and the Poultry Industry Council suggest that the minimum size of a coop should be:

Structure	Min. Floor Area per Fowl	Min. Floor Area based on Maximum of 5 Fowl
Coop	0.5 square metres	2.5 square metres
Run	0.9 square metres	4.5 square metres

The maximum floor area of the combined Coop and Run shall not exceed 12 square metres. The additional floor area will provide owners with an option to allow the fowl to have more room either in the coop and/or run.

Maximum height of a coop and run area shall be 3 metres.

The coop and run shall be securely enclosed with a roof structure.

d) Can an owner sell their eggs?

No Ontario Public Health does not support an owner with urban domestic fowl to sell their eggs. The eggs are not inspected which increase risk of residents to become ill or contract an infectious disease. A homeowner is taking a risk that all precautions are followed, and the fowl are healthy and proper handling of the eggs have taken place. Almost all municipalities that were researched have a clause that the owner shall not sell their eggs.

Staff Recommends, that the by-law or any regulation include a clause prohibiting the sale of eggs.

Provision	
The sale of eggs produced on the premises, or any fowl related product is prohibited	

(e) Should roosters be permitted in the settlement areas?

No Both OMAFRA and the Poultry Industry Council suggest that roosters in a settlement area or higher density residential areas should be prohibited. Roosters are notorious for the morning wake up call as day breaks however, they are known to crow at all hours of the day and night. They stated that most complaints in settlement areas is a result of someone keeping a rooster. Roosters are not required for protection of the flock or required for the production of eggs. Fowl are to be located within a secure and safe coop and run, away from predators and mixing with other wildlife.

Roosters should be exclusive to larger rural area properties where uses are farther apart, and sounds will be less of an impact to adjacent properties and residential uses.

Staff Recommends, that the by-law or any regulation permitting fowl to be located in the settlement area, prohibit roosters.

Provision	
A Rooster on the premises is prohibited	

(f) Should meat birds be permitted in the settlement areas?

No Both OMAFRA and the Poultry Industry Council do not support meat bird to be located in a settlement area or as part of a backyard coop. Meat birds are required to be registered and are solely for the purposes to be processed.

Meat birds are to be focused as uses related to Hobby Farms and Agricultural uses in the rural area.

Staff Recommends, that the type and uses be regulated (see item e).

Provision	
The keeping of meat birds on the premises is prohibited	

(g) What types of fowl should be permitted?

Domestic Fowl in the settlement area are limited to female chickens and female ducks which provides that added bonus of providing the owner with fresh, secure and sustainable eggs. OMAFRA supports other fowl such as female show chickens and ducks.

OMAFRA stated that chickens typically begin producing eggs at 4 months of age. At this age, a chicken or other fowl are easier to separate gender. Issues that arise from purchasing chicks is not knowing which ones are male or female which may result in an owner having one or more roosters, which are not permitted in the settlement area.

Staff Recommends, that only female chickens and female ducks should be permitted. Meat birds and roosters should be prohibited in the settlement areas.

Provision	
The term Domestic Fowl is defined in the settlement area as a female chicken or female duck, being a minimum of 4 months of age.	

(h) Can the fowl be free-ranged and roam the yards?

No Free-range fowl is not permitted in a settlement area. Most municipalities prohibit fowl to be free to roam a yard. OMAFRA recommends that fowl in settlement areas need to be in a secure confined area with a roof structure. The coop and run provides the fowl with protection from predators and other wildlife. It also stops local birds and animals to interact with the fowl which reduces the risk of spreading disease.

The use of a movable coop and/ or run will allow an owner to position the fowl in multiple locations in the rear yard. The movable unit or relocation of a permanent structure shall comply with the requirements of the zoning by-law.

Staff Recommends, that the by-law or any regulation prohibits the fowl to be free-range and must be located within a secure coop or run.

Provision	
Fowl shall be kept within a secure coop and run at all times. Free range fowl are prohibited.	
Fowl shall be kept within a secure coop between the hours of 9:00 pm to 6:00 am	

(i) Why do we need setback requirements?

Setbacks for domestic fowl coops and runs are required to mitigate potential nuisances like noise, odours, and pest issues, as well as to ensure the health and safety of the owner, the fowl and neighbours.

Providing minimum setbacks from side yards and rear yards are common practice. Other requirements such as only permitting the user within a rear yard and not within an exterior side yard or front yard are typically included.

To provide additional protection to the property owner and the abutting owners, most municipal by-laws require a minimum setback from a dwelling (on or off the property).

Our current by-law requires to be 10 metres from an opening while other municipalities permit 3 to 6 metres from a dwelling. The Township should entertain reducing the current setback in both settlement and rural settings.

Providing a general setback from a dwelling will avoid future issues if an owner widens a door or window or installs a new opening. This will also address air intake vents on the side of dwellings.

Staff Recommends, that the by-law or any regulation provide the following general setback requirements:

Provision	Requirement
Front Yard	Not Permitted
Exterior Side Yard	Not Permitted
Interior Side Lot Line	1.2 metres
Rear Lot Line	1.2 metres
Distance from any Dwelling	3.0 metres

(j) How does this impact drinking water in the Settlement areas?

The Township of Edwardsburgh Cardinal is unique as its settlement areas have a variety of services. The Village of Cardinal is serviced primarily with full municipal

services (water and sewer) while there may be the odd well or sewage disposal system active in the area. Introducing domestic fowl in the Village is not anticipated to have any negative impacts on the municipal services.

The 15 metre setback is a result of the MECP Technical Report for Potable Well Water Quality Survey in the Village of Spencerville which recommended that a 15 metre buffer be applied from all wells to protect quality of the ground water. This setback has become the standard setback for all well head protection.

The Township may consider reducing the required setback from a well in the settlement areas and in the rural areas to permit a domestic fowl coop and run closer to a well. The proposed maximum number of five (5) fowl permitted on a lot is not anticipated to have negative impacts on the water quality. An increase in the number of fowl will intensify the use which would have greater impacts on the well. A minimum setback shall be maintained from the well to protect the quality of the owner's and neighborhood ground water supply. OMAFRA suggests that all owners with a domestic fowl coop and their adjacent neighbours have their water tested at least on an annual basis.

Staff Recommends, that the by-law or any regulation provide a minimum setback of 3 metres from any well and that a Domestic Fowl Coop and Run is prohibited on a lot located within a Wellhead Protection Area Overlay (WHPA) or an Intake Protection Zone Overlay (IPZ).

Provision	Requirement
Minimum Distance to any Well	3 metres

(k) Can fowl be processed on the subject property?

No OMAFRA and the Poultry Industry Council does not support urban backyard fowl owners to process their fowl. All fowl should be taken to a butcher or processing facility to properly process their fowl for consumption.

Provision	
Slaughtering or Processing of any domestic fowl on the premises is prohibited.	

(l) What should an owner do with a sick or deceased fowl and how is it tracked?

OMAFRA and the Poultry Industry Council does not support deceased or diseased fowl to be buried on the property or thrown out as refuse. Diseased fowl shall be taken to a veterinarian for observation to ensure the sickness will not result in an outbreak or has spread to the rest of the fowl on the property or an adjacent property with a coop and run.

If it is determined that an outbreak has occurred and public safety is at risk, the Township does not have a mechanism to keep track of the location of known

domestic fowl coops in the settlement areas. A permitting system should be considered for the settlement area to ensure residents are aware of potential risk or outbreaks.

Deceased fowl shall be safely taken to a livestock disposal facility and not be placed with household garbage.

Provision	
Deceased fowl shall be safely taken to a livestock disposal facility and not be placed with household garbage or buried on the premises.	

(m) How can residents be educated on Backyard Fowl?

There is no mandatory requirement or prerequisite for a homeowner to be educated on how to create, operate, maintain, care for, handle and be aware of biosecurity measures when it comes to operating a Domestic Fowl Coop and Run.

Organizations such as OMAFRA and the Poultry Industry Council and other agricultural related organizations provide a variety of online documents to read and seminars to attend.

The following are some examples of documents and websites that provide information:

- Proper care (Food and Water)
- Manure handling and disposal
- How to spot disease
- Proper disposal of deceased chickens
- Bird safety for pests
- OMAFRA – Raise Healthy Small Flock Poultry – PDF
- OMAFRA – Biosecurity Recommendations for Small flock poultry owners
- OMAFRA – Poultry Farming – PDF
- Public Health Ontario – Reducing Health Risks Associated with Backyard Chickens
- Public Health Ontario - Backyard Chickens – Interest and Risk Awareness among Current and Prospective Owners.
- Poultry Industry Council – Resources for Small Flock Ontario,
<https://smallflockontario.ca/resources>

- i. Urban Backyard Flock
- ii. Small Rural Flock
- iii. HPAI
- iv. Good Coop & Housing Management
- v. Keeping your Birds Safe
- vi. Keep your Flock Safe from Disease
- vii. OAHN Backyard Flock HPAI Information
- viii. CFIA, Keep Your Birds Safe

Staff Recommends, that the Township should provide a section on their website about Domestic Fowls, the Townships rules and regulations and links to such documents listed above.

Provision	
A property owner interested in learning more on the keeping and care of Domestic Fowl, biosecurity and flock safety, can view documents available on the Township's website at www.twpec.ca	

Conclusion:

The intent of this proposed amendment to Section 4.5 of the Zoning By-Law is to permit the keeping of domestic fowl in settlement areas, specifically the Villages of Cardinal, Johnstown and Spencerville. As land use issues differ between urban and rural areas, this report and recommendation only speaks to settlement areas only.

The attached chart to this report provides a combined list of recommended provisions and requirements related to the keeping of domestic fowl in a settlement area.

If approved by the committee, this report and a draft by-law will be presented to Council for approval.

Strategic Plan Implications:

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

Financial Considerations:

The amendment to permit domestic fowl in the settlement area is not anticipated to result in any financial implications for the Township.

Further review and discussion of proposed changes to domestic fowl and hobby farms in the rural area will be required.

Recommendation:

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

include provisions to permit domestic fowl to be located in the settlement area of the Villages of Cardinal, Johnstown and Spencerville.

A handwritten signature in blue ink, appearing to read 'TF', is positioned above a horizontal line.

Tim Fisher, Municipal Land Use Planner