



**AGENDA
PUBLIC MEETING
COMMITTEE OF THE WHOLE
COMMUNITY DEVELOPMENT**

**Monday, February 3, 2025, 6:00 PM
Corporation of The Township of Edwardsburgh Cardinal
Council Chambers, Spencerville Ontario**

Indigenous Land Acknowledgement:

The Township of Edwardsburgh Cardinal is situated on traditional territory of Indigenous peoples dating back countless generations, which is rich in history and home to many First Nations, Métis and Inuit people today.

As a Township, we have a responsibility for the stewardship of the lands on which we live, work and play, and today, this meeting place is still home to Indigenous people, and we are grateful to have the opportunity to work on and call this land home.

- 1. Call Meeting to Order**
Chair, Councillor Chris Ward
- 2. Approval of Agenda**
- 3. Disclosure of Pecuniary Interest or Conflict of Interest and the General Nature Thereof**
- 4. Process and Information**
- 5. Proposed Zoning Bylaw Amendment: Domestic Fowl**
 - a. Proposal Details
 - b. Public Comment
 - c. Committee Discussion
- 6. Next Steps**
- 7. Adjournment**

NOTICE OF OPEN HOUSE AND PUBLIC MEETING PROPOSED ZONING BY-LAW AMENDMENT

Administrative Amendment Section 4.5 Hobby Farms and Keeping of Domestic Fowl

PUBLIC OPEN HOUSE

TAKE NOTICE that the Township of Edwardsburgh Cardinal will hold a **Public Open House** at **4:00 p.m. to 6:00 p.m.** on **January 28th, 2025**, in the Council Chambers at the Township Office 18 Centre Street, Spencerville.

PUBLIC MEETING

AND TAKE NOTICE that the Council of the Corporation of the Township of Edwardsburgh Cardinal will hold a **Public Meeting** at **6:00 p.m.** on **February 3rd, 2025**, in the Council Chambers at the Township Office 18 Centre Street, Spencerville, to consider the following item:

- A proposed general amendment to Zoning By-law No. 2022-37, as amended, under Section 34 of the *Planning Act*, R.S.O., 1990, Chapter P.13. The proposed zoning amendment has been municipally-initiated as a housekeeping amendment to revise Section 4.5, Hobby Farms and Keeping of Domestic Fowl provisions of the Zoning By-Law. The purpose and effect of the amendment is to permit the keeping of domestic fowl coops more broadly within the Township, and in particular, within all settlement areas and to amend the current provisions to protect individual private water sources (wells), wellhead protection area, intake protection area's, distance to lot lines and any window or door openings on an adjacent lot and the minimum and maximum floor space per hen. A permitting system to establish a domestic fowl coop will be discussed.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the above item. In the event that you are unable to attend the meeting but wish to submit written comments, please ensure that your comments are delivered to the Community Development Coordinator's office prior to the day of the meeting. Additional information and material about the proposed by-law will be available to the public for inspection during regular business hours by contacting the Community Development Coordinator's office.

IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Township of Edwardsburgh Cardinal to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Edwardsburgh Cardinal before the by-law is passed, the person or public body is not entitled to appeal the decision.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Township of Edwardsburgh Cardinal before the by-law is passed, the person or public body may not be added as a party to a hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

THE SUBJECT LANDS are not the subject of any current applications under the *Planning Act* as contemplated by O.Reg 545/06.

IF YOU WISH TO BE NOTIFIED of the decision of the Township of Edwardsburgh Cardinal on the proposed zoning by-law amendment, you must make a written request to the Township of Edwardsburgh Cardinal at the address indicated below.

FOR MORE INFORMATION about this matter, including information about appeal rights and information on how to register for and participate in the public meeting, contact the Municipal Land Use Planner during regular business hours from Monday to Friday (tel: 613-658-3055 or directly at cell: 613-803-8342; email: tfisher@twpec.ca), or at the address below.

TOWNSHIP OFFICE
TOWNSHIP OF EDWARDSBURGH CARDINAL
BOX 129
18 CENTRE STREET
SPENCERVILLE, ONTARIO
K0E 1X0

DATED AT THE TOWNSHIP OF EDWARDSBURGH CARDINAL
THIS **6th DAY OF JANUARY 2025**.

SIGNED: _____



TIM FISHER
MUNICIPAL LAND USE PLANNER



**TOWNSHIP OF EDWARDSBURGH CARDINAL
DISCUSSION ITEM**

Committee: Committee of the Whole, Community Development

Date: February 3, 2025

Department: Community Development/ Planning

Topic: Domestic Fowl Coop Open House Summary

Purpose: 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 4:00pm 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 6:00pm.

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, directed 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.

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.

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

Financial Considerations: The proposal 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 review the comments received to date and draft wording for the amendments to Section 4.5(2) for domestic fowl coops in the zoning bylaw and investigate an application or licensing process, for review at a later public meeting date.



Tim Fisher, Municipal Land Use Planner

OPEN HOUSE COMMENTS

January 28, 2025

Council Chambers - 18 Centre Street, Spencerville



Proposed Zoning By-Law Amendment - Domestic Fowl Coop

COMMENT NUMBER	COMMENT	RESPONSE
1	What happens if someone just starts a chicken coop without a license or proper information?	We're looking into this. Currently, it is a zoning bylaw compliance issue. If we receive a complaint and the use is not permitted or does not comply with zoning by-law requirements, the township will request that the use cease or be brought into compliance. Zoning compliance can be a lengthy process. Investigation is complaint-driven. Similar to someone constructing a building without a permit. When we require licensing, it's easier to enforce rules and penalties.
2	10 metres from a door or window? Does this include a window on a shed?	The 10 metre setback rule is intended from any window or door from any residential dwelling on the subject property or on the adjacent property. Windows from sheds or other accessory structures are not subject to this provision. We will look into clearer language.
3	Are the birds allowed to be free in your yard?	It is intended that the birds only be located within the coop and run areas. We will look into the wording to provide clearer language and wording for the settlement area vs rural area.
4	What about a current coop that may or may not meet these regulations?	We are looking into this. If this remains only a zoning by-law requirement, then any coop established prior to the changes would have legal non-complying status and may continue, however if that use stops and starts again, it will have to comply with current requirements.
5	For rural properties, why 3 instead of 5?	It is intended to reduce the number of fowl from 5 to 3 in the settlement area. The proposal is to try and harmonize the provisions to apply to all domestic fowl coops. We can look into alternative wording to separate the settlement provisions from the rural.
6	Are you licensing per coop or per bird?	The intent of the licensing or application process is to apply it to the coop only and not individual birds.
7	What about everyone that has a coop now that doesn't meet these regulations?	see question number 4 above.
8	There are standard size and Bantam size chickens. Laying hens are considered standard. Maybe more could be permitted if they are smaller (Bantam).	The number of fowl is based on the average size. There are no provisions to permit more or less fowl based on size.
9	Suggest different set of provisions for permitting chickens on 3 acre lots in rural area.	The proposed changes to the zoning by-law provisions is to permit such use in a settlement area. It is not our intent to change the provisions which would negatively impact the rural community. We will look into the current number of fowl permitted on larger lots in the rural area (3.5 ac to 1 acre). Lots greater that 3.5 acres are subject to the Hobby Farm Provisions of Section 4.5(1) of the zoning by-law which are permitted to have additional animal units.

10	They become pets. We don't want to get rid of them when they aren't producing. The Rural area should permit more.	see question number 9 above.
11	Cost associated with licensing? This seems costly to implement. Even just one visit for an hour costs the municipality \$40. People won't want that to come out of taxation.	The township has not made a decision on implementing a licensing or application system. A cost may or may not be applied. It is intended that any system is to be a simple process and for any owner to apply for. Web-based applications or licensing can be an option. It was envisioned that the cost of the application would cover the inspection.
12	Coops will need to be moved. Do I need an application because I moved it?	The intent of the licensing or application process is to apply it to a "building envelope" area where someone can locate the coop. We understand that there are designs which are mobile which allows the coop and run to be moved and located within the rear yard. We also understand that if there is a need to relocate a permanent coop then it can be relocated within the defined area. This will provide flexibility and not require someone to constantly come back for approval.
13	If this isn't an issue in the Township, there should be less barriers. 5 isn't enough in rural areas.	see question number 9 above. We can look into this at a future date.
14	I feel that licensing shouldn't be applicable in settlement areas.	Licensing in the settlement area is important. Township staff will be made aware of coops in the settlement area and can keep track of them. We can also use the information to address complaints as staff will have an approved plan which the owner will have to comply with.
15	Education portion should be available on the website at all times.	The township will gladly add an educational component on our website regardless if there is a licensing or application process.
16	Greatly discourage any licensing or permitting requirements. In the building industry, this hasn't worked. Over the last year, building permits have doubled in cost. Notice given for the meeting was misleading. There wasn't enough advertising about permitting. Permitting 5 chickens in unreasonable. Your tracking would never be up to date.	The Open House is not a mandatory requirement under the Planning Act for this type of amendment. The township held an Open House to obtain public input and suggestions prior to a formal Public Meeting. We are very happy with the turn out and discussion. See question 9 above for more.
17	There will be lots that can't meet all of these setbacks	That is correct. The requirements may not be suitable for all lots. The required setbacks from lot lines and adjacent residential uses as well as setbacks from a well or well head protection zone is to address potential impacts on the continued enjoyment of adjacent residential uses and their outdoor space, protect ground water in the rural or partially serviced settlement areas and to protect the users of the subject property. Some lots may be too small to permit the coop.

18	Currently have zoning bylaw in place regarding domestic fowl coops? How is this enforced?	Currently there is no way the township is made aware of the establishment of a domestic fowl coop or if it would be permitted on a subject property. We would hope that residents have done their diligent and researched the requirements prior to establishing the coop and follow the regulations. We are only made aware of such issues on a complaint driven basis.
19	12 ducks smell awful.	This is an example of why the regulations have been put in place.
20	What if we've made a complaint and nothing is done?	A complaint can be made in many ways. One is to visit our website and make an online complaint. This will create a ticket which can be tracked and will be addressed by staff. You will be given a ticket number you can always follow up on. Another way is to contact the Planning and Building Department by phone or email. We can take your information and create a service ticket for your issue to be addressed. It is always best to have your concern submitted in writing in email or the online portal for a paper trail. People can always contact me (Municipal Land Use Planner) anytime at the email address and/or cell number within the presentation or on the business cards provided at the meeting.
21	What is the primary driving factor behind this change?	Some residents in the settlement area approached our Councilors and requested that the township look into permitting domestic fowl coops to be provided in settlement areas, similar to other municipalities.
22	Has anyone reached out to Augusta? Do they have a licensing requirement?	At this time we are reaching out to the public for community feedback. We will be reaching out to other municipalities about the positive and negative issues when applying a licensing or application system for domestic fowl coops.
23	Concern for fee increases. Btw, coyotes can change the amount of chickens you have overnight.	Any fee applied would be nominal. This would be a decision of Council if a fee will be applied or not. The permit will be for the coop use only and not applied per fowl. The intent is not to have an owner re-apply each time if the number of fowl changes as a result of death or other.
24	One township has different fines for different non-compliance issues.	We will look into this if the township decided to apply a licensing system and by-law.
25	More people should be aware that we are reducing the number from 5 to 3 for the rural area.	See questions 5 and 16 above.

PUBLIC OPEN HOUSE

January 28, 2025 4 p.m. to 6 p.m.

PUBLIC MEETING

February 3, 2025 at 6 p.m.

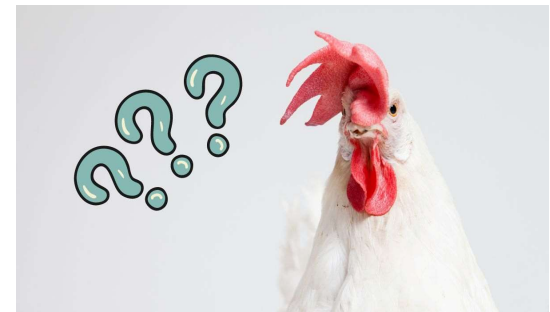
Council Chambers - 18 Centre Street Spencerville

PROPOSED ZONING BYLAW AMENDMENT

Hobby Farms and Keeping of Domestic Fowl

Why Change the Current By-Laws?

Residents of the township have expressed interest in expanding permissions to permit the keeping of domestic fowl coops more broadly within the Township, and in particular, within settlement areas of Spencerville, Johnstown and Cardinal.



Where are they permitted currently?

Domestic Fowl Coops are currently limited to lands zoned:

- Hamlet Residential (HR);
- Limited Services Residential (RLS);
- Agriculture (A); and
- Rural (RU).

What is a Domestic Fowl Coop?

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”



What about Roosters?

Roosters are prohibited in a Domestic Fowl Coop under Section 4.5 of the zoning by-law.

They are however, permitted within an Agricultural and Rural zoned property as livestock on lots greater than 5 hectares in lot area.



Current Requirements?

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:

- The minimum lot area shall be 0.4 ha.
- Domestic fowl coops and runs shall be a minimum of 3 m from rear and interior lot lines.
- 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.
- Domestic fowl coops and runs shall be a minimum of 15 m from any well.
- Domestic fowl coops and runs shall not be located in any front or exterior side yard.
- Runs shall be constructed to provide a minimum of 0.9 m² and a maximum of 2.3 m² of floor space per hen.

Let's Compare the proposed changes?

EXISTING DEFINITION

“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”

PROPOSED DEFINITION

“an accessory residential structure consisting of a coop and run and intended to securely house a maximum of **three (3)** female egg laying chickens or **three (3)** female ducks”

Let's Compare the proposed changes?

SECTION 4.5(2) EXISTING REQUIREMENTS

Permitted Zones:

- Hamlet Residential (HR)
- Limited Services Residential (RLS)
- Agriculture (A)
- Rural (RU)

- i. The minimum lot area shall be 0.4 ha.
- ii. Domestic fowl coops and runs shall be a minimum of 3 m from rear and interior lot lines.
- iii. 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.
- iv. Domestic fowl coops and runs shall be a minimum of 15 m from any well.
- v. Domestic fowl coops and runs shall not be located in any front of exterior side yard.
- vi. Runs shall be constructed to provide a minimum of 0.9 m² and a maximum of 2.3 m² of floor space per hen.

SECTION 4.5(2) PROPOSED REQUIREMENTS

Permitted Zones:

- Hamlet Residential (HR)
- Limited Services Residential (RLS)
- Agriculture (A)
- Rural (RU)
- Residential First Density (R1)
- Residential Second Density (R2)

i. Where only private water service (wells) are available:

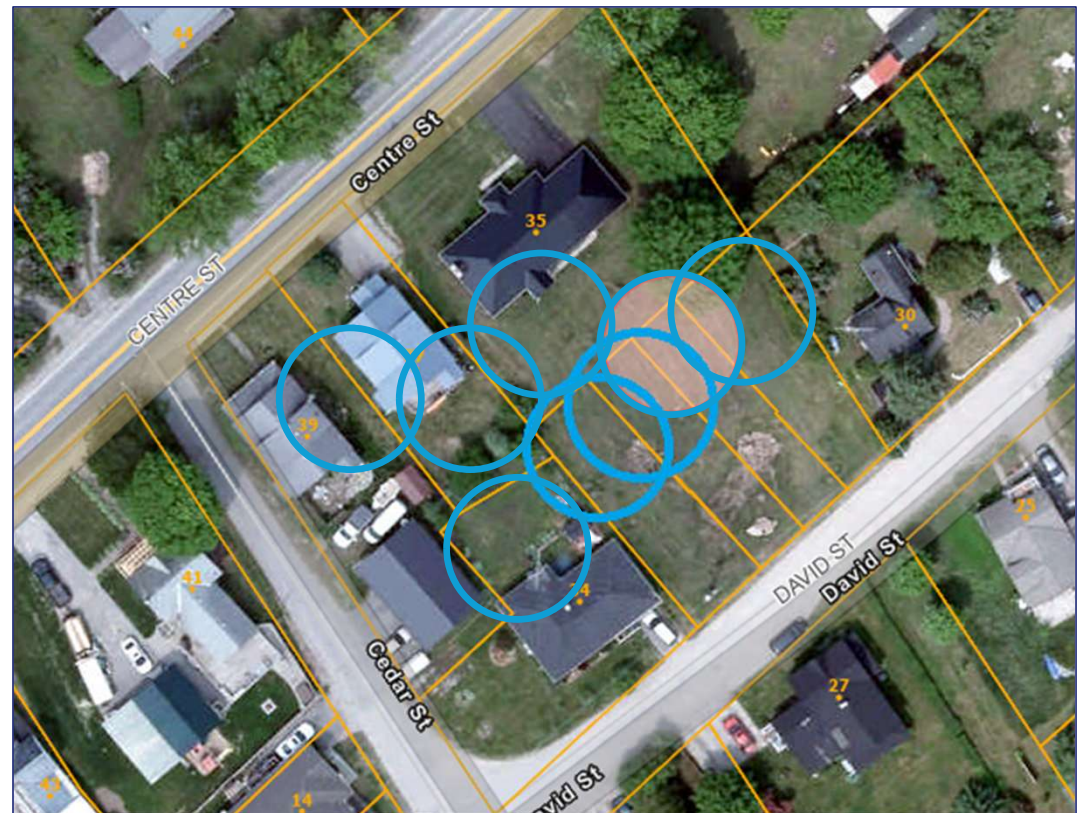
a) Domestic fowl coops and runs shall be a minimum of 15 m from any well.

ii. 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).

- iii. The maximum number of Domestic Fowl coops is limited to one per parcel of land.
- iv. Domestic fowl coops and runs shall be a minimum of 4 m from rear and interior lot lines.
- v. Domestic fowl coops and runs shall be a minimum of 10 m from any window or door opening of a dwelling on the subject lot and adjacent lot.
- vi. Domestic fowl coops and runs shall not be located in any front or exterior side yard.
- vii. Runs shall be constructed to provide a minimum of 0.9 m² and a maximum of 2.3 m² of floor space per hen.

What will this look like in a Village with Private Services?

Example of the 15 metre setback requirement from a Well.



What will this look like in the Village of Cardinal?

Applying the required setbacks:

- i. Domestic fowl coops and runs shall be a minimum of 4 metres from rear and interior lot lines.
- ii. Domestic fowl coops and runs shall be a minimum of 10 m from any window or door opening of a dwelling on the subject lot and adjacent lot.
- iii. Domestic fowl coops and runs shall not be located in any front or exterior side yard.



Should a Licensing System be Established?

Creating a Licensing system for Domestic Fowl Coops will address the following?

1. Applicant would submit a licensing application and site plan drawing to establish a Domestic Fowl Coop. A nominal fee could be required.
2. Township will review the application to ensure compliance with the zoning by-law requirements.
3. An education kit for the keeping of Domestic Fowl regarding the health, safety and disease control practices, be provided to all applicants.
4. License is issued and inspection conducted, prior to housing the domestic fowl to ensure compliance with the approved plan.
5. The licensing process will provide the township with a list of properties with a 'legal' domestic fowl coop and track the location and number licenses issued within the township.
6. Yearly license renewal of all Domestic Fowl Coops would be required, similar to our domestic pet licensing.

Thank You

Next Step:
Information to be provided to the
Committee of the Whole for discussion.
February 3rd, 2025 at 6:00pm

Submit comments to:

Tim Fisher
Municipal Land Use Planner
Township of Edwardsburgh Cardinal
Email: tfisher@twpec.ca
613-803-8342

PUBLIC OPEN HOUSE

January 28, 2025 4 p.m. to 6 p.m.

PUBLIC MEETING

February 3, 2025 at 6 p.m.

Council Chambers - 18 Centre Street Spencerville

PROPOSED ZONING BYLAW AMENDMENT

Hobby Farms and Keeping of Domestic Fowl



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