

**DATE:** October 15, 2024

**REPORT NO:** PD-50-2024

**SUBJECT:** **Technical Report – Backyard Chickens Updated Information and Draft By-law (File No. 1601-002-24)**

**CONTACT:** Susan Smyth, Senior Planner  
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**OVERVIEW:**

- Several inquiries regarding the possibility of allowing backyard chickens on residential properties in the Township were received as well as By-law complaints.
- The Township’s Zoning By-law currently prohibits the keeping of any livestock on residentially zoned properties, including those within Smithville, hamlets and on rural residential parcels in the agricultural area.
- Following a delegation of a resident at the September 11, 2023 Planning/Building/Environmental Committee, a public survey was launched from January 9, 2024 until March 15, 2024. Multiple written comments were received and over 500 online surveys were completed.
- A non-statutory Public Meeting was held on February 12, 2024 and provided an opportunity for additional public and agency input. Planning Report [PD-11-2024](#) provided additional background to Council and the Public regarding backyard chickens.
- Administration, upon direction from Council, conducted research including contacting representatives of the poultry industry, OMAFRA staff and other municipalities on the policies and regulations for backyard chickens.
- Based on the information gathered, correspondence and policies from area municipalities, as well as the public comments received, Administration has prepared a draft Backyard Chickens By-law for consideration. The regulations for the pen/runs, manure storage and waste removal requires an amendment to the Animal Control By-law 2023-54, of which is also prepared for consideration.
- The proposed draft Backyard Chickens By-law will not allow for backyard chickens on lots that are less than 0.5 hectares (1.2 acres) and not zoned Agricultural (A), Rural Residential (RuR) or Low Density Residential (R1A).
- This additional statutory Public Meeting is scheduled to receive feedback on the draft by-law and determine its appropriateness for the residents who expressed an interest in backyard chickens.
- Depending on the outcome of the Public Meeting, Staff will make any necessary changes if required to the by-laws for approval at a future Committee meeting.

## **RECOMMENDATION:**

1. That, Technical Report PD-50-2024 regarding backyard chickens updated information and draft by-law (File No. 1601-002-24) be received; and,
2. That, a Recommendation Report be submitted to a future Planning/Building/Environmental Committee once all public and agency comments have been taken into account and a full staff and agency review has been completed.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Themes #1 & 2**

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.

## **BACKGROUND:**

Backyard chickens in urban areas have become an increasingly popular trend as individuals are looking to raise their own chickens for fresh eggs, meat and companionship. This movement aligns itself with a broader interest in sustainable living and local food production.

However, chickens in the urban settlements comes with a set of unique challenges and considerations particularly around issues like noise, waste management for animals, pests, and the general welfare of the chickens and the space and care requirements for these animals.

Administration and Council have received several inquiries regarding the possibility of allowing backyard chickens throughout the Township including the urban settlement areas like Smithville.

The purpose of this report is to provide the feedback received since the last Public Meeting and online survey as well as the additional information regarding current regulations for backyard chickens in other area municipalities that assisted Administration Staff to prepare the draft by-law. Staff notes that the draft by-law to permit the residential use of backyard chickens is directed to the residential lots that have a minimum of lot area and also the requirement for amendments of the current Animal Control By-law 2023-54.

## **CURRENT SITUATION:**

While the keeping of livestock, including chickens, has generally been associated with agriculturally zoned lots and not residential lots in Smithville or the hamlets, the supporters of backyard chickens have cited benefits related to sustainability and food quality. On the other hand, those who oppose backyard chickens in the urban settlements have focused on concerns relating to disease, odour, noise and potential for attracting rodents/predators. Currently, the Township's Zoning By-law permits raising or keeping of livestock including

chickens on properties zoned A (Agricultural) and is prohibited on residentially zoned lots in Smithville, the hamlets and on Rural Residential zones in the agricultural area.

The Township's By-law Enforcement Unit has received multiple complaints regarding backyard chickens over the last several years. The proposed draft zoning by-law amendment and amendments to the Animal Control By-law sets out the regulations to permit backyard chickens and the associated keeping and maintenance in an attempt to minimize these complaints by encouraging best practices and continuing to restrict backyard chickens from being raised within the urban area of Smithville.

Administration is proposing a gradual rolling out of the permissions for backyard chickens (hens/female chickens) specifically on the lots in the Township that have a minimum lot area of 0.5 hectares (1.2 acres) and zoned as Rural Residential (RuR) and Low Density Residential (R1A) and small holding lots zoned as Agricultural (A) in the hamlet settlements. Depending on the success of this initial phase, there can be future considerations for the permissions to be granted Township wide.

The proposed regulations and amendments to the Animal Control By-law will provide the ability for the Township to apply AMPS (Administrative Monetary Penalty System) for penalties for non-compliance and simplify the by-law enforcement process.

From a policy framework, the permissions to allow for backyard chickens in the agricultural and rural areas on smaller lots align with the agricultural policies of the Provincial Planning Statement (PPS), Niagara Region and Township Official Plans, in addition to supporting the agri-food system. A full planning policy review will be completed as part of the recommendation report.

#### **FINANCIAL IMPLICATIONS:**

Changes will be needed to ensure that AMPS penalties apply to infractions to the proposed by-law. This will provide a revenue stream to offset any additional costs that may be required within the By-Law operating budget in relation to enforcement of the regulation.

#### **INTER-DEPARTMENTAL COMMENTS:**

The Township Public Works Department has no objection to the proposed amendments to the Animal Control By-law or the proposed Backyard Chickens By-law.

**PUBLIC COMMENTS:**

Administration has received public comments and petitions that are in favour and that are not supportive of the proposed Backyard Chickens By-law. Refer to Schedule C for the public comments and petitions that are in favour of the proposed by-law and Schedule D for the public comments and petitions that are not supportive of the proposed by-law. Public comments will be fully reviewed as part of the future recommendation report.

**CONCLUSION:**

Planning Staff has completed a review of all received written and oral public and agency comments as well as survey responses and first Public Meeting comments although would like an opportunity for additional feedback on proposed backyard chicken by-law and amendments to the Animal Control By-law.

Upon consideration of the feedback and comments, Staff will bring forward a recommendation report to a future Committee and/or Council meeting with the final by-laws for approval.

**SCHEDULES:**

- Schedule A – Draft Backyard Chicken By-law
- Schedule B – Amended Animal Control By-law 2023-54
- Schedule C – Public Comments and Petitions in Support
- Schedule D – Public Comments and Petitions Against

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