



Town of East Gwillimbury

DEVELOPMENT SERVICES REPORT DS2023-23

To: Committee of the Whole Council

Date: June 6, 2023

Subject: Backyard Hens

Origin: Development Services, By-law Enforcement

RECOMMENDATIONS

1. **THAT** Development Services Report DS2023-23, dated June 6, 2023, entitled "Backyard Hens" be received; and
2. **THAT** Council directs staff to initiate the process to amend the Zoning By-law 2018-043 to remove Section 4.26 (Residential Backyard Hens); and
3. **THAT** staff report back to Council with any potential amendments to the Animal Care and Control By-law 2020-085 as may be required based on feedback received through the Zoning By-law Amendment public consultation process.

PURPOSE

The purpose of this report is to provide background information on the keeping of backyard hens and to solicit public feedback with respect to the regulating of backyard hens in the Town of East Gwillimbury.

BACKGROUND

On February 22, 2023, Council received a deputation regarding backyard hens and requested that staff report back with recommendations around the keeping of backyard hens.

A number of municipalities in Ontario including Brampton, Kitchener, Parry Sound, Guelph and our two adjacent municipalities, Newmarket and Georgina have all permitted backyard hens in residential areas.

ANALYSIS

The Town of East Gwillimbury currently regulates backyard hens under our Zoning By-law which states that backyard hens are to be kept on property that is a minimum of (1) acre. In addition, our Animal Care and Control By-law currently regulates backyard hens and has the following provisions:

- No Person shall keep a hen on a lot having an area less than one (1) acre.
- Hen coops shall only be permitted in the rear yard.
- Hen coops and hen runs shall be maintained in a Sanitary Condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
- A hen shall be kept in an enclosed hen run when not in their coop.
- No person shall Keep more than six (6) hens on a lot in any zone, except a rural zone.
- Every hen owner shall ensure that the enclosure is located no less than seven (7) metres from any dwelling, shop, or apartment building, and no less than three (3) metres from any adjoining property line.
- A hen enclosure shall be a minimum size of ten (10) square feet per hen.
- Home slaughter of hens is prohibited in a residential zone.
- Deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- No Person shall keep a rooster in any residential zone.

Table 1 provides a municipal comparison of other municipalities that permit residential backyard hens:

Table 1 - Municipal Comparators that permit Residential Backyard Hens

Municipality	Number of Hens Permitted	Setback Requirements	Min. Lot Size	Registration/Application	Consent Requirement from Neighbour
East Gwillimbury	6	3m lot line setback 7m from dwelling	1 acre	No	No
Kitchener	4	2.5m side yard lot lines 1.2m rear yard	No	Yes - \$52 onetime fee for processing application and inspection	Yes, if cannot meet setback requirement
Newmarket	3	1.2m from lot lines	No	Yes – no fee	Yes
Georgina	4	2m from lot line	No	Yes- \$100 onetime fee for processing application and inspection	No
Brampton	10	8m side and rear lot line	No	Yes- \$50.00	No
Parry Sound	6	3m from lot lines	0.11 acres	\$150.00 initial fee \$50.00 annually	No

Guelph	10	0.6m accessory building	No	yes	No
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Benefits of having Backyard Hens

- Supports waste diversion through a natural kitchen and garden waste disposal system for food scraps.
- Reduces carbon emissions associated with transporting eggs and hens.
- Garden pest and insect control.
- Supports food security and provides an economical food source.
- Enhances connection to the natural environment through animal husbandry and provides companionship.

Potential Risks of having Backyard Hens

- Increased exposure to wildlife and predators.
- Abandonment due to unwanted hens and requires significant knowledge and expertise to house and care for hens.
- Public Health risk of disease including salmonella, campylobacter, yersinia and listeria.
- Potential nuisance including odour, pests, and noise.
- Animal welfare concerns.
- A concentration of backyard hens at multiple properties in the same neighbourhood may exacerbate the risks cited above.

Enforcement History

Bylaw enforcement services have received 5 complaints since 2022, regarding backyard hens. All complaints were investigated and Orders to remove the hens were issued under our Animal Care and Control By-law. In all instances, the hens were rehomed, and compliance was obtained.

Zoning By-law Amendment

Prior to the passing of the Animal Care and Control By-law 2020-085, backyard hens were regulated solely through the Town's Zoning By-law 2018-043 which prohibits the keeping of roosters in any residential zone and requires a minimum lot area of 1 acre to allow for the keeping of backyard hens in any residential zone. In 2020, Council passed the Animal Care and Control By-law (2020-085) which sets out more detailed provisions for regulating residential backyard hens including all those set out in the Zoning By-law (2018-043). Given that the provisions for regulating backyard hens are duplicated in two by-laws, Staff are recommending that Council direct staff to initiate the process of amending the Town's Zoning By-law to remove Section 4.26 (Residential Backyard Hens). A Town initiated Zoning By-law amendment would be required to remove this section from the Zoning By-law which would consist of a full public process in

accordance with the regulations of the Ontario Planning Act including issuing notices of the proposed amendment and holding a Statutory Public Meeting to solicit feedback from the public.

NEED FOR PUBLIC CONSULTATION

The existing by-law, all agendas, reports, and minutes are made available to the public through the Town's website. If Council should direct staff to initiate a Zoning By-law amendment to remove Section 4.26 (Residential Backyard Hens) from Zoning By-law 2018-043, a full public process will be required including the issuance of notices in the newspaper, and a Statutory Public Meeting must be held to allow residents to provide input into the proposed amendment.

FINANCIAL IMPLICATIONS

Any enforcement and administrative activities will be fully funded through the approved 2023 Development Services operating budget.

ALIGNMENT TO STRATEGIC PLAN

The recommendations of this report align with the following Strategic Priorities:



Responsible Growth & Environmental Protection

Ensure that communities are built in a respectful manner, with resident and business quality of life protected



Build Complete Communities

Effectively manage new and existing assets to deliver exceptional services to residents while ensuring a sustainable community



Quality Programs & Services

Provide programs and services that are inclusive, affordable, and accessible to all residents

Continue to advocate for a safe and livable community for our residents while leveraging opportunities and partnerships

CONCLUSION

The Statutory Public Meeting to amend the Town's Zoning By-law will provide the opportunity to solicit feedback and for staff to report back on recommendations to the Animal Care and Control By-law based on the feedback that is received.

ATTACHMENTS

N/A.

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<i>Original signed by</i>	<i>Original signed by</i>
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