



**PLANNING REPORT
for the TOWNSHIP OF GUELPH/ERAMOSIA
REPORT # 24/32**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: October 7th, 2024
TO: The Mayor and Members of Council
Township of Guelph/Eramosa
FROM: Meagan Ferris, Manager of Planning and Environment
County of Wellington
SUBJECT: **PUBLIC MEETING REPORT (24/32)**
Township Initiated Zoning By-law Amendment (04-24) – Domestic Poultry
ATTACHMENTS: 1. Chart with existing provisions and proposed changes

RECOMMENDATION

THAT the Council of the Township of Guelph/Eramosa receive Public Meeting Report 24/32 “Township Initiated Zoning By-law Amendment (04-24) – Domestic Poultry” as information.

INTRODUCTION

It is the interest of the Township to explore opportunities for residential lots in the Agricultural (A) and Rural Residential (RR) Zones that are 0.4 ha (1 ac) in size to house and raise domestic poultry for personal use. To facilitate this use it has been identified that minor revisions and adjustments to the wording within Township Zoning By-law #40/2016 are required. As such, the Township has initiated the subject amendment to the By-law.

This report presents draft proposed revisions to the Zoning By-law to seek feedback under the *Planning Act* through a public meeting. This report also outlines the applicable policy frameworks, current provisions in the Zoning By-law, and identifies comments received thus far. It is noted that the subject proposal does not permit the keeping of domestic poultry on properties within the Urban Centre of Rockwood.

A chart containing a detailed summary of the draft proposed changes to the By-law can be seen in **Attachment 1**.

BACKGROUND INFORMATION

Township staff have prepared several background reports on the topic of housing domestic poultry on residential lots and presented said reports to the Committee of the Whole in 2023 and 2024. Through this review there are several things planning staff would like to note:

- Within the County of Wellington, it is understood that the housing of chickens and/or domestic poultry on residential properties is clearly regulated by some of the local municipalities, but not all. More specifically, it is understood that the Township of Centre Wellington, Town of Erin and Town of Minto allow the keeping of hens on residential properties, subject to criteria.
- Throughout the Province, there are many municipalities that have permitted the keeping of poultry on residential properties, with limits on the number of poultry or the area of the coop.
- It also appears common to have zoning regulations and additional regulations under the *Municipal Act* (i.e. separate poultry specific by-laws, Animal Control By-laws etc.) for the keeping and housing of livestock.

POLICY REVIEW

Provincial Policy

Under the current Provincial Policy Statement (2020) and the Provincial Growth Plan (2019), the intent of these policies is to support and direct growth, support economic development while also protecting natural resources (such as agriculture and the Agricultural System) and protecting public health and safety. As of October 20th, 2024, a new Provincial Planning Statement (2024) will be in effect. Any recommendations and decisions will need to be consistent with the 2024 version of the Provincial Planning Statement.

Official Plan

As the intent is to allow these uses within the Agricultural (A) and Rural Residential (RR) Zone, these zones are typically seen on lands that are part of the Rural System. Within the Official Plan, the Rural System includes lands that are designated as Prime Agricultural and Hamlet. Any changes will need to be consistent with the Official Plan, including the Rural System policies.

The Minimum Distance Separation (MDS) Document (Publication 853)

This publication is a land use planning tool that has been developed by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to assist with implementing the Provincial Policy Statement. This document is read in conjunction with other legislation such as the *Planning Act*, *Building Code Act*, and the *Nutrient Management Act*.

The primary intent of this document is to address nuisances with respects to residential or sensitive uses and normal farm practices through the implementation of setbacks. When constructing a new livestock facility or expanding an existing livestock facility, MDS II is applicable. It is noted that Guideline #2 identifies that MDS II setbacks are applicable where a building permit is triggered, and the area of the facility is greater than 10 m² (approximately 106 ft²). Further, Guideline #13 identifies that MDS does not apply to structures that are accessory to a dwelling and Guideline #36 also identifies that MDS is not applicable in settlement areas for urban agriculture.

TOWNSHIP ZONING BY-LAW

Under the Township's current zoning provisions and regulations, the raising of poultry would fall under the definition of an "Agricultural Use" and the structure housing the poultry would be considered a "Livestock Facility". These definitions have been included below for ease of reference:

- **“Agricultural Use”**, means a use of land, buildings or structures for the growing of crops, including nursery, greenhouse, mushroom, and horticultural crops; raising of livestock and other animals for food, fur or fiber; aquaculture; apiaries; agro-forestry; maple syrup production; research and/or breeding station; riding/training stables, and associated on-farm buildings and structures (including for packing, treating and storing farm products, a farm related tourism business, and a farm product sales outlet), but does not include an abattoir, a kennel, or a rendering plant.
- **“Livestock Facility”**, means one or more barns or permanent structures intended for keeping or housing of livestock with livestock occupied portions, which are areas of the structure where the livestock spend a majority of their time thus allowing substantial amounts of manure to accumulate. A livestock facility also includes all manure or material storages and anaerobic digesters. For the purposes of this definition livestock includes animals identified in the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Implementation Guidelines.

Within the Township’s By-law, there is a minimum lot size of 35 ha (86.5 ac) for a property used primarily for farming purposes and a minimum lot size of 0.4 ha (1 ac) for a lot used solely for residential purposes. In addition, Section 6.2.7 *Livestock Facilities* establishes a minimum lot size of 0.8 ha (2 ac) to house livestock subject to the Minimum Distance separation setbacks established by the Province and identified in Section 4.24 of the Zoning By-law. The MDS provisions of the By-law (Section 4.24.2) includes the same wording identified in Section 6.2.7 of the By-law.

Summary of Proposed Revisions

Through the review of the Zoning By-law, several changes were identified to facilitate this use and to allow the keeping of domestic poultry on lots 0.4 ha (1 ac) and less than 0.8 ha (2 ac). The proposed changes are outlined in the attached chart (**Attachment 1**) and generally summarized below:

- Define a “Domestic Poultry Coop”
- Clarify that the definition of “Livestock Facility” does not include a “Domestic Poultry Coop”
- Add a new general provision to Section 4 that:
 - allows the use in the Agricultural (A) and Rural Residential (RR) Zones
 - establishes a minimum lot area of 0.4 ha (1 ac) and structure size of 10 m² or less for the housing and keeping of domestic poultry
 - clarify that MDS is not applicable; and
 - that the use is subject to a separate municipal by-law that regulates the keeping of domestic poultry in the Township.

For clarification purposes, all other zoning regulations would be applicable including the accessory structure provisions, where they do not conflict with the proposed changes and/or the draft municipal by-law regulating the keeping of domestic poultry.

DRAFT MUNICIPAL BY-LAW – REGULATING THE KEEPING OF DOMESTIC POULTRY

As part of this review and to support allowing domestic poultry on smaller Agricultural (A) and Rural Residential (RR) zoned lots, Township staff have prepared a draft municipal by-law under the *Municipal Act* (2001) to regulate the keeping of the domestic poultry to ensure that there is a standardization and humane approach to housing poultry.

This draft municipal by-law is not prepared under Section 34 of the *Planning Act* and as such does not form part of this report. However, the subject Zoning By-law Amendment report has been prepared as an

accompaniment to Clerk's Report 24/14, which outlines draft regulations specific to the keeping of domestic poultry. These reports are being presented at the same Council Meeting, to explain the proposed provisions and regulations, how they will be implemented together and to obtain feedback from both the public and members of Council.

PUBLIC ENGAGEMENT

Agency Comments

As required under the *Planning Act*, notice was circulated to required agencies and Township staff for review and a notice was published in the September 12th, 2024 edition of the Wellington Advertiser. Information has also been posted on the Township's 'Current Planning Applications' webpage.

At the time of this report, limited comments were received; however, it is noted that County Roads expressed no objections or concerns. Planning will continue to work with Township staff to review and address comments as they arise. A summary of comments received throughout the review process will be provided as part of a future recommendation report.

CONCLUSIONS & NEXT STEPS

The public meeting for this application has been scheduled for October 7th, 2024. Planning staff will be in attendance at the public meeting to present the draft proposed changes and to hear any public input, and Council comments.

We trust that these initial comments are of assistance to the Township. Our final planning recommendations, including a final draft by-law and an update on public comments, will be provided to Council following the public meeting and resolution of any outstanding items.

Respectfully submitted by the
County of Wellington Planning and Development Department



Meagan Ferris, RPP, MCIP
Manager of Planning and Environment

Reviewed by
Township of Guelph Eramosa CAO

Ian Roger, P.Eng.
CAO

Domestic Poultry – Housekeeping Amendment Proposed Zoning By-law Provisions

#	Zoning By-law 40/2016	Existing Provision/Section	Proposed Provisions
1	SECTION 3 – DEFINITIONS	<p>“Livestock Facility”, means one or more barns or permanent structures intended for keeping or housing of livestock with livestock occupied portions, which are areas of the structure where the livestock spend a majority of their time thus allowing substantial amounts of manure to accumulate. A livestock facility also includes all manure or material storages and anaerobic digesters. For the purposes of this definition livestock includes animals identified in the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Implementation Guidelines.</p>	<p>“Livestock Facility”, means one or more barns or permanent structures intended for keeping or housing of livestock with livestock occupied portions, which are areas of the structure where the livestock spend a majority of their time thus allowing substantial amounts of manure to accumulate. A livestock facility also includes all manure or material storages and anaerobic digesters but does not include a domestic poultry coop as defined in By-law XX/2024. For the purposes of this definition livestock includes animals identified in the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Implementation Guidelines.</p> <p>Domestic Poultry Coop: A building and/or structure that is a maximum of 10m² and accessory to a main, detached dwelling in the Agricultural (A) and Rural Residential (RR) zone and used for the housing, keeping, and/or raising of domestic poultry, as defined in, and subject to, By-law XX/2024, A By-law to Regulate the Keeping of Domestic Poultry within the Township of Guelph/Eramosa, and the applicable provisions of this By-law.</p>
2	SECTION 4 – GENERAL PROVISIONS	<p>4.24.2 MDS II – New or Expanding Livestock Facilities Notwithstanding the above, new livestock facilities will not be permitted on lots less than 8,000 m² (2 acres) in size.</p>	<p>Add a <u>new</u> general provision to Section 4 as follows:</p> <p>Notwithstanding any other provisions of this By-law, within the Agricultural (A) and Rural Residential (RR) Zone, a domestic poultry coop may be permitted subject to the following regulations:</p> <ol style="list-style-type: none"> 1. The minimum lot area shall be 0.4 ha (1 ac) 2. Any building and/or structure related to housing, keeping and/or raising of domestic poultry and their manure shall not cumulatively exceed an area of 10m² 3. The provisions under Section 4.2 Accessory Uses are applicable, except where it conflicts with any regulations identified in the Animal Control By-law, as amended.

**Domestic Poultry – Housekeeping Amendment
Proposed Zoning By-law Provisions**

			<p>4. MDS shall not be applicable.</p> <p>5. The use shall meet all provisions identified in By-law XX/2024, as amended.</p>
3	SECTION 6 – AGRICULTURAL (A) ZONE	<p>6.2.7 Livestock Facilities New and existing Livestock Facilities may be permitted on lots larger than 0.8 hectares (2 ac) subject to Minimum Distance Separation (MDS) setbacks (Section 4.24).</p>	No change proposed. The intent is to allow domestic poultry on properties with the primary use of residential.
4	SECTION 6 – AGRICULTURAL (A) ZONE	<p>6.2.8 Regulations for Residential Uses <i>Agricultural uses and Livestock facilities are not currently permitted on reduced agricultural lots used solely for residential purposes.</i></p>	No change proposed. Domestic poultry on reduced agricultural lots used solely for residential purposes to be permitted through the general provisions section.
5	SECTION 7 – RURAL RESIDENTIAL (RR) ZONE	<p>7.1 Permitted Uses <i>Agricultural uses and livestock facilities are not currently permitted in the RR Zone.</i></p>	No change proposed. Domestic poultry to be permitted on RR lots used solely for residential purposes through the general provisions section.