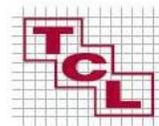




**Municipality of East Ferris**

**Planning Report: Urban Agriculture**

**April 21, 2011**



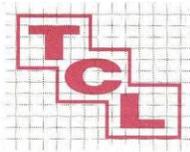
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• community planning • building administration • adult education and training • municipal restructuring

March 17, 2011  
P-2150

### Planning Report – Background Study on Urban Agriculture in Ontario and Elsewhere For the Municipality of East Ferris

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## 1. Introduction

With increasing concern about rising fuel costs, awareness of the importance environmental issues and of knowing where ones food comes from, municipalities across Ontario are striving to make their communities more self-sufficient in terms of food production. Municipalities have begun to encourage backyard agriculture and to ease restrictions on the production of food close to home, in part due to the twin realities of climate change and peak oil, as well as an increased interest in healthy living and a concern with where one's food comes from. In sum, given that many of our favourite agricultural products travel long distances to reach the family dinner table, the food purchasing choices that citizens make can have a significant effect on transportation-related greenhouse gas emissions.<sup>1</sup> Secondly, as most residents who drive cars will be quick to note, the price of gasoline continues to rise making many of the foods we enjoy more expensive to be transported to our local grocery stores. This is partly because less oil continues to be found during exploration each year, a trend that scientific observers and geologists believe is likely to continue into the future. Thus it becomes more expensive to explore and extract the same quantity of oil with the same amount of effort.<sup>2</sup> Thirdly, many residents are increasingly trying to lead more healthy lifestyles, due to an increased awareness of issues related to childhood obesity and a concern about traditional corporate food-processing practices. Local governments and residents have begun to recognize the benefits of finding ways to raise food close to home because it means reduced transportation costs, and a direct connection with ones' food. An additional aspect is the skill training that comes along with learning to become more self-sufficient. All of these factors combine to make for a citizenry that desires to be more aware of the origins and practices under which their food is harvested, and who seek to have a direct connection with their food.

The Municipality of East Ferris is not unique in that citizens are demanding improved options for obtaining food closer to home. Across Ontario, and indeed across North America, there are examples where municipalities large and small have sought to eliminate barriers for residents to participate in the agricultural process. In cities, towns and villages across the province, residents are re-kindling an interest in vegetable gardening, composting, and the keeping of small numbers of backyard hens. The idea of

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1 Natural Resources Canada, *Canada's GHG Emissions by Sector, End-Use and Sub-Sector – Including Electricity Related Emissions, 2004 – 2008*, Ottawa: Natural Resources Canada, 2010.

2 Chris A.S. Hall and Day, John W. "Revisiting the Limits to Growth After Peak Oil", *American Scientist*, 97 (May – June 2009): 230 - 237. Retrieved March 17,, 2011 from <http://www.americanscientist.org/issues/feature/2009/3/revisiting-the-limits-to-growth-after-peak-oil>

backyard hens has been considered as almost a “back to the future” planning issue, as it was once common for urban-dwellers to keep a small number of hens in the garden. Due to concerns over public health, it has become common to restrict or even prohibit residents of urban areas from keeping hens. However this report notes that many of the concerns regarding public health and backyard chickens have little basis in reality, and a growing number of urban municipalities are giving cautious embrace to the idea that a small number of hens, properly cared for and stored, is beneficial to the community rather than harmful. This report examines policy options for municipalities seeking to permit residents to keep hens in a manner that is compatible with the urban surroundings.

A final section of this report also seeks to address issues related to the keeping of larger livestock such as horses on hobby farms, as it is not uncommon for people to wish to keep one or two horses on a lot but not as part of a farm) especially in rural quasi-agricultural municipalities such as East Ferris.

## ***2. Dispelling Myths about Backyard Chickens***

Public health concerns about the keeping of backyard hens are often to fears that chickens are vectors of diseases, shown by recent epidemic of avian influenza. While many municipalities cracked down on backyard chickens in the wake of the “bird flu” epidemic, advocates of urban hen-keeping point out that the “deadly H5N1 strain of bird flu is essentially a problem of industrial poultry practices. Its epicentre is the factory farms of China and Southeast Asia”<sup>3</sup>. The responses to crises such as “bird flu” have often resulted in further industrializing poultry practices through measures to force poultry production indoors in some jurisdictions, jeopardizing the future of small-scale agriculture but also increasing the likelihood of disease transfer amongst birds. “When it comes to bird flu, diverse small-scale poultry farming is the solution, not the problem” stated one analyst<sup>4</sup>. Indeed, a study commissioned by the Pew Commission found that there is an increased likelihood of the transfer of pathogens from animals to humans in larger scale industrial farm practices because of the sheer density of animals raised in close proximity to one another. In addition, the study found that there was an increased risk of food-borne infection associated with industrial agriculture practices throughout all areas of meat, poultry, egg and dairy production which have resulted in several high profile meat recalls in the United States. The dense conditions of industrial production mean an increase in opportunities for the generation of new virus forms through mutation and recombination. To try and overcome these problems in industrial production systems, large quantities of antibiotics are administered. However, many scientists are now finding that many diseases and infections are becoming antibiotic-resistant due to such heavy use of preventative antimicrobial medicines in food production. In addition, the high-density industrial operations increase stress levels for animals.<sup>5</sup>

Meanwhile, the keeping of a small number of hens in a low-density (and low stress) environment, and a more genetically diverse chicken population mean healthier chickens and less likelihood of disease. In one article about backyard chickens in Caledon, Ontario, a local hardware store owner sums up the feelings in commenting on his customer’s rekindled interest in local agriculture: “people are asking for organic and

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<sup>3</sup> GRAIN, *Fowl play: The poultry industry’s central role in the bird-flu crisis*, Retrieved March 18,, 2011 from <http://www.grain.org/briefings/?id=194#>

<sup>4</sup> Ibid

<sup>5</sup> Pew Commission on Industrial Farm Animal Production, *Putting meat on the table: Industrial farm animal production in America*, Retrieved March 18, 2011 from <http://www.ncifap.org/bin/ej/PCIFAPFin.pdf>

hormone-free feed for their chickens, and are putting in more vegetable gardens too. They just sleep better at night knowing where their food comes from”<sup>6</sup>. Below are some policy and zoning initiatives that have promoted safe backyard chicken keeping in Ontario.

### **3. Policy Landscape in Ontario – Hens**

#### **Guelph**

Guelph is often at the forefront of promoting local agriculture. Its draft Official Plan has an entire section devoted to encouraging healthy communities, and support for urban agriculture activities is a specific objective of the Plan. Furthermore, since 1985, a Guelph city by-law has regulated the keeping of geese, ducks and poultry within the city limits. The by-law simply states the following:

“No person shall keep ducks, geese, poultry or pigeons within the limits of The City of Guelph unless kept in pens, with floors kept free from standing water, and regularly cleansed and disinfected, and that such pens be a distance of at least 50’ from any school, church or dwelling house not including the owners’ dwelling house.”<sup>7</sup>

The By-law is simple and straightforward and is based on separation distances rather than lot sizes, a logical approach which provides flexibility in the by-law’s application.

#### **Niagara Falls**

The City of Niagara Falls’ “Animal Control By-law”<sup>8</sup> has separate schedules for different types of animals. For chickens, the by-law states that a maximum of 10 chickens can be kept within the Urban Boundary provided that the following provisions are made:

- All chicken coops shall be located only in the rear yard and must fully enclose the chickens and prevent them from escaping;
- The chicken coop shall be designed and constructed to ensure proper ventilation and sufficient space for the chickens and maintained in accordance with good animal husbandry practices and shall keep all vermin out;
- All dead chickens must be disposed of immediately and in any event, within 24 hours;
- There must be hygienic storage of and prompt removal of chicken feces;
- The chicken's food supply must be protected against vermin.

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<sup>6</sup> Monica Duncan, “Our own eggs: Backyard chickens”, *In the Hills*, Retrieved March 18, 2011 from <http://www.inthehills.ca/back/backyard-chickens/>

<sup>7</sup> By-law (1985)-11952: *A By-law to regulate the keeping of ducks, geese and pigeons in the City of Guelph and to repeal By-law Number 2860* October 21, 1985. Guelph: City of Guelph.

<sup>8</sup> By-law No. 2002-129: *A by-law to provide for the control of animals within the City of Niagara Falls*. July 15, 2002. Niagara Falls: City of Niagara Falls.

- All lots housing chickens must have:
  - A detached dwellings on them;
  - A frontage of at least 40 feet; and
  - A depth of at least 100 feet
- The coop shall be located at least 25 feet from the rear lot line of the lot on which the chicken coop is located;
- The chicken coop shall be located at least 15 feet from any side lot line of the lot on which the chicken coop is located.

According to Bill Matson, the manager of clerks for the City of Niagara Falls, the City has “had no problems and this bylaw seems to be serving the community very well.”<sup>9</sup> There are very few complaints in any given year about chickens, and any complaints are predominantly in regard to the presence of roosters, which are prohibited under the above by-law. This by-law regulates the construction standard enclosures for hens, and the location on the lot upon which an enclosure may be located.

## **Brampton**

Brampton, a city of 433,000 and one of Canada’s fastest growing cities, is located beyond the northwest corner of the City of Toronto. The city has an animal control by-law which permits residents to keep chickens (in addition to rabbits, game fowl, and pigeons) on residential lots provided that the following measures are undertaken:

- Each animal quarter shall be at least 8 metres from any dwelling, school, store or shop, and 2 metres from each boundary of the property upon which it is located;
- Each animal quarter shall be constructed so as to prevent the escape of animals kept therein;
- The appearance of each animal quarter shall be properly maintained, by regular painting, or shall be finished with permanent siding, and in all cases shall comply with the requirements of the Zoning By-law;
- All equipment and material shall be kept within a building or structure, or under cover;
- All equipment and materials shall be screened from the view of the general public, and, where it is necessary to do so, a hedge or other such vegetation shall be planted, or a solid fence erected, to act as a screen;
- All refuse resulting from the keeping of the animals shall be contained in air tight containers in such a manner as to prevent odours and shall be disposed of in a manner that will not create a public nuisance or health hazard
- All food for the animals shall be kept in rodent proof containers;<sup>10</sup>

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<sup>9</sup> “Cowling on Green.” *Niagara Magazine* No Date. 2911. Retrieved March 18, 2011 from <http://www.niagaramag.ca/sitepages/?aid=1264&cn=Green%20Column&an=COWLING%20ON%20GREEN>

<sup>10</sup> By-law 261-93: *To prohibit and regulate the keeping of animals other than dogs and to repeal By-law 165-92.* November 22, 1993. Saanich: District of Saanich.

## Saanich, British Columbia

Saanich, like some other municipalities surrounding Victoria, permits the keeping of backyard chickens in its Animals By-law. The By-law currently requires a minimum lot area of 1,114.8 m<sup>2</sup> [12000 ft<sup>2</sup>] before a resident can keep poultry. Other provisions include that :

- “Poultry enclosure to be setback at least 7.6m (25ft) from a highway;
- Poultry enclosure to be setback at least 4.75m (15ft) from any other property line;
- No poultry to be allowed to run at large;
- Poultry to be kept housed and fed in a manner conducive to good health;
- Poultry that is injured or suffering from disease is to be treated by a veterinarian;
- Building or enclosures shall be maintained in a clean and sanitary manner so that no nuisance or hazard to health arises; and
- Owners may, upon payment of a fee, deliver bird to the Pound or request Pound Inspector to pick up bird for disposal.”

Currently there is a city planning process underway to have the lot area decreased, and a survey undertaken by the Community Planning department has shown that most residents (84%) support the ability of residents to keep a few hens, and most are supportive of the move to reduce the minimum lot area requirement for backyard chickens to 560 m<sup>2</sup> [6028ft<sup>2</sup>].<sup>11</sup> The new by-law which is proposed will permit up to 5 hens kept in a pen in the backyard of a single family lot of the aforementioned lot size.<sup>12</sup>

## Vancouver

The City of Vancouver began to develop policy guidelines for backyard chickens in 2009. The guidelines were enacted in 2010 through the Animal Control By-law and the Zoning and Development By-law. Residents must register their hens with the city’s Animal Control services. Section 7 of the Animal Control By-law permits the keeping of hens provided that the hens are registered with the Animal Control department. The registration process can be done online through the department’s website. In addition, the By-law permits hens subject to the following provisions:

- “Provide each hen with at least 0.37 m<sup>2</sup> of coop floor area, and at least 0.92 m<sup>2</sup> of roofed outdoor enclosure;
- Provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
- Provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box;

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<sup>11</sup> District of Saanich, *Living in Saanich – Backyard Chickens*, Retrieved March 18, 2011 from District of Saanich website: <http://www.saanich.ca/living/community/chickens.html>

<sup>12</sup> Dean Murdoch, *Chickens: Coming soon to Saanich backyards*, Retrieved March 18, 2011 from Dean Murdoch, Saanich Councillor (Blog): <http://deanmurdock.ca/issues-and-ideas/chickens-coming-soon-saanich-backyards>

- Keep each hen in the enclosed area at all times;
- Provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
- Maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- Construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- Keep a food container and water container in each coop;
- Keep each coop locked from sunset to sunrise;
- Remove leftover feed, trash, and manure in a timely manner;
- Store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
- Remove all other manure not used for composting or fertilizing;
- Follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- Keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- Not slaughter, or attempt to euthanize, a hen on the property;
- Not dispose of a hen except by delivering it to the Poundkeeper, or to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; or
- Not keep a hen in a cage.”<sup>13</sup>

Vancouver’s By-law is indicative of the dense urban character of the City, and there are many regulations which hen-keepers must follow to avoid land-use conflicts with adjacent residential land uses. Some of these regulations are nevertheless potentially useful for the Municipality to consider since many relate to proper humane animal care practices.

## **New Westminister**

New Westminister, BC has long permitted chickens to be kept by residents provided that the lot size is at least 557.4 m<sup>2</sup> [6000 ft<sup>2</sup>]. Up to 8 poultry are permitted on residential lots of this size provided that they are kept 15.24 m [50 ft] from the nearest habitable dwelling. More than 8 poultry are permitted for each 69.67 m<sup>2</sup> [750 ft<sup>2</sup>] above the minimum lot area. The By-law contains regulations for the location of sheds, pens or other enclosures, which include the following:

- The shed, pen or other enclosure shall be situated not less than 2 feet from the property line of the site;
- The shed or pen shall provide a minimum of 8ft<sup>3</sup> of floor space per bird or rabbit;
- The shed or pen shall provide a minimum of 4 ft<sup>2</sup> floor space per bird or rabbit
- The floor shall be built at least 2 ft off the ground;
- The runway shall provide at least 2.5 ft<sup>2</sup> floor area per bird

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<sup>13</sup> By-law No. 9150: *Animal Control By-law*. October 19, 2010. Vancouver: City of Vancouver.

- The runway shall be built at least 2 ft above the ground
- If floors are open grill or meshed wire, trays are required to catch all droppings;
- Every shed or pen in which the bird or rabbit is kept shall be periodically lime-washed or otherwise cleaned and disinfected and shall be kept clear of filth and shall be provided with means whereby each bird or rabbit may have access at all times to water for drinking;
- The shed or pen or any other enclosure in which any bird or rabbit is kept shall have a watertight roof covering the whole enclosure, no portion of which shall be less than 2 ft.<sup>14</sup>

The benefits of this by-law, like that of Vancouver, are that it contains rules which are designed to provide for a low-stress living environment for hens (and rabbits in the case of this particular municipal by-law).

## Surrey

The City of Surrey's Zoning By-law contains regulations which permit poultry to be kept in certain zones (RF, RA, RH, and RF-SS). Up to 12 poultry for each 0.4 ha [1 ac] (minimum lot size for poultry is 0.4 ha [1 ac]). Buildings which shelter poultry are subject to a front yard requirement of 36 m [120 ft], a rear yard and side yard requirement of 7.5 m [25 ft], and an exterior side yard requirement of 36 m [120 ft].<sup>15</sup>

## Gibsons (Sunshine Coast Regional District)

The Sunshine Coast Regional District is an upper tier regional government in British Columbia which permits chickens to be kept in backyards in most zones of the regional zoning by-law. In zones other than R1, RM1,2, and 3, chickens may be kept on any parcel having a lot area greater than 1500 m<sup>2</sup> [0.37 ac]. Provisions include that poultry are kept in pens, and that no drinking/feeding trough, no manure pile, and no enclosure, structure or building related to the keeping of poultry (except fences) be located closer than 15 m [49 ft] from a lot line. The Sunshine Regional District Zoning By-law is notable in this study as it contains significant rural regions interspersed with hamlets similar to East Ferris. Maps are also provided on the Regional District's website to show residents where backyard chickens are and are not permitted.<sup>16</sup>

## 4. Other Jurisdictions

Several other jurisdictions in Canada and the United States permit or are considering permitting backyard chickens. Additional research compiled by the City of Vancouver on backyard chicken policies in North America can be found in the table in Appendix 'A' of this report. Briefly, other jurisdictions which permit backyard chickens include:

<sup>14</sup> By-law 4271: *A By-law relating to the preservation of public health and the maintenance of sanitary conditions in the City*, January 22, 1968. New Westminister: City of New Westminister.

<sup>15</sup> City of Surrey, *Surrey Zoning By-law 12000*. Surrey: City of Surrey. 2010. Retrieved March 18, 2011 from [http://www.surrey.ca/bylawsandcouncilibrary/BYL\\_Zoning\\_12000.pdf](http://www.surrey.ca/bylawsandcouncilibrary/BYL_Zoning_12000.pdf)

<sup>16</sup> Sunshine Coast Regional District, *Current Planning Projects*. Gibson: Sunshine Coast Regional District Planning and Development Department, 2011. Retrieved March 18, 2011 from [http://www.scrd.ca/index.php?page\\_id=253](http://www.scrd.ca/index.php?page_id=253)

- North Little Rock, Arkansas
- Phoenix, Arizona
- Anaheim, California
- Bakersfield, California
- Berkeley, California
- Los Angeles, California
- Mountainview, California
- San Diego, California
- San Francisco, California
- San Mateo, California
- Santa Ana, California
- Santa Rosa, California
- Colorado Springs, Colorado
- Denver, Colorado
- Hartford, Connecticut
- New Haven, Connecticut
- Gulfport, Florida
- Miami, Florida
- Atlanta, Georgia
- Metter, Georgia
- Des Moines, Iowa
- Boise, Idaho
- Nampa, Idaho
- Chicago, Illinois
- Indianapolis, Indiana
- Wichita, Kansas
- Lexington, Kentucky
- Louisville, Kentucky
- Baton Rouge, Louisiana
- New Orleans, Louisiana
- Boston, Massachusetts
- Baltimore, Maryland
- Rockville, Maryland
- South Portland, Maine
- Ann Arbor, Michigan
- Grand Rapids, Michigan
- Duluth, Minnesota
- Minneapolis, Minnesota
- Biloxi, Mississippi
- Springfield, Missouri
- St. Louis, Missouri
- Billings, Montana
- Wake Forest, North Carolina
- Chapel Hill, North Carolina
- Greensboro, North Carolina
- Raleigh, North Carolina
- Winston-Salem, North Carolina
- Omaha, Nebraska
- Las Vegas, Nevada
- Reno, Nevada
- Concord, New Hampshire
- Nashua, New Hampshire
- Albuquerque, New Mexico
- Santa Fe, New Mexico
- Buffalo, New York
- New York City, New York
- Grand Forks, North Dakota
- Cleveland, Ohio
- Toledo, Ohio
- Oklahoma City, Oklahoma
- Bend, Oregon
- Corvallis, Oregon
- Portland, Oregon
- Pittsburgh, Pennsylvania
- Aiken, South Carolina
- Sioux Falls, South Dakota
- Memphis, Tennessee
- Nashville, Tennessee
- Austin, Texas
- Dallas, Texas
- Round Rock, Texas
- San Antonio, Texas
- San Marcos, Texas
- Salt Lake City, Utah
- Burlington, Vermont
- Montpelier, Vermont
- Richmond, Virginia
- Seattle, WA
- Spokane, Washington
- Tukwila, Washington
- Beckley, West Virginia
- Madison, Wisconsin
- Laramie, Wyoming

## Recommendations for East Ferris

In sum, we recommend that the Township of East Ferris permit backyard chickens according to specific criteria related to the health and well-being of the chickens themselves (i.e., standards for construction and maintenance of coops, pens or enclosures), in addition to human safety and aesthetic considerations (i.e., disposal of wastes, setbacks from buildings and lot lines). The above by-laws have varying degrees of restrictions and regulation. While some by-laws are short and simply regulate how far hens must be kept from adjacent dwellings, others regulate a full range of issues. We suggest a by-law which is simple and comprehensive. Such a by-law should contain the following provisions:

- **That a maximum of six (6) chickens (excluding roosters) may be kept on lots in the Estate Residential (RE) Zone, the Hamlet Residential (RH), the Urban Residential (RU) Zones provided that:**
  - **The enclosure, pen or coop is located at least 2 m [6.5 ft] from a rear or interior side lot line unless there is a solid (e.g., wood and not chain link) fence along the lot line, in which case the minimum setback to the rear or interior side shall be 0 metres;**
  - **That no part of the enclosure, pen or coop, or any structure used for the keeping of chickens (unless such structure is a fence) shall be located less than 15 m [50 ft] from a residential dwelling or a school located on a neighbouring lot;**
  - **That enclosures must be fully enclosed so as to prevent chickens from escaping;**
  - **That enclosures must be designed to ensure proper ventilation and sufficient space for chickens and maintained in good repair and according to good animal husbandry practices;**
  - **That enclosures and food storage areas must be designed so as to keep rodents out;**
  - **That enclosures shall be located at least 0.6 m [2 ft] above the ground;**
  - **That each hen be provided with at least 0.37 m<sup>2</sup> [3.98 ft<sup>2</sup>] of coop/enclosure floor area, and at least 0.92 m<sup>2</sup> [9.9 ft<sup>2</sup>] of roofed outdoor enclosure;**
  - **That each enclosure/coop contain at least one perch for each hen, that is at least 15 cm long, and one nest box;**
  - **That each hen be provided with sufficient food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;**
  - **That each enclosure/coop be maintained in proper sanitary condition, free from vermin, rodents and obnoxious smells and substances;**
  - **That manure, leftover feed, and trash be removed in a timely manner, and that manure be stored in a fully enclosed structure with no more than 3 m<sup>3</sup> [0.08 m<sup>3</sup>] of manure at any given time;**
  - **That any deceased hens be disposed of ethically and lawfully;**

A recommended draft By-law is attached on Schedule 'B' of this report.

## 5. *Appropriate Planning for Keeping Horses*

Horses are synonymous with the vision that many have of Ontario’s rural landscape. Horses are often cherished as pets, and are used by humans for both recreational and industrious purposes. In East Ferris, many residents desire to own horses, and the municipality’s concern has been related to whether or not owning a single (or perhaps two) horses triggers a calculation under the Minimum Distance Separation Formulae. This Section of the report works backwards by establishing what is and what is not applicable, then using MDS to establish what the average per-horse size of a barn is.

New livestock facilities in Ontario are subject to the separation distances generated through the Minimum Distance Separation (MDS) Formulae calculation. Use of the MDS takes factors such as the type and quantity of livestock, the way manure is handled and stored, and the size of the barn or livestock storage building. The objective of the MDS formulae is to minimize nuisance complaints due to odours and thus reduce potential land use conflicts that arise from development adjacent to livestock facilities (MDS I) or development of livestock facilities adjacent to residential areas (MDS II). While the MDS is useful in determining separation distances to large farm operations, it is also used for determining the appropriate setbacks from “Hobby Farms”, i.e., farms that are accessory to a residential use and which are characterized by small-scale agricultural land uses. Any barn unde

Any barn under 10m<sup>2</sup> is exempted from the MDS calculation, but according to the MDS formulae, the average size for a barn for one horse is 30 m<sup>2</sup> [322.9 ft<sup>2</sup>]. Since so many factors go into calculation of an appropriate distance separation from a livestock facility (i.e., type of manure storage, size of livestock), it is important to apply the MDS formulae to each individual situation rather than stating that the MDS requires a specific setback for all barns which contain one horse.

In Ontario, there are several innovative approaches currently being used to determine the appropriate sizes and setbacks for livestock facilities associated with small-scale hobby farms (e.g., one or two horses). The examples found in our study are shown below:

Municipality	Provision
Augusta Zoning By-law	Additional provisions for Agricultural and Rural zones: A Hobby farm (definition is broad and includes limited scale agricultural activities and keeping of animals) is accessory to a residential use provided the barn or livestock facility is located more than 10 m [32.8 ft] from any lot line, and that the lot area is at least 2 ha [4.9 ac], and the lot frontage is no less than 38 m [124 ft]
Central Huron	Special Zone (D1) – Required separation distances between a horse barn and the lot line (site specific) as follows:

	<table border="1"> <thead> <tr> <th>Capacity of Horse Barn (Number of Horses)</th> <th>Distance in Metres</th> </tr> </thead> <tbody> <tr> <td>5 or less</td> <td>59</td> </tr> <tr> <td>6 – 8</td> <td>81</td> </tr> <tr> <td>9 – 10</td> <td>85</td> </tr> <tr> <td>11 – 16</td> <td>103</td> </tr> </tbody> </table>	Capacity of Horse Barn (Number of Horses)	Distance in Metres	5 or less	59	6 – 8	81	9 – 10	85	11 – 16	103
Capacity of Horse Barn (Number of Horses)	Distance in Metres										
5 or less	59										
6 – 8	81										
9 – 10	85										
11 – 16	103										
Chisholm (Draft Official Plan)	<p>General Provision for Hobby Farms: Minimum 2 ha [4.9 ac] lot area for a hobby farm.</p> <p>Hobby Farm is defined as accessory use with ‘limited’ number of animals kept for recreational purposes. Any new agricultural use involving livestock must comply with the MDS II Formulae</p>										
Douro Dummer Zoning By-law	<p>Hobby Farm: Defined as “an area of land on which a barn, shed or animal shelter may be erected to house horses, cows, goats or similar domestic animals, kept for recreational purposes or for personal consumption by the occupant(s) of a dwelling unit on the same lot; and may also include a market garden or the growing of crops.</p> <p>Hobby farms are permitted in the RU Zone.</p> <p>Regulations for RU Zone: A Hobby Farm, Market Garden, Riding School or Boarding Stable – Minimum Lot Area 10 ha, Minimum Lot Frontage 135 m</p>										
Merrickville-Wolford Zoning By-law	<p>General Provisions: Permitted in all residential zones outside Hamlets. Stable/barn max gross floor area of 100 m<sup>2</sup> [1076 ft<sup>2</sup>], larger barns may be used for training (i.e., riding arena...housing can’t exceed 100m<sup>2</sup>). Barn must comply with Accessory Bldgs section. Minimum lot area is 4 ha [9.9 ac]. Hobby farm shall comply with MDS requirements.</p>										
Minto Zoning By-law	<p>Exception Zone (A-22) – Max horse barn size on hobby farm – 28 m<sup>2</sup> [300 ft<sup>2</sup>], no more than two horses and one cow (site specific)</p> <p>Section 8.3 (General Provisions for Hobby Barns):</p> <ul style="list-style-type: none"> <li>• Ground floor area (Max) 0.8 ha [2 ac]....on lots equalling 0.8 ha [2 ac], one 27.9 m<sup>2</sup> [300 ft<sup>2</sup>] hobby barn is permitted. For each additional full 0.4 ha (1 ac), an additional 9.3 m<sup>2</sup> [100 ft<sup>2</sup>] of ground floor area may be added to the hobby barn.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Hobby barn of 27.9 m<sup>2</sup> [300 ft<sup>2</sup>] shall not be located closer than 22.9 m [75 ft] to any lot line;</li> <li>○ A hobby barn shall not be located within 60 m [196.9 ft] of a residential dwelling located on a lot</li> </ul> </li> </ul>										

	<p>that is separated from the hobby barn or a vacant lot, which is less than 10 ha [24.7 ac];</p> <ul style="list-style-type: none"> <li>o No dwelling on a separate lot shall be allowed within 60 m [196.9 ft] of a hobby barn</li> <li>o A hobby barn shall not be constructed closer than 30 m [98.4 ft] of a Natural Environment (NE) Zone</li> </ul>
Tiny Township Zoning By-law	<p>Definition for a Hobby Farm includes a barn, stable or shelter erected to house no more than two horses and/or a limited number of domestic animals for recreational or personal consumption purposes.</p> <p>Minimum lot standards: Hobby farm – 2 ha [4.9 ac]</p>
Amaranth Official Plan	<p>Development Policies: Permitted on lots of at least 2 ha [4.9 ac], not exceed 10 livestock units as defined by MDS formulae as amended</p>

We therefore recommend the following regulation be incorporated into the Zoning By-law:

**Definition (Section 3.0)- Hobby Farm:** Means an area of land on which a barn, stable or animal shelter may be erected to house no more than two horses and/or a limited number of domestic animals (up to 10 livestock units as defined by the Minimum Distance Separation Formulae) kept for recreational purposes or for personal consumption by the occupant(s) of a dwelling unit on the same lot.

**New General Provision (Section 5.0):** Hobby Farms: A hobby farm shall be permitted as an accessory use to a residential use on any lot with a lot area of at least 2 ha [4.9 ac] and in accordance with the following provisions:

- a) A hobby farm shall be restricted to one barn for housing or stabling of animals with a maximum gross floor area of 100 m<sup>2</sup> [1076 ft<sup>2</sup>];
- b) The distance from a hobby barn to the nearest lot line shall be according to the following table:

Capacity of Horse Barn (Number of Horses)	Distance in Metres
<5	59
6-8	81
9-10	103

- c) The above provision shall not prohibit a larger barn or structure, such as a riding arena, which are used exclusively for training, exercising or other similar activities, provided the area used for housing or stabling of animals does not exceed the maximum gross floor area;
- d) The barn shall comply with the provisions of Section 5.3 for accessory uses;
- e) The Minimum lot area for a hobby farm shall be 2 ha [4.9 ac]

f) A hobby farm shall comply with the Minimum Distance Separation (MDS II) Formulae.

**Appendix 'A'**

**City of Vancouver Public Information Table:  
Municipalities in Canada and the United States that Permit Backyard Chickens**

## Appendix A: Jurisdictions which Permit Backyard Chickens

Country	Location	Allowed	Law ID #	Rule	Source
CAN	New Westminster BC	Yes, 6000 sq ft lots or more	Bylaw 4271, 1967	Poultry are allowed on lots 6000 sq ft or more, not less than 50 ft from a dwelling (which makes it impossible on most city lots). This bylaw is being discussed by city council now.	<a href="http://www.newwestcity.ca/cityhall/Leg_Info/Bylaws/4271pnb.pdf">http://www.newwestcity.ca/cityhall/Leg_Info/Bylaws/4271pnb.pdf</a> <a href="http://209.85.173.132/custom?q=cache:_xv94lqdxwJ:www.newwestcity.ca/cityhall/Leg_Info/Electronic_Packages/2008/1006_Oct6/CW/Reports/CW13.pdf+health+bylaw&amp;hl=en&amp;ct=clnk&amp;cd=1">http://209.85.173.132/custom?q=cache:_xv94lqdxwJ:www.newwestcity.ca/cityhall/Leg_Info/Electronic_Packages/2008/1006_Oct6/CW/Reports/CW13.pdf+health+bylaw&amp;hl=en&amp;ct=clnk&amp;cd=1</a>
CAN	Burnaby BC	Yes	Bylaw 9609-Animal Control Bylaw 1991, and Health bylaw 509	Poultry are not allowed to be at large. Fowl must be in an enclosed area, and not under, attached to or in a dwelling.	<a href="http://burnaby.fileprosite.com/contentengine/launch.asp?ID=303">http://burnaby.fileprosite.com/contentengine/launch.asp?ID=303</a>
CAN	Gibsons BC	Yes	ANTI-NOISE BYLAW NO. 364, 2.4	2.4 No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large	<a href="http://www.gibsons.ca/pdfgibsonsbcb/gibsonsBylaws/GibsonsAntiNoiseBylaw364.pdf">http://www.gibsons.ca/pdfgibsonsbcb/gibsonsBylaws/GibsonsAntiNoiseBylaw364.pdf</a>
CAN	Nelson BC	Yes	BY-LAW NO. 2333	Animal includes poultry, which includes female and male chickens. I could find no bylaws regulating poultry or chickens.	<a href="http://www.nelson.ca/pdf/CON-2333.pdf">http://www.nelson.ca/pdf/CON-2333.pdf</a>
CAN	Victoria BC	Yes	Bylaw_92-189, 2 & 37	No farm animals or roosters allowed in the city. Animals include fowl and other members of the poultry genus. Animals are not allowed to trespass anywhere where they do not have permission to be.	<a href="http://www.victoria.ca/common/pdfs/bylaw_92-189.pdf?zoom_highlight=rooster">http://www.victoria.ca/common/pdfs/bylaw_92-189.pdf?zoom_highlight=rooster</a>
CAN	Port Coquitlam, BC	Unclear	Bylaw 1020, - 27	Poultry are classified under "cattle", and are not allowed to be "at large in the city", however it is not specified that they are not allowed in the city if not "at large".	<a href="http://www.city.port-coquitlam.bc.ca/_shared/assets/1020_-_Animal_Control57.pdf">http://www.city.port-coquitlam.bc.ca/_shared/assets/1020_-_Animal_Control57.pdf</a>
CAN	Kamloops BC	Processing	BY-LAW NO. 34-11	The City Council discussing changing bylaws to allow chickens now, may decide in January 2009. Current bylaw only allows chickens on acre lots.	<a href="http://kamloops.fileprosite.com/content/pdfstorage/2B6560DAD326465ABC831D07931443DE-34-11.pdf">http://kamloops.fileprosite.com/content/pdfstorage/2B6560DAD326465ABC831D07931443DE-34-11.pdf</a>
CAN	Richmond, BC	Only on half acre lots (2000 sq m)	Bylaw 7137, City of Richmond Bylaw 7230, Animal Control Bylaw No. 7932	3.1.1 A person must not keep poultry: a) On a parcel less than 2,000 sq meters (21,529 sq ft); or b) In, upon, or under any structure used for human habitation. 3.1.2 Each person keeping poultry must ensure that: a) Such poultry does not create a nuisance; and b) All lands and premises where such poultry are kept, are maintained in a sanitary condition at all times, and that excrement is not permitted to accumulate and cause, in the opinion of the Medical Health Officer, an objectionable odor or nuisance.	<a href="http://www.richmond.ca/_shared/assets/072400_bylaw71371280.pdf">http://www.richmond.ca/_shared/assets/072400_bylaw71371280.pdf</a>
CAN	Surrey BC	Only on acre lots	Zoning By-law, No. 12000	The Surrey Zoning By-law, No. 12000 makes provisions for the keeping of animals on properties in Surrey. Each lot in Surrey may have a maximum of 2 dogs. Cats, birds, etc. have no limit on a property. On properties in the RA, RH, RF and RF-SS zones, there are provisions for allowing the keeping of livestock, poultry, rabbits and chinchillas. Properties that wish to keep these animals must be a minimum of 1 acre in size.	<a href="http://www.surrey.ca/Living+in+Surrey/Bylaw+Compliance/Animal+Control+Issues.htm">http://www.surrey.ca/Living+in+Surrey/Bylaw+Compliance/Animal+Control+Issues.htm</a>
CAN	Halifax NS	Not Yet		Very complicated city residential codes. This year a couple tried and failed, but I think it might work if people keep trying.	
CAN	Vienna ON	Not Yet			Bev Wagar, <a href="http://theviennacafe.ca/index.php?option=com_content&amp;task=view&amp;id=390&amp;ac=0&amp;Itemid=27">http://theviennacafe.ca/index.php?option=com_content&amp;task=view&amp;id=390&amp;ac=0&amp;Itemid=27</a>
CAN	Oronto ON	No	CH. 349 schedule A	Schedule A to Ch 349, Prohibited Animal- ... BIRDS Anseriformes (such as ducks, geese, swans, screamers) Galliformes (such as pheasants, grouse, guineafowls, turkeys) chickens are not mentioned, but chickens are Galliformes, so are prohibited.> <Poultry or	<a href="http://www.toronto.ca/legdocs/municode/1184_349.pdf">http://www.toronto.ca/legdocs/municode/1184_349.pdf</a>

## Appendix A: Jurisdictions which Permit Backyard Chickens

CAN	Saskatoon, Saskatchewan	No		Galliformes (such as pheasants, grouse, guineafowls, turkeys) Prohibited	
				Section 5.02 Keeping of Fowl A person commits an offense if he: A. Keeps or maintains more than four (4) fowl on one-half (1/2) acre or less or at a distance closer than fifty feet (50') from any habitation located on another's property; or B. Keeps or maintains more than ten (10) fowl on more than one-half (1/2) acre but less than one (1) acre at a distance closer than fifty feet (50') from any habitation located on another's property. C. Keeps or maintains twenty-five (25) fowl or more on one (1) acre or more at a distance closer than fifty feet (50') from any habitation located on another's property. D. Fails to keep any fowl of the Order Anseriformes from being at large; or E. Fails to keep any fowl of the Order Galliformes contained within a coop or pen. F. Keeps or maintains roosters except in an area zoned as agricultural.	
US	Arlington TX	Yes	Section 5.02		
US	New York City NY	Yes	NYC Health Code § 161.19	§ 161.19. Keeping of live poultry and rabbits. (a) No person shall keep a live rooster, duck, goose or turkey in a built-up portion of the City. (b) A person who holds a permit to keep for sale or sell live rabbits or poultry shall keep them in coops and runways and prevent them from being at large. Coops shall be whitewashed or otherwise treated in a manner approved by the Department at least once a year and at such other times as the Department may direct in order to keep them clean. Coops, runways and the surrounding area shall be kept clean.	<a href="http://www.nycacc.org/nychealthcode.htm">http://www.nycacc.org/nychealthcode.htm</a>
US	Portland, OR	Yes	13.05.015	E. A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.	<a href="http://www.portlandonline.com/auditor/index.cfm?&amp;a=185339&amp;c=28228">http://www.portlandonline.com/auditor/index.cfm?&amp;a=185339&amp;c=28228</a>
US	Seattle WA	Yes	SMC 23.42.052, Ord. 122311, Section 23, 2006	C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in subsection A. For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone or, if there is no minimum lot area, for each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.	<a href="http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&amp;s1=23.42.052.snum.&amp;Sect5=CODE1&amp;Sect6=HITOFF&amp;I=20&amp;p=1&amp;u=/~public/code1.htm&amp;r=1&amp;f=G">http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&amp;s1=23.42.052.snum.&amp;Sect5=CODE1&amp;Sect6=HITOFF&amp;I=20&amp;p=1&amp;u=/~public/code1.htm&amp;r=1&amp;f=G</a>
US	South Portland, ME	Yes	ORDINANCE# 4-07/08 Sec. 3	Very well written and all encompassing, and 6 pages long, only about chickens. 6 hens, all city lots, etc...	<a href="http://www.southportland.org/vertical/Sites/%7B7A5A2430-7EB6-4AF7-AAA3-59DBDCFA30F2%7D/uploads/%7BE1E16923-33A4-4EB0-ADED-AA11FC64E311%7D.PDF">http://www.southportland.org/vertical/Sites/%7B7A5A2430-7EB6-4AF7-AAA3-59DBDCFA30F2%7D/uploads/%7BE1E16923-33A4-4EB0-ADED-AA11FC64E311%7D.PDF</a>
US	Billings MT	Unclear	Sec. 27-607	Someone I know had this experience with the city regarding chickens, "The animal control guy told me that we had ordinances against chickens in city limits. I asked him to email me a copy. This was about a month ago. I had researched it and found none when I was thinking about getting them. He sent this email to me the other day "There is no ordinance in the city of Billings that prohibits people from having pet chickens. If you have any questions, please feel free to contact us at 657-8226." Livestock, as defined in BMCC section 27-201, shall not be maintained in any zoning district located within the limits of the city (see also BMCC sections 4-501 through 4-505). Outside city limits, or in commercial and industrial zones under 2.5 acres, are allowed 1 livestock	<a href="http://www.municode.com/resources/gateway.asp?pid=10441&amp;sid=26">http://www.municode.com/resources/gateway.asp?pid=10441&amp;sid=26</a>
US	Jefferson WI	Yes		4 hens, no roosters or other fowl. No slaughtering. Must be enclosed at all times and have a secure shelter. Not less than 15 ft from lot lines. Just happened Dec 18.	<a href="http://dailyunion.com/main.asp?SectionID=36&amp;SubSectionID=113&amp;ArticleID=764&amp;TM=53893.01">http://dailyunion.com/main.asp?SectionID=36&amp;SubSectionID=113&amp;ArticleID=764&amp;TM=53893.01</a>

## Appendix 'B'

### Sample MDS Calculations for Horse Barns