

Corporate Report

DEPARTMENT/ DIVISION	Development Emergency Services - Planning Services	REPORT NO.	R 89/2016
DATE PREPARED	05/11/2016	FILE NO.	Z-7-2016
MEETING DATE	06/20/2016 (mm/dd/yyyy)		
SUBJECT	Zoning By-law General Amendment - Backyard Chickens - City of Thunder Bay		

RECOMMENDATION

THAT a Public Meeting having been held with respect to the proposed General Zoning By-law Amendment to permit backyard chickens, we recommend that the By-law be amended to:

1. Modify the definition of “domestic pet” and “livestock” to recognize that chickens, but not roosters, may be kept for either food production or as domestic pets;
2. Define “urban chicken coop” as “caged quarters, including a ventilated structure with nesting and perch features for up to 6 chickens, not roosters, within a fenced and roofed enclosure accessory to, and in the rear yard of, a single detached dwelling”;
3. Permit up to 6 chickens, not roosters, to be kept as accessory to single detached dwellings on residential lots throughout the city;
4. Establish a minimum lot frontage of 10 metres;
5. Establish a minimum lot area of 300 square metres;
6. Establish a maximum area of 10 square metres for an urban chicken coop, including a minimum area of .37 square metre inside the caged quarters and a minimum of .8 square metre of enclosed outdoor space per chicken;
7. Establish a minimum setback of 3 metres from the rear lot line and side lot lines for an urban chicken coop;
8. Establish a minimum separation distance of 7.5 metres between the urban chicken coop and any dwelling on the lot or on adjacent lots; and
9. Establish a maximum area of .1 cubic metre for manure storage in an enclosed container.
10. The slaughter or euthanization of chickens on the lot is not permitted;
11. The sale of eggs, meat, manure or other products derived from hens is not permitted.

Description of Proposal

The proposal is to introduce backyard chicken-keeping as an accessory use to residential properties with a minimum lot frontage of 10 m and lot area of 10 m² to permit up to 6 layer hens in enclosed chicken coops in back yards, and regulate for the new accessory use. The proposed Amendment to the Zoning By-law is in response to the increasing interest by Thunder Bay residents in finding ways to produce more of the food they eat in an effort to be more health conscious and live more sustainably.

Historical Context

Until the late 1940s and into the '50s in both Fort William and Port Arthur, livestock were a familiar sight in city neighbourhoods. Cows, goats, swine, rabbits, pigeons and chickens were kept close to, or at, home for food production. Livestock and farms were permitted on McKellar and Mission Islands until 1959. Horses and mules were permitted in Fort William for their work value even after that time. The situation was similar in Port Arthur, where home gardens, domestic livestock and farmers' markets were the main sources of food.

A 1949 Port Arthur By-law to regulate the keeping of, and prohibit domestic fowl in the city was the first of several by-laws to be enacted in the two cities that gradually moved livestock and poultry outside city limits. A new consumerism fuelled by the post World War II economic boom affected so many aspects of life, including how food was sourced. Grocery chain stores gradually replaced farmers' markets, more people had paying jobs that made it affordable to purchase food and the need for domestic livestock diminished. The postwar urbanization of Port Arthur and Fort William, and eventual amalgamation in 1970, brought with it increased public health concerns about keeping livestock in the city. Port Arthur's 1949 regulating by-law regarding domestic fowl was issued under the Municipal Act by the Medical Officer of Health. Ten years later, in 1959, the City of Fort William passed a similar by-law to prohibit the keeping of cows, goats, swine and other animals, including domestic fowl, though still excepting horses and mules.

Throughout the regulatory history of animal-keeping in Thunder Bay, a distinction has always been made between animals for food production and animals as pets. While livestock have been moved outside the urban areas, the Zoning By-law and Animal-keeping section of the Municipal Code permit domestic pets, including dogs, cats, rabbits, small rodents including hamsters or mice, canaries, budgies and guinea pigs. There are no locational restrictions so long as pets are cared for under terms of the Municipal Code and related municipal by-laws for noise and yard maintenance.

Placing the current interest in backyard chickens into historical context helps explain shifts in public policy over time in response to changing community expectations for quality of life and lifestyle.

Policy Context

chickens if they were considered as productive pets, not livestock, and if chicken-keeping were considered not incompatible with residential land uses. Currently, rabbit-keeping is considered not incompatible in urban neighbourhoods, as, under the Zoning By-law, rabbits can be kept as domestic pets or for food production, depending on the context in which they are kept.

Zoning Regulatory Context

Under the current Zoning By-law, raising livestock (animals, poultry) for food production purposes, trade, breeding, fur, or fibre, including breeding stock and offspring is considered an agricultural activity, and permitted on properties zoned “RU1” – Rural Area Zone and “RU2” – Rural Residential Zone. Section 232 of the Municipal Code, Schedule “A” – Prohibited Animals, lists chickens as prohibited except in areas where agriculture or personal farming are permitted. The restriction is intended to support the Zoning By-law regulations for the “RU1” and “RU2” Zones. The “RU1” Zone permits livestock, (including chickens) as part of an agricultural operation on parcels with a minimum area of 2 hectares, or as a personal farm associated with a single detached dwelling, also with a minimum area of 2 hectares. In the “RU2” Zone, livestock poultry are only permitted as part of a personal farm associated with a single detached dwelling on lots with 60 metres of frontage and area of two hectares. Up to 20 fowl (the equivalent of one animal unit of fowl) are permitted on a personal farm, depending whether other animals are also being kept, but the yield from the livestock is solely for the dwelling occupants’ use.

That the City is considering options for backyard chicken-keeping in residential areas across the city is a direct outcome of heightened public awareness of the environmental values associated with growing and enjoying local food. While it should be recognized that backyard chicken-keeping per se will not contribute in any substantive way to food security or affordable food for all, the fact remains that many other municipalities across the country and the U.S. have taken up the question of whether to reintroduce agriculture into urban areas, from community gardens to urban farms and backyard chickens. An overview of other municipalities’ experience with the issue follows below, based in research undertaken by the Thunder Bay and Area Food Strategy, as directed by the Council-endorsed *Food Strategy Implementation Plan (2015)*.

Other Municipalities’ Experience

Ten municipalities across Canada and the U. S. were surveyed by the Thunder Bay and Area Food Strategy in the 2015-2016 period that have recently introduced backyard chicken by-laws or have considered and decided against such a by-law. Those surveyed include City Councillors, local food and urban agriculture practitioners and activists, public health professionals, academics and municipal staff from by-law enforcement, planning and sustainability departments. All respondents were questioned on aspects of their regulations related to reduction of nuisance, conflict and public health risks, animal welfare, enforcement and distribution of eggs. Aggregate responses are described below, and their regulations by municipality detailed in Attachment A of this report. The cities were selected partly on the basis of their comparability to Thunder Bay, in terms of population size, geography and weather, and/or policy environment, and mainly if they have had experience in regulating for backyard chickens (see Attachment A).

an adequate disposal mechanism for chicken waste, including feces, used bedding materials and carcasses, is available to urban chicken owners and coop construction, security, food storage and hygiene standards are articulated and enforced (see Attachment B).

EarthCare Thunder Bay, through its Advisory Committee, supports the proposed Amendment and recommends that owner instruction be available for those interested in keeping chickens and that public education be undertaken on the contribution of backyard chicken-keeping to the local production of nutritious food and, by extension, to the goal of creating a just and sustainable food system in the City.

Licensing Enforcement Division is in support of the proposed Amendment, on condition that regulations related to coop location and coop structure are clearly stated in the by-law, and advise that the Animal-keeping Section of the Municipal Code will need to be amended, to permit backyard chickens in all residential neighbourhoods.

Community Input

The Thunder Bay and Area Food Strategy, a consortium of local food interests evolved from recommendations in the *Thunder Bay Community Environmental Action Plan (2008)*, led a community consultation process over 2015-2016 on backyard chicken policies to inform land use planning in Thunder Bay. Following from the *Food Strategy (2013)* adopted by Council and the *Food Strategy Implementation Plan (2015)*, endorsed by Council, the Strategy Coordinator, with EcoSuperior, host organization for the Strategy, undertook a multi-part search of the issue, with the Urban Agriculture goal to “increase food production in the urban landscape and support the participation of citizens in urban agriculture activities” (*Implementation Plan, 2015*).

An online survey was hosted on the Food Strategy’s website, to which they received over 500 responses, with more supportive than objecting comments, but overall helpful information from respondents with experience in animal husbandry. The website was also used as a forum for sharing educational information about chickens, as well as results from research into other municipalities’ experience with the issue. A coop photo gallery was added to the website to show examples of backyard coops elsewhere and already in Thunder Bay.

The Food Strategy’s educational efforts extended to using social media to help raise awareness about the topic and seek feedback. In April 2016, they hosted an Open House on the topic, which nearly 400 people attended. They offered a range of ways for people to participate in the discussion, including display boards to show other municipalities’ zoning requirements, live chickens in a coop and experts to speak about aspects of raising chickens.

People’s main reasons for being interested in having chickens – expressed by way of the online survey and at the Open House – were because they want to enjoy the taste of fresh eggs, they are looking for more personal control over their food choices and sources, they want a closer connection to their food, and to be able to teach their children about where food comes from, they see chickens as being part of a sustainable environment since chickens eat kitchen scraps and pests and provide a source of fertilizer, and, by keeping backyard chickens, they want to

Anecdotal information through the Thunder Bay Area and Food Strategy suggests there are upwards of 30, and perhaps as many as 300 existing chicken coops in the city. Licensing Enforcement Division has responded to fewer than five complaints, three of which have been received in the year since a recommendation regarding backyard chickens was made in the *Food Strategy Implementation Plan (2015)*.

Pros

The status quo, prohibiting chicken-keeping in the city, is consistent with many other Ontario municipalities. Of the 10 cities surveyed by the Thunder Bay and Area Food Strategy for their experience in reintroducing backyard agriculture, only Toronto and Hamilton decided not to proceed, mainly due to lack of political support.

Cons

Leaving the situation as is, when there is heightened public awareness of existing coops in city neighbourhoods, may well result in an increase in complaint calls and requisite response by By-law Enforcement staff.

Maintaining the status quo does not recognize the growing interest by citizens in having closer control over the quality and source of their food and, by growing their own food, the opportunity to contribute to a more resilient community.

Option 2 – General Amendment to the Zoning By-law:

This, the recommended option, proposes a General Amendment to the Zoning by-law that would permanently establish backyard chicken-keeping as an accessory use to single detached dwellings in residential areas throughout the city.

It is recommended that the definition of “domestic pet” be amended to include chickens, not roosters, and that regulations be introduced to restrict the number of chickens, prescribe the coop size (caged quarters within enclosed outdoor space), establish setbacks from rear and side lot lines, separation distance from residential dwellings and other requirements related to manure storage, feed storage and animal health and welfare.

The Zoning By-law (Section 4) defines “domestic pet” as

“a bird or an animal intended to be kept for the duration of its natural life by domestic households for pleasure and some companionship. Examples of “domestic pets” include dogs, cats, rabbits, small rodents including hamsters or mice, canaries, budgies, and guinea pigs. The term excludes “livestock” or birds and animals (other than those listed above) that other municipal by-laws specifically regulate. Some animals, including rabbits, may be kept for either food production or as “domestic pets”. The definition applied to those types of animals will depend on the circumstances under which they are kept in the context in which the definition is being applied.”

The Zoning By-law defines “livestock” as

“animals that are kept for food production purposes, trade, breeding, fur, or fibre, including breeding stock and offspring. The term also includes horses. Some animals,

property standards, including the requirement to keep property free of debris, including animal feces.

Public concern regarding the health and welfare of animals is already addressed in Article 8 of the Municipal Code that deals with the humane care of animals, including provision of needs, shelter requirements for animals living outdoors and the prohibition of unsanitary conditions.

Pros

A permanent General Amendment to the Zoning By-law permitting backyard chickens achieves several benefits. First, it would acknowledge the increasing citizen interest in producing food close to home, an interest that is paralleled by the increased number of neighbourhood community gardens, now at 25, up from 6 in 2005.

Secondly, a By-law would introduce an element of regulatory control and the regulations themselves could serve to inform backyard chicken-keeping. Finally, regulating for backyard chicken-keeping could rely on the current complaint-based system of by-law enforcement. Considering that there have been fewer than 5 complaints about chicken-keeping to Licensing Enforcement Division to date, and there are possibly dozens of existing coops already in neighbourhoods throughout the city, increased response burden on Enforcement staff is not anticipated.

Requiring permit or license to keep backyard chickens, while discussed internally, was not seen as a benefit, due in part to the increased staff resources that would be needed to administer the permits and any associated fees. However, having record of where backyard chicken coops are located is beneficial, as a means of tracking uptake on the new use. For this reason, and because most of the other cities surveyed have a permit system or registry in place, the environmental organization, EcoSuperior, has indicated they would take responsibility for a Backyard Chicken Registry, albeit for voluntary enrolment.

Cons

A permanent General Amendment to the Zoning By-law serves to re-introduce a use that was removed from residential areas 50 years ago. Many residents remember the time when domestic livestock were more prevalent. And some correspondence objecting to the proposed By-law reflects that memory, especially of the smell from at least one poultry farm on the outskirts of the city. Now, the possibility of permitting chickens in urban and suburban neighbourhoods is only to bring back memories of the smell, noise and debris especially associated with poultry, rabbits and pigeons.

The perception of chicken-keeping as a regulatory step backwards is difficult to combat, except that the proposed By-law would bring it back in more controlled way and at a much smaller scale, to back yards. Threats to public health are not the issue today that might have been the case in 1940s and '50s when municipal by-laws authorized by the Medical Officer of Health prohibited poultry flocks and other domestic livestock in urban areas.

Option 3 – Temporary Use By-law (O. P., Sec. 22.16):

This option proposes the equivalent of a pilot project, whereby backyard chicken-keeping would be allowed for a temporary period of time prior to its being considered for permanent zoning.

interested citizens the opportunity to keep chickens responsibly. The Food Strategy, through EcoSuperior (Environmental Programs), is a possible resource for educational materials and instruction, as indicated in their deputation to Council.

Provincial Policy Statement

The proposed Amendment supports the Provincial Policy Statement, Section 1.0. Building Strong Healthy Communities, by promoting a land use pattern that accommodates a mix of uses to meet the long-term needs of a health, livable and safe community, and avoids causing environmental or public health and safety concerns.

LINK TO EARTHCARE SUSTAINABILITY PLAN 2014-2020

Section 5.0, *Community Lifestyle: Food* promotes urban agriculture as a food system change, to increase food production in the urban landscape and support the participation of citizens in urban agricultural activities.

The proposed amendments to the Zoning By-law would support the food system goals of the EarthCare Sustainability Plan by providing opportunity for city residents to have more control over the source and quality of their food.

FINANCIAL IMPLICATION

Potential costs to the City which, will be managed within existing budgets, include staff resources for by-law enforcement, to respond to complaints about illegal coops, property standards and nuisance. At this time, no costs are projected, however, Licensing Enforcement Division does not anticipate a significant increase in calls on the subject. The experience of the ten cities surveyed in advance of this Report on enforcement costs for a complaint-driven system is that enforcement actions are absorbed into existing budgets due to the low complaint volume.

The potential costs for maintaining a registry of urban chicken coops and undertaking public education and chicken-keeper instruction would be borne by other organizations like EcoSuperior and the Thunder Bay and Area Food Strategy.

CONCLUSION

It is concluded that the options presented for regulating backyard chickens are appropriate and sufficient to decide on this matter of public interest and concern. Since local food production is endorsed by the 2015-2018 Corporate Strategic Plan, the City's Climate Action Strategy (2015) and the EarthCare Sustainability Plan 2014-2020, it seems timely to add provisions.

The proposed changes to the Zoning By-law with respect to chicken-keeping in residential neighbourhoods throughout the city are appropriate. Although not contributing to food security in any substantive way, the By-law will promote the goals of the Sustainability Plan, meet the

Table 1: By-law Regulations for Guelph, Huntsville, Lake of Bays, and Kingston, Ontario

Jurisdiction	Reduction of nuisance, conflict & public health risks				Animal welfare		Enforcement		Distribution of eggs	
	Number of birds	Roosters and chicks	Distance separation and/or property size	Cleanliness, storage, & disposal	Housing and husbandry practices	Home slaughter	Who enforces?	Permit required		Complaints per year (average)
Guelph By-law 1985-11952 A by-law to regulate the keeping of poultry	N/A (under review)	Roosters and chicks permitted (the former is under revision)	- 50 ft. (from buildings, excluding the owner's home)	- Floors kept free from standing water, and regularly cleaned and disinfected	- Kept in "pens"	Not prohibited	Building Services inspectors (Planning, Building, & Engineering)	No	4.2	- Not explicitly prohibited
Huntsville ² By-law 2013-84: A by-law to amend the Zoning By-law (Backyard Hens)	10	Roosters prohibited	- Rear yard only - 6m from side or rear property line - 1 acre min	- Enclosure must be screened and rodent/predator proof	- Practices defined by Ministry of Food and Agriculture	Not prohibited	By-law enforcement	No	0-1	- Sale is prohibited
Lake of Bays ³ By-law 2013-101: A by-law to amend the Zoning By-law (Backyard Chickens)	5-10 ⁴	Roosters prohibited	- Rear yard only - 4.5m from side lot lines - 1 acre for more than 5 chickens	- Enclosure must be screened and rodent/predator proof	- Practices defined by Ministry of Food and Agriculture, and the CFIA	Not prohibited	By-law enforcement	No	Unknown	- For domestic use only, but may be sold in accordance with the Home Based Business provisions
Kingston By-law 2011-65: A by-law to amend by-law 2004-144 (A By-law to regulate animals)	6	Roosters and chicks prohibited (hens must be 4 months old)	- Rear yard only - 1.2m from side and rear lot lines - 3m from windows and doors of dwellings on abutting property - 15m from any school - 7.5m from any church or business	- Coops and runs kept clean and free of obnoxious odours, substances and vermin - Deceased hens: livestock disposal facility or veterinarian - Manure: kept in enclosed structure (e.g. compost bin re. compost regulations) or disposed according to regulations; no more than 3 ft ⁵ stored at one time	- Fully enclosed weatherproof building (includes nest boxes and perches) - Hens cannot run at large	Prohibited	Building and Licensing Division officers	Yes (annual fee as outlined in By-law 2005-10)	1	- Sale is prohibited

² Huntsville and Lake of Bays currently have "temporary zoning" or are in a pilot project phase for the backyard chickens.
³ See above.

⁴ Up to 5 chickens may be kept on a lot smaller than 1 acre, and a maximum of 10 chickens may be kept on any lot larger than 1 acre.



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Kendal Donahue, Coordinator
The Thunder Bay and Area Food Strategy
c/o EcoSuperior Environmental Programs
562 Red River Rd.
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03 March 2016

Re: Public health aspects of a potential urban chicken bylaw in Thunder Bay

Dear Kendal,

In recent years, there has been a resurgence of interest in the raising of chickens in the urban environment. As a result, several US and Canadian cities have created or revised bylaws to allow the keeping of small backyard flocks.

Scientific evidence regarding the benefits and potential risks of urban chickens is sparse. An article by Pollock (2012) provides the most recent comprehensive Canadian review of the subject from a public health perspective, and forms the basis of the position taken herein by the Thunder Bay District Health Unit.

Potential benefits that have been cited in the literature include possible impacts on the social, economic and environmental determinants of health. In recent years, there has been a re-emergence of urban agriculture by people looking for ways to produce more of the food they eat in an effort to be more health conscious and to foster a deeper connection to food and to nature. The keeping of chickens has been compared to the keeping of other pets, in terms of beneficial psychological and social effects. Urban agriculture also has the potential to increase household and community food security. However, it should be noted a cost-benefit analysis of backyard chickens in the Canadian economic context has not been published. From an environmental perspective, chickens can reduce organic waste by eating kitchen scraps, their manure can be used as a natural alternative to chemical fertilizer, and they can help control garden pests and weeds.

Potential health concerns of backyard chickens that have been raised include the potential for infectious disease transmission, contamination of water by chicken waste, and the attraction of predators and pests. Although the list of potential zoonotic diseases that can pass from poultry to humans is long, the potential threat posed by most of them is extremely small.

Two human diseases associated with chickens that have been studied extensively are avian influenza and salmonellosis. Most of the avian influenza research has focused on either commercial flocks or, in the case of personal flocks, in the Asian context. The findings of these studies cannot readily be translated into the North American backyard chicken context. The likelihood of avian influenza transmission to humans associated with backyard flocks cannot be quantified, but is believed to be very low.



Memorandum

Corporate By-law Number BL 75/2016

TO: Office of the City Clerk **FILE:** Z-7-2016

FROM: Thora Cartlidge
Development & Emergency Services - Planning Services

DATE: 05/20/2016

SUBJECT: BL 75/2016 - General Zoning By-law Amendment - Backyard Chickens

MEETING DATE: - (mm/dd/yyyy)

By-law Description: A By-law to amend By-law Number 100-2010 (The Zoning By-law) of the Corporation of the City of Thunder Bay (General Amendment)

Authorization: Corporate Report R89/2016 (Planning Services) - General Zoning By-law Amendment - Backyard Chickens - City Council (Public Meeting) - June 20, 2016

By-law Explanation: The purpose of the By-law is to amend Zoning By-law 100-2010, as amended, to modify the definitions of "domestic pet" and "livestock", and to permit up to 6 chickens, but not roosters, to be kept as accessory to single detached dwellings throughout the city. The By-law also introduces an "urban chicken coop" definition and establishes associated general regulations, including, but not limited to, a minimum lot frontage of 10 metres, a minimum lot size of 300 square metres, a maximum area of 10 square metres for enclosed coop and outdoor area in the rear yard, a minimum setback of the enclosed coop and outdoor area of 3.0 metres from the rear lot line and side lot lines, a minimum separation distance of 7.5 metres of the enclosed coop and outdoor area from any dwelling on the lot or on adjacent lots, and a maximum area of .1 cubic metre of manure storage in an enclosed container.

The effect of the By-law is to allow chicken-keeping in residential areas throughout the city.

Schedules and Attachments:

Amended/Repealed By-law Number(s):

c) AN URBAN CHICKEN COOP must be a minimum of 3.0 m from any REAR LOT LINE or SIDE LOT LINE.

d) A minimum SEPARATION DISTANCE of 7.5 m is required between any URBAN CHICKEN COOP and the DWELLING located on the same LOT or any DWELLING that is not located on the same LOT.

e) The external storage of chicken feed and the external storage of chicken manure associated with the URBAN CHICKEN COOP are permitted, provided that:

- i) chicken feed is kept in a rodent-proof container within the COOP area; and
- ii) a maximum of .1 m³ chicken manure is kept in a sealed rodent-proof container within the COOP area.

f) The slaughtering or euthanizing of hens on the LOT is not permitted.

g) The sale of eggs, meat, manure or other products derived from hens is not permitted.

g) An URBAN CHICKEN COOP must be enclosed on all sides, have a roof and doors.

h) An URBAN CHICKEN COOP must have:

- i) a minimum of .37 m² of coop floor area per hen and at least .8 m² of fenced and roofed outdoor area per hen, for up to 6 hens, and in total cover less than 10 m² of the REAR YARD;
- ii) predator and bird-resistant wire mesh no greater than 2.5 cm over all openings;
- iii) at least 1 perch that provides at least 15 cm of space per hen and 1 nest box per hen; and
- iv) a heating device to ensure the temperature in the enclosed part of the chicken coop remains above 0° C."

2. This By-law is in accordance with the City of Thunder Bay Official Plan, as amended.

3. This By-law shall come into force and take effect upon the date of its final passing, subject to the provisions of Section 34 of the Act.

Enacted and passed this xxx day of XXX, A.D. 2016 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

City Clerk