



City of Kingston
Information Report to Rural Advisory Committee
Report Number RAC-18-010

To:	Chair and Members of Rural Advisory Committee
From:	Lanie Hurdle, Commissioner, Community Services
Resource Staff:	Paige Agnew Director, Planning, Building & Licensing Services
Date of Meeting:	November 26, 2018
Subject:	Backyard Hens – Eligible Properties

Executive Summary:

At its regular meeting on July 30, 2018, the Rural Advisory Committee passed the following motion:

“That Council direct staff to prepare a report clarifying in the Animal Control By-Law with respect to permitted locations where backyard hens may be kept and that staff report back to the Rural Advisory Committee in Q4 2018.”

The purpose of this report is to provide the Rural Advisory Committee with clarification as to which property categories are eligible to keep backyard hens.

The City’s Animal Control By-Law permits the keeping of up to 6 hens for egg production in backyards of dwellings in Residential Zones only.

The wording in the Animal Control By-Law that states that the keeping of hens shall only be permitted in Residential Zones has had the unintended effect of excluding residential properties located in Rural or Agricultural Zones that are less than 2 hectares in size from eligibility to keep backyard hens.

Staff intends to address this issue by proposing revised wording to the Animal Control By-Law that would allow rural residential properties less than 2 hectares in size to participate in the backyard hens program. The necessary by-law amendments will be included with a series of proposed amendments to the Animal Control By-Law that staff intends to bring to the Administrative Policies Committee in 2019.

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Recommendation:

This report is for information purposes only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Denis Leger, Commissioner, Corporate & Emergency Services Not required

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Options/Discussion:

At its regular meeting on July 30, 2018, the Rural Advisory Committee received [Report Number RAC-18-006](#) entitled Regulations for Backyard Hens and Other Agricultural Animals. From the discussion of the report at the Committee, it was identified that the regulations in the Animal Control By-Law pertaining to where backyard hens are permitted to be kept do not take into consideration residential properties of less than 2 hectares in size in rural areas of the City.

In response, the Committee passed the following Motion:

“That Council direct staff to prepare a report clarifying in the Animal Control By-Law with respect to permitted locations where backyard hens may be kept and that staff report back to the Rural Advisory Committee in Q4 2018.”

The purpose of this report is to provide the Rural Advisory Committee with clarification as to which categories of property are eligible to keep backyard hens.

While the City’s zoning by-laws are silent on the keeping of urban hens as a land use activity, the Animal Control By-Law permits the keeping of up to 6 hens for egg production in backyards of dwellings in Residential Zones. The by-law defines a residential property as “a property that is zoned for residential use in the zoning by-law that applies to the property”, and the by-law specifies that “[t]he keeping of hens shall only be permitted in residential zones.”

The by-law further states that the backyard hen regulations do not apply to “any agricultural property”. And, in the Exemptions section of the by-law, it states that the by-law in its entirety does not apply to animals kept on agricultural properties in agricultural zones. The by-law defines “agricultural property” as a “property that is zoned for agricultural use in the zoning by-law that applies to the property”.

The Animal Control By-Law also includes references to “urban area” and “rural area”, and a map in Schedule B of the by-law delineates these two areas. These references to “urban area” and “rural area” solely pertain to the requirements for the licensing of cats and to where cats are prohibited from roaming (trespassing). This distinction between urban and rural does not have any application to the keeping of backyard hens.

Communities in rural areas such as Glenburnie and Elginburg are defined as hamlets and are typically zoned as Residential in the zoning by-law. Residents of these rural communities would therefore be eligible to keep backyard hens on their residential properties, assuming all the conditions set out in the Animal Control By-Law for this activity are met.

The wording in the Animal Control By-Law that states that the keeping of backyard hens shall only be permitted in Residential Zones has had the unintended effect of excluding residential properties located in Rural or Agricultural Zones that are less than 2 hectares in size from eligibility to keep backyard hens. Two hectares is considered the minimum lot area requirement in an Agricultural or a Rural Zone to permit an agricultural use, including the raising of chickens.

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Staff intends to address this issue by revising the wording in Section 4.17(i) of the Animal Control By-Law to allow for those rural residential properties less than 2 hectares in size that are not currently eligible to keep backyard hens to be permitted to do so, in accordance with the conditions set out in the by-law.

For further clarity, where an accessory dwelling unit may be permitted in zones other than Rural or Agricultural, these properties would continue to not be eligible to keep backyard hens.

The necessary by-law amendments to allow for the keeping of backyard hens on residential properties of less than 2 hectares in Rural and Agricultural Zones will be included with a series of proposed amendments to the Animal Control By-Law that staff intends to bring to the Administrative Policies Committee in 2019.

Existing Policy/By-Law:

By-Law Number 2004-144 A By-Law to Regulate Animals

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Lacricia Turner, Manager, Licensing & Enforcement 613-546-4291 extension 3222

Greg McLean, Policy & Program Coordinator, Licensing & Enforcement 613-546-4291 extension 1336

Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

Not applicable