

INFORMATION PROVIDED

1. City of Stuart Ordinance 2309-2015 Allowance of Chickens in Urban Farms and Land Development Regulations (LDRs) Urban Agriculture (chickens are in Sec. 12) there are no provisions for allowing backyard chickens within any residential designation
2. St. Lucie County's Ordinance on Backyard Chickens
3. Seminole County's Backyard Chicken Ordinance and Frequently Asked Questions (FAQ)
4. Volusia County's Rules for Backyard Chickens, Conditional Use Permit, Staff Review Checklist, Letter for Notification to Neighbors and Application
5. Hernando County Information Sheet on Backyard Chickens, Permit Application, and Inspection Checklist
6. Charlotte County's Ordinance for Accessory Chicken Keeping and LDRs
7. Orange County's Ordinance Allowing Chickens
8. Synopsis on Other Residential Chicken Ordinances Prepared by James Kennedy, Martin County's Legislative Coordinator

BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NO. 2309-2015

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 8-2(b) IN THE STUART CODE OF ORDINANCES TO PROVIDE FOR THE ALLOWANCE OF CHICKENS IN URBAN FARMS; AMENDING SECTION 2.06.00 OF THE STUART LAND DEVELOPMENT CODE, SUPPLEMENTAL USE STANDARDS FOR URBAN AGRICULTURE, TO PROVIDE FOR THE ALLOWANCE OF CHICKENS IN URBAN FARMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Code of Ordinances currently prohibits the keeping of fowl within the city limits; and

WHEREAS, the City Commission recognizes there has been a nationwide movement towards sustainable, local food production which aims to foster a greater sense of community, to educate children about food origins and production, and to reduce energy and transportation costs and environmental concerns associated with modern farming; and

WHEREAS, the Stuart Local Planning Agency duly scheduled, advertised and held a public hearing on May 21, 2015, to consider an ordinance to allow the keeping and raising of chickens under certain conditions; and

WHEREAS, the City Commission desires to amend the City Code to set forth regulations which will be applicable to the keeping of chickens within the city limits so as to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: AMENDMENTS TO SECTION 8-2(b) OF THE STUART CODE OF ORDINANCES

Sec. 8-2. - Livestock prohibited.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Livestock means any horse, mule, pony, fowl, jackass, cow, bull, steer, goat, sheep, pig, hog, or other domestic animal not customarily kept as a household pet.

- (b) It shall be unlawful for any person to keep livestock in the city or to allow livestock to run at large within the city with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to a permitted urban farm subject to the restrictions contained in Section 2.06.09 of the Stuart Land Development Code.

Sec. 2.06.09 Urban agriculture

C. Development standards

12. Pursuant to Chapter 8, Article I of the Code of Ordinances, livestock shall be prohibited, with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to an urban farm, subject to the following restrictions:
- a. No more than ~~thirty~~ ~~en-~~ (30-10) chickens per acre may be kept on an urban farm, with roosters prohibited;
 - b. The chickens shall be provided with a covered enclosure (i.e. "henhouse/coop") and must be kept in the covered enclosure or a fully enclosed run at all times. Chickens must be secured within the henhouse/coop during non-daylight hours;
 - c. Covered enclosures and fully enclosed runs must meet the standards of permitted structures included in Section 2.06.09.C.4, and shall not be placed within ten (10) feet to any property line of an adjacent property or twenty-five (25) feet of any adjacent residential structure;
 - d. The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird, and the space per bird in the fully enclosed run shall not be less than ten (10) square feet per bird;
 - e. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries. Enclosures shall be adequately ventilated, kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly, and shall not be allowed to accumulate and cause a hazard or nuisance to the health, welfare, or safety of humans or animals;
 - f. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impenetrable ~~rmeable~~ to rodents, wild birds, and predators, including dogs and cats;
 - g. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure

containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;

- h. No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal;
- i. Sales of eggs shall be conducted in accordance with Section 2.06.09.C.11., and all applicable state and federal regulations; and
- j. Humane harvesting of chickens is permitted by trained personnel, according to all applicable state and federal regulations.
- ~~k. The provisions related to the keeping of chickens shall sunset on December 31, 2017, and be of no further force or effect, unless the city commission re-adopts this section by ordinance. Any permit issued pursuant to this section shall automatically expire on the sunset date, unless the permit has expired sooner or been revoked, or the ordinance is re-adopted.~~

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provisions of Section 1. of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED on First Reading this 10th day of August, 2015.

Commissioner CAMPENNI offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

| | YES | NO | ABSENT | ABSTAIN |
|-------------------------------|-----|----|--------|---------|
| KELLI GLASS-LEIGHTON, MAYOR | | | X | |
| JEFFREY KRAUSKOPF, VICE MAYOR | X | | | |
| THOMAS CAMPENNI, COMMISSIONER | X | | | |
| TROY MCDONALD, COMMISSIONER | X | | | |
| EULA CLARKE, COMMISSIONER | X | | | |

Ordinance No. 2309-2015
Chickens

ADOPTED on Second Reading this 24th day of August, 2015.

ATTEST:

CHERYL WHITE
CITY CLERK

KELLI GLASS-LEIGHTON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

City of Stuart Land Development Regulations (Chickens are addressed in Section 12):

Sec. 2.06.08. - Urban agriculture

- A. *Purpose and intent.* The purpose of permitting urban agriculture is to promote local food production for local consumption and promote the health, environmental and economic benefits of having such uses. Urban farms and community gardens are types of urban agriculture. Urban farms promote the local production of food primarily for sale to local sellers and consumers residing or doing business in Martin County, Florida. Community gardens promote the local production of food for use or consumption by the individuals directly involved in the food production. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively.
- B. *Applicability.*
1. This section shall apply to urban farms and community gardens.
 2. This section does not apply to a private garden which is accessory to an existing principal residential dwelling unit or multi-family residential development.
- C. *Development standards.*
1. *Maintenance responsibilities.* The owner of the property on which the community garden or urban farm is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion or stormwater runoff and shall meet the applicable requirements of this Code.
 - a. *Abandonment.* In the event that a property is not used as a community garden or urban farm for 60 or more consecutive days, the approval for such use shall expire and the site shall be restored by the property owner so as not to conflict with chapter 20, article II of the City Code of Ordinances.
 2. *Size limitation.* Community gardens shall not be greater than one-quarter acre in size without conditional use approval. Urban farms shall not be greater than five acres in size without conditional use approval. At least 50 percent of an urban farm site must be used for cultivation.
 3. *Environmental assessment.* Any person or group who wishes to establish an urban farm with plant beds that are not separated from the ground by a physical barrier shall obtain a phase I environmental site assessment to determine if any soil contamination exists. Such soil must be tested for any contaminants that would render it unsuitable for cultivating food on topsoil, including, but not limited to, lead and other toxic heavy metals; industrial solvents; gasoline; oils and greases; perclorethylene; and other chemicals that can be transmitted to people via soil contact or consumption of foods grown in such soil. If any historical sources of contamination are identified in the environmental site assessment, the applicant shall conduct all appropriate testing to determine the type and level of contamination, and conduct the appropriate remediation procedures to ensure that soil is suitable for gardening
 4. *Permitted structures.*
 - a. Community gardens are permitted to have greenhouses, hoophouses, coldframes, storage sheds (as defined in chapter XII), shade pavilions, and planting preparation houses.
 - i. *Location.* All structures shall meet the requirements of the underlying zoning district for setbacks.
 - ii. *Height.* No building or other structure may be greater than 15 feet in height.
 - iii. *Impervious surface coverage.* All structures shall not exceed the maximum impervious surface coverage of the underlying zoning district. Walkways should

- be unpaved and covered with mulch, gravel, or shell except as necessary to meet the needs of individuals with disabilities.
- b. Urban farms are permitted to have greenhouses, hoopouses, coldframes, and similar structures used to extend the growing season, as well as sheds, shade pavilions, farm stands, restrooms, and offices.
 - i. Location and height. All structures shall meet the requirements of the underlying zoning district for setbacks. No permitted structure may be greater than 15 feet in height.
 - ii. Impervious surface coverage. All structures shall not exceed the maximum impervious surface coverage of the underlying zoning district. Sheds, shade pavilions, farm stands, restrooms, offices or other structures that are not used for cultivating crops shall not exceed 15 percent of the gross urban farm area. Walkways should be unpaved and covered with mulch, gravel, or shell except as necessary to meet the needs of individuals with disabilities.
5. Required planting setbacks. All plantings shall be planted no closer than five feet from the front, side or rear property lines. Cultivated area shall not encroach onto adjacent properties. All plantings shall comply with the visibility at intersection requirements pursuant to section 6.04.03.B.8 of this Code.
 6. Hours of operation and equipment. No gardening activities for urban farms and community gardens shall take place before sunrise or after sunset. Motorized-powered equipment for cultivating or maintenance purposes shall be operated in accordance with chapter 20, article VI (Noise) of the Code of Ordinances. The use of hand tools and domestic gardening tools is encouraged.
 7. Chemical application. Gardening in accordance with the University of Florida's Institute of Food and Agricultural Sciences, Florida Friendly Landscaping program is strongly encouraged. The use of fertilizer, pesticide, insecticide, herbicide or agricultural use chemicals must be consistent with label instructions and be in compliance with applicable sections of chapter 20, article VIII (Fertilizer) of the Code of Ordinances. All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.
 8. Fences. All fencing shall comply with the applicable fencing requirements of the underlying zoning district, except that fencing for community gardens within the R-1A, R-1, R-2, R-3 and R-M zoning districts shall not exceed four feet in height along road right-of-ways.
 9. Signage.
 - a. Community gardens are permitted one sign, which shall not exceed four square feet in area, shall not exceed five feet in height, and shall have minimum property line setback of ten feet.
 - b. Urban farms shall comply with section 6.11.00 of this Code.
 10. Composting and trash storage. Compost and organic matter shall be contained in appropriate containers or a contained area which shall be located with a 25-foot setback from all rights-of-way and a five-foot setback from all property lines. No trash or debris shall be stored or allowed to remain on the property unless contained in city-approved receptacle (e.g., carts or dumpsters).
 11. Sales of produce and plants.
 - a. A community garden is not intended to be a commercial enterprise; however, there may be occasions when surplus of produce and horticultural plants are available, which may be sold off the premises or on-site via an approved special events permit pursuant to chapter 36, article III of the Code of Ordinances.

- b. The produce and horticultural plants grown in an urban farm may be sold on or off the premises and the property owner or garden coordinator shall obtain a business tax/certificate of use pursuant to the City Code of Ordinances prior to making any sales.
12. Pursuant to chapter 8, article I of the Code of Ordinances, livestock shall be prohibited, with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to an urban farm, subject to the following restrictions:
- a. No more than 30 chickens per acre may be kept on an urban farm, with roosters prohibited;
 - b. The chickens shall be provided with a covered enclosure (i.e., "henhouse/coop") and must be kept in the covered enclosure or a fully enclosed run at all times. Chickens must be secured within the henhouse/coop during non-daylight hours;
 - c. Covered enclosures and fully enclosed runs must meet the standards of permitted structures included in section 2.06.09.C.4, and shall not be placed within ten feet to any property line of an adjacent property or 25 feet of any adjacent residential structure;
 - d. The space per bird in the henhouse/coop shall not be less than four square feet per bird, and the space per bird in the fully enclosed run shall not be less than ten square feet per bird;
 - e. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries. Enclosures shall be adequately ventilated, kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly, and shall not be allowed to accumulate and cause a hazard or nuisance to the health, welfare, or safety of humans or animals;
 - f. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impenetrable to rodents, wild birds, and predators, including dogs and cats;
 - g. All feed and other items associated with the keeping of chickens that are likely to attract or become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
 - h. No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal;
 - i. Sales of eggs shall be conducted in accordance with section 2.06.08.C.11, and all applicable state and federal regulations; and
 - j. Humane harvesting of chickens is permitted by trained personnel, according to all applicable state and federal regulations.
13. *Prohibition on agricultural tax exemption.* A property owner shall be prohibited from seeking an agricultural tax exemption afforded by the local, state, or federal tax regulations.
14. *Administrative variances.* Requests for administrative variances to the setback and structure size limitations may be made in accordance with section 8.04.08 of this Code.

ORDINANCE NO. 2020-026

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, RELATING TO BACKYARD CHICKENS; AMENDING THE ST. LUCIE COUNTY CODE TO AMEND CHAPTER 7.10.03 ANIMALS IN RESIDENTIAL AREAS TO ESTABLISH A ONE-TIME REGISTRATION HOLDER PROGRAM FOR BACKYARD CHICKEN-KEEPING AND CHICKEN COOPS ON AN OCCUPIED RESIDENTIAL ESTATE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT PROPERTY IN RE-1, RE-2 ZONING DISTRICTS, AND AN OCCUPIED SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS PROPERTY IN RS-2, RS-3, RS-4 ZONING DISTRICTS; PROVIDING FOR EXCLUSION OF THE RIVER PARK SUBDIVISION; ENUMERATING THE TERMS AND CONDITIONS CONCERNING THE KEEPING OF BACKYARD CHICKENS; ESTABLISHING A ONE-TIME REGISTRATION HOLDER PROCESS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR ADOPTION AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, (Board) recognizes the trend in society to incorporate fresher products into diets; a lifestyle which can be supported by allowing residents to keep and raise chickens on their single-family residential properties to produce eggs for personal consumption; and

WHEREAS, the St. Lucie County Land Development Code currently permits livestock and poultry only in agricultural zoning districts; and

WHEREAS, many communities around the country have been exploring how to integrate backyard chickens into urban and suburban residential settings compatibly; and

WHEREAS, the St. Lucie County Board of County Commissioners recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin, and disease; and

WHEREAS, the Board of County Commissioners desires to implement a registration holder program to permit the keeping of up to five (5) chickens on an occupied residential estate single family zoning district property in RE-1 and RE-2 zoning districts, and on an occupied single-family residential zoning district property within the RS-2, RS-3, RS-4 zoning districts, excluding the River Park Subdivision that is partially subject to an overlay district that encourages redevelopment to improve the area that suffers from deficiencies and has not developed as a result of changing market conditions, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A: INCORPORATION OF RECITALS. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

PART B. SHORT TITLE. This Ordinance shall be known and referred to as the Backyard Chicken-Keeping Program Ordinance.

PART C. INTENT AND PURPOSE. The intent and purpose of this Ordinance is to create a one-time registration holder program to permit the keeping of up to five (5) chickens on an occupied residential estate single family zoning district property in RE-1 and RE-2 zoning district and, on an occupied single-family residential zoning district property within the RS-2, RS-3, RS-4 zoning districts, excluding the River Park Subdivision that is subject to an overlay district that encourages redevelopment to improve the area that suffers from deficiencies and has not developed as a result of changing market conditions, to meet the needs of the average family's egg consumption.

PART D. CHAPTER 7.10.03. – Animals in Residential Districts.

A. Exempt as provided in this section, no animals shall be kept in any residential district except those animals generally recognized as household pets, such as dogs, cats, caged birds, etc. In any residential district, no more than a total of five (5) dogs and/or cats four (4) months or older shall be allowed in each dwelling unit. For the purpose of this section, "residential districts" shall not include the following: AG-1; AG 2.5; AG-6; AR-1 with agricultural classification pursuant to Section 193.461, Florida Statutes; or PUD where livestock is permitted.

An exemption to this section is granted by Section 7.10.03.D. – Backyard chicken-keeping One-Time Registration Holder Program. The holder of a valid backyard chicken-keeping registration is allowed up to a maximum of five (5) chickens on an occupied residential estate single family zoning district property in RE-1 and RE-2 zoning districts, and on an occupied single-family residential zoning district property within the RS-2, RS-3, RS-4 zoning districts, excluding the River Park Subdivision that is partially subject to an overlay district that encourages redevelopment to improve the area that suffers from deficiencies and has not developed as a result of changing market conditions

B. In the AR-1 district, animals other than household domestic pets may be kept provided they are not housed within one-hundred (100) feet of any property line.

C. In the RE-1 and RE-2 districts, horses may be kept provided that:

1. The property is at least (2) acres;

2. No more than two (2) horses are kept;
 3. The horses are for the private and personal use of the resident and his/her family; and,
 4. The horses are to be stabled at least one hundred fifty (150) feet from any residence under separate ownership and three hundred (300) feet from the edge of the right-of-way of any street.
- D. **Backyard Chicken-keeping One-time Registration Holder Program:**
- (a) *Purpose.* The purpose of this One-time Registration Holder Program is to establish and implement a Backyard chicken-keeping program allowing residents to keep or raise chickens on a developed and occupied detached single-family residential properties subject to the terms and conditions of this program. For this section, the term "chicken" refers to female chickens only (i.e.hens).
 - (b) *One-time Registration and general conditions for backyard chicken-keeping in certain residential zoning districts.* Persons desiring to participate in the backyard chicken-keeping program shall obtain a registration from the Planning and Development Services Department before keeping chickens
 - (1) No more than one registration holder for backyard chicken keeping shall be issued per developed and occupied single-family residential property.
 - (2) If a tenant or person applying for a one-time registration for backyard chicken-keeping is not a fee simple owner of the subject property, the property owner must agree and consent to the registration.
 - (3) To obtain registration under this program, persons applying for a registration for the keeping of chickens must show that they can meet the requirements of this program by a sketch plan of the back yard, including all required principal structures and approval from a Homeowners' Association where applicable.
 - (4) A signed and notarized affidavit is required to be submitted with all backyard chicken-keeping registration holders. The affidavit shall state that the chicken coop and enclosure will be designed, constructed, and operated to the standards outlined in this ordinance. The affidavit shall also state that the drawings submitted as part of the registration are a

reasonably accurate representation of the subject site features and adjacent properties.

- (5) The County may conduct on-site inspections of the subject property to make compliance determinations under this program before and after the filing of the registration. The County may provide forty-eight (48) hour notice to registration holders before performing inspections.
- (6) The County may deny a registration application if the person(s) applying for the registration cannot meet the requirements of this program. The issuance of a registration for the keeping of chickens is conditioned upon and subject to the terms and conditions of this Ordinance.
- (7) If this section is repealed, the County will mail notices to each active registration holder advising that they will need to relocate their chickens, providing them at least sixty (60) days' notice from the adoption of any ordinance repealing backyard chicken-keeping program.
- (8) If a resident decides to discontinue backyard chicken-keeping, or if their registration is revoked, per Subsection (e), or this section is repealed, the resident is responsible for finding appropriate homes for the chickens within thirty (30) days. Also, a final inspection shall be completed in thirty (30) days to ensure that the chickens, coop, and enclosure have been removed from the property.
- (9) The date a registration application is approved for the keeping of chickens, such registration does not expire unless the registration holder is found in violation of the ordinance, and violations are not corrected. The registration will then be revoked, and the resident is responsible for finding appropriate homes for the chickens with thirty (30) days. Also, a final inspection shall be completed in thirty (30) days to ensure that the chickens, coop, and enclosure have been removed from the property.
- (10) Up to five (5) chickens may be kept on an occupied detached single-family residential property upon receiving an approved-registration from the Planning and Development Services Department. Regardless of the underlying future land use designation, chickens shall not be kept on properties developed with commercial uses, mobile homes/manufactured home parks, duplexes, triplexes, townhomes, and apartments or other multifamily properties.

- (11) Existing developed and occupied detached single-family residence that was lawfully approved to raise chickens before the adoption of this ordinance, shall be grandfathered and allowed to continue the use without requiring registration.
 - (12) Every person who owns, controls, keeps, maintains, or harbors chickens must keep them confined on the premises at all times within a chicken coop or chicken enclosure unless a person is supervising the chickens within the confines of a fenced rear yard on the premises. After a person has completed the personal interaction and supervision of chickens within the confines of the fenced rear yard, the chickens shall be returned to the coop or enclosure. Supervising shall mean that the person is outside in the fenced rear yard and has the chickens within sight distance at all times. No electronic monitoring is permitted.
 - (13) The keeping of ducks, geese, turkeys, guinea fowl, and pigeons or any other poultry or fowl by a person with an enclosure is prohibited under this program. This program does not prohibit the existence of these species in the wild as free-range birds.
 - (14) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
 - (15) Chickens shall not be bred or slaughtered on-premises. Deceased chickens shall be disposed of within 24 hours; or, if sick, may be taken to a veterinarian office to be euthanized.
- (c) *Location and requirements for chicken coops and enclosures.* Backyard chicken-keeping shall be permitted as an accessory use within single-family residential zoning districts, where the lot or parcel is developed and occupied by a single-family detached residence. Chickens shall not be kept on residential property with mobile home/manufactured home parks, duplexes, triplexes, townhomes, and apartments or other multi-family properties.
- (a) Permission for backyard chicken-keeping shall be subject to the following standards and conditions:
 - (1) The maximum size of the coop and enclosure area shall be one-hundred and twenty-five (125) square feet. The coop may be movable so long as it meets the required setbacks in this ordinance

- (2) The space per bird in the coop shall be not less than four (4) square feet.
- (3) The coop and enclosure shall be set back a minimum of ten (10) feet from the side and rear lot lines and a minimum of twenty (20) feet from any side street, so long as the coop and enclosure area shall be at least twenty-five (25) feet, from any residential structure on an adjoining lot. The coop and enclosure must be kept in the rear backyard of the residence.
- (4) A building permit from the building department shall not be required for the coop. The registration for keeping backyard chickens shall list the construction material methods as well as anchoring methods, such as tie-downs. Prefabricated mobile coops may be exempt from the requirement to obtain a building permit.
- (5) The coop and enclosure area shall be located in the rear yard of the developed and occupied single-family detached residential property.
- (6) Nothing in this section shall prevent the construction of a coop and enclosure from abutting the rear of an applicant's house, so long as it otherwise meets the requirements of this Code.
- (7) The maximum height of a coop and the enclosure area fence around the coop shall be six (6) feet, as measured from the existing grade to the highest part of the coop or fence.
- (8) Chicken coops and enclosures shall be completely screened from adjacent roadways and neighboring parcels by a six-foot-tall opaque fence or wall erected on the property line. A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. A building permit may be required to erect an enclosure area fence in according to Section 8.00.04 of the St. Lucie County Land Development Code
- (9) Chicken coops shall be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be constructed in a way that establishes a clean, safe, and pleasant environment free of odor, vermin, noise, and disease.
- (10) All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests. Chicken

coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors, and gates. Enclosures shall be kept in clean and neat conditions, including the provision of clean, dry bedding materials and regular removal of waste materials, not to create an odor.

(11) All chicken feed shall be kept in a secured and covered metal container, or otherwise protected to prevent rodents and other pests from gaining access to it.

(12) Chicken coops shall not be permitted within any protected St. Lucie River shorelines and adjacent upland areas along with water bodies such as the Indian River Lagoon, St. Lucie River, and its tributaries. Refer to Section 6.02.02 Riverine Shoreline Protection for buffer requirements.'

(d) *Health, sanitation, and nuisance as applied to the keeping of chickens.*

(1) Chickens shall be housed at all times within a covered coop or fenced enclosure area, except that they may be removed from the coop or fenced enclosure area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced enclosure area. No electronic monitoring is permitted.

(2) Chickens must be secured within the chicken coop during non-daylight hours.

(3) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released, or set free at any time.

(4) Chicken coops and runs shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(5) If a chicken is injured or bitten by a family dog or neighbor's dog, said dog shall not be classified as a dangerous dog according to Section 6-23 of the St. Lucie County Land Development Code.

(6) All deceased chickens shall be properly disposed of off-site within 24 hours of expiring.

(7) In a public health emergency declared by the St. Lucie County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, immediate corrective action shall be required, per applicable public health regulations and procedures and Animal Service.

(e) *Revocation and transfer of Registration*

(1) *Revocation.* The registration that granted the authority to have backyard chickens may be revoked by the County for the following reasons:

a. If a registration holder fails to obtain chickens within six (6) months of obtaining the registration.

b. If any condition of the chicken-keeping ordinance has been violated, the County may revoke the registration immediately if the violation has not been remedied within seven (7) days after written notice of the violation.

c. Without allowing the registration holder to remedy a violation as set forth above, the revocation shall occur if more than three separate violations occur in 90 days arising from the backyard chickens.

d. If revoked, neither the resident nor anyone else on the same premises may reapply for a period for twelve (12) months from the date of revocation. All chickens must be removed from the property any time a registration is revoked.

e. A person aggrieved by a decision to deny or revoke a chicken-keeping registration may appeal according to Section 11.11.00 of the St. Lucie County Land Development Code.

(2) *Transfer.* A registration issued according to this section, shall not be transferred to a subsequent property owner. Any subsequent property owner will be required to apply for registration according to this section if the subsequent property owner wants to keep chickens.

(3) *Relocation.* Any active registration holder who relocated to a new location shall apply for a chicken-keeping registration for the new location.

(4) *Cancellation.* If a participant chooses to discontinue backyard chicken-keeping, they must provide notice to the County and remove the chickens, coop, and enclosure within thirty (30) days of the notice being given.

- (f) **Violations.** If a violation of this program occurs, the County shall have the right to one or more of the following remedies or actions:
- (1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs according to Section 11.13.00 of the St. Lucie County Land Development Code;
 - (2) Take any other action or remedy authorized by law or in equity, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the County for reimbursement of the County's attorney's fees and costs concerning such action;
 - (3) Revoke the registration for the keeping of chickens within ten (10) days.

PART E. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART F. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART G. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART H. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART I. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART J. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

| | |
|----------------------------------|-----|
| Cathy Townsend, Chair | AYE |
| Chris Dzadoovsky, Vice Chair | AYE |
| Sean Mitchell, Commissioner | AYE |
| Linda Bartz, Commissioner | NAY |
| Frannie Hutchinson, Commissioner | AYE |

PART K. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section," "article," or another appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Section 4 through 13 shall not be codified.

PASSED AND DULY ENACTED on the 6th day of October, 2020.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**


DEPUTY CLERK



BY: 
CHAIR

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: 
COUNTY ATTORNEY

Sec. 20.161. Intent/definitions/applicability.

- (a) The intent of this Ordinance is to create and implement a Backyard Chicken Program to permit the keeping of chickens on occupied single-family lots located in the unincorporated areas of the County, subject to the terms and conditions of this Ordinance.
- (b) For the purposes of this Ordinance, the term "chicken" refers to female chickens (hens) only.
- (c) This Ordinance does not authorize persons to violate applicable restrictive covenants or homeowners' association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners' association rules and regulations. Persons applying for and receiving permits under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.
- (d) The term "predators" includes, but is not limited to, bears, raccoons, coyotes, bobcats, and foxes.
- (e) The term "subject property" is the occupied single-family residential lot with which the Backyard Chicken Program permit is associated.
- (f) A permit under the Backyard Chicken Program is not applicable to or required for a single-family residential lot on which poultry production is a permitted use.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.162. Permit and general conditions for the keeping of chickens on occupied single-family residential lots.

- (a) Persons desiring to participate in the Backyard Chicken Program must apply for and obtain a permit from the Planning and Development Manager or his/her designee prior to keeping chickens. The Planning and Development Division shall charge a non-refundable fee as established in the Administrative Code to persons applying for a permit under this Ordinance to cover processing costs. If the person applying for a permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and consent to the application. Only one (1) permit per occupied single-family residential lot will be issued.
- (b) In order to obtain a permit under this Ordinance, persons applying for a Backyard Chicken Program permit must show that he/she can meet the requirements of this Ordinance. The County will conduct site inspections of the subject property to make compliance determinations under this Ordinance. The Planning and Development Manager may deny a permit application if he/she determines that the person(s) applying for a permit cannot meet the requirements of this Ordinance. The issuance of a Backyard Chicken Program permit is conditioned upon and subject to the terms and conditions of this Ordinance. Existing permits issued under the Backyard Chicken Pilot Program prior to the adoption of this Ordinance shall be extended and included as part of the Backyard Chicken Program subject to the Requirements of this Ordinance.
- (c) Persons applying for a Backyard Chicken Program permit must provide proof of successful completion of a University of Florida Agricultural Extension Service (UF IFAS) class or an equivalent class approved by the Seminole County UF IFAS Extension on the care and raising of chickens. The Planning and Development Division will maintain a schedule of such classes.
- (d) Persons applying for a Backyard Chicken Program permit thereby (a) agree to the terms and conditions of this Ordinance, (b) grant the County and its officers, employees and agents a right-of-entry upon the subject property (including the rear yard) for inspection purposes to ensure compliance with this Ordinance, (c) agree to remove chickens and chicken coops and enclosures upon the termination or expiration of a Backyard Chicken Program permit, and (d) hold the County and its officials, officers, employees and agents harmless concerning matters relating to the Backyard Chicken Program permit and this Ordinance.
- (e) Up to four (4) chickens may be kept on an occupied single-family residential lot upon receiving a Backyard Chicken Program permit from the Planning and Development Manager or his/her designee. Chickens shall not be kept on duplex, triplex, or multifamily properties, or within mobile home/manufactured home parks.

-
- (f) Chickens must be kept within a coop or enclosure and may not be released or set free to roam unless under the direct supervision of their owner in compliance with Section 20.164(a) of this Ordinance. Such supervised roaming must be confined to the backyard of the subject property.
 - (g) Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this Ordinance.
 - (h) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
 - (i) Chickens may not be bred or slaughtered on premises. Chickens shall not be used or trained for the purpose of fighting for amusement, sport or financial gain.
 - (j) The coop and enclosure must be screened from the neighboring property. Screening must be accomplished using an opaque fence and/or landscape screen (existing vegetation may be used if sufficient enough to create an opaque screen).
 - (k) All applicable building permits must be obtained prior to constructing fences and the enclosures to house chickens.
 - (l) Unless otherwise in conflict with Florida Statutes, a dog or cat that injures or kills a chicken that wanders onto the property at which the dog or cat resides will not, for that reason alone, be considered a dangerous or aggressive animal.
 - (m) Deceased chickens must be properly disposed of within 24-hours of expiring and in accordance with Florida law. Permit holders may contact a University of Florida Agricultural Extension Service office for requirements regarding proper disposal methods.
 - (n) No manure may be allowed to accumulate on the floor of the coop or ground. Permit holders must implement a manure management program, whereby the coop and enclosure are cleaned regularly. For example, a fly-tight bin for storage of manure could be utilized; the size of which must be sufficient to contain all accumulations of manure. A manure box inside the coop is recommended. The fly-tight bin must be kept at least twenty (20) feet away from all property lines. Composting of chicken manure may be allowed in the enclosed fly-tight bin. There shall be no perceptible odor emanating from the manure storage/composting bin.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.163. Location and requirements for chicken coops and enclosures.

- (a) Chicken coops and fenced enclosures must be located in the rear/back yard (behind the home). No coop or enclosure will be allowed in any front or side yard. Yard, as used in this provision, references location, not building setback area.
- (b) The coop and enclosure must be a minimum of ten (10) feet from the rear and side property lines and twenty (20) feet from any neighboring residential homes. On corner lots, coops and enclosures must meet the required side street setback per the subject property's applicable zoning district.
- (c) If the coop structure exceeds one hundred (100) square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building Code.
- (d) The coop must be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors, and gates. Fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators. The coop must also be tied down for wind resistance.
- (e) For properties located in a Seminole County Urban Bear Management Area, feed, coops, and runs must be secured, and chickens protected from bears in accordance with the Florida Fish and Wildlife Conservation Commission guidelines for "Living with Florida Black Bears". All outdoor attractants must be secured. If electric fencing is utilized, it may only be installed around the coop, pen, and run and not along the property lines or anywhere else on the property.
- (f) All stored feed must be kept in a rodent and predator-proof container or be kept inside a secured structure.

- (g) The coop must provide a minimum of four (4) square feet per chicken; a minimum of five (5) square feet of run per chicken, and be of sufficient size to permit free movement of the chickens. The coop may not be taller than eight (8) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance. Coops may not exceed a maximum of one hundred fifty (150) square feet.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.164. Health, sanitation and nuisance as applied to the keeping of chickens.

- (a) Chickens must be kept within a coop and enclosure and may not be allowed to roam outside the subject property. Chickens may not be released or set free from such coop or enclosure unless the chickens are under the direct supervision of their owner. Chickens may be allowed to roam outside the coop and run within their owner's backyard under the immediate supervision of their owners for limited periods of time for purposes of socializing, interaction and cleaning of the coop and run.
- (b) Chicken coops and enclosures must be maintained in a clean and sanitary condition at all times. Activities subject to the Backyard Chicken Program permit must be conducted in a manner that does not create any nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition. There shall be no perceptible odor that is objectionable to neighboring properties emanating from the chickens or the enclosure.
- (c) In a public health emergency declared by the Seminole County Health Department, including, but not limited, to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required in accordance with applicable public health regulations and procedures. Backyard Chicken Program permit holders consent to compliance with such required corrective action.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.165. Violations.

- (a) In the event that a violation of this Ordinance occurs, the County has the right to undertake one (1) or more of the following remedies or actions:
 - (1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;
 - (2) Issue a civil citation as a Class III violation to the violator for each violation in accordance with Section 53.32 of the Seminole County Code of Ordinances;
 - (3) Take any other action or remedy authorized by law or in equity, including, but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the County for reimbursement of the County's attorneys' fees and costs concerning such action; and/or
 - (4) Revoke the Backyard Chicken Program permit for the keeping of chickens and require that the chickens be removed within ten (10) days.

(Ord. No. 2018-20, § 1, 6-12-2018)

BACKYARD CHICKEN PROGRAM

FAQ



SEMINOLE COUNTY

PLANNING & DEVELOPMENT
1101 E. 1st Street, Room 2028
Sanford, Florida 32771

Telephone: (407) 665-7371
Facsimile: (407) 665-7385
plandesk@seminolecountyfl.gov



You may contact us at any of the methods above to ensure you meet requirements prior to submitting your application.

On June 12th, 2018, the Seminole County Board of County Commissioners approved the permanent Backyard Chicken Program to allow the keeping of chickens for all occupied, single-family residential lots within the unincorporated areas of the County. Please see the information below for answers to some common questions. All other program requirements and regulations can be found in Ordinance No. 2018-20.

Which zoning districts may apply for the program?

To qualify for this program, you must have an occupied, single-family home in Unincorporated Seminole County and meet all other guidelines as stated in the Ordinance.

Could I still participate if I don't live in a single-family home or are located within one of the city limits?

If you are in the A-1, A-3, A-5 or A-10 zoning district, you can keep chickens on your property without the necessity of this program. If you reside in a mobile home, mobile home park, duplex, triplex, or other multi-family residential structure, you do NOT qualify for this program. You may call or e-mail Planning and Development to confirm your zoning district or visit the 'My Resident Info' page at:

<http://cdn.seminolecountyfl.gov/departments-services/guide-to-county-services/for-residents/my-resident-page.stm>

How many chickens may I keep on my property?

Once accepted into the program, you may have up to 4 chickens, roosters excluded.

May I keep roosters also?

No, roosters are not allowed under this program.

I had a permit under the Pilot Program, do I need to reapply to keep my chickens?

No, participants of the Pilot Program have been extended automatically into the permanent program.

Can I sell the chicken, eggs, feathers or manure?

No, the chickens must be kept for personal use only.

What are the requirements for the coop and enclosure/run?

The **coop** must:

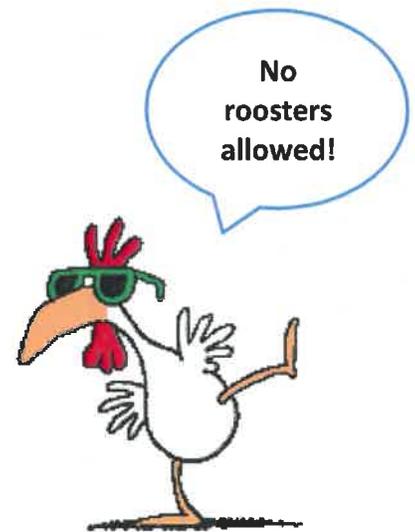
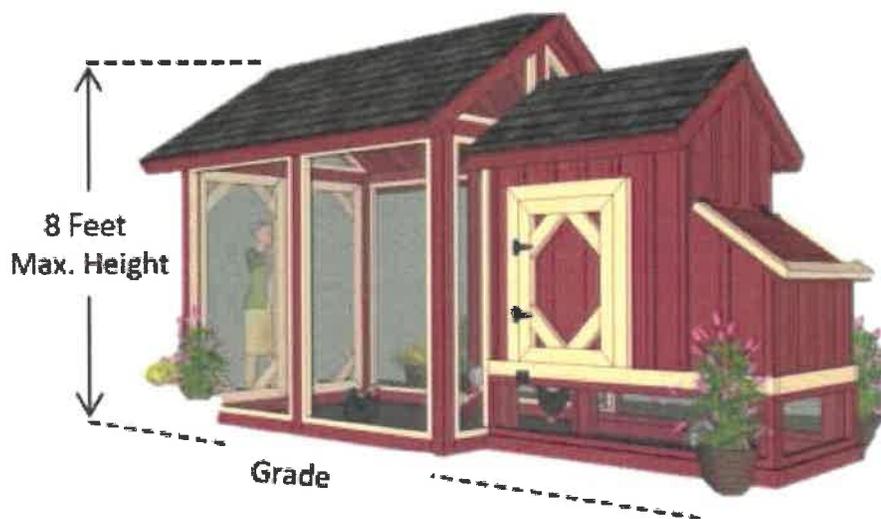
- have a minimum of 4 square feet per chicken;
- not exceed 150 square feet;
- not exceed 8 feet in height;
- be completely secured from predators;
- be covered and ventilated; and
- be tied down for wind resistance.

The required **enclosure/run** must:

- have a minimum of 5 square feet per chicken;
- be completely secured from predators; and
- be covered and ventilated.

If your property is within the Seminole County Urban Bear Management Area, the Florida Fish and Wildlife Conservation Commission has additional guidelines for “Living with Florida Black Bears”. For more information, please visit: <http://www.seminolecountyfl.gov/departments-services/environmental-services/solid-waste-management/bear-aware-seminole/>

Coop may not exceed 150 square feet.



Will a building permit be required for my coop?

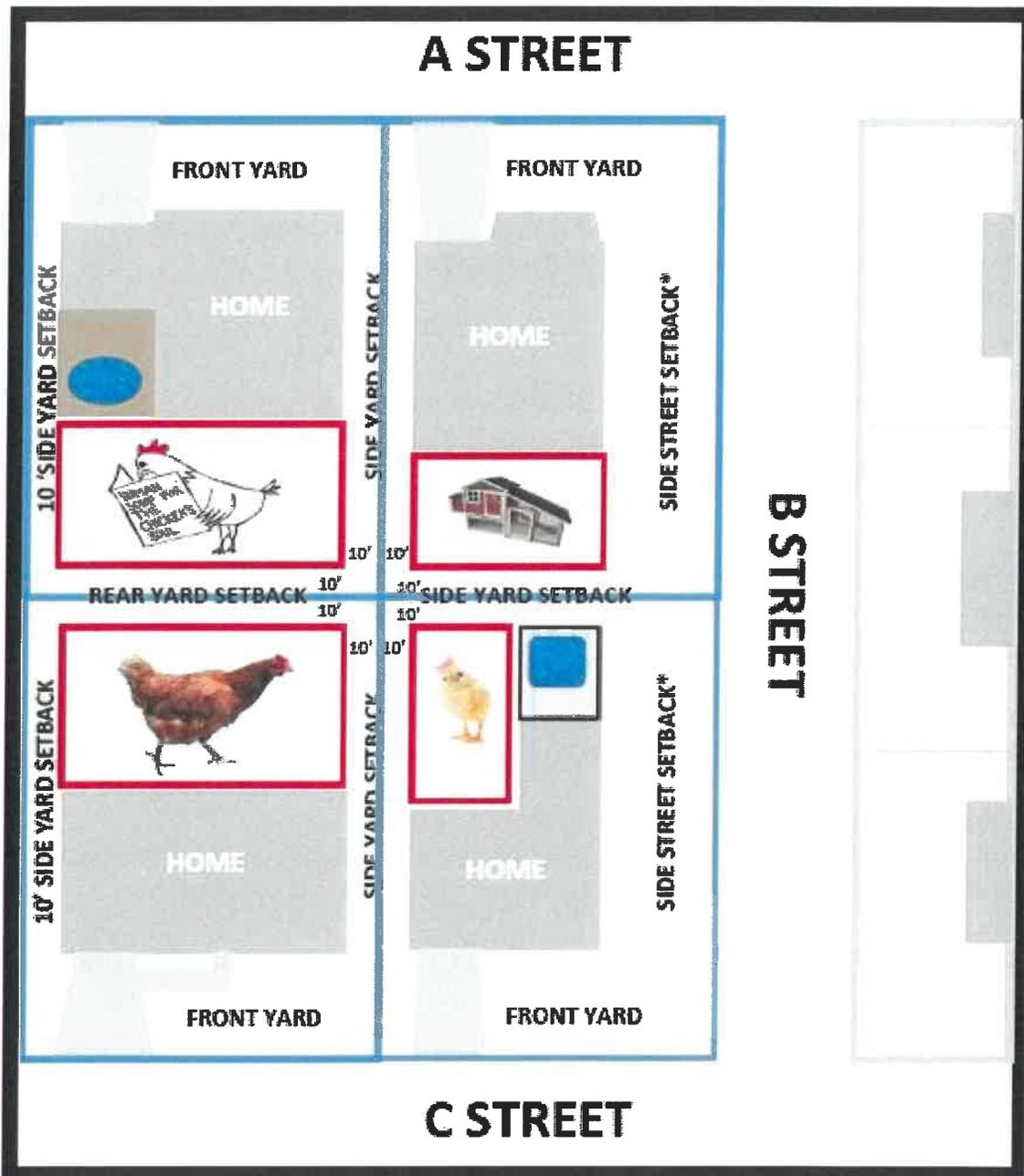
If the coop exceeds 100 square feet in size (10' x 10'), a building permit will be required. Coops larger than 120 square feet require signed and sealed engineered plans. Coops over 100 square feet, but less than 120 square feet do not require engineered plans, but must indicate how the coop will be secured to meet wind load requirements.

Will a building permit be required for my run?

If the run is constructed of wire and supports, no additional building permit would be required, but if the run is constructed of fencing type wood or vinyl, then the applicable fence code will be applied.

Where on my property am I allowed to keep the chickens?

Chickens must be kept within a coop and enclosure, which must be screened from the neighboring property. The coop and enclosure must be located behind the home. The coop and enclosure must be a minimum of 10 feet from the rear and side property lines and 20 feet from any neighboring residential homes. If you are on a corner lot, the coop and enclosure must meet the required side street setback for the applicable zoning district.



FOR VISUAL REFERENCE ONLY – TEXT OF ORDINANCE AND ZONING SETBACKS GOVERN

Chickens and their structures may be kept in the red boxes as shown in the diagram, provided they meet all setbacks, are at least 20 feet from any neighboring residential structure and do not encroach into any easements or wetlands.

*Side Street Setback varies based upon zoning classification.

What do I do with the chicken manure and feed?

All stored feed must be kept in a rodent and predator proof container or be kept inside a secured structure. A manure box inside the coop is recommended as manure shall not accumulate on the floor or ground. A fly-tight bin for manure storage must be kept at least 20 feet away from all property lines.

Would it be permissible to breed or slaughter chickens on my property?

No. Chickens may not be bred or slaughtered on premises.

How do I apply for the program?

Those interested in the program must submit the following to the Planning and Development Division:

- Completed application;
- Scaled drawing or survey showing all required details (see page 1 of the application);
- Certificate of Completion of an approved class on the care and raising of chickens;
- Completed Owner Authorization Affidavit, if applicable; and
- Application fee of \$75.00

Is there a fee to apply for this program?

Yes, there is a non-refundable application fee of \$75.00 due at the time of application submission. We accept cash, check or credit card. If you plan to pay in cash, please try to have exact change. If you plan to pay with a check, please make it payable to "Seminole County". If you plan to pay with a credit card, please note there is a non-refundable \$2.50 convenience fee for doing so.

Where do I get information on the required class?

Information regarding the required class can be found at the following link: http://cdn.seminolecountyfl.gov/departments-services/development-services/planning-development/forms-applications-resources/backyard_chicken_program.stml

When does this program end?

It doesn't. The Board of County Commissioners approved the permanent program on June 10, 2018.

If I rent my home, could I still participate in this program?

If you are not the fee-simple owner of the property, the owner must provide consent by signing the application and completing the Owner Authorization Affidavit in order for you to participate in the program.

What if I decide that I no longer want to participate in the program after approval?

If you decide to leave the program, you must provide notice in writing by e-mail or mail to the Planning and Development Division as soon as possible.

Who should I contact with a complaint about someone participating in the program?

If you have a concern about a participant in this program, you may contact Planning and Development at (407) 665-7371 or you may contact Code Enforcement with the Seminole County Sheriff's Office at (407) 665-6986.



Backyard Chickens

Rules for maintaining chickens in residential zoned areas

Volusia County passed ordinance 2018-13 on July 24th, 2018, that allows for the keeping of chickens in certain single-family residentially zoned areas. The zoning classifications where chickens may be allowed, subject to obtaining a Conditional Use Permit, are R-1 through R-6 and MH-6.

The following rules apply to the keeping of backyard chickens in Volusia County:

1. The number of chickens shall be limited to no more than five (5), and no ducks, geese, pigeons, turkeys, peafowl, roosters, or any other poultry or fowl are allowed. For the purpose of this section, the term "chicken" refers to hens only.
2. Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
3. Chickens may not be slaughtered on premises
4. A Conditional Use Permit must be obtained prior to keeping chickens on your property.

Conditional Use Permit: An application for a conditional use permit must be submitted to the Planning and Development Services Division, along with supplemental information for review by the Zoning Enforcement Official. Approval of the permit shall be based on meeting the following conditions:

1. An application is \$134.00 dollars shall be required upon submission. (Fees are adjusted annually, on October 1st, based on the percentage change in the consumer Price Index. Please check the Application Fee Schedule found here: <https://www.volusia.org/services/growth-and-resource-management/planning-and-development/fee-schedules.stml>.) Please note that the application fee is nonrefundable whether your application is approved or denied.
2. You must complete a class on the care and raising of chickens provided by the University of Florida Agricultural Extension Service (UF IFAS). Proof of completion shall be required. The phone number to call to schedule a class is (386) 822-5778.

3. Prior to issuance of a Conditional Use Permit for the keeping of chickens, you must notify all adjacent property owners of your intent to keep chickens. You will be provided a letter to send to your neighbors by certified mail. The certified mail receipts must be submitted to the Zoning Enforcement Official prior to issuance of your permit.
4. The property must be one-third acre or greater (14,520 square feet) in size.
5. The chickens must be contained in a coop.
 - a) The coop must meet accessory structure setbacks. It must be located in the rear yard and be no closer than five (5) feet to any side or rear property line, but not in any platted easements.
 - b) The maximum height of the coop shall be eight (8) feet.
 - c) The maximum size of the coop shall be 150 square feet.
 - d) If the coop is greater than 120 square feet a building permit must also be obtained. Contact the Volusia County Permit Center at (386) 943-7059 or permitctr@volusia.org for further information.
 - e) The coop must be screened from view of adjacent property owners.
 - f) You will be required to submit a scaled survey or site plan of your property showing where the coop will be located, with the dimensions of the coop and the distances to the property lines clearly drawn. The site plan must also depict the method of screening the coop from adjacent property owners.
6. Manure must be kept in a fly-tight bin and not be located closer than 20 feet to any property line.

Permit Renewal: Once issued, the permit shall expire after two years from the date of issuance. You must renew your permit if you intend to continue keeping chickens on your property. You will be required to submit an application, fee, and supplementary information again, and you will be required to notify your neighbors of your intent to continue keeping chickens again. You will not be required to take a class on the keeping of chickens for renewal of your permit.

For further information please call (386) 736-5959, extension 12777, or email planning@volusia.org, if you have questions regarding these regulations for the keeping of Backyard Chickens or the Conditional Use Permit requirements.

Attachments:

- Conditional Use Permit Application
- Example Letter to Adjacent Properties



**CONDITIONAL USE APPLICATION
for
BACKYARD CHICKENS**

**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**

Initial Application
 Renewal Application

**Complete the following information, and attach additional information and/or plans as needed.
This information will be used by staff to review your application.**

APPLICANT/OWNER:

Applicant: _____ Phone: _____

Address: _____ Email: _____

City/State/Zip: _____

Owner: _____ Phone: _____

Address: _____ Email: _____

City/State/Zip: _____

****If applicant is not the owner of the property, an Owner's Authorization must be submitted with the application.***

PROPERTY INFORMATION:

Tax Parcel Number(s): _____

Total Acres/Sq. Ft.: _____ (The lot/parcel must be a minimum of 1/3 acre or 14,520 sq. ft.)

Zoning: _____

Required Information:

- Site Plan depicting the size and location of the chicken coop. The coop and chicken enclosure area must be drawn to scale on a site plan or survey. Show the distance of the coop to the property lines.
- Provide a detailed dimensioned drawing of the chicken coop/enclosure, including height, overall size, and demonstrating that the chickens are secured from predators. A separate building permit shall be required for any structure over 120 square feet.
- Describe the method of screening the coop/enclosure from the adjacent properties.
- Describe the method of manure management.
- Proof of completion of the University of Florida Agricultural Extension Service (UF IFAS) class on the care and raising of chickens.
- Note: Prior to permit issuance, certified receipts that notice been sent to all adjacent residentially-zoned adjacent properties shall be required.

NOTES:

1. The number of chickens shall be limited to no more than five (5), and no ducks, geese, pigeons, turkeys, peafowl, roosters, or any other poultry or fowl are allowed. For the purpose of this section, the term "chicken" refers to hens only.
2. Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

*****STAFF USE ONLY*****

STAFF REVIEW CHECKLIST:

Application Date: _____

Permit Issued: _____

Reviewing Staff: _____

Renewal Date: _____

REVIEW CHECKLIST

Coop/Enclosure:

- Size of the structure? _____ sq. ft.
- Is permit required? _____ Yes _____ No
- Does it meet accessory structure setbacks? _____ Yes _____ No
- Is it 8 feet in height or less? _____ Yes _____ No
- Is it screened from adjacent properties? _____ Yes _____ No

Manure Management:

- Has a management plan been submitted? _____ Yes _____ No
- Is a fly-tight bin being utilized? _____ Yes _____ No
- Is the location of the bin at least 20 feet from property lines? _____ Yes _____ No

UF IFAS Class:

- Has proof of class been submitted? _____ Yes _____ No

Adjacent Property Notification:

- Date the property owner was provided letter to send to neighbors: _____
- Date that all certified receipts have been received/submitted: _____

Other:

- Are there other unresolved code violations related to this property? _____ Yes _____ No
- Is a Nonconforming Lot Letter Required? _____ Yes _____ No
- Is EMD review required? _____ Yes _____ No

NOTES:

[Insert Neighbor's Name]
[Insert Neighbor's Address]

[Insert Date]

RE: Notice of Application for a Conditional Use Permit for the Keeping of Backyard Chickens

Dear Neighbor,

I am applying to the Volusia County Growth and Resource Management Department for approval of a Conditional Use Permit that will allow me to maintain up to five (5) chickens for personal use. A requirement of the permit is that I must notify, by certified mail, all adjacent residential properties of my intent to keep chickens on my property.

The general regulations I must follow in order to keep chickens on my property are as follows:

- The property must be a minimum size of one-third acre.
- The number of chickens is limited to five, and no ducks, geese, pigeons, turkeys, peafowl, roosters, or any other poultry or fowl are allowed. For the purpose of this section, the term "chicken" refers to hens only.
- The chickens must be contained in a coop enclosure that may be no larger than 150 square feet and no taller than 8 feet. The coop must meet standard accessory structure setbacks and must be screened from view of adjacent properties.
- I must maintain the chicken manure in a fly-tight bin and the bin shall be kept no closer than 20 feet to any property line.
- I am required to take a class on the proper care of chickens through the University of Florida Agricultural Extension Service.

The Conditional Use Permit is valid for a period of two years, after which I may apply to renew it. You will be sent a notice of the permit renewal at that time.

Please contact the Planning and Development Services Division if you have any questions regarding Volusia County's Backyard Chicken regulations, and to express any concerns you may have regarding my application for a conditional use permit. The phone number is (386) 736-5959, ext. 12777, or the email address is planning@volusia.org.

Respectfully,

Applicant's Signature

[Insert Applicant's Name]
[Insert Applicant's Address]

APPLICATION FOR BACKYARD HENS

PLEASE PROVIDE ALL REQUESTED INFORMATION AND SUBMIT BY MAIL OR IN PERSON TO THE CURRENT PLANNING DIVISION AT THE ED BALL BUILDING (214 HOGAN ST. NORTH, 3rd FLOOR, JACKSONVILLE, FL 32202) WITH A \$25.00 CHECK PAYABLE TO THE (TAX COLLECTOR). FOR FURTHER INFORMATION, PLEASE PHONE: 904-255-7865

DATE: _____

Applicant Information

Applicant Name: _____

Property Address: _____

City: _____ State: _____ Zip Code: _____ Real Estate Number: _____

Mailing Address (if different): _____

Telephone Number: _____ Fax: _____

E-Mail Address: _____

Land Area (Acres): _____ Number of hens sought: _____ Zoning District: _____

Date of Required Agriculture Extension Office Seminar: _____

DISCLOSURE STATEMENT

I HEREBY ACKNOWLEDGE THAT I ACCEPT THE FOLLOWING TERMS AND CONDITIONS:

1. Chickens shall be kept in a coop or enclosure at all times.
2. The coop shall be screened from view from the neighboring property by an opaque fence or visual barrier.
3. Coops shall be located in the back yard except in the case of through lots.
4. Chickens and coops are not permitted in front or side yards except as provided in the Zoning Code.
5. Coops greater than 100 square feet in size require a building permit.
6. Coops shall be covered and ventilated, and also secured from predators.
7. Coops shall provide a minimum of 3 square feet per chicken and be large enough to provide free movement.
8. The maximum height of a coop is 6 feet.
9. All stored feed shall be kept in a rodent and predator proof container.
10. Chickens are prohibited on duplex, triplex, or other multi-family properties.
11. Chickens are prohibited in mobile home/manufactured home parks, RV parks, or rental communities.
12. Male chickens/roosters are prohibited.
13. Slaughtering of chickens is prohibited.
14. Chickens shall be kept for personal use only. Breeding or selling chickens for commercial purposes is prohibited.
15. The selling of chickens, eggs, or manure from the property is prohibited.
16. Chickens shall not be allowed to trespass on neighboring properties.
17. Coops and enclosures shall be maintained in a clean and sanitary condition at all times.
18. A dog or cat that kills a chicken shall not, for that reason alone, be considered a dangerous or aggressive animal.
19. Unwanted chickens shall not be released or taken to Animal Care and Protective Services.
20. Unwanted chickens shall be taken to preapproved locations as determined by Animal Care and Protective Services.
21. Coops and enclosures shall meet the zoning setback requirements for accessory structures.

22. The permit holder consents to inspection of their property upon complaint related to backyard hens. The Municipal Code Compliance Division shall be allowed to enter onto the property during a scheduled visit to ensure compliance with the applicable regulations, performance standards, and development criteria.

CERTIFICATION: I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY UNDERSTAND THAT THE ISSUANCE OF A PERMIT FOR BACKYARD HENS DOES NOT SUPERCEDE PRIVATE DEED RESTRICTIONS AND/OR HOMEOWNER ASSOCIATION COVENANTS. FURTHER, I HEREBY GRANT PERMISSION FOR THE CITY OF JACKSONVILLE TO ENTER THE PROPERTY LISTED ABOVE FOR THE PURPOSE OF INSPECTING FOR COMPLIANCE.

PRINT NAME

SIGNATURE

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

PERMIT # _____ **DATE:** _____ **APPROVE/DENY:** _____

REVIEWED BY: _____

COMMENTS _____

General sketch of property layout, chicken coop, and enclosure

ADMINISTRATIVE CONDITIONAL USE PERMIT TO KEEP BACKYARD CHICKENS Information Sheet

Hernando County Code of Ordinances, Appendix A, Article V, Section 4, paragraph B has been amended to permit chickens in any residential districts, excluding multi-family districts, subject to the following restrictions:

1. The number of chickens shall be limited to no more than four (4) birds and no ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are allowed.
2. Chickens shall be kept in an enclosed area with a coop that provides for the free movement of chickens and are not permitted to be free range. The coop must have a roof, and be completely secured from predators, including all openings, ventilation holes, doors and gates. No more than one coop allowed per permitted parcel.
3. If the coop structure exceeds 100 square feet (10x10 feet), a building permit shall be required pursuant to Florida Building Code.
4. The minimum lot size shall be 10,000 square feet.
5. The chicken coop shall be kept in the rear yard and must not be visible from adjoining properties or the street. Fence construction shall meet standards pursuant to the fence ordinance and shall be permitted separately. The chicken coop shall be situated a minimum of 25 feet from the nearest neighbor's residence and at least 5 feet from all property lines.
6. Persons wishing to have chickens in residential districts shall be subject to a compliance inspection after permit issuance. Accessibility and allowable entry shall be required for such inspection.
7. The coop shall provide a minimum of three-square feet per chicken and be of sufficient size to permit free movement of the chickens. The coop may not be taller than six feet measured from the natural grade. The coop must be easily accessible for cleaning and maintenance.
8. The coops and surrounding area shall be kept clean, sanitary and odor free at all times.
9. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
10. All stored feed must be kept in a rodent and predator-proof container.
11. The chickens shall be for personal use only, and there shall be no sales of products from the residence and the breeding of chickens for commercial purposes shall not be allowed.
12. In a public health emergency declared by the County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, the county may require immediate corrective action in accordance with applicable public health regulations and procedures.
13. Notwithstanding the issuance of a permit by the County, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and deed covenants. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens and large animals is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
14. The permit may be issued for a maximum time period of up to five (5) years by the approving authority.
15. Failure to comply with these standards, or any other standards imposed by the conditional use permit shall result in the permit being revoked by the Administrative Official.

HERNANDO COUNTY PERMIT APPLICATION TO KEEP BACKYARD CHICKENS

DATE: _____ PARCEL KEY _____

APPLICANT NAME: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

Number of backyard chickens to be kept at the permit address (4 maximum): _____

The following items are required to be attached:

- Picture and/or plans of coop structure for site inspection verification**
- Site plan of property showing location of coop and setbacks**
- If rental property, notarized letter from property owner consenting to permit**

Please acknowledge the following provisions:

I understand that if the requirements of this ordinance are not complied with, the County may revoke any permit granted and/or initiate prosecution for a civil infraction violation. _____ **Initial**.

I understand that private restrictions on the use of property shall remain enforceable and take precedence over this permit. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, and deed covenants. _____ **Initial**.

I understand that the issuance of this permit is subject to a compliance inspection by the Department of Code Enforcement and by initialing this provision I am allowing accessibility and allowable entry for such inspection. _____ **Initial**

I understand that fence construction is subject to all provisions of the current Fence Code and shall be permitted separately. _____ **Initial**

I understand that the chicken coop shall be situated a minimum of 25' feet from the nearest neighbor's residence and at least 5' feet from all property lines. _____ **Initial**

I understand that this permit shall expire **five (5) years from Date of Issuance**. Permits are non-transferable and may not be sold or assigned. _____ **Initial**

Applicant Signature

Date

State of _____ County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____, who is (____) personally known to me or who (____) has produced
_____ as identification.

Notary Public

INSPECTION QUICK CHECK LIST

A Code Enforcement inspection is required within 30 days of permit issuance. The Officer will utilize these same ordinance guidelines for the inspection.

_____ Number of chickens (Cannot exceed 4)

COOP STANDARDS:

- Must be enclosed and secured
- Must have roof
- Size of coop _____ (A building permit is required if over 100sqft)
- Must have minimum of 3 sf per chicken within the enclosed coop
- Height of coop _____ (6 ft high maximum)
- In rear yard of home only
- 5 ft from property lines
- 25 ft from nearest neighbor's residence
- Concealed from the road and adjoining properties by
Fence Hedge Other _____
- Fence permit is required before installing fence.
- No more than one coop
- Rodent and predator-proof feed container



ORDINANCE
NUMBER 2020 - 041

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9, ZONING, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; BY ADDING ACCESSORY CHICKEN KEEPING AS A CONDITIONAL USE TO ARTICLE II: DISTRICT REGULATIONS, SECTION 3-9-26.3: USE TABLE-RESIDENTIAL ZONING DISTRICTS; BY CREATING NEW ITEM (7) ACCESSORY CHICKEN KEEPING UNDER ARTICLE II: DISTRICT REGULATIONS, SECTION 3-9-33: RESIDENTIAL SINGLE-FAMILY (RSF), SUBSECTION (d) CONDITIONAL USES AND STRUCTURES (C); AND BY CREATING NEW ITEM (14) ACCESSORY CHICKEN KEEPING UNDER ARTICLE III: SPECIAL REGULATIONS, SECTION 3-9-69: CONDITIONAL USES AND STRUCTURES, SUBSECTION (g) RESIDENTIAL USES, TO PROVIDE STANDARD CONDITIONS; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4657 PAGE: 1165 PAGE: 1 OF 9
INSTR # 2889573 Doc Type: GOV
Recorded: 11/4/2020 at 3:38 PM
F.c. Fee: RECORDING \$78.00
Cashier By: CARLENEG

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RECITALS

25 WHEREAS, the Board of County Commissioners of Charlotte County,
26 Florida ("Board") requested that County Staff propose amendments to the Code
27 of Laws and Ordinances of Charlotte County, Florida ("Code") to allow for the
28 keeping of chickens in the single-family residential zone; and

29 WHEREAS, pursuant to the Board's direction, County Staff, in Petition
30 TLDR-20-01, is proposing amendments to Chapter 3-9, Zoning; by adding
31 Accessory Chicken Keeping as a conditional use to Article II: District
32 Regulations, Section 3-9-26.3: Use Table – Residential Zoning Districts; by
33 creating new item (7) Accessory chicken keeping under Article II: District
34 Regulations, Section 3-9-33: Residential Single-family (RSF), subsection (d)
35 Conditional uses and structures (C); and by creating new item (14) Accessory

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36 Chicken Keeping under Article III: Special Regulations, Section 3-9-69:
37 Conditional uses and structures, subsection (g) Residential uses to provide
38 standard conditions, all as provided in Exhibits "A," "B," and "C" attached hereto
39 and by this reference provided herein; and

40 WHEREAS, Petition TLDR-20-01 has previously been heard by the
41 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the
42 findings and analysis provided by County Staff and the evidence presented to the
43 P&Z Board, has been recommended for approval on September 14, 2020; and

44 WHEREAS, in public hearings held on Tuesday, October 13, 2020 and
45 Tuesday, October 27, 2020, the Board reviewed Petition TLDR-20-01 and, based
46 on the findings and analysis provided by County Staff and the evidence
47 presented to the Board, the Board found that approval of Petition TLDR-20-01 is
48 consistent with the County's Comprehensive Plan and is in the best interests of
49 the County and its citizens.

50 NOW, THEREFORE, BE IT ORDAINED by the Board of County
51 Commissioners of Charlotte County, Florida:

52 Section 1. Adoption. Chapter 3-9, Zoning, Article II, District
53 Regulations, and Article III, Special Regulations, of the Code of Laws and
54 Ordinances of Charlotte County, Florida, are hereby amended by adding the
55 underlined language and by ~~deleting the stricken language~~ as shown in Exhibit
56 "A": Section 3-9-26.3: Use Table – Residential Zoning Districts; Exhibit "B": new
57 item (7) under subsection (d) in Section 3-9-33. Residential Single-family (RSF);
58 and Exhibit "C": new item (14) Accessory Chicken Keeping under Article III:

59 Special Regulations, Section 3-9-69: Conditional uses and structures, subsection
60 (g) Residential uses, which are attached hereto and by this reference provided
61 herein.

62 Section 2. Conflict with Other Ordinances. The provisions of this
63 Ordinance shall supersede any provision of existing ordinances in conflict
64 herewith to the extent of said conflict.

65 Section 3. Severability. If any subsection, sentence, clause,
66 phrase, or portion of this Ordinance is for any reason held invalid or
67 unconstitutional by any court of competent jurisdiction, such portion shall be
68 deemed a separate, distinct, and independent provision and such holding shall
69 not affect the validity of the remainder of this Ordinance.

70 Section 4. Effective Date. This Ordinance shall take effect upon
71 filing in the Office of the Secretary of State, State of Florida.

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[SIGNATURE PAGE FOLLOWS]

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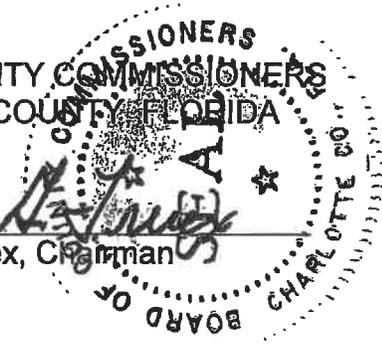
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PASSED AND DULY ADOPTED this 27th day of October, 2020.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Truex
William G. Truex, Chairman



ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: Michelle S. Beardon
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
EB LR2020-0372

Residential Zoning Districts

| Specific Uses | RE Regulations | Specific Regulations | Specific Uses | RBF | Specific Regulations | Specific Uses | AMF | Specific Regulations | Specific Uses | RMF-T | Specific Regulations | Specific Uses | MHC | Specific Regulations | Specific Uses | RUP | Specific Regulations |
|--|----------------|----------------------|---|-----|----------------------|--|-----|----------------------|--|-------|----------------------|--|-----|----------------------|--|-----|----------------------|
| Major Home Occupation (MHO) | S | Sec. 3-9-74 | Place of worship | S | Sec. 3-9-92 | Place of worship | S | Sec. 3-9-92 | Place of worship | P | Sec. 3-9-69 | Single-family detached | P | Sec. 3-9-69 | Single-family detached | | |
| Minor Home Occupation | P | Sec. 3-9-74 | Private clubs | S | | Private clubs | S | | Private clubs | S | | Single-family detached with 20 foot rear setback and 6,000 square foot lot | C | Sec. 3-9-69 | Single-family detached with 20 foot rear setback and 6,000 square foot lot | | |
| Modular home | P | Sec. 3-9-78 | Single-family detached | P | | Single-family detached | P | Sec. 3-9-68 | Telecommunications facility, 50 feet or less in height | S | | Telecommunications facility, 50 feet or less in height | P | Sec. 3-9-62 | Telecommunications facility, 50 feet or less in height | | |
| Noncommercial beer clubs | P | | Subdivided lots with 50 foot wide fronting lot | C | Sec. 3-9-69 | Telecommunications facility, greater than 50 feet in height | S | Sec. 3-9-68 | Telecommunications facility, greater than 50 feet in height | S | Sec. 3-9-62 | Places of worship | S | | Places of worship | | |
| Park, public or not-for-profit | P | | Telecommunications facility, 50 feet or less in height | P | Sec. 3-9-68 | Transitional / halfway housing | C | Sec. 3-9-69 | Private clubs | S | | Private clubs | S | | Private clubs | | |
| Place of Worship | S | Sec. 3-9-62 | University or college | S | Sec. 3-9-68 | University or college | S | | Recreational vehicle use | S | | Recreational vehicle use | S | | Recreational vehicle use | | |
| Plant nursery | S | | University or college | S | | University or college | S | | Recreational vehicle use | S | | Recreational vehicle use | S | | Recreational vehicle use | | |
| Private clubs | S | | Yacht clubs, country clubs, and other recreational facilities | S | | Yacht clubs, country clubs, and other recreational amenities | S | | Restaurant | S | | Restaurant | S | | Restaurant | | |
| Private landing field | S | | | | | | | | | | | | | | | | |
| Single-family detached | P | | | | | | | | Single-family attached or detached | P | | Single-family attached or detached | P | | Single-family attached or detached | | |
| Telecommunications facility, 50 feet or less in height | P | Sec. 3-9-68 | | | | | | | Specialty shops | P | | Specialty shops | P | | Specialty shops | | |
| Telecommunications facility, greater than 50 feet in height | S | | | | | | | | Telecommunications facility, 50 feet or less in height | P | Sec. 3-9-68 | Telecommunications facility, 50 feet or less in height | P | Sec. 3-9-68 | Telecommunications facility, 50 feet or less in height | | |
| Telecommunications facility, greater than 50 feet in height | S | Sec. 3-9-68 | | | | | | | Yacht clubs, country clubs, and other recreational amenities | S | | Yacht clubs, country clubs, and other recreational amenities | S | | Yacht clubs, country clubs, and other recreational amenities | | |
| University or college | S | | | | | | | | | | | | | | | | |
| Yacht clubs, country clubs, and other recreational amenities | S | | | | | | | | | | | | | | | | |

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-33. RSF

Sec. 3-9-33. Residential Single-family (RSF)

(d) Conditional uses and structures (C): (For rules and regulations for any use designated as conditional use or structure, see section 3-9-69, conditional uses and structures.)

7) Accessory Chicken Keeping

July 2020 Adoption

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Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

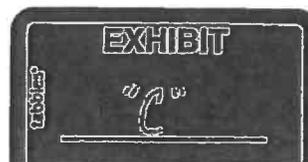
Sec. 3-9-69

Sec. 3-9-69. - Conditional uses and structures.

(g) Residential uses.

(14) Accessory Chicken Keeping (RSF)

- (a) This use must be accessory to a properly permitted residential use and structure.
- (b) No more than four hens (*Gallus Gallus Domesticus*) on a lot no smaller than 10,000 sq. ft. (or any lot legally created prior to October 22, 1992), or six hens on lots 20,000 sq. ft. or greater, may be kept in the rear yard.
- (c) Roosters are prohibited.
- (d) The killing and dressing of chickens is prohibited.
- (e) The hens shall be provided with a covered enclosure (i.e. "hen house/coop") and must always be kept in the covered enclosure or within a fenced enclosure if outside for exercise. If the enclosure is not readily movable for a storm event, it must be properly permitted and secured. Hens must be secured within the henhouse/coop during non-daylight hours. All areas where the chickens are located, including the coop, must be shielded on all sides by a fully opaque, six-foot-high, fence or wall. The fully-opaque, six-foot high fence or wall may enclose all or a portion of the yard so long as the coop and any outdoor area is fully enclosed.
- (f) The space per hen in the henhouse/coop shall not be less than four square feet per hen.
- (g) No covered enclosure or fenced enclosure shall be located in the front yard, nor shall the henhouse/coop be closer than the required accessory structure yard setbacks to any property line of an adjacent property. Odors from hens, hen manure, or other hen related substances shall not be detectable at the property boundaries.
- (h) All enclosures for the keeping of hens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of, the enclosure. The henhouse/coop must contain a barrier or barriers to prevent entry of rodents, wild birds, and predators, including coyotes, bobcats, dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly.
- (i) All feed and other items associated with the keeping of hens that are likely to attract, or to become infested with, or infected by rodents or other pests shall be kept in a secure location, container, or otherwise protected to prevent rodents and other pests from gaining access to or coming into contact with them.
- (j) The sale of eggs or any other hen products generated in a residential single-family district must be sold in a zoning district which permits the retail sale of such items.
- (k) No animal that kills a hen will, for that reason alone, be considered a dangerous or aggressive animal.



Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-69

- (l) Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released.
- (m) The owners of the chicken(s) must register their location with the department responsible with enforcement of the Land Development Regulations.
- (n) The owners of the chicken(s) and any person living in the household who will be responsible for caring for the chicken(s) must take the "Chickens In Your Backyard" course provided by the UF IFAS Extension Office.
- (o) County staff shall have the right to conduct an inspection to ensure compliance with these regulations.

BCC Mtg. Date: August 10, 2021

EFFECTIVE DATE: November 1, 2021

ORDINANCE NO. 2021-34

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 (“ZONING”) OF THE ORANGE COUNTY CODE TO ALLOW CHICKENS TO BE KEPT ON LOTS OR PARCELS WITH SINGLE-FAMILY DETACHED RESIDENCES AND MOBILE HOMES, SUBJECT TO CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the interest in local food sources, food resilience and a desire for fresher, more nutritious foods is being embraced by residents throughout the country;

WHEREAS, Orange County intends to integrate sustainability and resilience into strategies that foster healthy communities, educate and empower our residents to lead healthy and sustainable lifestyles, and invest in the wellbeing and success of our children; and

WHEREAS, many communities in Florida and throughout the United States have found in adopting ordinances to integrate the keeping of chickens in residential areas that up to four chickens are sufficient to meet the needs of the average family’s egg consumption.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments to Section 38-77 (“Use Table”) and Section 38-79 (“Conditions for Permitted Uses and Special Exceptions”).

(a) Section 38-77 of the Orange County Code is hereby amended to read as shown in **Appendix “A”** attached hereto and incorporated herein by this reference, with additions being shown by underlines and deletions being shown by strike-throughs.

(b) Section 38-79 (37) is amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs.

Sec. 38-79. Conditions for permitted uses and special exceptions.

* * *

(37) ~~Reserved.~~ Subject to the following standards and conditions, chickens shall be permitted to be raised or kept only on a lot or parcel with an owner-occupied single-family detached residence or owner-occupied mobile home, upon the issuance of a single permit per parcel by the Zoning Division and payment of an administrative fee as established by the Board of County Commissioners.

(a) Definitions. For purposes of this subsection (37), the following terms and words have the following definitions:

Chicken means the female of a type of domesticated fowl of the species *Gallus gallus domesticus*.

Chicken coop means a covered enclosure designed for roosting of chickens that provides ventilation and protection from drafts, sunlight, the effects of weather, and predators.

Pen area means an area around the chicken coop used by chickens for exercising and foraging.

(b) Application requirements. An applicant shall comply with the following requirements:

(1) Training class and application. An applicant shall attend and successfully complete the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension Orange County Backyard Chicken Training Class and present a signed Certificate of Completion of that class to the Zoning Division, along with the applicant's completed application and any other information required by the Zoning Division as part of the process for application for a permit.

(2) Site plan. An applicant shall submit a site plan to the Zoning Division for the chicken coop and pen area. The chicken coop and pen area shall meet the following requirements:

a. The chicken coop and pen area shall be designed and constructed to protect the chickens from

natural predators and domestic pets by being fully enclosed with welded wire mesh, hardware cloth, or other material of similar strength. Chicken wire fencing shall not be used. Additionally, the enclosure material shall be buried at least 12 inches to obstruct or deter digging predators.

b. The chicken coop and pen area shall be tied down to the ground for wind resistance.

c. The maximum size of the chicken coop and pen area together shall be 100 square feet. The minimum size of the chicken coop shall be 4 square feet per chicken. The minimum size of the pen area shall be 10 square feet per chicken.

d. The maximum height of the chicken coop and pen area shall be 6 feet, as measured from the existing grade to the highest part of the chicken coop or pen area.

e. The chicken coop and pen area shall be located only in the rear yard (not in a side yard, side street yard, or the front yard) and be set back a minimum of 15 feet from any side or side street property boundary; a minimum of 10 feet from the rear property boundary, any wetlands, upland buffers, berms, swales, conservation areas, and platted development right tracts; and 50 feet from any normal high-water elevation.

f. The chicken coop and pen area shall be cleaned regularly to foster healthy chickens; to prevent attracting insects and other vermin; to avoid objectionable odors detectable beyond the property line; and to comply with the requirements in Section 5-42 of the Orange County Code, entitled *Nuisance Animals*, which prohibits owners or keepers of domestic animals from permitting or allowing animals to engage in certain prohibited behaviors. Repairs to the pen area and chicken coop shall be made as necessary to ensure safety for chickens and caretakers.

g. Opaque fencing or vegetation shall exist or be installed to match the height of the chicken coop or pen area, whichever height is greater, to serve as a visual barrier for neighboring properties. The maximum height of the fencing or vegetation shall be 6 feet.

(3) Posting of notice. Upon issuance of a permit, the permittee shall post a sign provided by the Zoning

Division on his or her property for a period of at least 7 days informing neighboring property owners of the permit.

(c) Number of chickens. A maximum number of four chickens is permitted.

(d) Care, maintenance, and disposal of chickens.

(1) Food and water. Chickens shall have access to food and water at all times. Feed shall be distributed in a rodent-proof feeder. Feed shall be stored in a covered metal or plastic rodent and wildlife-proof container.

(2) Housing and custody. Chickens shall be housed at all times within the chicken coop or pen area, except they may be removed from the chicken coop or pen area by a resident of the single-family residence or mobile home, provided the resident keeps them under his or her continuous custody and control on the property while they are outside the chicken coop or pen area.

(3) Waste materials. Composting of manure produced by chickens, including soiled bedding materials, is allowed in an enclosed bin. Composting of chicken manure or soiled bedding materials is subject to the requirements of Section 28-35 of the Orange County Code, except that any compost bin that contains chicken manure or soiled bedding materials shall be kept a minimum of 20 feet from the property's boundary. Waste materials (feed, manure and litter) that are not composted shall be discarded in a sealed bag and placed in a residential garbage container for pick-up by waste collection services.

(4) Purpose of keeping chickens. Chickens shall be kept for the purpose of producing eggs for consumption on the property only. Chickens, their eggs, feathers and manure shall not be sold. In addition, chickens shall not be bred; slaughtered, except as provided in Section 828.05, Florida Statutes, and any other applicable laws for the humane and proficient destruction of injured or diseased animals; or consumed.

(5) Transfer of chickens. Any owner who decides to cease keeping any chicken shall relocate that chicken to a farm or agribusiness that is licensed or otherwise permitted to accept chickens, or to another Orange County resident who has a valid permit in good standing and whose property is in compliance with the requirements of this subsection (37). Chickens shall not

be taken to the Orange County Animal Services Division or released into the wild.

(6) Disposal of deceased chickens.

Owners shall dispose of deceased chickens in compliance with the requirements of Section 823.041, Florida Statutes, and Section 62-701.520(5)(a) and (c), Florida Administrative Code, as either or both may be applicable.

(e) Additional terms and conditions for permits.

(1) Maximum number of permits. A certain maximum number of permits, as established or revised by the Board of County Commissioners, may be issued on a first-come, first-served basis, pursuant to this subsection (37).

(2) Non-transferable nature of permits. Permits are personal to a permittee as the owner of the subject property and are not transferable.

(3) Property covenants and restrictions. Nothing herein shall be construed or interpreted to mean that the chickens are permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants and restrictions prohibit such use.

(4) Noncompliance. The failure to comply with any of the standards and conditions set forth above may result in the revocation of a permit, and may be enforced by issuance of a notice of violation or civil citation. In the event that a permit is revoked, the owner shall relocate the chickens, within 15 days, to a farm or agribusiness that is licensed or otherwise permitted to accept chickens, or to another Orange County resident who has a valid permit in good standing and whose property is in compliance with the requirements of this subsection (37). Chickens shall not be taken to the Orange County Animal Services Division or released into the wild. Upon revocation of a permit, the permittee shall not be eligible to apply for another permit for a period of two years.

(5) Right of entry onto private property; revocation of permit. By applying for a permit under this subsection (37), the applicant grants (a) authorized County employees and agents, upon reasonable notice, a right of entry upon the exterior of the property to determine whether the standards and conditions of this ordinance are being satisfied; and (b) the County the right to revoke a permit upon a determination of noncompliance with this

subsection (37). To that end, any code enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon private property while in the discharge of responsibilities under this ordinance.

(f) Prohibited poultry and fowl. Roosters and other poultry or fowl, including turkeys, ducks, geese, pigeons, quail, and peafowl, shall be prohibited.

(g) Effective period. This subsection (37) allowing chickens on a lot or parcel is a permitted program and shall remain in effect unless repealed. If this subsection (37) is repealed, the chickens, along with the chicken coop and pen area shall be removed from the lot or parcel within ten years after the date of such repeal.

In all other respects, Section 38-79 shall remain unchanged.

Section 2. Effective date. This ordinance shall become effective on November 1, 2021.

ADOPTED THIS 10th DAY OF AUGUST, 2021.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings, County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller,
as Clerk of the Board of County Commissioners

By: *Phil Diamond*
Deputy Clerk

s:\jcarmichael\administrative matters\matters\backyard chicken ordinance (sap)\drafts\backyard chickens - adopted final ordinance w Use Table 2.docx

Residential Nearby County Chicken Ordinances

| County | Allow Residential Chicken Coops |
|--------------|---------------------------------|
| Martin | No |
| Seminole | Yes |
| St. Lucie | Yes |
| Indian River | Yes |
| Palm Beach | No |
| Brevard | Yes |
| Broward | No |
| Miami-Dade | No |
| Osceola | Yes |
| Okeechobee | No |
| Orange | Yes |

Martin County

- Prohibits chickens in residentially zoned areas.¹
- Currently farm animals including poultry can be kept or boarded only in AG, AR, A-1A, A-1 and b A-2 districts.² Poultry can also be housed in RE-2A being used only for personal use.³

Seminole County

- Backyard Chicken Program. On June 12 2018 the County approved a Chicken Program for all single family residential lots with unincorporated areas of the county.⁴
- They currently allow chickens for A-1, A-3, A-5 or A-10 zoning districts, this programs allows single family residential homes to be eligible. The program allows for 4 chickens, and excludes any number of roosters.
- Chickens that are housed under this program can only be used for personal use. This excludes the sale of any chickens, eggs, feathers etc.
- Requirements for a coop
 - i) Have a minimum of 4 square feet per chicken;

¹ [3.206.D](#).- Martin County Code of Ordinances

² [3.206.D](#).- Martin County Code of Ordinances

³ [3.201.C.\(5\)\(A\)](#)- Martin County Code of Ordinances

⁴ <https://www.seminolecountyfl.gov/core/fileparse.php/3207/urlt/FAQ.pdf>

- ii) Not exceed 150 square feet;
- iii) Not exceed 8 feet in height;
- iv) Be completely secured from predators;
- v) Be covered and ventilated; and
- vi) Be tied down for wind resistance.
- Requirements for an enclosure/run
 - i) Have a minimum of 5 square feet per chicken;
 - ii) Be completely secured from predators; and
 - iii) Be covered and ventilated.
- Building permits for a coop will be required if the structure exceeds 100 sq ft. If the coop exceeds 120 sq ft, then a signed and sealed engineered plan is required.
- Building permits will not be required if the run is constructed of wire and supports, then no additional building permit is required. However, if the run is constructed of fencing type wood or vinyl, then the applicable fence code will be applied.
- Chickens must be kept within a coop and enclosure, which must be screened from the neighboring property. The coop and enclosure must be located behind the home. The coop and enclosure must be a minimum of 10 feet from the rear and side property lines and 20 feet from any neighboring residential homes. If you are on a corner lot, the coop and enclosure must meet the required side street setback for the applicable zoning district.
- In order to apply for the program the following must be take place:
 - i) Completed application.
 - ii) Scaled drawing or survey showing all required details.
 - iii) Certificate of Completion of an approved class on the care and raising of chickens.
 - iv) Completed Owner Authorization Affidavit, if applicable.
 - v) Application fee of \$75.00.
- Planning and Development along with code enforcement handle formal complaints for the county regarding chicken coops and runs.

St Lucie County –

- A Backyard Chicken Program which passed in October of 2020 allows backyard chicken coops and chicken-keeping in residential areas for a single-family residence zoned in RE-1, RE-2, RS-2, RS-3, and RS-4 zoning districts.⁵
- A residence may only have 5 chickens and be used for personal consumption only.⁶ Roosters are excluded from the program.
- Requirements for a coop:⁷
 - (1) The maximum size must not exceed 125 sq ft. Space per bird may not be less than 4 sq ft.
 - (2) The coop and enclosure shall be set back a minimum of ten feet from the side and rear lot lines and a minimum of twenty feet from any side street, so long as the coop and

⁵ [Ordinance No. 2020-026](#), St. Lucie County

⁶ [Ordinance No. 2020-026](#), St. Lucie County

⁷ [Ordinance No. 2020-026](#), St. Lucie County

enclosure area shall be at least twenty- five feet, from any residential structure on an adjoining lot.

- (3) The coop and enclosure must be kept in the rear backyard of the residence.
- (4) A building permit is not required for the coop.
- (5) A coop must not exceed six feet.
- (6) The coops must be covered and ventilated and fenced. The enclosure must be free of odor, vermin, noise and disease.
- (7) All deceased chickens must be disposed of off site within 24hrs.

Indian River County-

- Allows for an enclosed chicken coop, with a restriction of 5 hens in the backyard of a residence.⁸⁹
- The chicken coop falls under the definition of a non-commercial kennel or animal care place.¹⁰
- Chicken Enclosure Requirements¹¹
 - i) The cage/pen/coop must have a minimum setback of 30ft.
- City of Vero Beach prohibits the keeping of any fowl or livestock.¹²
- City of Sebastian allows for two fowls.¹³ A fowl is defined as all types of chickens, ducks, turkeys or similar birds.¹⁴ A fowl must be kept in a pen, coop, or enclosure.¹⁵

Palm Beach County –

Chickens prohibited in all residentially zoned districts.

Allow for rural and agriculturally zoned areas to house domesticated poultry which includes both hens and roosters. Jupiter Farms and Acreage would fall under this designation.

Brevard County

- Passed in 2012, a single-family residence may have up to four chickens (hens only) per .5 acres.¹⁶ All chickens must be used for personal consumption. Any commercial use or slaughtering is strictly prohibited.¹⁷
- A chicken coop is required and must met the setback requirements for accessory structures.
- Requirements for a chicken coop¹⁸

⁸ County Attorney's Office

⁹ [Sec. 971.08\(C\)\(1\)](#)- Indian River County Code of Ordinances

¹⁰ [Sec. 971.08\(C\)\(1\)](#)- Indian River County Code of Ordinances

¹¹ [Sec. 971.08\(C\)\(1\)](#)- Indian River County Code of Ordinances

¹² [Sec. 14-2](#), Vero Beach Code of Ordinances

¹³ [Sec. 18-29 \(a\)](#), City of Sebastian Code of Ordinances

¹⁴ [Sec. 18-26](#), City of Sebastian Code of Ordinances

¹⁵ [Sec. 18-29 \(a\)](#), City of Sebastian Code of Ordinances

¹⁶ [Sec. 62-2108](#), Brevard County Code of Ordinances

¹⁷ [Sec. 62-2108](#), Brevard County Code of Ordinances

¹⁸ [Sec. 62-2109](#), Brevard County Code of Ordinances

- i) The height must not exceed 6ft within any residential zoning classification for a fence or solid wall. However wooden fencing may be applied to 6ft.3in.
- ii) The structure may not exceed 600sq ft or 50 percent of living space of the residence.

Okeechobee County

- Prohibits any farm animal including chickens and fowl from being harbored on residential property.¹⁹
- Allows for farm animals including chickens and fowl to be harbored on a residential rural zoning district which has 1.5 acres or greater area of property.²⁰

Broward County

- Prohibits all poultry and livestock from being housed within residential zoning areas.²¹

Miami-Dade County

- Prohibits all poultry or fowl from being kept within the Single-Family Residential District.²²

Osceola County

- Allows chickens (hens) in all non-agriculturally zoned districts.²³
- A maximum of six chickens are permitted on single-family homes.²⁴
- All chickens must be kept within a coop or fenced in area.²⁵
- Coop Requirements²⁶
 - i) All fencing and coops must be an accessory to the residence.
 - ii) The coop setback must be a minimum of 25ft from the rear and side boundaries of the property line.
 - iii) Maximum height of 6ft.
 - iv) Prohibited from the front yard.
 - v) Must be kept clean and from odor or noise.

¹⁹ [Sec. 10-7\(3\)\(A\)](#)- Okeechobee County Code of Ordinances

²⁰ [Sec. 10-7\(3\)\(B\)](#)- Okeechobee County Code of Ordinances

²¹ [Sec. 39-275\(14\)](#)- Broward County Code of Ordinances

²² [Sec. 33-200\(3\)](#)- Miami Dade County Code of Ordinances

²³ [Sec. 4-30\(A\)](#)- Osceola County Code of Ordinances

²⁴ [Sec. 4-30\(3\)](#)- Osceola County Code of Ordinances

²⁵ [Sec. 4-30\(3\)](#)- Osceola County Code of Ordinances

²⁶ [Sec. 4-30\(3\)](#)- Osceola County Code of Ordinances

Orange County

- Allows chickens (hens) for domestic purposes on residential zoning areas of 1 or more acres of land.²⁷
- A maximum of 12 chickens are permitted, an exemption can be applied for in order to house more than 12 chickens.²⁸
- Mobile homes and single-family homes are able to raise and keep chickens.²⁹
- Coop Requirements³⁰
 - i) A pen, cage, covered enclosure, barn or any other holding area for chicken are permitted, as long as it is at least 30 ft from all property lines and lake or natural body of water.
 - ii) Waste is prohibited from being stored within 100ft of any residentially zoned district.
 - iii) The fencing must be tied down to provide for wind resistance.
 - iv) The pen/coop cannot exceed 100 sq ft.
 - v) There must be at least 4 sq ft. per chicken for a coop and 10 sq ft for a pen.
 - vi) Maximum height of the coop is 6ft.
 - vii) The coop/pen must be cleaned regularly and must not have an odor.

²⁷ [Sec 38-559\(C\)](#)- Orange County Code of Ordinances

²⁸ [Sec 38-79\(36\)\(E\)\(3\)](#)- Orange County Code of Ordinances

²⁹ [Sec. 38-79\(37\)](#)- Orange County Code of Ordinances

³⁰ [Sec. 38-79\(36\)\(F\)](#)- Orange County Code of Ordinances