



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 22-0863

DEPT-3

Meeting Date: 6/7/2022

PLACEMENT: Departmental

TITLE:

DISCUSSION ITEM ON BACKYARD CHICKENS

EXECUTIVE SUMMARY:

On April 5, 2022 staff was asked to bring an item forward for the Board of County Commissioners (Board) to have a discussion on backyard chickens.

DEPARTMENT: Administration

PREPARED BY: **Name:** Taryn G. Kryzda
Title: County Administrator

REQUESTED BY: Board of County Commissioners

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

On April 5, 2022 a member of the public spoke to the Board and asked if there could be a consideration for an ordinance to allow backyard chickens. The Board directed staff to bring back an agenda item to discuss having backyard chickens in the unincorporated area of Martin County (County).

Currently, the County has established zoning districts with varying uses for the unincorporated area. In any of the identified Agricultural Districts (AG, AR, A-1A, A-1 and A-2), there is a defined gross acreage and chickens are allowed. Chickens currently are also allowed in the RE-2A district which is rural estate on 2 acres. The RE-2A allowance has the same language as the Agricultural Districts which is 'Raising of barnyard animals such as, but not limited to, pigs, goats, sheep, cows, and poultry, provided that such animals are not raised for commercial purposes.' The other Residential Single Family Uses (RS) and other Rural Estate (RE) districts do not allow backyard chickens. The other RE districts are RE-1A which is 1 residential unit per one acre and RE-1/2A allows for 1 residential unit per one-half acre, has a minimum lot size of 21,780SF, a minimum lot width of 100 feet (FT), and a 50% open-space requirement.

The issue has pros and cons that need to be considered as well as requirements and restrictions that should be included should the County determine that there is a desire to proceed with creating an ordinance to allow backyard chickens. The County's established zoning districts where chickens and

other livestock and fowl are allowed are districts that have at least 2 or more acres. Allowing chickens to be kept in residential areas, or on smaller lots, should be restrictive and have parameters to protect other's property rights as most individuals in residential communities reside there with an understanding that they are in a residential area with residential uses. Residential restrictions for Homeowner's Associations (HOA) and/or deed restrictions could be more restrictive than any local ordinance to allow backyard chickens.

As the Board deliberates this issue, staff offers the following for consideration based upon research of other jurisdictions that allow backyard chickens:

- Determining the zoning districts other than agricultural and RE2A where backyard chickens would be allowed. Residential zones have density considerations which define lot sizes. Should there be a minimum lot size established for the allowable use, such as one acre (43,560 Square Feet (SF)), one-half acre (21,780 SF), one-third acre (13,068 SF), or one-quarter acre (10,890 SF). There are lots in the County that are smaller than one-quarter acre.
- The number of allowable backyard chickens and limitation to only chickens, no roosters allowed (hens can still lay eggs, but they are infertile, no chicks would hatch from the infertile egg).
- The size of the chicken coop (other entities use 4 or 5 SF of space per chicken) and height (varied between 5.5 feet to 6 feet) and when chickens would be required to be in the coop (at all times or only during a certain time of the day), determination of maximum square footage.
- Requirement for a building permit: based upon size or for all chicken coops (if for all, then there would be a more defined record of what residents have them).
- Restricted to personal use only, no selling of eggs, feathers, manure, or other commercial use.
- Setbacks for chicken coops from other residential structures and opaque fencing requirements to protect adjacent neighbors, other property, and view from the street.
- Protocol for giving the chicken(s) away when no longer laying eggs or owner can no longer care for them.
- Proper disposal of deceased chickens.
- Construction of enclosures (strapping requirements related to elevated wind speeds), protection from predators, and prevention of rodents and other pests.
- Determination of appropriate distance from any water body or drainage facility.
- Establishing a program with training, certification, and a permit to ensure proper handling of backyard chickens. Completion of a University of Florida Agricultural Extension Service (UF IFAS) class or equivalent approved class on the care and raising of chickens.
- Inspection of chicken coops and enforcement would require additional personnel (permit fee(s) will not cover a full-time equivalent(s) (FTE) to monitor the program and investigate complaints), funding for FTE will need to be determined.
- Require a conditional use permit that provides a site plan and notification to adjacent property owners (would an owner be required to disclose if selling property adjacent to a residence that has backyard chickens?).
- Limit to residents that have proof of homestead.
- Requirement to have wings clipped to prevent chickens from flying over a fence (clipping wings could make them vulnerable to predators).

Staff is providing the following documents for the Board's consideration (information most readily available through research on backyard chickens in other Florida Counties and the City of Stuart):

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

ISSUES:

As previously stated, the allowance of backyard chickens can become problematic among neighbors. Enforcement and/or regulation will require additional personnel, which will impact the current tax rate unless another source of funding is identified. It will most likely increase the number of complaints that the Commissioners and staff receive when there is an issue with an individual not following the rules and regulations of a backyard chicken program.

Such a program could impact Sheriff personnel, therefore, the Sheriff should provide input in the creation of any new program or allowance which can require additional regulation when there is an expectation to respond to a domestic dispute should neighbors have a disagreement over a person that has backyard chickens due to odors, attracting rodents, a neighbor's cat or dog inflicts harm on a backyard chicken, etc. or Animal Control being contacted with related backyard chicken complaints. Sheriff staff prefer limiting backyard chickens to agricultural areas or a residential location of 5 acres or greater due to noise and unsanitary conditions.

As previously stated, the County currently allows chickens on any of the agricultural designated districts and in the RE-2A (rural estate) district, if there is a desire to allow backyard chickens on a district other than those stated, it will require amendments to the Land Development Regulations and the Code of Laws and Ordinances.

LEGAL SUFFICIENCY REVIEW:

This is a policy matter; legal sufficiency will be provided based upon Board action.

RECOMMENDED ACTION:

RECOMMENDATION

The Board deliberate on the issue and provide staff with direction.

ALTERNATIVE RECOMMENDATIONS

The Board deliberate on the issue with no further action.

FISCAL IMPACT:

RECOMMENDATION

Would be dependent upon Board direction.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other:

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