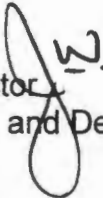




Interoffice Memorandum

May 28, 2021

TO: Mayor Jerry L. Demings
— AND —
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department 

**CONTACT PERSON: Lori Forsman, LEED GA, Sustainability Programs
Manager, Planning Division
(407) 836-5439**

SUBJECT: June 8, 2021 – Adoption Public Hearing – 2:00 P.M.
An Ordinance Amending Chapter 38 – Zoning; Relating to
Standards for Residential Backyard Chicken Keeping
Program

On May 18, 2021, at 5:01 p.m., the Board held the first of two required public hearings to consider amending Chapter 38 – Zoning; relating to standards for Residential Backyard Chicken Keeping. Staff presented the ordinance as recommended by the Local Planning Agency/Planning and Zoning Commission (LPA/PZC) at a public hearing on April 15, 2021, with additional staff clarifications and minor revisions to the definition of chickens, requirements for property setbacks, and standards for care and maintenance, all in redline format. Also presented by staff were recommendations for the maximum number of permits to be issued in unincorporated Orange County (130) along with a proposed permit fee (\$60.00). No action was requested at the May 18, 2021 hearing.

On Tuesday, June 8, 2021, the Board will hold the second public hearing to review the proposed ordinance to amend Chapter 38 – Zoning, relating to standards for Residential Backyard Chicken Keeping, including those same staff clarifications and revisions. In addition, pursuant to a recommendation from the LPA/PZC, the staff will propose a change to Appendix "A" of the ordinance to simplify the formatting of a portion of the Use Table for consistency with the raising and keeping of poultry and chickens as an agricultural use. Staff will also present an addition to the Use Table addressing two residential zoning districts, Neighborhood Activity Center (NAC) and Neighborhood Center (NC) intended for residential zoning as a Future Land Use Designation within District 6, Holden Heights area, for completeness and consistency with other similar residential uses.

Lastly, staff will request Board approval of the maximum number of permits available and establishment of a revised one-time permit fee (\$57.00).

The requested actions at this hearing will be adoption of the ordinance, with all of the staff's recommended clarifications and revisions, as well as approval of the recommended number of permits and permit fee.

ACTION REQUESTED: Make a finding of consistency with the County's Comprehensive Plan and adopt an Ordinance Amending Chapter 38 of the Orange County Code; Relating to Residential Backyard Chicken Keeping; Providing Effective Date; Establishing the Maximum Number of Permits to be 130 for Unincorporated Orange County; and Establishing a Permit Fee of \$57.00. All Districts.

JVW/LF/fb

- c: Byron W. Brooks, AICP, County Administrator
Chris Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Joy Carmichael, Assistant County Attorney
Jennifer Moreau, Manager, Zoning Division
Jason Reynolds, Manager, Neighborhood Services Division
Diane Summers, Manager, Animal Service Division
David Jones, Manager Environmental Protection Division
Jeff Benavides, Chief Sustainability and Resilience Officer
Kevin Camm, Manager, IFAS Cooperative Extension Office

Attachment: Draft Ordinance, including Appendix "A"

ORDINANCE NO. 2021-____

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:

82 welded wire mesh, hardware cloth, or other material of similar
84 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.

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

88 c. The maximum size of the
90 chicken coop and pen area together shall be 100 square feet. The
92 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
94 chicken.

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

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

108 f. The chicken coop and pen
area shall be cleaned regularly to foster healthy chickens; to prevent
110 attracting insects and other vermin; and to avoid
offensive objectionable odors detectable beyond the property line.
112 Repairs to the pen area and chicken coop shall be made as necessary
to ensure safety for chickens and caretakers.

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

120 (c) Number of chickens. A maximum number of
122 four chickens are permitted.

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

126 (1) Food and water. Chickens shall have
access to food and water at all times. Feed shall be kept distributed

128 in a rodent-proof feeder when not secured. Feed shall be stored in
a covered metal or plastic rodent and wildlife-proof container.

130 (2) Housing and custody. Chickens shall
132 be housed at all times within the chicken coop or pen area, except
134 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.

136 (3) Waste materials. Composting of
138 manure produced by the chickens, including soiled bedding
140 materials, is allowed in an enclosed bin, provided. Composting of
142 chicken manure or soiled bedding materials is subject to the
144 requirements of Section 28-35 of the ~~composting~~ 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.

148 (4) Use Purpose of keeping chickens.
150 Chickens shall be kept for the purpose of producing eggs for
152 consumption on the property only. Chickens, their eggs, feathers
154 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.

156 (5) Transfer of chickens. Any owner
158 who decides to cease keeping any chicken shall relocate that chicken
160 to a farm or agribusiness that is licensed or otherwise permitted to
162 accept chickens, or to another Orange County resident who has a
164 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.

166 (6) Disposal of deceased chickens.
168 Owners shall dispose of deceased chickens, which die as a result of
170 sickness or disease, in compliance with the requirements of Section
172 823.041, Florida Statutes, by either burying the carcass at least 2 feet
below the surface of the ground, or taking the carcass to a rendering
company licensed to do business in the State of and Section 62-
701.520(5)(a) and (c), Florida. Other deceased chickens shall be

174 buried in the manner stated above Administrative Code, as either or
176 both may be applicable. ~~or double bagged and placed in a residential~~
garbage container for pickup by waste collection services.

178 (e) Additional terms and conditions for permits.

180 (1) Maximum number of permits. A
182 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).

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

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

194 (4) Noncompliance. The failure to
196 comply with any of the standards and conditions set forth above may
198 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, then the permittee shall not be eligible to apply for another
permit for a period of two years.

200 (5) Right of entry onto private property;
202 revocation of permit. By applying for a permit under this subsection
204 (37), the applicant grants (a) authorized County employees and
206 agents, upon reasonable notice, a right of entry upon the exterior of
the property to determine whether the standards and conditions of
208 this ordinance are being satisfied; and (b) the County the right to
210 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.

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

216 (g) Effective period. This subsection (37)
218 allowing chickens on a lot or parcel is a permitted program and shall

220 remain in effect unless repealed. If this subsection (37) is repealed,
221 the chickens, along with the chicken coop and pen area shall be
222 removed from the lot or parcel within ten years after the date of such
223 repeal.

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

225 *Section 2. Effective date.* This ordinance shall become effective on July 1, 2021.

228 **ADOPTED THIS ____ DAY OF _____, 2021.**

230

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings, County Mayor

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

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By: _____
Deputy Clerk

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s:\jcarmichael\administrative matters\matters\backyard chicken ordinance (sap)\drafts\compare 4-28-21 clean 4-5-21 revised draft of backyard chickens ordinance.docx

Use Per Zoning Code	SIC Group	Land Use
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APPENDIX A*
Sec. 22-77, Use Table