

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: *Katie Smith*
Deputy Clerk

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