



Interoffice Memorandum

May 10, 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: May 18, 2021 – Public Hearing – 5:01 P.M.
Amending Chapter 38 – Zoning; Relating to Standards for
Residential Backyard Chicken Keeping

On March 9, 2021, staff presented a work session relating to residential backyard chicken keeping. This presentation covered previous Board discussions on the topic in 2013 and 2016, along with the alignment these activities with County and community goals, and an overview of proposed program standards and requirements to establish a Residential Backyard Chicken Keeping Program. At the conclusion of the work session, staff was directed to develop an ordinance.

On April 15, 2021, the ordinance was presented to the LPA/PZC for public hearing. It was approved as presented with one change in terminology for setbacks relating to the normal high water elevation. In addition, staff made clarifications related to private covenants and restrictions, as well as to the definition of a chicken and allowable types and numbers of chickens that may be kept.

Amendments to Chapter 38. Zoning, require two public hearings. This first hearing will be held at 5:01 p.m., and staff will present the ordinance with the changes recommended by LPA/PZC in redline format.

No action is requested at this hearing. The adoption hearing is proposed to be held on June 8, 2021, at 2:00 p.m.

JVW/LF/fb

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

Attachment – Draft ordinance

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
88 area shall be tied down to the ground for wind resistance.

90 c. The maximum size of the
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
from any side or side street property boundary ~~and~~; a minimum of
104 10 feet from the rear property boundary, any wetlands, upland
buffers, berms, swales, conservation areas, and platted development
106 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
materials, is allowed in an enclosed bin, provided. Composting of
140 chicken manure or soiled bedding materials is subject to the
142 requirements of Section 28-35 of the ~~composting~~ Orange County
Code, except that any compost bin that contains chicken manure
144 or soiled bedding materials shall be kept a minimum of 20 feet from
the property's boundary. Waste materials (feed, manure and litter)
146 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) UsePurpose of keeping chickens.
150 Chickens shall be kept for the purpose of producing eggs for
consumption on the property only. Chickens, their eggs, feathers
152 and manure shall not be sold. In addition, chickens shall not be bred,;
slaughtered, except as provided in Section 828.05, Florida Statutes,
154 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
to a farm or agribusiness that is licensed or otherwise permitted to
160 accept chickens, or to another Orange County resident who has a
valid permit in good standing and whose property is in compliance
162 with the requirements of this subsection (37). Chickens shall not be
taken to the Orange County Animal Services Division or released
164 into the wild.

166 (6) Disposal of deceased chickens.
168 Owners shall dispose of deceased chickens, ~~which die as a result of~~
sickness or disease, in compliance with the requirements of Section
170 823.041, Florida Statutes, by either burying the carcass at least 2 feet
below the surface of the ground, or taking the carcass to a rendering
172 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
208 the property to determine whether the standards and conditions of
210 this ordinance are being satisfied; and (b) the County the right to
212 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.

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

218 (g) Effective period. This subsection (37)
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.

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

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ORANGE COUNTY, FLORIDA

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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

