## 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

March 9, 2021 – 5:01 p.m. Public Hearing Residential Backyard Chicken Keeping Ordinance Page 2

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

	DRAFT
2	$04/\pm 26/2021$
4	ORDINANCE NO. 2021
4	AN ORDINANCE AFFECTING THE USE OF LAND IN
6	ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38
	("ZONING") OF THE ORANGE COUNTY CODE TO
8	ALLOW CHICKENS TO BE KEPT ON LOTS OR PARCELS
10	WITH SINGLE-FAMILY DETACHED RESIDENCES AND MOBILE HOMES, SUBJECT TO CONDITIONS; AND
10	PROVIDING AN EFFECTIVE DATE
12	
	WHEREAS, the interest in local food sources, food resilience and a desire for fresher, more
14	nutritious foods is being embraced by residents throughout the country;
16	WHEREAS, Orange County intends to integrate sustainability and resilience into
	strategies that foster healthy communities, educate and empower our residents to lead healthy and
18	sustainable lifestyles, and invest in the wellbeing and success of our children; and
20	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
22	chickens are sufficient to meet the needs of the average family's egg consumption.
24	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
21	DE 11 ORDINIED DI THE BONKS OF COUNTY COMMISSIONERS OF
	ORANGE COUNTY, FLORIDA:
26	Section 1. Amendments to Section 38-77 ("Use Table") and Section 38-79
	("Conditions for Permitted Uses and Special Exceptions").
28	(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
30	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
32	underlines and deletions being shown by strike-throughs:

	Sec. 38-79. Conditions for permitted uses and special
36	exceptions.
38	* * *
40	(37) Reserved. Subject to the following standards and conditions, chickens shall be permitted to be raised or kept only on
42	a lot or parcel with an owner-occupied single-family detached residence or owner-occupied mobile home, upon the issuance of a
44	single permit per parcel by the Zoning Division and payment of an administrative fee as established by the Board of County
46	Commissioners.
48	(a) Definitions. For purposes of this subsection (37), the following terms and words have the following definitions:
50	
52	Chicken means athe female ehicken of a type of domesticated fowl of the species Gallus gallus domesticus.
54	<u>Chicken coop means a covered enclosure</u> designed for roosting of chickens that provides ventilation and
56	protection from drafts, sunlight, the effects of weather, and predators.
58	Pen area means an area around the chicken
60	coop used by chickens for exercising and foraging.
62	(b) Application requirements. An applicant shall comply with the following requirements:
64	
66	(1) Training class and application. An applicant shall attend and successfully complete the UF/IFAS Extension Orange County Backyard Chicken Training Class and
68	present a signed Certificate of Completion of that class to the Zoning Division, along with the applicant's completed application and any
70	other information required by the Zoning Division as part of the process for application for a permit.
72	(2) Site plan. An applicant shall submit a
74	site plan to the Zoning Division for the chicken coop and pen area.  The chicken coop and pen area shall meet the following
76	requirements:
78	a. The chicken coop and pen area shall be designed and constructed to protect the chickens from
90	natural predators and domestic nets by being fully enclosed with

	welded wife mesh, hardware cloth, of other material of similar
82	strength. Chicken wire fencing shall not be used. Additionally, the
-	enclosure material shall be buried at least 12 inches to obstruct or
84	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
	minimum size of the chicken coop shall be 4 square feet per chicken.
92	The minimum size of the pen area shall be 10 square feet per
	chicken.
94	
	d. The maximum height of the
96	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.
98	
	e. The chicken coop and pen
100	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
102	from any side or side street property boundary-and; a minimum of
	10 feet from the rear property boundary, any wetlands, upland
104	buffers, berms, swales, conservation areas, and platted development
	right tracts; and 50 feet from any normal high-water elevation.
106	
	f. The chicken coop and pen
108	area shall be cleaned regularly to foster healthy chickens; to prevent
	attracting insects and other vermin; and to avoid
110	offensiveobjectionable odors detectable beyond the property line.
	Repairs to the pen area and chicken coop shall be made as necessary
112	to ensure safety for chickens and caretakers.
114	g. Opaque fencing or vegetation
116	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
110	neighboring properties. The maximum height of the fencing or
118	vegetation shall be 6 feet.
haa	
120	(c) Number of chickens. A maximum number of
122	four chickens are permitted.
122	(4) Com maintanana and diamond C 1 1 1
124	(d) Care, maintenance, and disposal of chickens.
124	(1) Food and water Chickens shall be
126	(1) Food and water. Chickens shall have access to food and water at all times. Feed shall be keptdistributed
11 40	access to toog and water at all times, reed shall be keendistribited

	in a rodent-proof feeder when not secured. Feed shall be stored in
128	a covered metal or plastic rodent and wildlife-proof container.
130	(2) Housing and custody. Chickens shall be housed at all times within the chicken coop or pen area, except
132	they may be removed from the chicken coop or pen area by a resident of the single-family residence or mobile home, provided the
134	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	(2) Wests materials Composting of
138	(3) Waste materials. Composting of 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 requirements of Section 28-35 of the compostingOrange County
142	Code, except that any compost bin isthat contains chicken manure or soiled bedding materials shall be kept a minimum of 20 feet from
144	the property's boundary. Waste materials (feed, manure and litter) that are not composted shall be discarded in a sealed bag and placed
146	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.  Owners shall dispose of deceased chickens, which die as a result of
168	sickness or disease, in compliance with the requirements of Section 823.041, Florida Statutes, by either burying the carcass at least 2 feet
170	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-
172	701.520(5)(a) and (c). Florida. Other deceased chickens shall be

71	buried in the manner stated above Administrative Code, as either or
174	both may be applicable. or double-bagged and placed in a residential garbage containerfor pickup by waste collection services.
176	guidage container of piekap by waste concetion services.
178	(e) Additional terms and conditions for permits.
170	(1) Maximum number of permits. A
180	certain maximum number of permits, as established or revised by the Board of County Commissioners, may be issued on a first-come,
182	first-served basis, pursuant to this subsection (37).
184	(2) Non-transferable nature of permits.  Permits are personal to a permittee as the owner of the subject
186	property and are not transferable.
188	(3) Property covenants and restrictions.  Nothing herein shall be construed or interpreted to mean that the
190	chickens are permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants
192	and restrictions prohibit such use.
194	(4) Noncompliance. The failure to
196	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
198	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
200	permit for a period of two years.
202	(5) Right of entry onto private property; revocation of permit. By applying for a permit under this subsection
204	(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
206	the property to determine whether the standards and conditions of this ordinance are being satisfied; and (b) the County the right to
208	revoke a permit upon a determination of noncompliance with this subsection (37). To that end, any code enforcement officer shall be
210	immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon private property while in the discharge of
212	responsibilities under this ordinance.
214	other poultry or fowl, including turkeys, ducks, geese, pigeons,
216	quail, and peafowl, shall be prohibited.
210	(g) Effective period. This subsection (37)
218	allowing chickens on a lot or parcel is a permitted program and shall

220	the chickens, along with the chicken coop and pen area shall be
220	removed from the lot or parcel within ten years after the date of such
222	repeal.
224	In all other respects, Section 38-79 shall remain unchanged.
226	Section 2. Effective date. This ordinance shall become effective on July 1, 2021.
228	ADOPTED THIS, 2021.
230	ORANGE COUNTY, FLORIDA
232	By: Board of County Commissioners
234	Dv.
236	By:
238	ATTECCT. District Control Country Company No.
240	ATTEST: Phil Diamond, CPA, County Comptroller, as Clerk of the Board of County Commissioners
242	
244	By: Deputy Clerk
246	
248	
250	
252	
254	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

APPENDIX "A" Sec. 38-77. Use Table

Uses Per Zonung Code	SK Group	Land Use	1-4-1	.4-2	.4-R	RCE-3	RCE-2	RCE	R-1.444	R-IA44	R-LAH	R-14	R-1	R-2	R-3	RCE Chater	RT	RT-1	R7-2	P-O	I-D	C-2	6.3	FIA	11.13	1-2, 1-3	1-1	(i-1' (are 29)	R-L-D	UR-3	W	NAC	NR	Conditions
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Swimming pools, jacuzzies, tennus courts, spus, hot tubs, including appurtenances to such uses	ŀ	Swimming pools, jacuzzies, termis courts, spes and hot tubs, including appurtenances to such uses	10 P	10 P	10 P	10 P	10 P	10 P	10 P	-											10 P	10 P	10 P											
Checken keeping, chicken coops and pens in residential districts									37 P	37 P	37 P	37 P	<u>37</u>	<u>37</u>	37 P	37 P		37 P	37 P										37 P				37 P	
Home with 6 or fewer residents that otherwise meets definition of community residential home		Home with 6 or fewer residents that otherwise meets definition of community residential homes	12 P	12 P	12 P	12 P				P	P	Р	Р		P	P	Р	12 13 P	124 12 P		P	12 P	12 P											