

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:

36 **Sec. 38-79. Conditions for permitted uses and special**
37 **exceptions.**

38 * * *

39 (37) ~~Reserved.~~ Subject to the following standards and
40 conditions, chickens shall be permitted to be raised or kept only on
41 a lot or parcel with an owner-occupied single-family detached
42 residence or owner-occupied mobile home, upon the issuance of a
43 single permit per parcel by the Zoning Division and payment of an
44 administrative fee as established by the Board of County
45 Commissioners.

46
47 (a) Definitions. For purposes of this subsection
48 (37), the following terms and words have the following definitions:

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50
51 Chicken means ~~the~~ female ~~chicken~~ of a type
52 of domesticated fowl of the species *Gallus gallus domesticus*.

53
54 Chicken coop means a covered enclosure
55 designed for roosting of chickens that provides ventilation and
56 protection from drafts, sunlight, the effects of weather, and
57 predators.

58
59 Pen area means an area around the chicken
60 coop used by chickens for exercising and foraging.

61 (b) Application requirements. An applicant shall
62 comply with the following requirements:

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64 (1) Training class and application. An
65 applicant shall attend and successfully complete the UF/IFAS
66 Extension Orange County Backyard Chicken Training Class and
67 present a signed Certificate of Completion of that class to the Zoning
68 Division, along with the applicant's completed application and any
69 other information required by the Zoning Division as part of the
70 process for application for a permit.

71
72 (2) Site plan. An applicant shall submit a
73 site plan to the Zoning Division for the chicken coop and pen area.
74 The chicken coop and pen area shall meet the following
75 requirements:

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77 a. The chicken coop and pen
78 area shall be designed and constructed to protect the chickens from
79 natural predators and domestic pets by being fully enclosed with
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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
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
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 areis 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 keptdistributed

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
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.

138 (3) Waste materials. Composting of
manure produced by ~~the~~ chickens, including soiled bedding
materials, is allowed in an enclosed bin, ~~provided~~. Composting of
chicken manure or soiled bedding materials is subject to the
requirements of Section 28-35 of the ~~composting~~ Orange County
Code, except that any compost bin ~~is~~ 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) UsePurpose 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.

156 (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.

166 (6) Disposal of ~~deceased~~ chickens.
Owners shall dispose of deceased chickens, ~~which die as a result of~~
sickness or disease, in compliance with the requirements of Section
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~~

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

(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, then 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

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
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 ____ DAY OF _____, 2021.**

230 **ORANGE COUNTY, FLORIDA**
232 By: Board of County Commissioners

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236 By: _____
Jerry L. Demings, County Mayor

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

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244 By: _____
Deputy Clerk

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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

