ORDINANCE NO. 2016-22 **SEMINOLE COUNTY, FLORIDA**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO BACKYARD CHICKENS; AMENDING THE SEMINOLE COUNTY CODE TO AMEND CHAPTER 20 ANIMALS AND FOWL TO INCLUDE A NEW PART 4 BACKYARD CHICKEN PILOT PROGRAM TO ALLOW THE KEEPING OF CHICKENS AND CHICKEN COOPS WITHIN CERTAIN RESIDENTIAL ZONING DISTRICTS; CREATING DEFINITIONS; ENUMERATING THE TERMS AND CONDITIONS CONCERNING THE KEEPING OF BACKYARD CHICKENS; ESTABLISHING A PERMITTING PROCESS; PROVIDING FOR SUNSET OR EXTENSION OF THESE REGULATIONS UPON REVIEW BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND SUNSET DATE.

WHEREAS, the Seminole County Board of County Commissioners recognizes the trend in society to incorporate fresh organic products into diets; a lifestyle which can be supported by allowing residents to keep and raise chickens on their single-family residential properties for the purposes of producing eggs for personal consumption; and

WHEREAS, the Seminole County Land Development Code currently permits livestock and poultry only in agricultural zoning districts; and

WHEREAS, many communities around the Country have been exploring how to compatibly integrate backyard chickens into urban and suburban residential settings; and

WHEREAS, the Seminole County Board of County Commissioners recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin, and disease; and

WHEREAS, experts suggest that the keeping of four (4) chickens is sufficient to meet the needs of the average family's egg consumption; and

CERTIFIED COPY
MARYANNE MORSE
Clerk of Circuit Court and Comptroller
SEMINOLE COUNTY, FLORIDA
BY: Kyla Jenner
DEPUTY CLERK

WHEREAS, the Board of County Board of Commissioners desires to implement a two (2) year temporary pilot program to permit the keeping of up to four (4) chickens on an occupied single-family property within the RC-1, R-1, R-1A, R-1AA, R-1AAA and R-1AAAA zoning districts, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as the Backyard Chicken Pilot Program Ordinance.

Section 3. Intent and Purpose. The intent and purposed of this Ordinance is to create a pilot program allowing the keeping of four (4) chickens in certain residential zoning districts to meet the needs of the average family's egg consumption.

Section 4. Creation of Part 4, Chapter 20 Animals and Fowl, Seminole County Code. Part 4, "Backyard Chicken Pilot Program", is hereby created to read as follows:

Part 4. Backyard Chicken Pilot Program.

Sec. 20.161. Intent/Definitions.

(a) The intent of this Ordinance is to create and implement a two (2) year temporary Backyard Chicken Pilot Program to permit the keeping of chickens by no more than one hundred (100) families on occupied single-family property within the RC-1, R-1, R-1A, R-1AA, R-1AAA and R-1AAAA zoning districts, subject to the terms and conditions of this Ordinance.

(b) For the purposes of this Ordinance, the term "chicken" refers to female chickens (hens) only.

(c) This Ordinance does not authorize persons to violate applicable restrictive covenants or homeowners' association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners' association rules and regulations. Persons applying for and receiving temporary permits under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.

(d) The term "predators" includes, but is not limited to, bears, raccoons, coyotes, bobcats, and foxes.

(e) The term "subject property" is the single-family residential property with which the Backyard Chicken Pilot Program permit is associated.

Sec. 20.162 Temporary Permit and General Conditions for the Keeping of Chickens in Certain Residential Zoning Districts.

(a) Persons desiring to participate in the Backyard Chicken Pilot Program must apply for and obtain a permit from the Planning and Development Manager or his/her designee prior to keeping chickens within the RC-1, R-1, R-1A, R-1AA, R-1AAA and R-1AAAA zoning districts. The Planning and Development Division shall charge a non-refundable fee as established in the Administrative Code to persons applying for a permit under this Ordinance to cover processing costs. If the person applying for a permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and consent to the application. No more than one hundred (100) permits will be issued under this Ordinance. Only one permit per occupied single-family property will be issued. Permits shall be awarded by the County on a first-come, first-served basis. If a participant chooses to leave the program, he/she must provide notice to the County. The County is then authorized to re-issue the permit to another qualified applicant. If a

participant is removed from the pilot program due to violations of the terms of this ordinance, his/her permit may also be re-issued to another qualified applicant.

(b) In order to obtain a permit under this Ordinance, persons applying for a Backyard Chicken Pilot Program permit must show that he/she can meet the requirements of this Ordinance. The County will conduct site inspections of the subject property to make compliance determinations under this Ordinance. The Planning and Development Manager may deny a permit application if he/she determines that the person(s) applying for a permit cannot meet the requirements of this Ordinance. The issuance of a Backyard Chicken Pilot Program permit is conditioned upon and subject to the terms and conditions of this Ordinance. Regardless of the date a Backyard Chicken Pilot Program permit is issued, such permit shall terminate and expire two years from the effective date of this Ordinance unless terminated earlier or extended by the Board of County Commissioners' action to extend the sunset and termination date set forth in Section 8 of this Ordinance.

(c) Persons applying for a Backyard Chicken Pilot Program permit must provide proof of successful completion of a University of Florida Agricultural Extension Service (UF IFAS) class or an equivalent class approved by the Seminole County UF IFAS Extension on the care and raising of chickens. The Planning and Development Division will maintain a schedule of such classes.

(d) Persons applying for a Backyard Chicken Pilot Program permit thereby (a) agree to the terms and conditions of this Ordinance, (b) grant the County and its officers, employees and agents a right-of-entry upon the subject property (including the rear yard) for inspection purposes to ensure compliance with this Ordinance, (c) agree to remove chickens and chicken coops and enclosures upon the termination or expiration of a Backyard Chicken Pilot Program permit, and

(d) hold the County and its officials, officers, employees and agents harmless concerning matters relating to the Backyard Chicken Pilot Program permit and this Ordinance.

(e) Up to four (4) chickens may be kept on an occupied single-family property zoned RC-1, R-1, R-1A, R-1AA and R-1AAA, R-1AAAA upon receiving a Backyard Chicken Pilot Program permit from the Planning and Development Manager or his/her designee. Chickens are prohibited within Planned Development (PD) zoned districts, unless the terms of the associated Development Order permit participation in the Backyard Chicken Pilot Program. Chickens shall not be kept on duplex, triplex, or multifamily properties, or within mobile home/manufactured home parks.

(f) Chickens must be kept within a coop or enclosure and may not be released or set free to roam unless under the direct supervision of their owner in compliance with Section 20.164(a) of this Ordinance. Such supervised roaming must be confined to the backyard of the subject property.

(g) Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this Ordinance.

(h) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

(i) Chickens may not be bred or slaughtered on premises. Chickens shall not be used or trained for the purpose of fighting for amusement, sport or financial gain.

(j) The coop and enclosure must be screened from the neighboring property. Screening must be accomplished using an opaque fence and/or landscape screen (existing vegetation may be used if sufficient enough to create an opaque screen).

(k) All applicable building permits must be obtained prior to constructing fences and the enclosures to house chickens.

(l) Unless otherwise in conflict with Florida Statutes, a dog or cat that injures or kills a chicken that wanders onto the property at which the dog or cat resides will not, for that reason alone, be considered a dangerous or aggressive animal.

(m) Deceased chickens must be properly disposed of within 24-hours of expiring and in accordance with Florida law. Permit holders may contact a University of Florida Agricultural Extension Service office for requirements regarding proper disposal methods.

(n) No manure may be allowed to accumulate on the floor of the coop or ground. Permit holders must implement a manure management program, whereby the coop and enclosure are cleaned regularly. For example, a fly-tight bin for storage of manure could be utilized; the size of which must be sufficient to contain all accumulations of manure. A manure box inside the coop is recommended. The fly-tight bin must be kept at least twenty (20) feet away from all property lines. Composting of chicken manure may be allowed in the enclosed fly-tight bin. There shall be no perceptible odor emanating from the manure storage/composting bin.

Sec. 20.163. Location and Requirements for Chicken Coops and Enclosures.

(a) Chicken coops and fenced enclosures must be located in the rear/back yard (behind the home). No coop or enclosure will be allowed in any front or side yard. Yard, as used in this provision, references location, not building setback area.

(b) The coop and enclosure must be a minimum of ten (10) feet from the rear and side property lines and twenty (20) feet from any neighboring residential homes. On corner lots, coops and enclosures must meet the required side street setback per the property's applicable zoning district.

(c) If the coop structure exceeds 100 square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building Code.

(d) The coop must be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors, and gates. Fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators. The coop must also be tied down for wind resistance.

(e) For properties located in a Seminole County Urban Bear Management Area, feed, coops, and runs must be secured, and chickens protected from bears in accordance with the Florida Fish and Wildlife Conservation Commission guidelines for "Living with Florida Black Bears." All outdoor attractants must be secured. If electric fencing is utilized, it may only be installed around the coop, pen, and run and not along the property lines or anywhere else on the property.

(f) All stored feed must be kept in a rodent and predator-proof container or be kept inside a secured structure.

(g) The coop must provide a minimum of four (4) square feet per chicken; a minimum of five(5) square feet of run per chicken, and be of sufficient size to permit free movement of the chickens. The coop may not be taller than eight (8) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance. Coops may not exceed a maximum of 150 square feet.

20.164. Health, Sanitation and Nuisance as Applied to the Keeping of Chickens.

(a) Chickens must be kept within a coop and enclosure and may not be allowed to roam outside the subject property. Chickens may not be released or set free from such coop or enclosure unless the chickens are under the direct supervision of their owner. Chickens may be allowed to

roam outside the coop and run within their owner's backyard under the immediate supervision of their owners for limited periods of time for purposes of socializing, interaction and cleaning of the coop and run.

(b) Chicken coops and enclosures must be maintained in a clean and sanitary condition at all times. Activities subject to the Backyard Chicken Pilot Program permit must be conducted in a manner that does not create any nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition. There shall be no perceptible odor that is objectionable to neighboring properties emanating from the chickens or the enclosure.

(c) In a public health emergency declared by the Seminole County Health Department, including, but not limited, to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required in accordance with applicable public health regulations and procedures. Backyard Chicken Pilot Program permit holders consent to compliance with such required corrective action.

20.165. Violations.

(a) In the event that a violation of this Ordinance occurs, the County has the right to undertake one or more of the following remedies or actions:

(1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;

(2) Issue a civil citation as a Class III violation to the violator for each violation in accordance with Section 53.32 of the Seminole County Code of Ordinances;

(3) Take any other action or remedy authorized by law or in equity, including, but not limited to, instituting an action in court to enjoin violating actions, in which case the

violating person shall be liable to the County for reimbursement of the County's attorneys' fees and costs concerning such action; and/or

(4) Revoke the Backyard Chicken Pilot Program permit for the keeping of chickens and require that the chickens be removed within ten (10) days.

20.166. Review after Two (2) Year Trial Period. One hundred and eighty (180) days prior to the sunset date of this Ordinance, the Development Services Department, in conjunction with the Sheriff's Office (Code Enforcement), will track complaints and compliance issues regarding the temporary permits and make a subsequent report to the Board of County Commissioners as to the results. The Board of County Commissioners will review the data compiled by staff and feedback from staff, the public and professionals on the successes and failures of the program and prior to the completion of the two year trial period, permit the Backyard Chicken Pilot Program to sunset, extend the pilot program, or take other action as appropriate.

Section 5. Conflicts. This Ordinance shall control over any ordinances or parts of ordinances in conflict herewith.

Section 6. Severability. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

Section 7 Codification. It is the intent of the Board of County Commissioners that the Substantive provision of this Ordinance will become and be made part of the Seminole County Code and that the word "ordinance" may be changed to "section", "part", or other appropriate

word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 5, 6, 7, 8, and 9 of this Ordinance shall not be codified.

Section 8. Sunset Date. This Ordinance and the provisions hereof shall sunset and expire two (2) years from the effective date; provided however, such shall not affect the County's ability to prosecute violations of this Ordinance for violations occurring prior to such sunset and expiration date. The Board of County Commissioners may, by ordinance, extend the sunset and expiration date of this Ordinance.

Section 9. Effective Date. This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 28th day of June, 2016.

ATTEST:

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

JOHN HORAN, Chairman

CMO
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FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 8, 2016

Honorable Maryanne Morse
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Attention: Ms. Kyla Spencer

Dear Ms. Morse:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Seminole County Ordinance No. 2016-22, which was filed in this office on July 8, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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