

## ORDINANCE 3182-20

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BACKYARD CHICKENS; ESTABLISHING REGULATIONS FOR THE ISSUANCE OF BACKYARD CHICKEN PERMITS AND THE KEEPING OF BACKYARD CHICKENS AS A PILOT PROGRAM; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR CONFLICTS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**WHEREAS**, there is increased interest in backyard and community food production to provide local food sources; and

**WHEREAS**, many communities in Florida and throughout the United States have been enacting regulations to compatibly integrate the keeping of backyard chickens into urban residential settings; and

**WHEREAS**, chickens can make good pets, and findings indicate that four are sufficient to meet the needs of the average family's egg consumption; and

**WHEREAS**, the City Commission of the City of Winter Park, Florida (the "Winter Park City Commission"), recognizes the desire of all residents to live in a clean environment free of excessive odor, noise, vermin and disease; and

**WHEREAS**, the Winter Park City Commission hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare; and

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are incorporated herein by reference and form an integral part of this Ordinance.

**SECTION 2.** Portions of Chapter 18 and Chapter 58, Code of Ordinances of the City of Winter Park, Florida, is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

**SECTION 3.** The allowance of chickens in single-family residential zoning designations (R-1A, R-1AA, R-1AAA) is hereby established as a pilot program of the City of Winter Park which will expire 24 months from the date of the adoption of this ordinance. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City Code, or be discontinued.

**SECTION 4.** Chapter 18, Animals, Article I, Subsection 18-16 "Keeping farm animals prohibited" is hereby amended and a new Subsection 18-18 "General Conditions for the keeping of backyard chickens" is hereby added as shown below:

**Sec. 18-16 – Keeping farm animals prohibited.**

It shall be unlawful to keep, harbor or maintain within the city limits any horse, mule, sheep, cattle, hog, pig, goat, geese, turkey, chicken, livestock or other farm animals, including but not limited to grazing and browsing animals. The keeping of chickens is allowable under Subsection 18-18 “General Conditions for the keeping of backyard chickens.”

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**Sec. 18-18. – General Conditions for the keeping of backyard chickens pilot program.**

Any person keeping chickens as an accessory to an occupied dwelling shall be subject to the following restrictions:

- 1) Permit Required. A Backyard Chicken permit (hereinafter “permit”), is required for the keeping of chickens. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and written consent to the application. The fee for the permit will be set by Resolution of the Winter Park City Commission.
- 2) The applicant shall include written consents/approval of the keeping of chickens on their premises from all abutting property owner(s). Upon receipt of a permit application, the Building Official shall determine if the application is complete and contains the required consents/approvals. For the purposes of this subsection, “abutting property owner(s)” means those private property owner(s) owning fee simple interest in property sharing a boundary line with the applicant’s property that is the subject of the application.
- 3) During the pilot program, City of Winter Park staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of chickens. Inspections shall be to ensure that all of the program criteria are being met. Staff will keep a record of the progress and conditions for evaluation at the end of the 24-month program. In the event the City Commission does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines and regulations of the pilot as set forth herein are maintained.
- 4) Up to four chickens may be kept at an occupied single family residence upon receiving a permit from the City.
- 5) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.
- 6) Chickens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.
- 7) Chickens must be secured within a covered chicken coop, chicken tractor, or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner. Chickens must have access to food and water at all times. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.

- 8) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from chickens, chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pests, or contribute to any other nuisance condition.
- 9) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
- 10) Composting of chicken manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure and litter) not composted must be bagged and disposed of in the trash.
- 11) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.
- 12) Chickens may not be slaughtered on premises.
- 13) Any person who violates any provision of the article will, upon conviction, be punished as provided in Section 1.7 of this Code. Additionally, the building official has the sole discretion to revoke the permit and require that the chickens be removed within 10 days if he or she determines that the permittee is in violation of the requirements of the Code.
- 14) Violation of this section or other requirements of the backyard chicken program shall constitute a class II civil infraction in accordance with section 1-24, City Code. A repeat citation for a violation of this section will incur double the penalty of the first infraction. A third citation for a violation will result in the participant being removed from the program.

**SECTION 5.** Chapter 58, Land Development Code, Article III, Zoning, Subsection 58-71(i) is hereby amended as follows by adding new Subsection (11):

(11) Backyard Chicken Coop Accessory Structures.

- 1) Chicken coops, pens or chicken tractors must be located in the rear yard (behind the rear of the home) and be set back a minimum of ten (10) feet from the rear and a minimum of seven and a half (7.5) feet from the side lot lines. Coops must be screened at grade from adjacent properties with a solid 6 foot fence or wall. No coop will be allowed in any front or side-yard.
- 2) The coop, pen, or chicken tractor must be a minimum of 20 feet from any pre-existing neighboring residential principal structure, at least 5 feet from the principal structure on the subject property, and at least 5 feet from any property line. No setback is required between a coop and another accessory structure on the subject property.
- 3) Chicken coops must be less than 50 square feet and may have an attached run. The coop must also be tied down for wind resistance.
- 4) The maximum height of a coop shall be six (6) feet, as measured from the existing grade to the highest part of the coop.

- 5) An applicant for a permit must demonstrate compliance with the criteria in the Code in order to obtain a permit. The application for a permit must be submitted to the building official. Applicants must submit photos of the proposed site of the coop/run areas, a to scale survey/site plan of the subject property showing the location, and proof of successful completion of a University of Florida Agricultural Extension Service class or an equivalent class approved by the building official, completed within the last year.
- 6) A building official determination is required for a permit. The building official is authorized to implement reasonable rules and regulations regarding backyard chickens. The building official must not approve locations with outstanding code violations.
- 7) No more than 25 permits will be issued citywide. Permits will be issued on a first-come, first-served basis. Participants choosing to leave the program must provide notice to the City. The City is then authorized to re-issue the permit to another qualified applicant. If a participant is removed from the program due to violations of the terms of this ordinance. The permit may also be re-issued to another qualified applicant.

**SECTION 6.** Chapter 1, General Provisions, Article II, Subsection 1-24(a) “Schedule of violations and penalties” is hereby amended to add a new Class II violation, as follows:

**Sec. 1-24. – Schedule of violations and penalties.**

(a) Civil infractions of city codes and ordinances for which citations may be issued include, but are not limited to:

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Class * * * * *		Violation	Ord. No.
<u>II</u>		<u>Compliance with backyard chicken restrictions</u>	<u>XX-XX</u>

**SECTION 7. CONFLICTS.** The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

**SECTION 8. CODIFICATION.** The city clerk and the city attorney shall cause the Code of the City of Winter Park, Florida, to be amended as provided by this Ordinance and may renumber, re-letter, and rearrange the codified parts of this Ordinance if necessary to facilitate the finding of the law and/or consistency with the Code.

**SECTION 9. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the city clerk.

**SECTION 10. SEVERABILITY.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or

applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**SECTION 11. EFFECTIVE DATE.** This Ordinance is effective upon adoption.

**DONE, THE FIRST READING,** by the City Commission of the City of Winter Park, Florida, at a regular meeting, the 26th day of August, 2020.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Winter Park, Florida, by the City Clerk of the City of Winter Park, Florida, the 30th day of August 2020.

**DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Commission of the City of Winter Park, Florida, at a regular meeting, the 9th day of September, 2020.

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Steve Leary, Mayor

ATTEST:

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City Clerk

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