

ORDINANCE NO. 1250

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE MAITLAND CITY CODE, CHAPTER 4. ANIMALS AND FOWL TO ALLOW CHICKENS TO BE KEPT ON LOTS OR PARCELS WITH SINGLE FAMILY RESIDENTIAL ZONING DESIGNATIONS AS A PILOT PROGRAM; AND AMENDING CHAPTER 21 ZONING, SECTIONS 21-8, 21-10 AND 21-10A TO ALLOW CHICKEN-KEEPING AS AN ACCESSORY USE IN CERTAIN RESIDENTIAL DISTRICTS; PROVIDING FOR REPEAL OR EXTENSION OF THESE REGULATIONS UPON REVIEW BY THE CITY COUNCIL; PROVIDING FOR A PERMITTING PROCESS; PROVIDING SPECIFIC CRITERIA FOR KEEPING CHICKENS IN THE CITY LIMITS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Maitland City Council recognizes the general trend in society to pursue a green lifestyle and to incorporate fresher products into diets, a lifestyle which can be supported by allowing residents to keep and raise chickens on their single-family property for the purposes of producing their own eggs for consumption; and

WHEREAS, The Maitland City Council also recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin, and disease; and

WHEREAS, The Maitland Planning and Zoning Commission, which also sits as the Local Planning Agency and the Land Development Regulation Commission duly scheduled, advertised and held a public hearing to consider an ordinance to allow the keeping and raising of chickens on residential properties under certain conditions; and

WHEREAS, The Planning and Zoning Commission has heard all persons who desired to speak for and against said zoning amendment and did, at their regularly scheduled meeting on October 17, 2013, recommend that the City Council approve said request for a modification to the City Code; and

WHEREAS, The Planning and Zoning Commission found the City Code

amendment request to be in substantial compliance with the *2030 City of Maitland Comprehensive Development Plan*; and

WHEREAS, The City Council of the City of Maitland, Florida has duly considered the recommendation of the Planning and Zoning Commission and reviewed all comments, both written and verbal, pro and con, regarding this requested City Code amendment; and

WHEREAS, The City Council of the City of Maitland, Florida, considers that said City Code amendment will be in the best interest of the residents of the City of Maitland, Florida, and that said land development code amendment is in compliance with the *2030 City of Maitland Comprehensive Development Plan*; and

WHEREAS, to ensure the long-term viability of residential neighborhoods and conformity and compatibility with surrounding uses, the amendment provides that the accommodation of chickens in residential areas shall not cause undue noise, odor, and unsanitary conditions within the community; and

WHEREAS, the City Council finds it is necessary and in the best interest of the public health, safety and welfare to provide for a pilot project which shall expire after 18 months. At that time, the City shall evaluate the success, failures, and feedback from staff, the public, and professionals relative to the raising of chickens until satisfactory evidence has been compiled; and

WHEREAS, after evaluating all relevant data and feedback on the success or failures of the pilot program, City Council shall determine if the keeping of chickens as an accessory use shall continue for a further determined amount of time, enacted permanently into the Land Development Code, or if it shall be discontinued; and

WHEREAS, Section 553, Florida Statutes, entitled "Building Construction Standards," provides authorization for local governments to establish a schedule of reasonable fees to carry out the local government's responsibility in enforcing the Florida Building Code.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Maitland, that:

SECTION 1.

The allowance of chickens in single-family residential zoning designations is hereby established as a pilot program of the City of Maitland which shall expire 18 months from the date of the adoption of this ordinance. At that time, City Council shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot project shall be continued for an additional limited amount of time, or be incorporated permanently into the City Code, or be discontinued.

SECTION 2.

Part II, Chapter 4 (Animals and Fowl) of the City Code is hereby amended as follows:

Sec. 4-5. Keeping live poultry.

It shall be unlawful for any person, either as owner or keeper, to permit or otherwise allow any chickens, ducks, geese, turkeys, guineas, pigeons or doves to remain in the city, except as might be specifically authorized ~~and regulated in certain zoning districts in other sections of this code.~~

Sec. 4-5.1 Chicken-keeping Pilot Program.

City of Maitland residents shall not be permitted to keep or raise chickens without first obtaining a permit for such activity pursuant to the criteria established in Sec 4-5.2 of the Maitland City Code. No more than a total of 50 permits for the

keeping of chickens shall be issued, throughout the City, during the 18 months of the pilot program. Only one permit per single-family residence shall be issued. Permits shall be awarded by the City on a first-come, first-served basis. If a participant chooses to leave the pilot program, they must provide notice to the City. The City is then authorized to re-issue the permit to another qualified applicant.

During the pilot program, City of Maitland 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. The City shall provide 48-hour notice to permit holders prior to performing inspections. Staff will keep a record of the progress and conditions for evaluation at the end of the 18-month program.

Sec. 4-5.2 Chicken-keeping as an Accessory Use.

Chicken-keeping shall be permitted as an Accessory Use within Single-Family Residential Zoning designations, including RS-1, RS-1A, RS-2, RS-3, RS-4, and RS-5, where the lot or parcel is occupied by a single-family detached residence. Chickens shall not be kept at residential property with a townhome, duplex, condominium, apartment, or other multi-family residential unit.

Permission for chicken-keeping within the Maitland City limits shall be subject to the following standards and conditions:

- a) In order to obtain a permit for chicken-keeping, an applicant shall submit an application for a building permit site plan to the Community Development Department, including a scaled drawing showing the location of the proposed chicken coop and fenced pen area. The chicken coop and fenced pen area shall meet the following requirements:

- i. The maximum size of the coop and pen area shall be 100 square feet. A building permit from the Building Division will be required. The application submittal shall show construction materials and methods as well as anchoring methods, such as tie-downs. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the Building Department.
- ii. The maximum height of a coop and the pen fence around the coop shall be seven (7) feet, as measured from the existing grade to the highest part of the coop or fence.
- iii. The coop and pen area shall be located in the rear yard of the single-family detached residence and be set back a minimum of seven and one-half (7 1/2) feet from the side and rear lot lines and a minimum of 20 feet from any side street, so long as the coop and pen area shall be at least 25 feet from any residential structure on an adjoining lot. A coop and pen may abut a solid wall or the side of an applicant's house.
- iv. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.
 - a. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

- v. The space per bird in the coop shall not be less than three (3) square feet.
 - vi. All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.
 - vii. Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a six (6') foot tall opaque fence, wall, or equivalent landscape vegetative material.
 - viii. A signed affidavit is required to be submitted with all chicken-keeping permit petitions. The affidavit shall state that the chicken coop and pen will be designed, constructed and operated to the standards outlined in the City of Maitland's code of ordinances. The affidavit shall also state that the drawings submitted as part of the petition are a reasonably accurate representation of the subject site features and adjacent properties.
- b) The application for a chicken-keeping permit shall include proof to the Community Development Department that the applicant has attended and successfully completed a class at the Orange County Agricultural Extension Service on the care and raising of chickens.
 - c) A maximum of four (4) chickens may be kept on a lot or parcel with a detached single-family residence.
 - d) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area. Chickens must be secured within the chicken coop during

non-daylight hours.

- e) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.
- f) Chickens are allowed to be kept in single-family residential areas for non-commercial purposes in order to produce eggs for consumption. Eggs or manure produced by the chickens shall not be sold or utilized for commercial purposes.
- g) Chickens shall not be bred or slaughtered on the premises.
- h) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.
- i) Roosters and poultry or fowl other than chickens shall be prohibited City-wide.
- j) Nothing herein shall be construed or interpreted to mean that chickens are permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants and restrictions prohibit such use.
- k) The City Council hereby establishes a fee of \$50.00 to process petitions for residential chicken-keeping.

Sec. 4-5.3 Penalties.

Failure to comply with the provisions of this ordinance may result in fines or revocation of a chicken-keeping permit. Imposition of a fine or revocation of a permit shall take place upon a finding by the Special Magistrate for code enforcement that a permit holder has violated the conditions of the permit as stated in Section 4-5.2.

SECTION 3.

In order to establish the general objective of this ordinance, add language to certain individual zoning districts as follows:

(A) Sec. 21-8. - RS-1, RS-1A, RS-2, RS-3, single-family residential districts.

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III. *Permitted accessory uses and structures.*

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f) Chicken-keeping

(B) Sec. 21-10. - RS-4, single-family residential district.

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III. *Permitted accessory uses and structures.*

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f) Chicken-keeping

(C) Sec. 21-10a. - RS-5, single-family residential district.

...

III. *Permitted accessory uses and structures.*

...

e) Chicken-keeping

SECTION 4. Severability Clause. In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal

or unenforceable term, provision, clause, sentence or section did not exist.

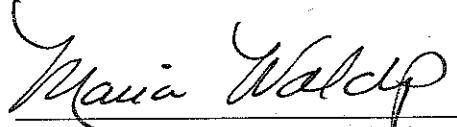
SECTION 5. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 6. Effective Date. The effective date of this Ordinance shall be the date the City Council of the City of Maitland approves the final hearing of the proposed Ordinance.

ADOPTED by the City Council of the City of Maitland, Florida, on the 11th day of November, 2013.

CITY OF MAITLAND, FLORIDA

By: 
Howard Schieferdecker, Mayor

Attest: 
Maria Waldrop, City Clerk