

**ORDINANCE NO. 1251**

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE MAITLAND CITY CODE, PART II, CHAPTER 4, SECTION 4-5.2. – CHICKEN KEEPING AS AN ACCESSORY USE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, several interested residents highlighted an ambiguity in section 4-5.2 of the Maitland City Code and;

**WHEREAS**, the City Council of the City of Maitland now finds it in the best interest of its residents to clarify that section.

**NOTE:** Underlined words constitute the additions to the existing text of the *Maitland Code of Ordinances*, strikethroughs constitute deletions to the existing text, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

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

**SECTION 1. Recitals Adopted.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Part II, Chapter 4 (Animals and Fowl) of the City Code is hereby amended as follows:

**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. However, the maximum height of a coop and pen may be eight (8) feet if the structure meets the 7½-foot and 25-foot setbacks as described in Subsection iii, below, as well as the 20-foot setback, if applicable.

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 (7½) 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. If a coop and pen are built to abut an opaque wall or fence which is at least 6 feet high and which is erected on the property line or between the property line and the 7½-foot setback, then the 7½-foot and 25-foot setback requirements described in Subsection iii shall not apply. A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. Nothing in this section shall

prevent construction of a coop and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of this code.

iv v. 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 vi. The space per bird in the coop shall not be less than three (3) square feet.

vi vii. 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 viii. 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 ix. 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.

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**SECTION 3. 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 4. 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 5. 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 27<sup>th</sup> day of JANUARY, 2014.

CITY OF MAITLAND, FLORIDA

By: 

Howard Schieferdecker, Mayor

Attest:

  
Maria Waldrop, City Clerk