

CITY OF ORLANDO  
COUNCIL AGENDA ITEM

12-06

Items Types:  
Hearings/Ordinances/2nd Read  
District: ALL  
Contract ID:  
Exhibits: Yes  
Grant Received by City?: No

For Meeting of:  
October 21, 2024  
From:  
Document Number:  
On File (City Clerk) : Yes

Draft Only: No

**Subject:**

Ordinance No. 2024-50 Backyard Chickens and Chicken Coops as an Accessory Structure; Amending Chapter 58, Part 5A, Land Development Code, Entitled General Requirements (Backyard Chickens Code Amendment (LDC2024-10005) (Economic Development)

**Summary:**

In 2016, City Council adopted an amendment to Chapter 58 (Ord. 2016-79) to codify the backyard chicken pilot program, extending the program to 100 households citywide. This program is meant to allow urban chicken farming in approved areas while protecting the health, safety, and welfare of all residents. Each requesting household was permitted to have up to 4 hens, after the operator completed a course of chicken care and received a permit for a Planning Official determination that documents their participation and coop plans.

Since the backyard chicken program is nearing the 100 household limit set in 2016, staff is proposing to remove the limit on the number of single family households allowed to add chicken coops as an accessory structure in their rear yards. No other changes are proposed to the Backyard Chicken Coop Accessory Structures subsection. Lifting the cap is not likely to increase demand for chickens, and it is expected this will remain a small-scale program.

The Municipal Planning Board recommended approval of this item at its August 2024 meeting. City Council accepted the MPB minutes concerning this request on September 9, 2024. City Council approved the first reading of the subject ordinance on October 7, 2024.

**Fiscal & Efficiency Data:**

Business Impact Statement Attached

**Recommended Action:**

Adopting Ordinance No. 2024-50 and authorizing the Mayor and City Clerk to execute the same, after final review and approval by the City Attorney's Office.

Agenda Item attachment(s) on file in the City Clerks Office.

**Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.**

**Contact:** Sean Elordi, sean.elordi@orlando.gov, 407.246.4257 - Stacy Fallon, stacy.fallon@orlando.gov, 407.246.2295

**Approved By:**

**Department** **Date and Time**

**ATTACHMENTS:**

Name:	Description:	Type:
<input type="checkbox"/> <a href="#">LDC2024-10005 - Backyard Chickens Code Amendment (1).pdf</a>	Staff Report LDC2024-10005	Backup Material
<input type="checkbox"/> <a href="#">2024-50 Chicken Coops - Final.docx</a>	Ordinance No. 2024-50	Ordinance
<input type="checkbox"/> <a href="#">LDC2024-10005 Billing Impact Estimate (002).pdf</a>	BIE	Fiscal Impact Statement
<input type="checkbox"/> <a href="#">Orlando Ord #2024-50 Hearing.pdf</a>	Sentinel Advertisement	Backup Material

**"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."**

City Council Meeting: 10-21-2024

Item: 12-06 Documentary: 2410211206

1                   **AN ORDINANCE OF THE CITY COUNCIL OF THE**  
2                   **CITY OF ORLANDO, FLORIDA, RELATING TO**  
3                   **BACKYARD CHICKENS AND CHICKEN COOPS AS**  
4                   **AN ACCESSORY STRUCTURE; AMENDING**  
5                   **CHAPTER 58, PART 5A, LAND DEVELOPMENT**  
6                   **CODE, ENTITLED GENERAL REQUIREMENTS;**  
7                   **PROVIDING FOR SEVERABILITY, CODIFICATION,**  
8                   **CORRECTION OF SCRIVENER'S ERRORS, AND AN**  
9                   **EFFECTIVE DATE.**

10  
11                   **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of Orlando,  
12 Florida (the "city"), adopt or amend and enforce land development regulations that are  
13 consistent with and implement the city's adopted comprehensive plan; and

14  
15                   **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of innovative  
16 land development regulations and requires that all land development regulations be combined  
17 into a single land development code for the city; and

18  
19                   **WHEREAS**, from time to time, amendments and revisions to the city's adopted  
20 comprehensive plan (the "Growth Management Plan"), progress in the field of planning and  
21 zoning, or changes to state law make it necessary or desirable to amend the land development  
22 regulations of the city; and

23  
24                   **WHEREAS**, at its regularly scheduled meeting of August 20, 2024, the city's Municipal  
25 Planning Board (the "MPB") considered application case number LDC2024-10005 requesting  
26 amendments to the city's Land Development Code (the "LDC") to remove the limit on the  
27 number of permitted chicken coops; and

28  
29                   **WHEREAS**, based upon the evidence presented to the MPB, including the information  
30 and analysis contained in the "Staff Report to the Municipal Planning Board" for the  
31 application, the MPB recommended that the City Council of the City of Orlando, Florida (the  
32 "Orlando City Council"), approve said application and adopt an ordinance in accordance  
33 therewith; and

34  
35                   **WHEREAS**, the Orlando City Council hereby finds and determines that this ordinance  
36 is in the best interest of the public health, safety, and welfare, and is consistent with the  
37 applicable provisions of the State Comprehensive Plan, the Strategic Regional Policy Plan,  
38 and the City's GMP; and

39  
40                   **WHEREAS**, in accordance with section 65.483 of the Land Development Code, the  
41 Orlando City Council hereby finds and determines that this ordinance is consistent with the  
42 applicable provisions of the city's adopted Growth Management Plan, is in the best interest of  
43 the public health, safety, and welfare, is in harmony with the purpose and intent of the city's  
44 Land Development Code, will not result in disorderly and illogical development patterns, and  
45 will not result in incompatible land uses; and

46



~~6. No more than 100 permits will be issued citywide. Permits will be issued on a first come, first served basis. If a participant chooses to leave the program, he/she 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, his/her permit may also be re-issued to another qualified applicant.~~

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**SECTION 2. SEVERABILITY.** If any clause or provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other clauses, 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 3. CODIFICATION.** The City Clerk and the City Attorney shall cause the Code of the City of Orlando, 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.

**SECTION 4. 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 5. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, the 7 day of October, 2024.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the 9 day of October, 2024.

**DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the 21 day of October, 2024.

BY THE MAYOR OF THE CITY OF ORLANDO,  
FLORIDA:

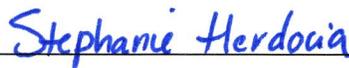
  
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Mayor

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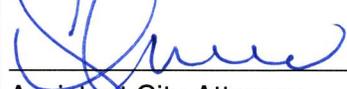
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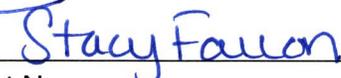
ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Print Name

THIS ORDINANCE DRAFTED BY AND  
APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
CITY OF ORLANDO, FLORIDA:

  
\_\_\_\_\_  
Assistant City Attorney

  
\_\_\_\_\_  
Print Name



Staff Report to the  
Municipal Planning Board  
August 20, 2024

LDC2024-10005

## CHAPTER 58—BACKYARD CHICKEN COOP ACCESSORY STRUCTURES LAND DEVELOPMENT CODE AMENDMENT

### SUMMARY

<p><b>Owner</b> N/A</p> <p><b>Applicant</b> City of Orlando</p> <p><b>Project Planner</b> Sean Elordi</p>	<p><b>Description of the Request:</b> Land Development Code Amendment to Chapter 58, to remove the limit on number of backyard chicken permits citywide.</p> <p><b>Staff's Recommendation:</b> Approval of the request.</p>	<p><b>Public Comment</b> Staff posted this item on the City's website, and placed a classified ad in the Orlando Sentinel. No public comments have been received as of the date of the Staff Report.</p>
<p><b>Updated:</b> July 29, 2024</p>		

### OVERVIEW

**Background.**

In 2016, City Council adopted an amendment to Chapter 58 (Ord. 2016-79) to codify the backyard chicken pilot program, extending the program to 100 households citywide. This program is meant to allow urban chicken farming in approved areas while protecting the health, safety, and welfare of all residents. Each requesting household was permitted to have up to 4 hens, after the operator completed a course of chicken care and received a permit for a Planning Official determination that documents their participation and coop plans. To date, the Planning Official has issued over 85 determinations for chicken coops in the City.

**Issue.**

From time to time, the Planning Official receives requests for backyard chicken coop accessory structure permits and determinations. Since the backyard chicken program is nearing the 100 household limit set in 2016, staff has been asked to evaluate the necessity for the limit on the number of permits issued.

**Analysis.**

At the date of this report 86 determinations and permits have been issued for backyard chicken coops. While participants are required to provide notice to the City if they leave the program, staff does not have a process for following up to ensure participation is ongoing. In addition, staff has received minimal complaints against homeowners actively participating in the program. If complaints do arise and violations are found, the City retains the right to revoke the permit and remove participants from the program.

For these reasons, staff is proposing to remove the limit on the number of single family households allowed to add chicken coops as an accessory structure in their rear yards. No other changes are proposed to the Backyard Chicken Coop Accessory Structures subsection. Since 2016, the City has averaged approximately 10 requests per year. Lifting the cap is not likely to increase demand for chickens, and it is expected this will remain a small-scale program. Therefore, a cap is no longer needed

## PROPOSED AMENDMENT

The draft code changes are included and are subject to final review and approval by the City Attorney's Office. New language is underlined and eliminated language is ~~struck through~~.

### Sec. 58.901(i). Accessory Structure Location and Zoning Standards.

#### (i) *Backyard Chicken Coop Accessory Structures.*

1. Chicken coops must be located in the rear yard (behind the home). 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 neighboring residential homes, at least 5 feet from the principal structure on the subject property, and at least 5 feet from any property line. The coop, pen, or chicken tractor may be placed 0 feet from the property line if placed adjacent to a masonry wall on property in a non-residential zoning district. A 0 foot setback is allowed 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. 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 planning official. Applicants must submit photos of the proposed site of the coop/run areas, a 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 planning official.
5. A planning official determination is required for a permit. The planning official is authorized to implement reasonable rules and regulations regarding backyard chickens. The planning official must not approve locations with outstanding code violations.
- ~~6. No more than 100 permits will be issued citywide. Permits will be issued on a first come, first served basis. If a participant chooses to leave the program, he/she 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, his/her permit may also be re-issued to another qualified applicant.~~

## FINDINGS

In review of the proposed LDC amendment, it is found that:

1. The proposed Land Development Code amendment is consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes).
2. The proposed Land Development Code amendment is consistent with the East Central Florida Strategic Regional Policy Plan.
3. The proposed Land Development Code amendment is consistent with the provisions of Chapter 163, Part II, Florida Statutes.
4. The proposed Land Development Code amendment is consistent with the objectives and policies of the City's adopted Growth Management Plan (GMP).

## RECOMMENDATION

Staff recommends approval of the proposed amendment to the Orlando Land Development Code.

## BACKYARD CHICKENS BY DISTRICT

District	1	2	3	4	5	6
Permits Issued	2	14	27	40	0	3
%	2.3%	16.3%	31.4%	46.5%	0%	3.5%
Total	86					

## **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: Ordinance No. 2024-50 Backyard Chickens and Chicken Coops as an Accessory Structure; Amending Chapter 58, Part 5A, Land Development Code, Entitled General Requirements (Backyard Chickens Code Amendment, LDC2024-10005) (Economic Development)

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, the City of Orlando hereby publishes the following information:

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*In 2016, City Council adopted an amendment to Chapter 58 (Ord. 2016-79) to codify the backyard chicken pilot program, extending the program to 100 households citywide. This program is meant to allow urban chicken farming in approved areas while protecting the health, safety, and welfare of all residents. Each requesting household was permitted to have up to 4 hens, after the operator completed a course of chicken care and received a permit for a Planning Official determination that documents their participation and coop plans.*

*Since the backyard chicken program is nearing the 100 household limit set in 2016, staff is proposing to remove the limit on the number of single family households allowed to add chicken coops as an accessory structure in their rear yards. The Municipal Planning Board recommended approval of this item at its August 2024 meeting.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Orlando, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Orlando's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No impact.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*Not applicable.*

4. Additional information the governing body deems useful (if any):

*None.*

Published Daily in  
Orange, Seminole, Lake, Osceola & Volusia Counties, Florida

**Sold To:**

City of Orlando - CU00118969  
400 S Orange Ave, Fl 2  
Orlando, FL 32801-3360

**Bill To:**

City of Orlando - CU00118969  
400 S Orange Ave, Fl 2  
Orlando, FL 32801-3360

**State Of Florida  
County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the ORLANDO SENTINEL, a DAILY newspaper published in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11150-Public Hearing Notice  
Was published in said newspaper by print in the issues of, or by publication on the newspaper's website, if authorized on Oct 09, 2024.

Affiant further says that the newspaper complies with all legal requirements for publication in Chapter 50, Florida Statutes.



**Rose Williams**

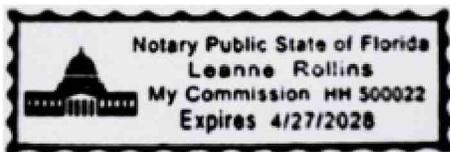
Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 10 day of October, 2024,  
by above Affiant, who is personally known to me (X) or who has produced identification ( ).



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

## NOTICE OF PROPOSED ENACTMENT

On Monday, October 21, 2024, the Orlando City Council will consider proposed ordinance #2024-50, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO BACKYARD CHICKENS AND CHICKEN COOPS AS AN ACCESSORY STRUCTURE; AMENDING CHAPTER 58, PART 5A, LAND DEVELOPMENT CODE, ENTITLED GENERAL REQUIREMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in City Council Chambers, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based. The proposed ordinance may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.

7708941

10/9/2024

7708941



October 21, 2024

State Attorney's Office  
Ninth Judicial Circuit  
415 N. Orange Ave./Bldg.B/Box 49  
Orlando, FL 32801

Re: City of Orlando Ordinance No. 2024-50

Dear Sir or Madam:

Enclosed for your records please find a courtesy copy of City of Orlando Ordinance No. 2024-50, adopted by City Council on October 21, 2024.

Thank you for your attention to this matter.



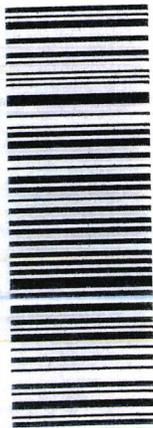
Stephanie Herdocia  
City Clerk

<b>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ Total Postage and \$ _____ Sent To Street and Apt. No. City, State, ZIP+4®	Postmark Here
State Attorney's Office Ninth Judicial Circuit 415 N. Orange Ave./Bldg.B/Box 49 Orlando, FL 32801	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL®**



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**OFFICE OF CITY CLERK**

400 S. Orange Avenue, 2<sup>nd</sup> Floor – Orlando, Florida 32801-4990  
Phone: 407-246-2251 Fax 407-246-3613  
<http://www.cityoforlando.net/cityclerk>