

**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"/> LDC2024-10005 - Backyard Chickens Code Amendment (1).pdf	Staff Report LDC2024-10005	Backup Material
<input type="checkbox"/> 2024-50 Chicken Coops - Final.docx	Ordinance No. 2024-50	Ordinance
<input type="checkbox"/> LDC2024-10005 Billing Impact Estimate (002).pdf	BIE	Fiscal Impact Statement
<input type="checkbox"/> Orlando Ord #2024-50 Hearing.pdf	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: 10-21-2024Item: 12-06 Documentary: 2410211206

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.

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

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

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

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

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

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

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

WHEREAS, the Orlando City Council hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION 1. CHAPTER 58, PART 5A AMENDED. Chapter 58, Part 5A, Land Development Code, entitled General Requirements, is hereby amended as follows:

5A. – GENERAL REQUIREMENTS.

Sec. 58.901. – 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.~~

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.

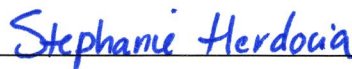
BY THE MAYOR OF THE CITY OF ORLANDO,
FLORIDA:

Mayor

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

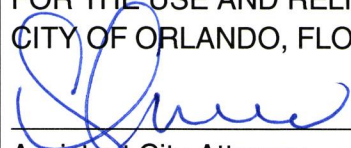


City Clerk

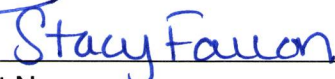


Print Name

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

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

Owner N/A	Description of the Request: Land Development Code Amendment to Chapter 58, to remove the limit on number of backyard chicken permits citywide.	Public Comment 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.
Applicant City of Orlando		
Project Planner Sean Elordi	Staff's Recommendation: Approval of the request.	
Updated: July 29, 2024		

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 law¹ 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:

¹ 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.

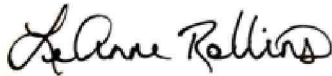


Signature of Affiant

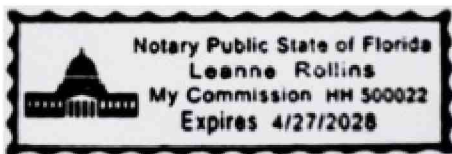
Rose Williams

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

7020 1290 0000 1314 3962			7020 1290 0000 1314 3962		7020 1290 0000 1314 3962	
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.						
CERTIFIED MAIL®						
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only						
For delivery information, visit our website at www.usps.com ®.						
OFFICIAL USE						
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 State Attorney's Office						
Street and Apt. No. Ninth Judicial Circuit						
City, State, ZIP+4® 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						