

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

ORDINANCE 2022-05-633

AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA, AMENDING THE MASCOTTE CITY CODE, CHAPTER 4, "ANIMALS," AND CREATING CHAPTER 4, ARTICLE III TO ALLOW CHICKENS TO BE KEPT ON LOTS OR PARCELS WITH SINGLE FAMILY RESIDENTIAL ZONING DESIGNATIONS; PROVIDING SPECIFIC CRITERIA FOR CHICKEN-KEEPING; AMENDING TABLE 3.1 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND, AN EFFECTIVE DATE.

WHEREAS, the Mascotte 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 Mascotte 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 Mascotte Planning and Zoning Commission considered this Ordinance to allow the keeping and raising of chickens on residential properties under certain conditions; and

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency, found the Code amendments set forth in this Ordinance to be in substantial compliance with the City of Mascotte Comprehensive Plan; and

WHEREAS, the City Council of the City of Mascotte, Florida has duly considered the recommendation of the Planning and Zoning Commission and reviewed all comments regarding City Code amendments set forth in this Ordinance; and

WHEREAS, the City Council of the City of Mascotte, Florida, considers that said City Code amendments will be in the best interest of the residents of the City of Mascotte, Florida, and that said land development code amendment is in compliance with the City of Mascotte Comprehensive 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

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

43

44 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
45 Mascotte City Code and Zoning Code, ~~strikethrough~~ constitutes deletions from the original, and
46 asterisks (***) indicate an omission from the existing text which is intended to remain
47 unchanged.

48

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

50 **SECTION 1.** **Legislative findings.** The above recitals (Whereas clauses) are hereby adopted as
51 legislative findings, purpose, and intent of the City Council.

52

53 **SECTION 2.** Section 4-1 of Chapter 4, "Animals," of the City's Code of Ordinances is amended
54 to read as follows:

55

56 **Sec. 4-1. Horses, cows, swine, poultry, etc.—Prohibited.**

57 (a) It shall be unlawful to keep, maintain, or confine in pens or pastures, or otherwise keep or
58 maintain upon any property within the corporate limits of the city, any horses, cows, steers,
59 bulls, goats, sheep, hogs, swine, mules, donkeys, ostriches, emu, ~~chickens~~, roosters, bees,
60 rabbits, turkeys, geese, ducks, or other fowl, or other domesticated animals or domesticated
61 "farm animals" of any kind, except as might specifically be authorized in certain zoning
62 districts, as set forth in the Mascotte Land Development Code, as amended from time to
63 time.

64 (b) This prohibition against animals shall not apply to dogs and cats, which are otherwise
65 regulated in article II of this chapter.

66

67 **SECTION 3.** Chapter 4, Article III of the City's Code of Ordinances is hereby created as follows:

68

69 **ARTICLE III. CHICKEN KEEPING**

70

71 **Sec. 4-51. - Definitions.**

72 Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include any
73 male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl.

74

75 **Sec. 4-52— Chicken-keeping as an accessory use.**

76

77 (a) Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include
78 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry

79 or fowl. Chicken-keeping is a permitted accessory use on single-family residential parcels
80 where the lot or parcel is occupied by a single-family detached residence. Chickens shall not
81 be permitted at residential property with a townhome, duplex, condominium, apartment, or
82 other multi-family residential unit. Chicken-keeping in all other zoning districts is also
83 prohibited, except that poultry is permitted on farms in agricultural zoning districts.

84 (b) Permission for chicken-keeping within the city limits shall be subject to the following standards
85 and conditions:

86 (1) Chickens shall be kept in a chicken coop and fenced pen area. In order to obtain a permit
87 for chicken-keeping, an applicant shall submit an application for a zoning permit to the
88 community development department, including a scaled drawing showing the location,
89 of the proposed chicken coop and fenced pen area. The chicken coop and fenced pen area
90 shall meet the following requirements:

91 a. The maximum size of the coop and pen area shall be one hundred (100) square feet.
92 A zoning permit shall be required. The application submittal shall show construction
93 materials and methods as well as anchoring methods, such as tie-downs. Mobile
94 coops shall be prohibited unless properly anchored. The coop and pen area shall be
95 solidly constructed and anchored to ground to prevent displacement during a weather
96 event. Permanent means any electrical or plumbing shall not be connected to any
97 coop or pen area without approval from the building official.

98 b. The maximum height of a coop and the pen fence around the coop shall be eight (8)
99 feet, as measured from the existing grade to the highest part of the coop or fence.

100 c. The coop and pen area shall be located in the rear yard of the single-family detached
101 residence and be set back a minimum of eight (8) feet from the side and rear lot lines
102 and a minimum of twenty-five (25) feet from any side street, so long as the coop and
103 pen area shall be at least twenty (20) feet from any residential structure on an
104 adjoining lot.

105 d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is
106 required. The coop and pen must be constructed in a way that establishes a clean,
107 safe and pleasant environment free of odor, vermin, noise, and disease.

108 1. All enclosures for the keeping of chickens shall be so constructed and
109 maintained as to prevent rodents or other pests from being harbored underneath,
110 within, or within the walls of the enclosure. Chicken coops must be impermeable
111 to rodents, wild birds, predators and weather, including all openings, ventilation
112 holes, doors and gates. Enclosures shall be kept in neat condition, including
113 provision of clean, dry bedding materials and regular removal of waste
114 materials, so as to not create an odor.

115 e. The space per bird in the coop shall not be less than three (3) square feet.

116 f. All chicken feed shall be kept in a secured and covered metal or plastic container, or
117 otherwise protected so as to prevent rodents and other pests from gaining access to
118 it.

- 119 g. Chicken coops and pens shall be completely screened from adjacent roadways and
120 parcels by a six-foot tall opaque fence, wall, or equivalent landscape vegetative
121 material.
- 122 h. A signed affidavit is required to be submitted with all chicken-keeping permit
123 petitions. The affidavit shall state that the chicken coop and pen will be designed,
124 constructed and operated to the standards outlined in the City’s Code of Ordinances.
125 The affidavit shall also state that the drawings submitted as part of the petition are a
126 reasonably accurate representation of the subject site features and adjacent
127 properties.
- 128 (2) A maximum of ~~four-six~~ (64) chickens may be kept on a lot or parcel with a detached
129 single-family residence.
- 130 (3) Only one chicken-keeping permit per single-family residence shall be issued.
- 131 (4) Chickens shall be housed at all times within a covered coop or fenced pen area, except
132 that they may be removed from the coop or fenced pen area by a resident or visitor of the
133 home, provided the resident keeps them under his or her continuous custody and control
134 while they are outside the coop or fenced pen area.
- 135 (5) Chickens must be secured within the chicken coop during non-daylight hours (from dusk
136 to dawn).
- 137 (6) Chickens shall not be permitted to trespass on neighboring properties, run at large, be
138 released or set free at any time.
- 139 (7) Chickens are allowed to be kept in single-family residential areas for noncommercial
140 purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for
141 commercial purposes.
- 142 (8) Chickens shall not be bred ~~or slaughtered~~ on the premises.
- 143 (9) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.
- 144 (10) Roosters and poultry or fowl other than chickens shall be prohibited.
- 145 (11) Nothing herein shall be construed or interpreted to mean that chickens are permitted
146 where private covenants or restrictions prohibit such use, or where rules promulgated
147 under such covenants and restrictions prohibit such use.
- 148 (12) The city council hereby establishes a fee of ~~fifty~~-twenty-five dollars (\$2550.00) to process
149 petitions for residential chicken-keeping, or such other fee as city council established by
150 resolution. The fee to process the petitions does not include building permit fees required
151 under Chapter 553, Florida Statutes, and the City’s fee resolution.

152

153 **Sec. 4-53. - Penalties; additional remedies.**

154

155 (a) The city may enforce this chapter through the code enforcement procedures established in
156 Chapter 12 of the City Code.

157 (b) Failure to comply with the provisions of this Article regarding chicken-keeping may result in
158 finest or revocation of a chicken-keeping permit. Imposition of a fine or revocation of a permit

159 shall take place upon a finding by the special magistrate or code enforcement board that a
160 permit holder has violated the requirements of this Article.

161
162 **SECTION 4.** Table 3.1 of the City’s Land Development Code is amended as indicated per
163 Exhibit “A” attached hereto.

164
165 **SECTION 5. Severability.** The provisions of this Ordinance are declared to be severable, and
166 if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be
167 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
168 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
169 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

170
171 **SECTION 6. Conflicts.** Any Ordinance in conflict with this Ordinance is hereby repealed.

172
173 **SECTION 7. Inclusion in the Code.** It is the intention of the City Council, and it is hereby
174 ordained that the provisions of this Ordinance shall become and be made a part of the Code of the
175 City of Mascotte; that the Sections of this Ordinance may be renumbered or re-lettered to
176 accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other
177 appropriate word.

178
179 **SECTION 8. Effective Date.** This Ordinance shall be effective immediately upon adoption at
180 the second public hearing.

181
182 **PASSED AND ADOPTED** this 15 day of Nov, 2022 by the City Council of the
183 City of Mascotte, Florida.

184
185 CITY OF MASCOTTE
186 
187 Steven Sheffield, Mayor

188 ATTEST:
189 By: 
190 Stephanie Abrams, City Clerk

