



BACKYARD CHICKENS
LAND DEVELOPMENT CODE AMENDMENT
STAFF REPORT

SUMMARY

Owner	Description of the Request:	Public Comment
<p>N/A</p> <p>Applicant City of Orlando</p> <p>Project Planner Jason Burton, AICP</p>	<p>Amend the Land Development Code to specify coop accessory structure regulations for backyard chickens in Chapter 58, Part 5A; with a separate municipal code amendment adding Article III to Chapter 6, "Control and Regulation of Animals", to allow up to 100 single family households to have up to four hens.</p> <p>Staff's Recommendation: Approval of the request.</p>	<p>Staff posted this item on the City's website, and place a classified ad in the Orlando Sentinel. No public comments have been received as of the date of the Staff Report.</p>

ANALYSIS

Background.

The City created a pilot program for backyard chickens in May 2012; the program has been extended twice, yet expires June 15, 2016. Initially, the program allowed for 3 hens (no roosters due to the nuisance of crowing), since the minimum amount is 3 to create a healthy environment for the hens. The program was expanded to 4 hens in 2013 to allow participants to better "stagger their flock". In 2015, the Planning staff advised the City Council in an update memo and year extension of the program that we would be proposing a permanent ordinance at the end of the pilot program in 2016.

The pilot program's participation was limited to 75 households to allow for reasonable management of the program. To date, 61 different households have received permission to keep backyard chickens. Key to the City's pilot program is a required Planning Official determination "approval letter", which is granted to participants after they have completed a chicken care class, submitted a site plan and provided plans for the location/design of a coop structure. Staff believes that the education component is essential to the success of the program to create the knowledge needed to humanely care for the hens in an urban environment, reduce the potential of nuisances to neighbors, and create a community of chicken keepers that can call on each other as a resource.

While there have been no complaints to date about the program, we suspect there are unknown households that keep backyard chickens outside of the program (though they may not draw complaints). In the one case where a neighbor complained to the City about a rooster, we brought the offending chicken keeper into the program (the offender got rid of the rooster) and the objections ceased. We have also had an instance where citizens in non-pilot areas have kept chickens (and sometimes roosters) in council districts outside of the pilot program which have gone through the code enforcement process. The City staff has received one call over the life of the program from citizens outside of the City of Orlando that objected to neighbors keeping backyard chickens, and none from within the City. We have received dozens of inquiries about our program from interested parties outside of Orlando, including several local cities and throughout Florida. Many jurisdictions have gone so far as to copy our program to implement a pilot program of their own or permanent ordinances for backyard chickens based on Orlando's guidance.

Staff believes the program for participating households is a relative success as no complaints have been brought to our attention about a participating household. The City of Orlando has benefitted from positive public relations for its sustainability initiatives via this program, and is considered a statewide innovator for a modern backyard chicken program.

Staff's Observations during the Pilot Program. During the program, staff has observed the following:

- ◆ The demand for backyard chickens is somewhat limited in Orlando. After a flurry of interest with a wait list when we limited participation to 25 households the first year, we have about one inquiry every other month regarding the program from an actual Orlando resident. The program provides a highly visible indicator that Orlando is a leader in sustainable communities in the southeast by supporting the “locavore” movement (citizens concerned about local food and food systems in a region), and fits within the narrative of the Mayor’s larger “GreenWorks” initiatives.
- ◆ As mentioned in the background, the staff encountered one out-of-compliance chicken keeper in the Eola Heights neighborhood who kept a rooster and was not a program participant. The neighbor complained to the City and we worked with the resident to bring them into compliance with the program (including dispatching with the rooster). The complaining neighbor was placated, wanting to ensure that the offending neighbor followed the rules.
- ◆ There has been one household in District 2 that has been taken to the Code Enforcement Board and had run fines for having chickens (including roosters). The fowl are sometimes found running about loose on the property and in the front yard.
- ◆ There has been only one request from District 1 and approximately six requests from residents in District 2 to participate in the program, which have not been able to participate.
- ◆ There have been no complaints against actual participants in the pilot. We have only received a general complaint from a county resident, living near District 2, who dislikes that the City has the pilot program.
- ◆ Several jurisdictions, including Apopka and Maitland locally, have implemented similar programs/ordinances based on the City of Orlando’s pilot. Farther afield, Sarasota adopted a similar ordinance and Jacksonville adopted a similar pilot program.
- ◆ Winter Park has studied the program in the past through its Sustainability Advisory Board, but has not implemented a similar program to date. Recent actions by Winter Park have tabled the issue, reasoning there is not widespread demand for a similar program. Similarly, Orange County was set to adopt a similar ordinance, yet dropped pursuing the program in the summer of 2013.
- ◆ To our knowledge, the program did have a household that quit the program due to the onset of health issues (unrelated to the chickens), one person moved out of the City, three households that have relocated to another qualifying address within the City, and one participant has passed away during the pilot. The three households that moved checked to ensure that they could continue in the program. Staff updated their address with a memo and appended it to their original approval letters.
- ◆ All participants are households that own their home with the exception of one – a long-time residential tenant who received notarized permission from the property owner to keep chickens on the property, consistent with the program requirements.
- ◆ The UF/IFAS Ag Extension continues to provide classes approximately every other month, in order to accommodate the new programs in the area, rural residents, and the City of Orlando’s participants. The Ag Extension looks on the program favorably, since it makes citizens more aware of their services and helps to advance their mission.
- ◆ Staff suspects that there may be additional households that are keeping chickens that may not be participating in the program, but are in essence following the guidelines that we have established – which makes them less noticeable to their neighbors.
- ◆ In the past, there have been concerns about loose chickens in the Parramore neighborhood. However, those concerns have subsided during the tenure of the pilot program. Any problems occurring have not been a result of the pilot program.

Analysis.

A total of 61 households have participated in the program to date. Each household must take a class (such as with the UF/IFAS Ag Extension) in order to learn proper care and how to incorporate these unique animals into a daily routine. The ceiling of 75 total participating households has never been reached, as several families chose not continue with the program once learning about the care and maintenance required for backyard chickens.

The participation rate of 61 total approved households by District is the following:

DISTRICT	HOUSEHOLDS
3 - Stuart	32
4 - Sheehan	27
5 - Hill	1
6 - Ings	1
Total	61

On Page 2 is a map showing the locations of the households that participated in the program. Permits are most heavily concentrated in the Audubon Park neighborhood, followed by the Colonialtown and College Park neighborhoods.

Proposal.

The following specific changes are proposed to the City’s codes accommodate backyard chicken keeping:

Chapter 58, Part 5. The following are changes to the Land Development Code to accommodate the coops of participants:

- ◆ *Require Setbacks.* The pilot requires a 20-ft setback from an neighbor’s residential unit to ensure separation, and 5-ft from a principal structure. A 0-ft setback is allowed between a coop and another accessory structure (such as a detached garage). The location of the coop is also required to be in the backyard, not the front yard. These setbacks, which were originally derived from analyzing various national programs for coop setbacks, has served Orlando well, and ensures that there is a proper placement of the coop so as not to impose potential noise, aesthetic, and odor impacts. To neighbors These setbacks will be placed in Section 58.901.
- ◆ *Size.* Generally, coops must be limited in size to less than 50-square feet, which is a reasonable amount to allow the keeping of four hens. Runs may be attached to the coops, yet must be smaller than the proposed coop. Size has been limited in order to limit the number of chickens housed.
- ◆ *Planning Official Determination Required.* For the placement of a coop at a residence, a planning official determination is required to ensure the above requirements are met, as well as the below proposed requirements of Chapter 6 of the Orlando Municipal Code. Applicants will submit photos of the proposed site of the coop/run areas, a survey/site plan of the subject property showing the location, and certificate of completion of the educational component (required below). A \$50-fee covers the cost of a backyard chicken permit, which is the cost of a determination for a homesteaded property.

Chapter 6, Article III. For the non-Land Development Code related requirements of the program, it is proposed that these particular rules be appended to the end of the “Control and Regulation of Animals” section of the Municipal Code:

- ◆ *Number of Hens* Allow the keeping of up to four hens at a single family residence. Roosters are prohibited. Duplex, town-home, community gardens and any other uses are prohibited from keeping hens, as successful urban chicken keeping requires that daily chores are integrated into a household routine, and these other uses are too dense to allow for chicken keeping without creating potential nuisances to neighbors.
- ◆ *Permission of Property Owner.* The owner of the property must apply for participation in the program. Where a tenant is proposed to participate, notarized permission is required of the property owner.
- ◆ *Containment.* Hens must be contained within a covered chicken coop and fenced pen/run area, which is enclosed on all sides (including the top). It shall be unlawful for any person to allow hens to run at large upon the streets, alleys, or other public places of the City, on any other property, or outside of the required enclosed area. Hardware cloth or similar material, and not chicken wire, shall be used for containment to reduce access to predators. Movable chicken “tractors” are allowed, so long as they are placed in compliance with the setbacks required of coops in the Land Development Code.

- ◆ *Maintenance.* The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance. The coop must be cleaned frequently. Stored feed must be kept in metal containers to prevent mice and other pests.
- ◆ *Slaughtering Prohibition.* No slaughtering of hens is allowed.
- ◆ *Planning Official Approval.* The planning official is charged with approval of backyard urban chicken keeping, in connection with a Planning Official Determination that the participant meets the above requirements, and placement of the coop and containment areas are in conformance with the Land Development Code. Participation is limited to approving 100 total households Citywide, in order to allow proper management and monitoring of the program. The Planning Official shall not approve locations that have outstanding code violations, or illegal structures on the building site (unpermitted accessory structures, open code enforcement cases, etc.). The Planning Official is also charged with implementing reasonable rules and regulations in connection with administering this program.
- ◆ *Education Required.* Prior to the Planning Official providing approval of a coop or participation in the program, each participant must complete a course on urban chicken keeping offered by the University of Florida's Agricultural Extension Office, or a similarly qualified organization acceptable to the Planning Official. Each household is required to furnish proof of course completion to the Planning Official in connection with participant approval. To date, the Planning Official has accepted the Simple Living Institute/Sundew Gardens in Oviedo as a qualifying organization, as well as any county agricultural extension office within the State of Florida.
- ◆ *Revocation.* The Planning Official, at their sole discretion, may revoke approval to participate in the program when they find it is found that any of the above conditions of the program are not met by the participant. Notification may occur via written correspondence to the property owner or registered participant of the program.

A draft code amendment will be finalized with the City Attorney's Office based on the above factors, and presented to the City Council for approval. All ordinances are subject to final review and approval by the City Attorney's Office.

Conclusion.

Urban backyard chickens are a nationwide trend to allow chickens in urban areas for the purpose of fresh eggs; chicken keepers are typically concerned about the amount of time and energy it takes to get eggs to the end consumer, want eggs free of certain farm chemicals and pesticides, or just simply enjoy the taste of fresh eggs and chicken keeping as part of a more active lifestyle.

Chicken keeping is also part of a larger sustainability trend to allow citizens to grow their own foods – including fruits, vegetables and honey production – by reducing barriers which restrict local food production. These sustainability trends are congruent with the City's "GreenWorks" goals, such as support for our community gardens and active living initiatives. In addition, allowing local food production may improve the resiliency of a particular city or region to current and future price swings or food shortages. Participation in the program by the pilot participants has proved that such a program can be effectively managed without negative impacts to neighbors.

Providing access to this hallmark program to all the citizens of the City of Orlando is a manageable task, if limited to 100 households, and furthers the goals of the City's sustainability initiatives.

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 amendment concepts to the Orlando Land Development Code.

Pictures of participant coops, classes, chickens, etc.:

