



BOARD OF COUNTY COMMISSIONERS AGENDA REQUEST

DATE: March 15, 2022
TO: Honorable Chairman and Distinguished Members of the Board
FROM: Elliot Kampert
SUBJECT: Public Hearing to amend the Okaloosa County LDC, Poultry Regulations
DEPARTMENT: Growth Management
BCC DISTRICT: All

STATEMENT OF ISSUE: Board of County Commissioners to conduct the first of two public hearings of an ordinance amending the Okaloosa County Land Development Code, Ordinance 91-01, as amended, as it pertains to the keeping of poultry; specifically, providing for the repeal of Section 1A.04.05.7 and 2.21.05.10.d, e, and f, the amendment of Section 2.21.05.10.b, and the re-codifying of existing Section 2.21.05.10.g to 2.21.05.10.d; amending Section 5-25(c) of the Code of Laws and Ordinances of Okaloosa County, Florida. Because the proposed ordinance amends the list of actual uses allowed, it is necessary to conduct two hearings. As provided by Section 125.66(4) b.1 of the Florida Statutes, the second hearing must be conducted after 5pm on a weekday, unless the Board of County Commissioners, by a majority vote plus one, elects to conduct that hearing at another time of day. This is the first of two public hearings for said ordinance.

BACKGROUND: In 2015, the Board of County Commissioners adopted ordinances 15-09 and 15-10 (see **Attachment A**), amending the County's Land Development Code as it pertains to the keeping of poultry (chickens and two varieties of duck) in the residential zoning districts. In brief, these ordinances, codified in Chapter 1.A and Chapter 2 of the LDC, require the granting of an administrative adjustment for the keeping of poultry in the Low Density Residential (R-1) zoning district and a special exception to keep them in the Low- and Medium-Density Residential districts (R-2 and R-3, respectively). They also establish limitations on the number of birds that be kept, prohibit roosters, and provide standards for coops and enclosures, the storage of feed, prevention of nuisance wildlife, leg banding, and other aspects of backyard poultry.

The City of Ft Walton Beach and the City of Crestview have amended the poultry-related provisions of their land development codes to provide straightforward standards (see attached) for the keeping of chickens. It is important to note that, for both cities, the keeping of chickens is allowed in association with single family homes regardless of the subject property's underlying Future Land Use Map and zoning designations. The limitations of the numbers of birds, setbacks, and other major provisions for each is summarized in Attachment B.

Staff has reviewed the cities' regulations, and notes that both versions are less complicated, less process-driven, and therefore less expensive for households wishing to keep chickens. The Board of County Commissioners requested an update on the status of the cities' regulations relative to the County's and, on November 2, 2021, directed staff to amend its LDC to streamline its poultry regulations in a manner consistent with the cities. Accordingly, staff has drafted the attached

ordinance (Attachment C) as follows:

Section 1. REPEAL OF SECTION 1A.04.05.7. Section 1A.04.05.7 of the Okaloosa County Land Development Code, Ordinance 91-01 as amended, is hereby repealed.

Section 2. REPEAL OF SECTIONS 2.21.05.10.d, AND f. Sections 2.21.05.10.d, e, and f of the Okaloosa County Land Development Code, Ordinance 91-01 as amended, are hereby repealed.

Section 3. AMENDMENT OF SECTION 2.21.05.10.b. Section 2.21.05.10.b of the Okaloosa County Land Development Code, Ordinance 91-01 as amended, is hereby amended as follows (stricken language to be removed, underlined language to be added):

b. Poultry. The keeping ~~or harboring~~ of poultry is permissible as a principal use in the AA and RR zoning districts. The keeping of poultry is allowed as an accessory use on lots with an existing land use of single family residential, regardless of current zoning or Future Land Use Map designation in accordance with the following: ~~is not considered eustomarily incidental to residential uses of property and is prohibited in the R-1, R-2, and R-3 zoning districts except as follows:~~

~~i. in the R 1 zoning district, chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by an administrative adjustment as specified in Section 1A..04.00 of this Code.~~

~~ii. In the R 2 and R 3 zoning districts chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by special exception as provided in d. below.~~

i. Poultry shall mean chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only)

~~ii. Roosters are prohibited except in the AA and RR zoning districts. In the R-2 and R-3 zoning districts chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by special exception as provided in d., below.~~

~~iii. Roosters are not allowed in the R-1, R-2, or R-3 zoning districts.~~

iii. The minimum lot size shall be no less than one-fifth of an acre, and no more than four (4) chickens shall be allowed for the first fifth of an acre and three (3) additional chickens allowed per each additional fifth acre (areas less than one-fifth of an acre will not qualify for additional chickens) on each respective property with an existing land use of single family residential.

iv. Poultry must be kept in an enclosed structure at night (coops, hen houses, etc.).

v. Coops or enclosures housing poultry shall be located:

a) in the rear yard behind the dwelling unit

b) at least twenty-five (25) feet from the door or window of any other dwelling or occupied structure other than the owner's dwelling

c) outside of the applicable district's accessory structure setback areas

vi. All items such as feed that may attract rodents or other wildlife shall be kept in rodent/pest proof containers.

vii. If poultry are allowed to free range, the free-ranging area must be secured such that the poultry cannot leave the rear yard of the subject property, including by flight.

viii. If ducks are kept, they shall be provided a wading pool (a children's "kiddie pool" with a minimum radius of no less than 48 inches will suffice) which must be maintained with clean, fresh water

ix. There shall be no odors associated with the keeping of poultry discernable at the property lines.

Section 4. RE-CODIFICATION OF SECTION 2.21.05.10.g. Section 2.21.05.10.g is unchanged; however, it shall be re-codified as Section 2.21.05.10.d upon passage of this ordinance.

Section 5. AMENDMENT OF SECTION 5-25(c) OF THE CODE OF LAWS AND ORDINANCES OF OKALOOSA COUNTY, FLORIDA. Section 5-25(c) of the Code of Laws and Ordinances of Okaloosa County, Florida, is hereby amended as follows (stricken language to be removed, underlined language to be added):

(c) It shall be unlawful and a civil infraction for any person to provide care, shelter, protection, refuge, or food to a chicken or chickens or a duck or ducks except as ~~in those zoning districts where the same are specifically authorized pursuant to the county land development code.~~

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the proposed ordinance relative to the keeping of poultry; by

unanimous votes during its regular meeting on February 10, 2022.

MILITARY REPRESENTATION: The Military Representative on the Planning Commission was not in attendance, and did not provide any written comments or objections prior to the meeting.

PUBLIC COMMENT/OPPOSITION: Staff has not received any objections or comments relative to the proposed ordinances.

RECOMMENDATION: It is recommended that the Board of County Commissioners consider the facts presented herein, as well as any facts that may be presented at the public hearing, and then make the following motion:

1. Motion: Pursuant to Section 125.66(4)b.1 of the Florida Statutes, the Board of County Commissioners hereby elects to conduct the second, adoption hearing of the proposed ordinance at 8:30AM or soon thereafter during its regularly scheduled meeting



Elliot Kampert, Director

3/7/2022

RECOMMENDED BY:



John Hofstad, County Administrator

3/8/2022

APPROVED BY:

ORDINANCE NO. 15-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY FLORIDA AMENDING THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE 91-01, AS AMENDED; PROVIDING FOR THE REPEAL AND REPLACEMENT OF SECTION 2.21.05.10 OF THE OKALOOSA COUNTY LAND DEVELOPMENT CODE PERTAINING TO THE KEEPING OF LIVESTOCK, POULTRY, AND BEES; PROHIBITING THE KEEPING OF LIVESTOCK IN R-1, R-2, AND R-3 ZONES EXCEPT BY SPECIAL EXCEPTION; PROVIDING FOR DEFERENCE TO STATE LAW FOR THE KEEPING OF BEES; PROVIDING FOR THE KEEPING OF CERTAIN VARIETIES OF CHICKEN AND DUCK IN THE R-1 ZONE BY WAY OF ADMINISTRATIVE ADJUSTMENT AND IN THE R-2 AND R-3 ZONES BY SPECIAL EXCEPTION; PROVIDING FOR THE KEEPING OF HOUSEHOLD PETS AND A DEFINITION OF PET; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance;

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which creates a Land Development Code that includes Chapter 2 which establishes, among other things, the principal, conditional, and prohibited uses within the various zoning districts and provides for the limitations thereon; and

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to amend the provisions of Section 2.21.05, Limitations and Restrictions, of Chapter 2 of the Land Development Code, to clarify and further regulate the keeping of livestock, poultry, and bees within the various zoning districts.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:**

**Section 1. REPEAL AND REPLACEMENT OF SECTION 2.21.05.10, LIVESTOCK,
POULTRY, BEEKEEPING.** Section 2.21.05.10, Livestock, Poultry, Beekeeping, of Chapter 2
of the Okaloosa County Land Development Code, Ordinance 91-01, as amended, is hereby
repealed in its entirety and replaced with the following:

10. Livestock; Poultry; Beekeeping: The keeping or harboring of livestock, poultry, or honeybees is permitted only as specified herein. "Livestock" includes all animals of the equine, bovine, or swine class including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. "Poultry" means all kinds of poultry and includes chickens, turkeys, ducks, guineas, geese, pigeons raised as domesticated food birds, quail, and other domesticated food birds. "Beekeeping" means maintaining a site or location where honeybee hives, frames, supers, pallets, queen excluders, and/or other such equipment used in the cultivation of honeybees and the harvesting of products produced by honeybees.

a. Livestock. The keeping or harboring of livestock is not considered customarily incidental to residential uses of property and is prohibited in the R-1, R-2, and R-3 zoning districts unless approved by special exception as provided in d, below.

b. Poultry. The keeping or harboring of poultry is not considered customarily incidental to residential uses of property and is prohibited in the R-1, R-2, and R-3 zoning districts except as follows:

- i. In the R-1 zoning district, chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by an administrative adjustment as specified in Section 1.04.00 of this Code.
- ii. In the R-2 and R-3 zoning districts chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by special exception as provided in d, below.
- iii. Roosters are not allowed in the R-1, R-2, or R-3 zoning districts.

c. Beekeeping. Beekeeping shall be allowed as authorized and regulated by the State of Florida.

d. A special exception may be approved by the Board of Adjustment as specified in Section 11.02.09 of this Code after consideration of the following:

- i. size of the property involved;
- ii. nature and character of the adjacent and surrounding area;
- iii. impact upon the adjacent and surrounding area and zoning districts;
- iv. potential for nuisance such as water pollution, dust, odor, noise, and vermin; and
- v. the type and number of animals to be kept or harbored.

e. In granting a special exception to allow the keeping of poultry as specified in subsection b., above, the Board of Adjustment will require the following as conditions:

- I. Roosters are prohibited.
- II. No person shall slaughter any chickens or ducks on any residential property.
- III. The sale of eggs or any other products is prohibited.
- IV. The chickens or ducks shall be provided with a house/coop and must be kept in the house/coop during non-daylight hours. The space per bird in the house/coop shall not be less than four (4) square feet per bird. The house/coop must be impermeable to rodents, wild birds and predators, including dogs and cats.
- V. Ducks must be provided a wading pool (a children's "kiddie pool" with a minimum radius of no less than 48 inches will suffice) which must be maintained with clean, fresh water.
- VI. During daylight hours the chickens or domesticated ducks may be kept either in the hen house/coop or a fenced enclosure in order to allow open air ranging. The top of any fenced enclosure must be covered with fence or chicken wire to prevent the birds from leaving the enclosure and to prevent the entry of predators.
- VII. Enclosed areas may not be any closer than five feet (5') from any property line,
- VIII. All fenced enclosures shall be so constructed and maintained as to prevent the harboring of rodents or other pests within the enclosure.
- IX. Houses/coops and covered enclosures may not be located in the front yard.
- X. Odors from chickens or ducks, their manure, or other chicken or duck related substances shall not be detectable at the property boundaries.
- XI. Houses/coops and enclosures shall be kept in a neat condition, including provision of clean dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing must be removed promptly.
- XII. All feed and other items associated with the keeping of chickens or ducks that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected as to prevent rodents and other pests from gaining access.
- XIII. No dog or cat that kills a chicken or duck will, for that reason alone, be considered a dangerous or aggressive animal.

f. Any chicken or duck kept in an R-1, R-2, or R-3 district must have a leg band or bands providing the telephone number of its owner.

g. The requirements herein shall not apply to the keeping and raising of household pets. "Pet" means any animal kept for companionship or amusement rather than utility, burden, or associated with food products or food production, and which is not otherwise regulated by this code and which is not classified by the Florida Fish and Wildlife Conservation Commission (FWC) as a Class I or Class II wildlife species, a Class III Wildlife Species not exempt from FWC permitting, a Conditional Non-native Wildlife species, or a venomous reptile.

Section 2. CONFLICTS. The provisions of this Ordinance shall supersede all Okaloosa County Ordinances, or parts thereof, in conflict herewith to the extent such conflicting ordinances, or parts thereof, regulate the keeping of livestock, bees, or poultry.

Section 3. SEVERABILITY. If any provision of the Ordinance is declared invalid, all other provisions thereof shall remain in force and effect.

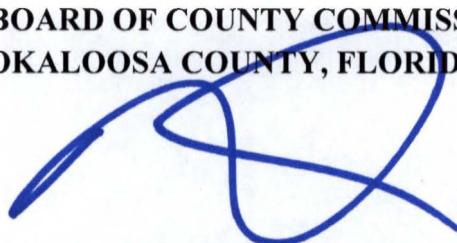
Section 4. INCLUSION IN THE CODE OF ORDINANCES. It is intention of the Board of County Commissioners that the provisions of this Ordinance shall be included in the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 5. EFFECTIVE DATE. This ordinance shall become effective as provided by law.

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PASSED AND DULY ADOPTED in regular session this 16th day of June, 2015.

**BOARD OF COUNTY COMMISSIONERS OF
OKALOOSA COUNTY, FLORIDA:**



Nathan D. Boyles, Chairman



ATTEST:



JD Peacock II
Clerk of Circuit Court

ORDINANCE NO. 15- 10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY FLORIDA; PROVIDING FOR THE REPEAL AND REPLACEMENT OF SECTION 1.A.04.00, ADMINISTRATIVE ADJUSTMENT, OF THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE 91-01, AS AMENDED; PROVIDING FOR A SHORT TITLE; PROVIDING FOR THE AUTHORITY OF THE PLANNING OFFICIAL TO ISSUE ADMINISTRATIVE ADJUSTMENTS; PROVIDING A PROCEDURE TO PROCESS REQUESTS FOR ADMINISTRATIVE ADJUSTMENTS, INCLUDING MINIMUM APPLICATION REQUIREMENTS, NOTICE TO ADJACENT PROPERTY OWNERS, TIMELINES, REVIEW GUIDELINES, AND GUIDELINES FOR ISSUANCE; PROVIDING FOR ALLOWABLE ADJUSTMENTS TO TECHNICAL REQUIREMENTS OF THE LAND DEVELOPMENT CODE AS WELL AS FOR THE KEEPING OF CERTAIN SPECIES OF CHICKEN AND DUCK IN THE R-1 ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance;

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which creates a Land Development Code that includes Chapter 1.A which provides for the administration of the Land Development Code, including the process created by Section 1A.04.00 by which certain technical requirements of the Land Development Code may be administratively adjusted; and

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to amend the provisions of Section 1A.04.00, Administrative Adjustment, to clarify the process and to provide for the keeping of poultry within the R-1 zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

Section 1. SHORT TITLE. This ordinance may be known and shall be cited as the "Okaloosa county Administrative Adjustment Ordinance of 2015."

Section 2. REPEAL AND REPLACEMENT OF SECTION 1A.04.00, ADMINISTRATIVE ADJUSTMENTS. Section 1A.04.00, Administrative Adjustment, of the Okaloosa County Land Development Code, Ordinance 91-01, as amended, is hereby repealed in its entirety and replaced with the following:

1A.04.00 ADMINISTRATIVE ADJUSTMENT.

1A.04.01 Purpose and Intent: The purpose of the administrative adjustment process is to provide flexibility in property development without requiring the time and expense of adjustments from this Code through a public hearing process, and is further intended to provide a streamlined alternative to the variance process heard by the Board of Adjustment.

1A.04.02 Authority: The Planning Official, or designee, shall have the authority to approve, approve with conditions, or deny applications for administrative adjustment consistent with the requirements specified in this Section. Any such adjustment shall be from the requirements of this Code only. The Planning Official does not have the authority to approve an administrative adjustment for: allowable uses, density, intensity, or any other provision prescribed in the Comprehensive Plan; any requirement of the Flood Hazard Area regulations; allowing expansion of any nonconforming use or structure, or; as otherwise specified in this Code.

1.A.04.03 Procedure

1. An individual requesting an administrative adjustment pursuant to this part shall obtain and fill out all the necessary information on the application form as provided by the Growth Management Department. If the applicant is someone other than the owner of the property for which the adjustment is requested, the application must be accompanied by a notarized letter authorizing the applicant to act as the property owner's agent for purposes of the obtaining the adjustment.

2. The applicant shall send to each adjacent property owner the following:

- a. a letter (using the template provided by the Growth Management Department) stating the exact adjustment requested and which shall also notify the adjacent property owner of his or her right to object to the requested adjustment and the timeframe within which objections, no objections, or comments must be returned to the Growth Management Department;

- b. a letter on which the adjacent property owner can indicate whether he or she has no objection or objects to the proposed adjustment, along with a postage-paid envelope addressed to the Okaloosa County Planning Manager, 402 Brookemeade Drive, Crestview, FL 32536

All notices and materials sent pursuant to this part shall be sent via US Mail Return Receipt with the return receipt addressed to: Okaloosa County Planning Manager, 402 Brookemeade Drive, Crestview, FL 32536. The applicant must also provide a list with the names and addresses of all adjacent owners to whom the notices were sent, along with copies of the receipts from the US Post Office indicating the day on which each notice was sent.

3. The Growth Management Department shall begin its review of the requested administrative adjustment upon receipt of the application, but shall not render any decision until such time as the first of the following occurs:

- a. the Department has received letters from all the adjacent property owners stating their objections or lack thereof; or
- b. fourteen (14) calendar days have lapsed from the date the post mark on the last return receipt received by the County indicates that the notification was received by the adjacent property owner.

4. The Planning Official shall render a decision regarding the proposed adjustment based on the guidelines provided in 1.A.04.04, below, and shall render the decision in writing to the applicant no more than 5 days following the earlier of 1A.04.03.3 a and b.

1A.04.04 Review Guidelines: The Planning Official shall make a final decision regarding an application for administrative adjustment based upon consideration of the following factors.

1. The comments and objections received from adjoining property owners.
2. The administrative adjustment will not interfere with the rights of others or create harm or hardship for other property owners, and will not otherwise constitute a threat to the general health, safety, and welfare of the public.
3. The action involved provides a reasonable adjustment under the specific circumstances of each application.
4. The action involved is generally consistent with the spirit and intent of this Code and the Comprehensive Plan.
5. The action involved is the absolute minimum necessary to provide relief under the specific circumstances of each application.
6. The action involved otherwise complies and is consistent with other applicable requirements of this Code and any other county, state, or federal laws and regulations.

1A.04.05 Allowable Adjustments: Only the following adjustments may be approved by the Planning Official, or designee.

1. Bulk Regulations. Bulk regulations including yard setbacks, building height, lot size, etc. may be reduced no more than 20% under those prescribed in Chapter 2 of this Code.
2. Parking Requirements. Parking requirements may be reduced no more than 20% under those prescribed in subsections 6.04.02 and 6.04.03 of this Code. This does not include reduction of parking spaces required pursuant to the Americans with Disabilities Act or Florida Accessibility Code.
3. Parking Lot Pavement & Striping. Reduce or waive the requirement for paving and striping parking lots, except handicapped parking requirements, prescribed in subsection 6.04.061 of this Code, after approval from the Public Works Department.

4. Landscaping. Landscaping requirements may be reduced no more than 20% under those prescribed in subsection 6.05.02 of this Code.
5. Compatibility Screening & Buffering. Screening and buffering requirements may be reduced or waived when it can be conclusively demonstrated that compatibility buffering is not necessary to protect adjacent land uses.
6. Keeping Chickens and Ducks. The keeping of poultry as it relates to chickens (*Gallus gallus domesticus*), and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner only) may be allowed in the R-1 zoning district subject to the following restrictions:
 - a. The minimum size of a residential lot on which chickens or domesticated ducks may be kept is one-half (1/2) of an acre. No more than 4 chickens or domesticated ducks may be kept per individual lot by way of an administrative adjustment. The keeping of more than 4 chickens or domesticated ducks on an individual residential lot shall be by way of special exception.
 - b. Roosters are prohibited.
 - c. No person shall slaughter any chickens or ducks on any residential property.
 - d. The sale of eggs or any other products is prohibited.
 - e. The chickens or ducks shall be provided with a house/coop and must be kept in the house/coop during non-daylight hours. The space per bird in the house/coop shall not be less than four (4) square feet per bird. The house/coop must be impermeable to rodents, wild birds and predators, including dogs and cats.
 - f. Ducks must be provided a wading pool (a children's "kiddie pool" with a minimum radius of no less than 48 inches will suffice) which must be maintained with clean, fresh water.
 - g. Under no circumstances shall the house/coop be closer than twenty (20) feet to any property line of an adjacent property, or within thirty (30) feet of any adjacent residential structure.
 - h. During daylight hours the chickens or domesticated ducks may be kept either in the hen house/coop or a fenced enclosure in order to allow open air ranging. The top of any fenced enclosure must be covered with fence or chicken wire to prevent the birds from leaving the enclosure and to prevent the entry of predators.
 - i. Enclosed areas may not be any closer than five feet (5') from any property line.
 - j. All fenced enclosures shall be so constructed and maintained as to prevent the harboring of rodents or other pests within the enclosure.
 - k. Houses/coops and covered enclosures may not be located in the front yard.
 - l. Odors from chickens or ducks, their manure, or other chicken or duck related substances shall not be detectable at the property boundaries.
 - m. Houses/coops and enclosures shall be kept in a neat condition, including provision of clean dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing must be removed promptly.
 - n. All feed and other items associated with the keeping of chickens or ducks that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected as to prevent rodents and other pests from gaining access.
 - o. No dog or cat that kills a chicken or duck will, for that reason alone, be considered a dangerous or aggressive animal.

1A.04.06 Application: Application for administrative adjustment shall be made **only** on forms provided by the Department.

1A.04.07 Appeals: A final decision regarding an administrative adjustment made by the Planning Official may be appealed by an adversely affected party in the manner prescribed in Section 11.02.00 of this Code.

Section 3. CONFLICTS. The provisions of this Ordinance shall supersede all Okaloosa County Ordinances, or parts thereof, in conflict herewith to the extent such conflicting ordinances, or parts thereof, regulate administrative adjustments.

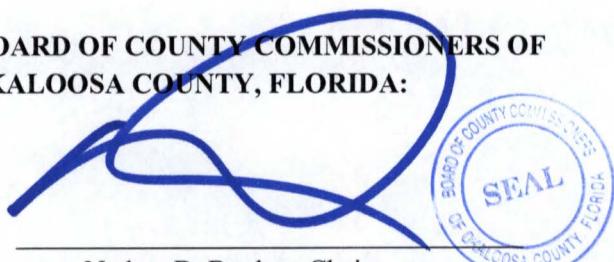
Section 4. SEVERABILITY. If any provision of the Ordinance is declared invalid, all other provisions thereof shall remain in force and effect.

Section 5. INCLUSION IN THE CODE OF ORDINANCES. It is intention of the Board of County Commissioners that the provisions of this Ordinance shall be included in the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 6. EFFECTIVE DATE. This ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED in regular session this 16th day of June, 2015.

BOARD OF COUNTY COMMISSIONERS OF
OKALOOSA COUNTY, FLORIDA:



Nathan D. Boyles, Chairman

ATTEST:

A handwritten signature in blue ink, appearing to read "JD Peacock II", is written over a horizontal line. Below the line, the text "Clerk of Circuit Court" is printed.

JD Peacock II
Clerk of Circuit Court



City of Crestview – Proposed Chicken Regulations

Sec. 10-9. - Barnyard animals.

(a) Generally. No person shall keep or permit to run at large in the city any animals of the equine or swine class and includes goats, sheep, mules, horses, hogs or cattle and domesticated poultry, except for the species *gallus domesticus* ("chicken"), as per the regulations of subsection (b).

(b) Chickens. The following regulations will govern the keeping of chickens and are designed to prevent conditions that are unsanitary, unsafe or a nuisance. No person shall keep chickens unless the following regulations are followed:

(1) Roosters are not permitted within city limits.

(2) Location: Keeping of chickens is permissible as an accessory use on lots one quarter acre or larger with an existing land use of single family residential, regardless of current zoning or future land use designation.

(3) Quantity: No more than four (4) chickens for the first quarter acre and three (3) additional chickens per each additional quarter acre are allowed on each respective property with an existing land use of single family residential.

(4) Setbacks:

i. Coops or cages housing chickens shall be placed according to the setback requirements for accessory buildings as per Chapter 7 of the Land Development Code.

ii. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any other dwelling or occupied structure other than the owner's dwelling.

iii. Coops or cages housing chickens shall be located behind the principal structure.

(5) Sanitation:

i. The coop or cage must be kept in sanitary condition and free from offensive odors. The coop or cage must be cleaned on a regular basis to prevent the accumulation of waste.

ii. Odors shall not be perceptible at any lot line.

iii. Noise shall not be perceptible at any lot line to the extent that it results in a public nuisance or is in violation of the municipal noise ordinance.

iv. Keeping of chickens shall not attract rodents or other pests.

Fort Walton Beach Code Section 5.02.05 – Adopted in August 2020

- (a) Roosters are not permitted within city limits.
- (b) Zoning: Keeping of chickens is permissible as an accessory use on lots with an existing land use of single family residential, regardless of current zoning or future land use designation.
- (c) Number: No more than six (6) chickens shall be allowed at each single-family dwelling.
- (d) Setbacks.
 - i. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling.
 - ii. Coops shall be setback at least fifteen (15) feet from side-yard and rear-yard property lines.
 - iii. Coops shall be located behind the principle structure.
- (e) Sanitation.
 - i. The coop must be kept in a sanitary condition and free from offensive odors. The coop must be cleaned on a regular basis to prevent the accumulation of waste.
 - ii. Odors shall not be perceptible at the lot line.
 - iii. Noise shall not be perceptible at lot lines to the extent that it results in a public nuisance or is in violation of the municipal noise ordinance.
 - iv. All items such as feed associated with keeping chickens that are likely to attract rodents or other pests shall be kept in a rodent/pest proof container.
- (f) Residents must notify the city of their intent to keep chickens.

Fort Walton Beach and Crestview Chicken Regulations

Comparative Table

	City of Ft Walton Beach	City of Crestview
Minimum Parcel Size	None	$\frac{1}{4}$ acre
Number of chickens	6 per single family dwelling	No more than four (4) chickens for the first quarter acre and three (3) additional chickens per each additional quarter acre
Roosters Allowed?	No	No
Setbacks	i. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. ii. Coops shall be setback at least fifteen (15) feet from side-yard and rear-yard property lines. iii. Coops shall be located behind the principle structure.	i. Coops or cages housing chickens shall be placed according to the setback requirements for accessory buildings as per Chapter 7 of the Land Development Code. ii. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any other dwelling or occupied structure other than the owner's dwelling. iii. Coops or cages housing chickens shall be located behind the principal structure.
Register with City?	Yes	No

Note: Both jurisdictions' regulations also contain provisions regarding the keeping of feed, noise, nuisance wildlife attraction, and odors.



BOARD OF COUNTY COMMISSIONERS AGENDA REQUEST

DATE: November 2, 2021
TO: Honorable Chairman and Distinguished Members of the Board
FROM: Elliot Kampert
SUBJECT: Direction on Okaloosa County Poultry Regulations
DEPARTMENT: Growth Management
BCC DISTRICT: All

STATEMENT OF ISSUE: Staff seeks direction from the Board of County Commissioners regarding the possibility of amending the County's poultry regulations to make them consistent with standards adopted by the City of Ft Walton Beach and under consideration in Crestview.

BACKGROUND: In 2015, the Board of County Commissioners adopted ordinances 15-09 and 15-10 (attached), amending the County's Land Development Code as it pertains to the keeping of poultry (chickens and two varieties of duck) in the residential zoning districts. In brief, these ordinances, codified in Chapter 1.A and Chapter 2 of the LDC, require the granting of an administrative adjustment for the keeping of poultry in the Low Density Residential (R-1) zoning district and a special exception to keep them in the Low- and Medium-Density Residential districts (R-2 and R-3, respectively). They also establish limitations on the number of birds that can be kept, prohibit roosters, and provide standards for coops and enclosures, the storage of feed, prevention of nuisance wildlife, leg banding, and other aspects of backyard poultry.

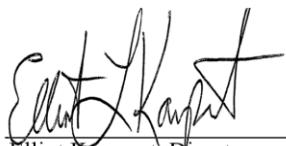
It has come to the Growth Management Department's attention that, in August of 2020, the City of Ft Walton Beach amended the poultry-related provisions of its Land Development Code to provide a straightforward set of standards (see attached). Likewise, the City of Crestview is, at the time of this writing, in the process of amending its Land Development Code to provide similar standards (see attached) for keeping chickens within its jurisdiction. The limitations of the numbers of birds, setback, and other major provisions for each is summarized in the attached table.

It is important to note that, for both cities, the keeping of chickens is allowed in association with single family homes regardless of the subject property's underlying Future Land Use Map and zoning designations.

Staff has reviewed the cities' regulations, and notes that both versions are less complicated, less process-driven, and therefore less expensive for households wishing to keep chickens. Given these advantages, staff is therefore seeking direction as to whether the County would consider amending its LDC to streamline its poultry regulations in a manner consistent with the cities.

OPTIONS: The Board may discuss this item in any depth it chooses, and provide whatever direction to staff it deems appropriate.

RECOMMENDATIONS: Staff recommends that the Board of County Commissioners review the information provided in this summary and attachments and provide direction accordingly.



Elliot Kampert, Director

10/25/2021

RECOMMENDED BY:



John Hofstad, County Administrator

10/27/2021

APPROVED BY:

Notice of Public Hearing

The Okaloosa County Growth Management Department notice that, on Tuesday March 15, 2022 the Okaloosa County Board of County Commissioners will hear the 1st Reading for:

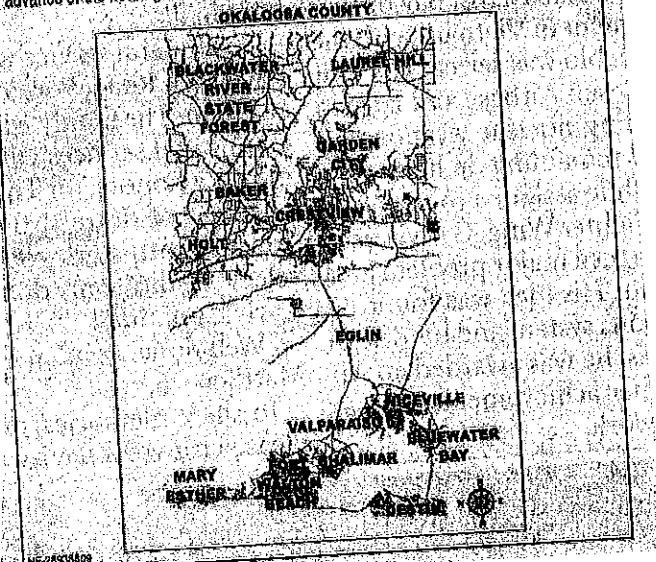
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, AMENDING THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE 51-01, AS AMENDED, AS WELL AS THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA, AS THEY PERTAIN TO THE KEEPING OF POULTRY, SPECIFICALLY, PROVIDING FOR THE REPEAL OF SECTIONS 1A.04.05.7 AND 2.21.05.10.6, AND 1, THE AMENDMENT OF SECTION 2.21.05.10.6, AND THE RE-CODIFYING OF EXISTING SECTION 2.21.05.10.6 TO 2.21.05.10.6, AMENDING SECTION 5-25(G) OF THE CODE OF LAWS AND ORDINANCES OF OKALOOSA COUNTY, FLORIDA PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The meeting will be held at 8:30 A.M. or soon thereafter in the Okaloosa County Administrative complex, located at 1250 North Eglin Pkwy., Shalimar, FL.

The ordinance information may be inspected at the offices of the Growth Management Department located at 402 Brookmeade Dr, Crestview, Florida 32529 or at the Okaloosa County Administration Building located at 1250 N. Eglin Parkway, Shalimar, Florida 32529. Those offices can be contacted by telephone at 850-689-5080.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans with Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the Growth Management Department at 402 Brookmeade Dr, Crestview, Florida 32529 or at 850-689-5080. For Hearing Impaired, Dial 1-800-955-8771 (TDD), and 1-800-955-8770 (Voice). Requests must be received at least 48 hours in advance of the hearing in order for Okaloosa County to provide the requested service.



ORDINANCE NO. 22-

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF OKALOOSA COUNTY FLORIDA
AMENDING THE OKALOOSA COUNTY LAND
DEVELOPMENT CODE, ORDINANCE 91-01, AS
AMENDED, AS WELL AS THE CODE OF ORDINANCES OF
OKALOOSA COUNTY, FLORIDA, AS THEY PERTAIN TO
THE KEEPING OF POULTRY; SPECIFICALLY,
PROVIDING FOR THE REPEAL OF SECTIONS 1A.04.05.7
AND 2.21.05.10.d, e, and f, THE AMENDMENT OF SECTION
2.21.05.10.b, AND THE RE-CODIFYING OF EXISTING
SECTION 2.21.05.10.g TO 2.21.05.10.d; AMENDING
SECTION 5-25(c) OF THE CODE OF LAWS AND
ORDINANCES OF OKALOOSA COUNTY, FLORIDA
PROVIDING FOR CONFLICTS; PROVIDING FOR
INCLUSION IN THE CODE OF ORDINANCES OF
OKALOOSA COUNTY, FLORIDA; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance;

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which creates a Land Development Code that includes Chapter 2 which establishes, among other things, the principal, conditional, and prohibited uses within the various zoning districts and provides for the limitations thereon, and Chapter 1A which establishes, among other things, various administrative processes for the approval of developments and related matters; and

WHEREAS, Okaloosa County has adopted and from time to time amended the Code of Laws and Ordinances of Okaloosa County, Florida, which includes, among other things, Chapter 5 which provides for the control of animals including fowl and poultry; and

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to amend the provisions of Chapters 1A and 2 of the Land Development Code as well as Chapter 5 of the Code of Laws and Ordinances of Okaloosa County, Florida, to streamline the County's regulation of poultry.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:**

45 **Section 1. REPEAL OF SECTION 1A.04.05.7.** Section 1A.04.05.7 of the Okaloosa County
46 Land Development Code, Ordinance 91-01 as amended, is hereby repealed.

47 **Section 2. REPEAL OF SECTIONS 2.21.05.10.d, AND f.** Sections 2.21.05.10.d, e, and f of
48 the Okaloosa County Land Development Code, Ordinance 91-01 as amended, are hereby repealed.

49 **Section 3. AMENDMENT OF SECTION 2.21.05.10.b.** Section 2.21.05.10.b of the Okaloosa
50 County Land Development Code, Ordinance 91-01 as amended, is hereby amended as follows
51 (stricken language to be removed, underlined language to be added):

52 b. Poultry. The keeping or harboring of poultry is permissible as a principal use in the AA and RR
53 zoning districts. The keeping of poultry is allowed as an accessory use on lots with an existing
54 land use of single family residential, regardless of current zoning or Future Land Use Map
55 designation in accordance with the following: is not considered customarily incidental to
56 residential uses of property and is prohibited in the R-1, R-2, and R-3 zoning districts except as
57 follows:

58 i. in the R-1 zoning district, chickens (*Gallus gallus domesticus*) and domesticated ducks
59 (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by
60 an administrative adjustment as specified in Section 1A.04.00 of this Code.

61
62 ii. In the R-2 and R-3 zoning districts chickens (*Gallus gallus domesticus*) and domesticated
63 ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be
64 approved by special exception as provided in d., below.

65
66 i. Poultry shall mean chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas*
67 *platyrhynchos domesticus* - Pekins and Indian runner ducks only)

68
69 ii. Roosters are prohibited except in the AA and RR zoning districts. In the R-2 and R-3 zoning
70 districts chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos*
71 *domesticus* - Pekins and Indian runner ducks only) may be approved by special exception as
72 provided in d., below.

73
74 iii. Roosters are not allowed in the R-1, R-2, or R-3 zoning districts.

75
76 iii. The minimum lot size shall be no less than one-fifth of an acre, and no more than four (4)
77 chickens shall be allowed for the first fifth of an acre and three (3) additional chickens allowed
78 per each additional fifth acre (areas less than one-fifth of an acre will not qualify for additional
79 chickens) on each respective property with an existing land use of single family residential.

80
81 iv. Poultry must be kept in an enclosed structure at night (coops, hen houses, etc.).

82
83 v. Coops or enclosures housing poultry shall located:

84
85 a) in the rear yard behind the dwelling unit

87
88 b) at least twenty-five (25) feet from the door or window of any other dwelling or occupied
89 structure other than the owner's dwelling

90
91 c) outside of the applicable district's accessory structure setback areas

92
93 vi. All items such as feed that may attract rodents or other wildlife shall be kept in rodent/pest
94 proof containers.

95
96 vii. If poultry are allowed to free range, the free-ranging area must be secured such that the
97 poultry cannot leave the rear yard of the subject property, including by flight.

98
99 viii. If ducks are kept, they shall be provided a wading pool (a children's "kiddie pool" with a
100 minimum radius of no less than 48 inches will suffice) which must be maintained with clean,
101 fresh water

102
103 ix. There shall be no odors associated with the keeping of poultry discernable at the property
104 lines.

106 **Section 4. RE-CODIFICATION OF SECTION 2.21.05.10.g.** Section 2.21.05.10.g is
107 unchanged; however, it shall be re-codified as Section 2.21.05.10.d upon passage of this ordinance.

108 **Section 5. AMENDMENT OF SECTION 5-25(c) OF THE CODE OF LAWS AND**
109 **ORDINANCES OF OKALOOSA COUNTY, FLORIDA.** Section 5-25(c) of the Code of
110 Laws and Ordinances of Okaloosa County, Florida, is hereby amended as follows (stricken
111 language to be removed, underlined language to be added):

112 (c) It shall be unlawful and a civil infraction for any person to provide care, shelter,
113 protection, refuge, or food to a chicken or chickens or a duck or ducks except as ~~in those~~
114 ~~zoning districts where the same are~~ specifically authorized pursuant to the county land
115 development code.

116 **Section 6. INCLUSION INTO THE OKALOOSA COUNTY CODE OF ORDINANCES.** It
117 is the intention of the Board that the provisions of this Ordinance shall become and be made a part
118 of the Okaloosa County Code of Ordinances, and that the sections of this Ordinance may be
119 renumbered to accomplish such intent.

120 **Section 7. SEVERABILITY.** Should any section or provision of this Ordinance or any portion
121 thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be
122 invalid, such decision shall not affect the validity of the remainder hereof other than the part
123 declared to be invalid.

124 **Section 8. EFFECTIVE DATE.** This Ordinance shall be effective as provided by law.

126

127 **PASSED AND DULY ADOPTED** this _____ day of _____, 2022.

128

129

130 **BOARD OF COUNTY COMMISSIONERS OF**
131 **OKALOOSA COUNTY, FLORIDA**

132

133

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136 By: _____
137 Mel Ponder, Chairman

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140

141 **ATTEST:**

142

143

144

145

146 By: _____
147 J.D. Peacock II
148 Clerk of Circuit Court

149

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152

153 **APPROVED AS TO FORM:**

154

155

156

157

158 By: _____
159 Lynn Hoshihara
160 County Attorney

161

162

163

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167

ORDINANCE NO. 22-

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF OKALOOSA COUNTY FLORIDA
AMENDING THE OKALOOSA COUNTY LAND
DEVELOPMENT CODE, ORDINANCE 91-01, AS
AMENDED, AS WELL AS THE CODE OF ORDINANCES OF
OKALOOSA COUNTY, FLORIDA, AS THEY PERTAIN TO
THE KEEPING OF POULTRY; SPECIFICALLY,
PROVIDING FOR THE REPEAL OF SECTIONS 1A.04.05.7
AND 2.21.05.10.d, e, and f, THE AMENDMENT OF SECTION
2.21.05.10.b, AND THE RE-CODIFYING OF EXISTING
SECTION 2.21.05.10.g TO 2.21.05.10.d; AMENDING
SECTION 5-25(c) OF THE CODE OF LAWS AND
ORDINANCES OF OKALOOSA COUNTY, FLORIDA
PROVIDING FOR CONFLICTS; PROVIDING FOR
INCLUSION IN THE CODE OF ORDINANCES OF
OKALOOSA COUNTY, FLORIDA; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance;

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which creates a Land Development Code that includes Chapter 2 which establishes, among other things, the principal, conditional, and prohibited uses within the various zoning districts and provides for the limitations thereon, and Chapter 1A which establishes, among other things, various administrative processes for the approval of developments and related matters; and

WHEREAS, Okaloosa County has adopted and from time to time amended the Code of Laws and Ordinances of Okaloosa County, Florida, which includes, among other things, Chapter 5 which provides for the control of animals including fowl and poultry; and

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to amend the provisions of Chapters 1A and 2 of the Land Development Code as well as Chapter 5 of the Code of Laws and Ordinances of Okaloosa County, Florida, to streamline the County's regulation of poultry.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:**

Section 1. REPEAL OF SECTION 1A.04.05.7. Section 1A.04.05.7 of the Okaloosa County Land Development Code, Ordinance 91-01 as amended, is hereby repealed.

Section 2. REPEAL OF SECTIONS 2.21.05.10.d, AND f. Sections 2.21.05.10.d, e, and f of the Okaloosa County Land Development Code, Ordinance 91-01 as amended, are hereby repealed.

Section 3. AMENDMENT OF SECTION 2.21.05.10.b. Section 2.21.05.10.b of the Okaloosa County Land Development Code, Ordinance 91-01 as amended, is hereby amended as follows (stricken language to be removed, underlined language to be added):

b. Poultry. The keeping ~~or harboring~~ of poultry is permissible as a principal use in the AA and RR zoning districts. The keeping of poultry is allowed as an accessory use on lots with an existing land use of single family residential, regardless of current zoning or Future Land Use Map designation in accordance with the following: ~~is not considered customarily incidental to residential uses of property and is prohibited in the R-1, R-2, and R-3 zoning districts except as follows:~~

~~i. in the R-1 zoning district, chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by an administrative adjustment as specified in Section 1A.04.00 of this Code.~~

~~ii. In the R-2 and R-3 zoning districts chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by special exception as provided in d., below.~~

i. Poultry shall mean chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only)

~~ii. Roosters are prohibited except in the AA and RR zoning districts. In the R-2 and R-3 zoning districts chickens (*Gallus gallus domesticus*) and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner ducks only) may be approved by special exception as provided in d., below.~~

~~iii. Roosters are not allowed in the R-1, R-2, or R-3 zoning districts.~~

iii. The minimum lot size shall be no less than one-fifth of an acre, and no more than four (4) chickens shall be allowed for the first fifth of an acre and three (3) additional chickens allowed per each additional fifth acre (areas less than one-fifth of an acre will not qualify for additional chickens) on each respective property with an existing land use of single family residential.

iv. Poultry must be kept in an enclosed structure at night (coops, hen houses, etc.).

v. Coops or enclosures housing poultry shall located:

a) in the rear yard behind the dwelling unit

b) at least twenty-five (25) feet from the door or window of any other dwelling or occupied structure other than the owner's dwelling

c) outside of the applicable district's accessory structure setback areas

vi. All items such as feed that may attract rodents or other wildlife shall be kept in rodent/pest proof containers.

vii. If poultry are allowed to free range, the free-ranging area must be secured such that the poultry cannot leave the rear yard of the subject property, including by flight.

viii. If ducks are kept, they shall be provided a wading pool (a children's "kiddie pool" with a minimum radius of no less than 48 inches will suffice) which must be maintained with clean, fresh water

ix. There shall be no odors associated with the keeping of poultry discernable at the property lines.

Section 4. RE-CODIFICATION OF SECTION 2.21.05.10.g. Section 2.21.05.10.g is unchanged; however, it shall be re-codified as Section 2.21.05.10.d upon passage of this ordinance.

Section 5. AMENDMENT OF SECTION 5-25(c) OF THE CODE OF LAWS AND ORDINANCES OF OKALOOSA COUNTY, FLORIDA. Section 5-25(c) of the Code of Laws and Ordinances of Okaloosa County, Florida, is hereby amended as follows (stricken language to be removed, underlined language to be added):

(c) It shall be unlawful and a civil infraction for any person to provide care, shelter, protection, refuge, or food to a chicken or chickens or a duck or ducks except as ~~in those zoning districts where the same are~~ specifically authorized pursuant to the county land development code.

Section 6. INCLUSION INTO THE OKALOOSA COUNTY CODE OF ORDINANCES. It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Okaloosa County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 7. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

Section 8. EFFECTIVE DATE. This Ordinance shall be effective as provided by law.

PASSED AND DULY ADOPTED this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS OF
OKALOOSA COUNTY, FLORIDA

By: _____
Mel Ponder, Chairman

ATTEST:

By: _____
J.D. Peacock II
Clerk of Circuit Court

APPROVED AS TO FORM:

By: _____
Lynn Hoshihara
County Attorney

