

1 Introduced by Council Member Carter and Co-Sponsored by Council  
2 Member Redman and amended on the floor of Council:



3  
4 ATTACHREVEXH1.tif

**ORDINANCE 2015-337-E**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING  
6 CODE), *ORDINANCE CODE*; CREATING A NEW SECTION  
7 656.422, TO ESTABLISH A PERMANENT PROCESS FOR  
8 PERMITTING BACKYARD HENS IN CERTAIN  
9 RESIDENTIAL DISTRICTS SUBJECT TO A ONE TIME  
10 FEE OF \$25; PROVIDING FOR SUNSETTING OF PILOT  
11 PROGRAM; PROVIDING THAT EXISTING PERMITS UNDER  
12 THE PILOT PROGRAM REMAIN VALID; PROVIDING FOR  
13 SEVERABILITY; PROVIDING FOR OVERSIGHT BY THE  
14 PLANNING AND DEVELOPMENT DEPARTMENT; PROVIDING  
15 EXEMPTION FOR IDENTIFIED NEIGHBORHOODS;  
16 PROVIDING OPT-IN PROCESS FOR EXEMPT  
17 NEIGHBORHOODS; PROVIDING OPT-OUT PROCESS FOR  
18 NON-EXEMPT NEIGHBORHOODS; PROVIDING AN  
19 EFFECTIVE DATE.

20  
21 **WHEREAS**, the concept of local sustainability has inspired an  
22 interest in backyard and community food production to provide local  
23 food sources, a concept that is congruent with the City's  
24 encouragement of community gardens in paragraph 6.3.8 of the City's  
25 Future Land Use Element of its 2030 Comprehensive Plan; and

26 **WHEREAS**, currently the Zoning Code allows the keeping of  
27 chickens only in its low density/rural Agricultural and Rural  
28 Residential-Acre Zoning Districts, but not in the urban  
29 environment; and

30 **WHEREAS**, many communities in Florida and throughout the United  
31 States have been exploring and implementing performance standards

1 that compatibly integrate the keeping of backyard chickens into  
2 their urban residential settings; and

3 **WHEREAS**, chickens are social not solitary animals, can make  
4 good pets, and findings indicate that five (5) are sufficient to  
5 meet the needs of the average family's egg consumption; and

6 **WHEREAS**, residents of the City living in residentially zoned  
7 areas that are not allowed to keep chickens have indicated a desire  
8 to do so, asking that special attention be initiated as to how  
9 chickens can be successfully and lawfully integrated into their  
10 residential environments; and

11 **WHEREAS**, the City enacted a two-year pilot program under  
12 Ordinance 2013-415-E to determine the need for and public support  
13 of a permanent backyard hen program; and

14 **WHEREAS**, the Municipal Code Compliance Division, in  
15 conjunction with Animal Care and Control, issued an evaluation and  
16 review report of the pilot program pursuant to Ordinance 2013-415-E  
17 and found no adverse complaints resulting from legally permitted  
18 backyard hens; and

19 **WHEREAS**, the findings and recommendations of the City's  
20 Planning Commission and its City Council have been considered; now  
21 therefore

22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Purpose and Intent.** The purpose of this  
24 ordinance is to create a program to permit backyard hens in certain  
25 residential zoning districts in which they are currently not  
26 permitted. This ordinance shall not change the rights granted to  
27 properties located in the Agriculture and Rural Residential-Acre  
28 zoning districts pursuant to Section 656.401(A)(3), *Ordinance Code*.  
29 This ordinance establishes criteria and limitations so as to avoid  
30 adverse impacts on neighboring properties and residents, and to  
31 provide for the health and safety of the chickens. Nothing herein

1 shall supersede any legally adopted, recorded restriction within  
2 any platted neighborhood.

3 **Section 2. Creating a new Section 656.422 (Backyard hens**  
4 **in certain residential zoning districts), Ordinance Code, amended.**

5 Section 656.422 (Backyard hens in certain residential zoning  
6 districts), Subpart B (Miscellaneous Regulations), Part 4  
7 (Supplementary Regulations), Chapter 656 (Zoning Code), *Ordinance*  
8 *Code*, is hereby amended to read as follows:

9 **CHAPTER 656**

10 **ZONING CODE**

11 \* \* \*

12 **PART 4. SUPPLEMENTARY REGULATIONS**

13 **SUBPART A. PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA**

14 \* \* \*

15 **Sec. 656.422. Chickens allowed by permit in certain zoning**  
16 **districts.**

17 (a) For the purpose of this section, a chicken (*Gallus*  
18 *domesticus*) refers only to a female chicken. Chickens, also  
19 referred to herein as "Backyard hens," are allowed in conjunction  
20 with a single family dwelling as defined in Part 16 of the Zoning  
21 Code, by permit and subject to the performance standards and  
22 development criteria set forth herein.

23 (b) A permit is required to ensure compliance with  
24 performance standards and development criteria. The application for  
25 permit must be submitted to the Planning and Development Department  
26 prior to placement of any chickens on the property. A one-time  
27 non-refundable \$25 permit fee shall be required at the time of  
28 application. Prior to permit application, all residents wishing to  
29 have backyard hens must evidence the completion of a chicken  
30 keeping seminar from the Duval County Agricultural Extension  
31 Office. Upon submission of a completed application as determined by

1 the Planning and Development Department, completion of the seminar,  
2 and payment of the \$25 permit fee, the Planning and Development  
3 Department shall issue the permit. If applicant has prior attended  
4 the chicken keeping seminar, applicant shall submit the permit  
5 application with fee, along with proof that applicant has completed  
6 the chicken keeping seminar at the Duval County Agricultural  
7 Extension Office.

8 (c) Up to five (5) chickens may be permitted on each  
9 residential lot. If the lot is larger than one (1) acre, five (5)  
10 additional chickens may be permitted per each additional 21,780  
11 square feet over one (1) acre. The aforementioned land  
12 requirements are the gross area of the premises harboring such  
13 chickens and include areas used by the resident for residential or  
14 other purposes, in addition to the keeping of the chickens, subject  
15 to the following performance standards and development criteria:

16 (1). Chickens shall be kept within a coop or enclosure  
17 (a fenced or wired in area, or pen, required in conjunction  
18 with a coop to provide an outside exercise area for chickens  
19 free from predators and of a size that allows access to a  
20 foraging area, sunlight, etc.) at all times. A coop is herein  
21 defined as a covered house, structure or room that will  
22 provide chickens with shelter from weather and with a roosting  
23 area protected from predators.

24 (2). The coop shall be screened from the neighbors' view,  
25 using an opaque fence and/or landscape screen.

26 (3). Any chicken coop and fenced enclosure shall be  
27 located in the rear yard of the property, unless the property  
28 is deemed to have double frontage on a navigable waterway. No  
29 coop, enclosure or chickens shall be allowed in any front or  
30 side yard (corner lots and through lots shall be excluded from  
31 side setback restriction) unless as otherwise described above.

1 (4). If the coop exceeds 100 square feet in size (10 foot  
2 by 10 foot), a building permit must be obtained from the  
3 City's Planning and Development Department.

4 (5). The coop shall be covered and ventilated, and a  
5 fenced enclosure/run is required that is well drained so that  
6 there is no accumulation of moisture. The coop and enclosure  
7 shall be completely secured from predators, including  
8 openings, ventilation holes, doors and gates (fencing or  
9 roofing is required over the enclosure in addition to the  
10 coop).

11 (6). The coop shall provide a minimum of three (3) square  
12 feet per chicken and be of sufficient size to afford free  
13 movement of the chickens. The coop may not be taller than six  
14 (6) feet measured from the natural grade, and must be easily  
15 accessible for cleaning and maintenance.

16 (7). All stored feed shall be kept in a rodent and  
17 predator proof container.

18 (8). Chickens may not be kept on duplex, triplex or in  
19 multifamily properties. Chickens are allowed in manufactured  
20 home subdivisions but are not allowed within mobile home/  
21 manufactured home or recreational vehicle home parks or rental  
22 communities.

23 (9). No male chickens/roosters, ducks, geese, turkeys,  
24 peafowl, pheasants, quail or any other poultry or fowl may be  
25 kept under this program.

26 (10). The slaughtering of chickens on the premises is  
27 strictly prohibited and therefore not allowed.

28 (11). Chickens shall be kept for personal use only. The  
29 selling of chickens, eggs or chicken manure, or the breeding  
30 of chickens for commercial purposes is prohibited.

31 (12). Chickens shall not be permitted to trespass on

1 neighboring properties, be released or set free and shall be  
2 kept within a coop and enclosure at all times.

3 (13). Chicken coops and enclosures shall be maintained in  
4 a clean and sanitary condition at all times. Chickens shall  
5 not be permitted to create a nuisance consisting of odor,  
6 noise or pests, or contribute to any other nuisance condition.

7 (14). All chicken coops or enclosures shall meet the  
8 setbacks for accessory structures pursuant to Section 656.403  
9 of the Zoning Code.

10 (d) No dog or cat that kills a chicken shall, for that reason  
11 alone, be considered a dangerous and/or aggressive animal.

12 (e) Chickens that are no longer wanted by their owners shall  
13 not be taken to Animal Care and Protective Services, nor shall they  
14 be released. Said chickens shall be taken to certain pre-identified  
15 locations, such as Standard Feed that will accept and place any and  
16 all unwanted chickens. Animal Care and Protective Services shall  
17 maintain a list of approved locations for the owner surrender of  
18 chickens.

19 (f) As a condition of the issuance of a permit, a permit  
20 holder consents to inspection of his or her property upon complaint  
21 to the City as related to backyard hens. Following a complaint as  
22 to a particular property and upon notice to the permit holder, the  
23 permit holder shall allow the Municipal Code Compliance Division to  
24 enter onto his or her property during a scheduled visit to ensure  
25 compliance with the regulations, performance standards and  
26 development criteria herein.

27 (g) This section shall not change the rights granted to  
28 properties located in the Agriculture and Rural Residential-Acre  
29 zoning districts pursuant to Section 656.401(A)(3), *Ordinance Code*.

30 (h) This section does not supersede any legally adopted,  
31 recorded restriction within any platted neighborhood.

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2           **Section 3.           Sunsetting the Pilot Program.**    The provisions  
3 of Ordinance 2013-415-E, providing for a pilot program for backyard  
4 hen permits, shall sunset, be repealed, and be of no further effect  
5 on July 1, 2015.

6           **Section 4.           Existing Pilot Program Permits Valid.**  
7 Existing permits issued pursuant to the Pilot Program set forth in  
8 Ordinance 2013-415-E, which are active and in compliance with the  
9 provisions set forth in Section 2 herein on the Effective Date or  
10 this Ordinance shall be administratively converted by the Planning  
11 Department to the permit authorized herein and shall require no  
12 additional fee or certification.

13           **Section 5.           Providing Exemption for Identified**  
14 **Neighborhoods.**    The single-family residential neighborhoods  
15 identified on attached **Revised Exhibit 1** shall be exempt from the  
16 allowance of chickens as contemplated in this ordinance. All other  
17 applicable laws remain in full force and effect with regard to  
18 animal control and code enforcement matters in the neighborhoods so  
19 identified.

20           **Section 6.           Providing Opt-in Process for Exempt**  
21 **Neighborhoods.**    For those neighborhoods identified in Section 5  
22 above as exempt, there shall be a process to opt-in to the  
23 provisions of Section 656.422, Ordinance Code, to allow chickens on  
24 single-family properties in those neighborhoods; provided however,  
25 in order for a particular identified neighborhood (as defined in  
26 **Revised Exhibit 1**) to opt-in, at least fifty percent (50%) plus one  
27 of the property owners must demonstrate their support in writing to  
28 opt-in, or alternatively, if the neighborhood elects a homeowners  
29 association board, the homeowners association board may, by a  
30 majority vote, approve the opt-in for that particular neighborhood.  
31 Property owners interested in the opt-in process may obtain an opt-

1 in form from the Planning and Development Department. In order to  
2 opt-in, signatures of property owners representing fifty percent  
3 (50%) plus one of the property owners (only one property owner per  
4 lot shall be counted in deriving the 50% plus one threshold) will  
5 be the minimum to include the neighborhood. Alternatively, proof of  
6 homeowners' association resolution or action in support of the  
7 request to opt-in may be submitted instead of the opt-in signature  
8 form. Upon verification and completeness of the form, or  
9 verification of the homeowners' association opt-in resolution or  
10 action, the Planning and Development Department will certify that  
11 the neighborhood has opted-in and will directly notify the  
12 Municipal Code and Compliance Division for enforcement purposes.

13 **Section 7. Providing Opt-out Process for Non-exempt**  
14 **Neighborhoods.** For neighborhoods not identified in the exempt  
15 neighborhoods in Section 5, there shall be a process to opt-out of  
16 the provisions of Section 656.422, Ordinance Code, so that chickens  
17 are not allowed on single-family properties in those neighborhoods;  
18 provided however, in order for a particular identified neighborhood  
19 to opt-out, at least fifty percent (50%) plus one of the property  
20 owners must demonstrate their support in writing to opt-out, or  
21 alternatively, if the neighborhood elects a homeowners association  
22 board, the homeowners association board may, by a majority vote,  
23 approve the opt-out for that particular neighborhood. Property  
24 owners interested in the opt-out process may obtain an opt-out form  
25 from the Planning and Development Department. In order to opt-out,  
26 signatures of property owners representing fifty percent (50%) plus  
27 one of the property owners (only one property owner per lot shall  
28 be counted in deriving the 50% plus one threshold) will be the  
29 minimum to exclude the neighborhood. Alternatively, proof of  
30 homeowners' association resolution or action in support of the  
31 request to opt-out may be submitted instead of the opt-out form.



1 Upon verification and completeness of the form, or verification of  
2 the homeowners' association opt-out resolution or action, the  
3 Planning and Development Department will certify that the  
4 neighborhood has opted-out and will directly notify the Municipal  
5 Code and Compliance Division for enforcement purposes. For purposes  
6 of this provision the boundaries of a "neighborhood" shall be  
7 defined by the subdivision plat of the neighborhood as recorded in  
8 the public records of Duval County.

9 **Section 8. Planning and Development Department to**  
10 **Administer Program and Provide Forms for Permitting and Opt-in and**  
11 **Opt-out.** The Planning and Development Department shall oversee and  
12 administer the permit program described herein. In addition, the  
13 Planning and Development Department shall prepare application forms  
14 and opt-in and opt-out forms discussed above, with the assistance  
15 of the Office of General Counsel. The Planning and Development  
16 Department shall coordinate with the Parks, Recreation and  
17 Community Services Department insofar as the Parks, Recreation and  
18 Community Services Department oversees the Duval County  
19 Agricultural Extension Office.

20 **Section 9. Severability.** If any section, sentence,  
21 clause, phrase, or word of this Ordinance is, for any reason, held  
22 or declared to be unconstitutional, inoperative or void, such  
23 holding or invalidity shall not affect the remaining portions of  
24 this Ordinance, and it shall be construed to be the legislative  
25 intent to pass this Ordinance without such unconstitutional,  
26 invalid or inoperative part therein.

27 **Section 10. Effective Date.** This Ordinance shall become  
28 effective upon signature by the Mayor or upon becoming effective  
29 without the Mayor's signature.  
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1 Form Approved:

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3 /s/ Paige Hobbs Johnston

4 Office of General Counsel

5 Legislation Prepared By: Paige Hobbs Johnston

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