

Introduced by:
Councilor Arthur



ORDINANCE NO. 2017-08

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 6 TO CREATE ARTICLE V, A PILOT PROGRAM FOR PERMITTING BACKYARD HENS IN CERTAIN RESIDENTIAL DISTRICTS SUBJECT TO A ONETIME FEE OF \$50; LIMITING THE NUMBER OF PERMITS ISSUED UNDER THE PILOT PROGRAM TO 25; PROVIDING FOR A SUN SETTING OF THE PILOT PROGRAM AFTER EIGHTEEN MONTHS; PROVIDING FOR EVALUATION AND REPORTING OF THE PILOT PROGRAM BY THE CITY COUNCIL AFTER TWELVE MONTHS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the concept of local sustainability has inspired an interest in backyard and community food production to provide local food sources, and

WHEREAS, many communities in Florida and throughout the United States have been exploring and implementing performance standards that compatibly integrate the keeping of backyard chickens into their urban residential settings; and

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

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

WHEREAS, the findings and recommendations of the Duval County Planning Commission and its unanimous City Council approval of a hen ordinance; and

WHEREAS, the findings and recommendations of the City Council have been considered; now therefore

Section 1. Chapter 6 Animals, Article V Backyard Hen Pilot Program, Sections 6-40 thru 6-45; shall be added as follows:

Article V – Backyard Hen Pilot Program

Sec. 6-40. Purpose and Intent.

The purpose of this ordinance is to create a pilot program to permit backyard hens in certain residential zoning districts in which they are currently not permitted. This ordinance establishes criteria and limitations so as to avoid adverse impacts on neighboring properties and residents, and to provide for the health and safety of the chickens. Nothing herein shall supersede any legally adopted, recorded restriction within any platted neighborhood.

Sec. 6-41. Creation of a Pilot Program for Backyard Hens Permit; Limitation on Permits; Approval of a Permit Fee; Term of the Pilot Program; Evaluation of Pilot Program.

The Council hereby approves a pilot program for permitting backyard hens in certain residential districts enumerated herein, upon meeting the performance standards and development criteria set forth below in Section 3, and subject to the following conditions:

- (A) The pilot program shall allow for the issuance of no more than 25 permits for backyard hens. Permits shall be issued on a first come, first served basis and only upon the subject applicant meeting of the performance standards and development criteria set forth in Section 3.
- (B) A one-time \$50 permit fee shall be required for each application which is approved.
- (C) Within 30 days of the effective date of this ordinance, the Building and Zoning Department shall create an application for a backyard hens permit and shall establish an administrative procedure for issuing permits, collecting the permit fees, ensuring that an application meets the requirements for issuance of the backyard hens permit and for maintaining the database for tracking the households which receive permits.
- (D) The pilot program shall remain in place for eighteen (18) months.
- (E) Within twelve (12) months from the effective date of this ordinance, the Council shall evaluate and review the pilot program, with input from Animal Control and the Building and Zoning Department, and shall issue a report as to the success of the pilot program.

Sec. 6-42. Backyard Hen Permits Subject to Certain Conditions.

The permit for backyard hens issued pursuant to this ordinance shall be subject to the following regulations, performance standards and development criteria:

- (A) For the purpose of this pilot program, a hen (*gallus domesticus*) refers only to a female chicken. Up to five (5) hens (*gallus domesticus*) shall be

permitted in the R1, R2, R3 and R-4 zoning districts and have a minimum lot square footage of 5,000 square feet. The aforementioned land requirements are the gross area of premises harboring such hens and include areas used by the resident for residential or other purposes, in addition to the keeping of the hens, subject to the following performance standards and development criteria:

- (i). Hens shall be kept within a coop or enclosure (a fenced or wired in area, pen or run, required in conjunction with a coop to provide an outside exercise area for hens free from predators and of a size that allows access to a foraging area, sunlight, etc.) at all times. A coop is herein defined as a covered house, structure or room that will provide hens with shelter from weather and with a roosting area protected from predators.
- (ii). The coop shall be screened from the neighbors' view, using an opaque fence and/or landscape screen.
- (iii). Any hen coop and/or fenced enclosure shall be located in the rear yard of the property, unless the property is deemed to have double frontage. No coop, enclosure or hens shall be allowed in any front or side yard (corner lots and through lots shall be excluded from side setback restriction) unless as otherwise described above.
- (iv). All coops will be required to obtain a building permit from the Building and Zoning Department.
- (v). The coop shall be covered and ventilated, and a fenced enclosure/run is required that is well drained so that there is no accumulation of moisture. The coop and enclosure shall be completely secured from predators, including openings, ventilation holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop).
- (vi). The coop shall provide a minimum of two (2) feet wide and three (3) square feet per hen and be of sufficient size to afford free movement of the chickens. The coop may not be taller than six (6) feet measured from the natural grade, and must be easily accessible for cleaning and maintenance.
- (vii). All stored feed shall be kept in a rodent and predator proof container.
- (viii). Hens may not be kept on duplex, triplex or in multifamily properties.
- (ix). No male chickens/roosters, ducks, geese, turkeys, peafowl, pheasants, quail or any other poultry or fowl may be kept under this pilot program.
- (ix). The slaughtering of hens or chickens on the premises is strictly prohibited and therefore not allowed.

(x). Hens shall be kept for personal use only. The selling of hens, eggs or manure, or the breeding of chickens for commercial purposes is prohibited.

(xi). Hens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within a coop and enclosure at all times.

(xii). Hen coops and enclosures shall be maintained in a clean and sanitary condition at all times. Hens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(xiii). No dog or cat that kills a hen shall, for that reason alone, be considered a dangerous and/or aggressive animal.

(ix). Hens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released. Said hens shall be taken to certain pre-identified locations, such as Standard Feed that will accept and place any and all unwanted chickens. Animal Control shall maintain a list of approved locations for the owner surrender of hens.

(xv). All residents wishing to acquire hens for use in residential districts under this pilot program, or that currently have existing hens, must provide evidence of the completion of a hen keeping seminar from the Duval County Agricultural Extension Office. Upon submission of a completed application as determined by the Building and Zoning Department, completion of the seminar from the Duval County Agricultural Extension Office, and payment of the \$50 permit fee, the Building and Zoning Department shall issue the permit. If applicant has prior attended the hen keeping seminar, applicant shall submit the permit application with fee, along with proof that applicant has completed the hen keeping seminar at the Duval County Agricultural Extension Office or other county agricultural extension office.

(xvi). All hen coops or enclosures shall meet the setbacks for accessory structures pursuant to Section 27-328 of the Unified Land Development Code.

(B.) As a condition of the issuance of a permit, a permit holder consents to inspection of his or her property upon complaint to the City as related to backyard hens. Following a complaint as to a particular property and upon notice to the permit holder, the permit holder shall allow the City to enter onto his or her property during a scheduled visit to ensure compliance with the regulations, performance standards and development criteria herein. The permit is also subject to the condition that, if the pilot program is not extended then all permittees will be required to surrender all hens to approved locations, as outlined in section 3 (xv), and cease further rearing of said hens within thirty (30) days.

Sec. 6-43. Severability.

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Sec. 6-44. Oversight department.

The Building and Zoning Department shall oversee the pilot program described herein. This Department shall coordinate with the Animal Control as to the evaluation report required by Section 2 herein and also with the Duval County Agricultural Extension Office.

Sec. 6-45. Sunset.

The provisions of Ordinance 2017-08, providing for a pilot program for backyard hen permits, shall sunset, be repealed, and be of no further effect, on January 5, 2019, unless extended in subsequent legislation.

Section 2. Effective Date. This Ordinance shall become effective upon adoption on second and final reading.

VOTE RESULTS OF FIRST READING:

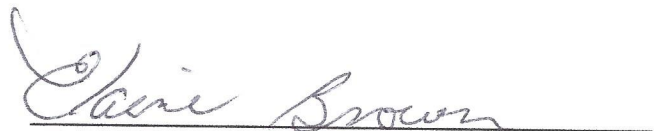
Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	N
Councilor Fred Jones	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y

Passed on First Reading this 5th day of June, 2017.

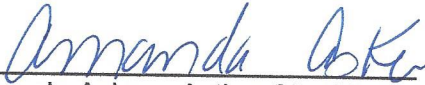
VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	N
Councilor Fred Jones	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y

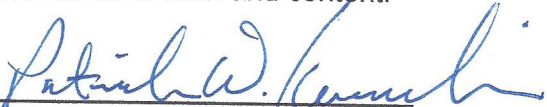
Passed on Second and Final Reading this 5th day of July, 2017.


Elaine Brown, Mayor

ATTEST:


Amanda Askew, Acting City Clerk

Approved as to form and content:


Patrick Krechowski, City Attorney