



Legislation Text

File #: 21-617, Version: 1

CITY COUNCIL AGENDA ITEM

Memo Date: September 1, 2021
Agenda Date: September 14, 2021
Prepared By: Charlene Neuterman, Interim Community Services Director
Through: Stockton Whitten, City Manager
Requested Action:
Proposed Backyard Chicken Ordinance to be presented at a later meeting for adoption by Council.

BACKGROUND:

Councilman Dyal requested Staff create a permanent Ordinance allowing chickens on occupied single-family properties in the City of Cocoa. Below, is some background on the temporary Backyard Chicken Pilot Program the City adopted previously.

City Council adopted Ordinance 15-2014 on April 22, 2014, which provided for a non-binding referendum question regarding whether City Council should amend the City Code to allow the raising and keeping of chickens on residential property for domestic (non-commercial) purposes. The question was on the November 4, 2014, election ballot. Voters approved the non-binding referendum question with more than 54 percent of electors voting in favor of the amending the City Code.

January 11, 2017 - Planning and Zoning Board recommended and approved the Backyard Chicken Pilot Program.

January 24, 2017 - Council approved the first reading of Ordinance 01-2017 with an application fee of \$50.

February 14, 2017 - Council approved the second reading of Ordinance 01-2017 to have a two-year expiration date of February 14, 2019.

Backyard Chicken Pilot Program Guidelines

- Persons desiring to participate in the Backyard Chicken Pilot Program must apply for and obtain a permit (\$50.00 fee) prior to the keeping of chickens.
- Persons applying for a permit must provide evidence of successful completion of a University of Florida Agricultural Extension Service class, or equivalent, on the care and raising of chickens.
- Up to 4 chickens may be kept on an occupied single-family property within the proper zoning

district as noted above.

- The term “chicken” for this program refers to female chickens (hens) only.
- Chickens must be kept within a coop and enclosure and may not be released or set free to roam unless under the direct supervision of the owner and such roaming must be confined to the backyard of the subject property.
- Chickens must be kept for personal use only. Selling of chickens, eggs, feathers, chicken manure, or the breeding of chickens for commercial purposes is strictly prohibited.
- The coop and enclosure must be screened from neighboring property.
- Chicken coops and fence enclosures must be located in the rear/back yard (behind the home). No coop or enclosure will be allowed in any front or side yard. The coop and enclosure must be at least 10 feet from the single-family structure, a minimum of 10 feet from the rear or side property, a minimum of 20 feet from any side street, and a minimum of 20 feet from any neighboring residential homes.
- The proposed new section of code shall be subject to a two-year sunset period and shall expire on a date determined by City Council unless otherwise extended by City Council.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policies support program:

- Housing Element Objective 3.2.4 - Neighborhood Preservation: The City of Cocoa shall promote neighborhood preservation through the continued application and enforcement of zoning district regulations, land development regulations, and nuisance abatement regulations.
- Housing Element Policy 3.2.4.4: The City shall protect residential neighborhoods from noise, water, and air pollution by regulating land development practices to ensure all applicable local, state, and federal air & water quality standards are met and maintained. Activities creating noise related disturbances shall be restricted from inappropriate locations or required to provide more stringent attenuation measures.

Complaints/Concerns by residents

Staff receives complaints from residents about current households with chickens, a violation of the code. Without polling all residents, it is unclear whether they are in favor of a permanent Ordinance allowing chickens.

With that being said, it is important to conduct the research, present the data to Planning & Zoning and Council for direction and adoption of an Ordinance. Staff does not offer an opinion in favor or against, but wants to provide statistics and solutions from other communities on how to best establish

a program that will be acceptable to both sides.

Staff Process

- Staff will conduct research on surrounding communities and present a report to the Planning and Zoning Board for approval.
- Upon P&Z approval, Staff will return to Council for two readings of the new Ordinance for adoption by Council

There is a Special Planning and Zoning Board meeting scheduled of September 22, 2021 to present the proposed plan and Ordinance. The proposed Ordinance a permanent change with specific policies and procedures established.

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

PREVIOUS ACTION:

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RECOMMENDED MOTION:

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