



Legislation Text

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CITY COUNCIL AGENDA ITEM

Memo Date: December 22, 2021
Agenda Date: February 22, 2022
Prepared By: Cynthia Thurman, Planning & Zoning Manager
Through: Charlene Neuterman, Interim Community Services Director
Requested Action:

Consideration of Second and Final Reading (Ordinance 14-2021) of The City of Cocoa, Brevard County, Florida; relating to backyard chickens; amending Chapter 5 - Animals and Fowl of the city code to allow the keeping of chickens and chicken coops within certain residential zoning districts subject to certain enumerated conditions; creating definitions; establishing a permitting process; providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the code, and an effective date.

BACKGROUND:

In February 2017 The City implemented the Backyard Chicken Pilot Program. This pilot program was in place for two years and sunset in February of 2019. In that two-year time frame, according to Code Enforcement two residents have signed up to have backyard chickens. In addition, Code Enforcement has received some complaints from people who have not followed the proper process and have gotten roosters, which are very noisy and not permitted.

I. Zoning Ordinance Amendment Analysis

In accordance with Appendix A. Zoning, Article XXI, Section 1(G)(2) of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

- a. *The need and justification for the change.*
- b. *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*

Need and justification for change

City Council presented a non-binding referendum on the November 4, 2014 election ballot to gauge community interest and support in establishing a backyard chicken program for purposes of raising and keeping of chickens on residential property for domestic purposes. The referendum results were

2,777 in favor (54.66%) and 2,283 opposed (45.34%) to City Council establishing a backyard chicken program under terms and conditions established by City Council.

City staff has conducted analysis regarding appropriate terms and conditions. Proposed revisions of the section of code (Section 5-35. - Backyard Chicken Pilot Program) have been updated under Chapter 5, Animals and Fowl. The details of the proposed revisions of code can be found in the attached ordinance (Ordinance No. 14-2021). Some of the highlights of the ordinance include the following:

- 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.
- 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.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policies support the applicant's request:

- 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.

Staff is requesting Council approval of the second reading of Ordinance No. 14-2021, relating to backyard chickens; amending Chapter 5 - Animals and Fowl of the city code to allow the keeping of chickens and chicken coops within certain residential zoning districts subject to certain enumerated conditions; creating definitions; establishing a permitting process;

providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the code, and an effective date.

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

Budgeted

N/A

PREVIOUS ACTION:

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RECOMMENDED MOTION:

Consideration of Second and Final Reading (Ordinance 14-2021) of The City of Cocoa, Brevard County, Florida; relating to backyard chickens; amending Chapter 5 - Animals and Fowl of the city code to allow the keeping of chickens and chicken coops within certain residential zoning districts subject to certain enumerated conditions; creating definitions; establishing a permitting process; providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the code, and an effective date.