



PLANNING AND DEVELOPMENT SERVICES

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TO: City Plan Board **Item Number: 1**

FROM: Planning and Development Services Staff **DATE: July 25, 2013**

SUBJECT: Petition PB-13-64 TCH. City of Gainesville. Amend the Land Development Code to allow chickens in the single-family residential zoning districts and the RC (12 units/acre residential conservation district) zoning district to increase the number of chickens above the current allotment of two chickens.

Recommendation:

Staff recommends approval of the petition, as shown in Exhibit 5.

Discussion:

On September 20, 2012, the City Commission approved a recommendation from the Community Development Committee (City Commissioners: Hawkins, Hinson-Rawls and Wells) to direct staff to initiate a petition to allow an increase in the number of chickens that are allowed in single-family neighborhoods. This issue is currently regulated through Chapter 5, Animal Control (see Exhibit 1), and not the land development code. The current regulations allows up to two chickens (hens) and no roosters. The proposed amendment would allow up to four hens on lots of 10,000 square feet or less and up to 6 hens on lots greater than 10,000 square feet, and no roosters. The single-family rural residential (RSF-R) district allows up to 20 fowl per acre.

The Plan Board discussed this issue on March 28, 2013. Several citizens spoke about the proposed Code changes and all spoke favorably of keeping chickens and of increasing the number of allowable chickens beyond the numerical limits in the staff proposal. Several Plan Board members questioned the basis for the maximum numbers of hens in the staff proposal. Vice-Chair Bob Ackerman explained that the numbers proposed by staff are too low, and added that slaughtering should not be prohibited.

It is staff's opinion that numbers of chickens should be limited as recommended in order to control nuisance type issues: noise, odor, public health concerns, attracting flies and rodents, and cleanliness of coops/disposal of manure. The literature suggests that a properly drafted ordinance can prevent potential nuisances by establishing guidelines for chicken care and maintenance, such as only allowing smaller sized flocks and not permitting roosters. In the report titled, "Residential Urban Chicken Keeping: An Examination of 25 Cities", the most common number of birds permitted was 3 or 4, which would supply on average between 1 and 2 dozen eggs a week. Thomas Kriese, an urban chicken keeper who writes online about chicken keeping and ordinances, indicated that he feels that no more than 6 birds should be permitted. Six birds would yield approximated 3 dozen eggs a week which is a lot of eggs for a family of four to consume in a week. Based on a report by the University of Missouri Extension Service, six, 4-lb chickens would produce between 137 to 480 lbs of manure a year, and these numbers do not include the weight and volume of the bedding materials.

Table 1 below shows the dimensional requirements for the residential districts where chickens would be allowed. Given the size of lots and the minimal setback requirements, staff feels the limit on the number

of chickens in more densely developed areas are justified. While it would not seem logical that every property owner within the City would want to keep chickens, the regulation should address the issue of several property owners in one area keeping chickens and the cumulative effective of this possibility. The current proposal addresses this cumulative effective by limiting the number of chickens on smaller lots. The purpose of this petition is to provide property owners with a reasonable number of chickens for personal use only.

TABLE 1. DIMENSIONAL REQUIREMENTS RESIDENTIAL DISTRICTS
 Principal Structures

	RSF-1	RSF-2	RSF-3	RSF-4	RC
Maximum density	3.5 du/a	4.6 du/a	5.8 du/a	8 du/a	12 du/a
Minimum lot area	8,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	4,300 sq. ft.	3,000 sq. ft.
Minimum lot width at minimum front yard setback	85 ft.	75 ft.	60 ft.	50 ft.	35 ft.
Minimum lot depth	90 ft.	90 ft.	90 ft.	80 ft.	NA
Minimum yard setbacks:					
Front	20 ft.	20 ft.	20 ft.	20 ft.	20 ft. or the average of adjoining lots.
Side (interior)	7.5 ft.	7.5 ft.	7.5 ft.	7.5 ft.	5 ft.
Side (street)	10 ft.	10 ft.	7.5 ft.	7.5 ft.	N/A
Rear	20 ft.	20 ft.	15 ft.	10 ft.	20 ft.
Maximum building height	35 ft.	35 ft.	35 ft.	35 ft.	3 stories

Key Factors

Attached as Exhibit 2 is an article, “Raising backyard chickens requires basic knowledge”. This article is written by Jess Lyons, a small flock specialist with the University of Missouri Extension. The article discusses some of the basic things that urban dwellers need to know about keeping chickens in their backyards, such as feeding, proper air circulation and spacing needs, sanitary issues, and disease. Attached as Exhibit 3 are articles addressing these issues from the University of Florida IFAS Extension. The key factor is keeping chickens in the backyard is that it is not as simple as most citizens would think and it will take some work and education on how to keep chickens and also be a good neighbor. In the report titled, Residential Urban Chicken Keeping: An Examination of 25 Cities (Exhibit 4), it states the following:

“The evaluation of 25 different chicken ordinances showed a wide spectrum of choices that municipalities have made in the regulating of chickens. Looking at the number of chickens permitted, for example, cities ranged anywhere from 2 chickens to unlimited chickens. Only allowing 2 chickens may not be an ideal choice, as they are social creatures and if one become ill or die, only one chicken would be left. Two chickens also do not produce enough eggs for a larger family. On the other hand, allowing unlimited chickens may mean increased nuisance enforcement, or allowing for that many chickens may be met with increase public opposition. Often the average allowances found (not the most extremes) are the best choices of an example regulation for other cities to look to when considering the formation of their own ordinance. In the case of the cities evaluated, the most common allowance was 4-6 birds, which can provide enough eggs for a family and does not highly increase the potential for nuisances”.

Florida Cities

A review of some of the major Florida cities indicated that where it appears that the number of chickens are not regulated those communities requires large setback (50 feet or greater) and/or written consent from abutting property owners.

Cities	Allow Chickens	Number allowed	Permit Required	Coop Restrictions
Alachua County	Yes	6		
Fort Lauderdale	No			
Cape Coral	Yes		No	Yes
Sarasota	Yes	4	No	Yes
Pensacola	Yes		Yes	Yes (50 feet setback)
Fernandina	No			
Winter Park	No			
Fort Myers	No			

Cities	Allow Chickens	Number allowed	Permit Required	Coop Restrictions
Panama City	Yes	\$25 per bird	Yes (Written permission from abutting property owners)	Yes
Orlando	Yes	30	No	Yes (100 feet setback from a residential dwelling)
Jacksonville	Yes	Only in Agriculture and Rural Residential Districts		Yes (50 feet from the property line)
St. Petersburg	Yes		Not allowed within 100 feet of any residence without the owner's consent	Yes, coops must be 100 feet or further from a residence
Tallahassee	Yes		Must be confined in a securely enclosed yard or pen. 20feet setback from neighboring dwellings	
Ocala	Yes			150 feet setback from neighboring dwellings
Lakeland	Yes			50 feet setback from neighboring dwellings
Bradenton	No			
Miami	No			
Hollywood	No			
Broward County	Yes (In Rural and Estate districts)	No limit on 10 acres. 25 birds on less than 10 acres with in rural and Estate districts	50 fee lot line setback	

Summary

It is staff's recommendation based on a review of the literature that the City should amend the Land Development Code to allow up to four hens on lots of 10,000 square feet or less and up to 6 hens on lots greater than 10,000 square feet. The Code will continue to allow properties in the single-family rural residential (RSF-R) district up to 20 fowl per acre. Staff would also recommend that a no fee permit be required, so that the city can track this issue and have a way of providing citizens with the basic rules for keeping chickens. If the City would like to allow more than 6 hens, staff would recommend a process where a property owner could apply for a permit to add more chickens after one year in the program.

Respectfully submitted



Ralph Hilliard
Planning Manager

Attachments:

Exhibit 1-Chapter 5 Animal Control

Exhibit 2-Article: Raising backyard chickens requires basic knowledge

Exhibit 3-University of Florida IFAS Reports

Exhibit 4-Report: Residential Urban Chicken Keeping: An Examination of 25 Cities

Exhibit 5- Proposed code changes