

LEGISLATIVE #

130180A

ORDINANCE NO. 130180

An ordinance of the City of Gainesville, Florida, relating to chicken-keeping in residential zoning districts; amending the Code of Ordinances by amending the definition of Fowl in Section 5-1. *Definitions*; amending the Land Development Code by creating Section 30-124. *Chicken-keeping to allow by right and provide applicable regulations regarding the keeping of chickens as an accessory use to any single-family dwelling in the residential zoning districts of RSF-1, RSF-2, RSF-3, RSF-4, and RC; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.*

WHEREAS, notice was given as required by law that the text of the Code of Ordinances and the Land Development Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the City Plan Board on July 25, 2013, and by the City Commission on September 5, 2013; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of the first public hearing to be held in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice of the second public hearing; and

WHEREAS, public hearings were held pursuant to the published notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 5-1 of the Code of Ordinances is amended as follows. Except as

1 amended herein, the remainder of Section 5-1 remains in full force and effect.

2 **Sec. 5-1. Definitions.**

3 *Fowl* shall include ~~roosters, other chickens when there are more than two,~~ pea fowl, and like
4 animals (Galliformes); ducks, geese, and like animals (Anseriformes); emus; rheas; and ostriches
5 (Struthio camelus). ~~A chicken that crows shall be considered a rooster.~~
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7 **Section 2.** A new Section 30-124 is created and added to the Land Development Code to
8 read as follows:

9 **Sec. 30-124. Chicken-keeping.**

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11 The keeping of chickens is allowed by right as an accessory use to any single-family dwelling in
12 the following residential zoning districts: RSF-1, RSF-2, RSF-3, RSF-4, and RC; subject to the
13 following conditions:
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- 15 (1) No more than ten (10) chickens are allowed;
- 16 (2) Roosters (defined as a male chicken of any age and generally characterized by an
17 ability to crow) and any other crowing chickens are prohibited;
- 18 (3) Chickens shall at all times be kept in the rear yard in either a fenced area or
19 covered enclosure;
- 20 (4) Covered enclosures shall meet the setback requirements for an accessory structure
21 in the applicable zoning district;
- 22 (5) Feed shall be kept in enclosed containers;
- 23 (6) The area in which the chickens are kept shall be maintained in a sanitary
24 condition, including the regular removal of chicken manure;
- 25 (7) Odors from chicken-keeping shall not be detectable at property boundaries; and
- 26 (8) Chicken products and/or by-products shall not be sold on the property.
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28 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
29 through 2 of this ordinance shall become and be made a part of the Code of Ordinances of the
30 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
31 renumbered or relettered in order to accomplish such intentions.

32 **Section 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance
33 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given
2 effect without the invalid or unconstitutional provision or application, and to this end the
3 provisions of this ordinance are declared severable.

4 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
5 such conflict hereby repealed.

6 **Section 6.** This ordinance shall become effective immediately upon final adoption.

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8 **PASSED AND ADOPTED** this ____ day of _____, 2013.

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EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2013.

This ordinance passed on second reading this ____ day of _____, 2013.