

DRAFT

ORDINANCE NUMBER 2020 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9, ZONING, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY: ADDING ACCESSORY CHICKEN KEEPING AS A CONDITIONAL USE TO ARTICLE II: DISTRICTS REGULATIONS, SECTION 3-9-26.3: USE TABLE-RESIDENTIAL ZONING DISTRICTS BY CREATING NEW ITEM (7) ACCESSORY CHICKEN KEEPING UNDER ARTICLE II: DISTRICT REGULATIONS, SECTION 3-9-33: RESIDENTIAL SINGLE-FAMILY (RSF), SUBSECTION (d) CONDITIONAL USES AND STRUCTURES (C); AND BY CREATING NEW ITEM (14) ACCESSORY CHICKEN KEEPING UNDER ARTICLE III: SPECIAL REGULATIONS, SECTION 3-9-69: CONDITIONAL USES AND STRUCTURES, SUBSECTION (g) RESIDENTIAL USES TO PROVIDE STANDARD CONDITIONS; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County, Florida ("Board") requested that County Staff propose amendments to the Code of Laws and Ordinances of Charlotte County, Florida ("Code") to allow for the keeping of chickens in the single-family residential zone; and

WHEREAS, pursuant to the Board's direction, County Staff, in Petition TLDR-20-01, is proposing amendments to Chapter 3-9, Zoning; by adding Accessory Chicken Keeping as a conditional use to Article II: Districts Regulations, Section 3-9-26.3: Use Table – Residential Zoning Districts; by creating new item (7) Accessory chicken keeping under Article II: Districts Regulations, Section 3-9-33: Residential Single-family (RSF), subsection (d) Conditional uses and structures (C); and by creating new item (14) Accessory

36 Chicken Keeping under Article III: Special Regulations, Section 3-9-69:
37 Conditional uses and structures, subsection (g) Residential uses to provide
38 standard conditions, all as provided in Exhibits "A," "B," and "C" attached hereto
39 and by this reference provided herein; and

40 WHEREAS, Petition TLDR-20-01 has previously been heard by the
41 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the
42 findings and analysis provided by County Staff and the evidence presented to the
43 P&Z Board, has been recommended for approval on September 14, 2020; and

44 WHEREAS, in public hearings held on Tuesday, October 13, 2020 and
45 Tuesday, October 27, 2020, the Board reviewed Petition TLDR-20-01 and, based
46 on the findings and analysis provided by County Staff and the evidence
47 presented to the Board, the Board found that approval of Petition TLDR-20-01 is
48 consistent with the County's Comprehensive Plan and is in the best interests of
49 the County and its citizens.

50 NOW, THEREFORE, BE IT ORDAINED by the Board of County
51 Commissioners of Charlotte County, Florida:

52 Section 1. Adoption. Chapter 3-9, Zoning, Article II, District
53 Regulations, and Article III, Special Regulations, of the Code of Laws and
54 Ordinances of Charlotte County, Florida, are hereby amended by adding the
55 underlined language and by ~~deleting the stricken language~~ as shown in Exhibit
56 "A": Section 3-9-26.3: Use Table – Residential Zoning Districts; Exhibit "B": new
57 item (7) under subsection (d) in Section 3-9-33. Residential Single-family (RSF);
58 and Exhibit "C": new item (14) Accessory Chicken Keeping under Article III:

59 Special Regulations, Section 3-9-69: Conditional uses and structures, subsection
60 (g) Residential uses, which are attached hereto and by this reference provided
61 herein.

62 Section 2. Conflict with Other Ordinances. The provisions of this
63 Ordinance shall supersede any provision of existing ordinances in conflict
64 herewith to the extent of said conflict.

65 Section 3. Severability. If any subsection, sentence, clause,
66 phrase, or portion of this Ordinance is for any reason held invalid or
67 unconstitutional by any court of competent jurisdiction, such portion shall be
68 deemed a separate, distinct, and independent provision and such holding shall
69 not affect the validity of the remainder of this Ordinance.

70 Section 4. Effective Date. This Ordinance shall take effect upon
71 filing in the Office of the Secretary of State, State of Florida.

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79 [SIGNATURE PAGE FOLLOWS]
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PASSED AND DULY ADOPTED this 27th day of October, 2020.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

DRAFT

By: _____
William G. Truex, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

DRAFT

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DRAFT

By: _____
Janette S. Knowlton, County Attorney
LR2020-0372

Residential Zoning Districts																				
P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception																				
Specific Uses	RE	Specific Regulations	Specific Uses	RSF	Specific Regulations	Specific Uses	RMF	Specific Regulations	Specific Uses	RMF-T	Specific Regulations	Specific Uses	MHP	Specific Regulations	Specific Uses	MHC	Specific Regulations	Specific Uses	RVP	Specific Regulations
4H, FFA, and similar uses and activities	C	Sec. 3-9-69	Accessory chicken keeping	C	Section 3-9-69	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69	Assisted living facility or day care center, adult, six or less	p	Sec. 3-9-62	Manufactured home (HUD)	P		Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Emergency services	S	
Animal sanctuary, zoo	S		Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69	Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Essential services	S	Sec. 3-9-71
Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Bar, cocktail lounge, nightclub, tavern	S		Assisted living facility or day care center, adult, six or less	S	Sec. 3-9-62	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Management offices and maintenance facilities	P	
Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Bed and breakfast, 3 or more bedrooms	S		Bed and breakfast, 1 or 2 bedrooms	P		Clubhouse	C	Sec. 3-9-69	Bed and breakfast, 3 or more bedrooms	S		Manager's residence	P	
Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Bed and breakfast, 3 or more bedrooms.	S		Boarding, rooming house	C	Sec. 3-9-69	Bed and breakfast, 3 or more bedrooms	P		Community garden	S		Clubhouse	C	Sec. 3-9-69	Park recreational facilities	P	
Bed and breakfast, 3 or more bedrooms	S		Cemetery, mausoleum	S		Clubhouse	C	Sec. 3-9-69	Boarding, rooming house	C	Sec. 3-9-69	Emergency services	S		Day care center, child	S		Recreational Vehicles, travel trailers, motor homes, camping tents and trailers	P	
Cemetery, mausoleum	S		Clubhouse	C	Sec. 3-9-69	Cluster housing	P	Sec. 3-9-67	Campground	S		Essential services	S	Sec. 3-9-71	Elementary, middle, or high school	S		Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68
Clubhouse	C	Sec. 3-9-69	Cluster housing	C	Sec. 3-9-67 / Sec. 3-9-69	Duplex or triplex	P		Clubhouse	S		Major Home Occupation	S	Sec. 3-9-74	Emergency services.	P				
Cluster housing	C	Sec. 3-9-67 / Sec. 3-9-69	Community garden	S		Elementary, middle, or high school	S		Duplex or triplex.	P		Manufactured home (DCA)	S		Essential services	S	Sec. 3-9-71			
Community garden	P		Day care center, child	S		Emergency services	P		Emergency services	P		Minor Home Occupation	P	Sec. 3-9-74	Government uses and facilities	S				
Day care center, child	S		Elementary, middle, or high school	S		Essential services	S	Sec. 3-9-71	Essential services	S	Sec. 3-9-71	Park offices and maintenance facilities	P		Guest home	C	Sec. 3-9-69			
Domestic animal breeding, boarding, and training	C	Sec. 3-9-69	Emergency services	P		Government uses and facilities	S		General retail sales and services	S		Park recreational facilities	P		Major Home Occupation	S	Sec. 3-9-74			
Elementary, middle, or high school	S		Essential services	S	Sec. 3-9-71	Major Home Occupation	S	Sec. 3-9-74	Government uses and facilities	S		Park, public or not-for-profit	P		Manufactured home (DCA)	P				
Emergency services	P		Government uses and facilities	S		Manufactured home (DCA)	P		Hotel, motel, inn	P		Place of Worship	S	Sec. 3-9-82	Manufactured home (HUD)	P				
Essential services	S	Sec. 3-9-71	Guest home	C	Sec. 3-9-69	Minor Home Occupation	P	Sec. 3-9-74	Leisure vehicle rental	S		Private clubs	S		Minor Home Occupation	P	Sec. 3-9-74			
Fish and wildlife management area, nature preserve	S		Major Home Occupation	S	Sec. 3-9-74	Model home	P	Sec. 3-9-78	Liquor, package store	S		Recreational Vehicle use	C	Sec. 3-9-69	Model home	P	Sec. 3-9-78			
Government uses and facilities	S		Manufactured home (DCA)	P		Multifamily	P		Major Home Occupation	S	Sec. 3-9-74	Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Noncommercial boat docks	P				
Guest home	C	Sec. 3-9-69	Minor Home Occupation	P	Sec. 3-9-74	Noncommercial boat docks	P		Manufactured home (DCA)	P					Park, public or not-for-profit	P				
Horse stable	C	Sec. 3-9-69	Model home	P	Sec. 3-9-78	Nursing home	C	Sec. 3-9-69	Marina	C	Sec. 3-9-69					Place of Worship	S	Sec. 3-9-82		
Livestock breeding, boarding, training, and grazing	S		Noncommercial boat docks	P		Park, public or not-for-profit	P		Minor Home Occupation	P	Sec. 3-9-74					Private clubs	S			



Residential Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	RE	Specific Regulations	Specific Uses	RSF	Specific Regulations	Specific Uses	RMF	Specific Regulations	Specific Uses	RMF-T	Specific Regulations	Specific Uses	MHP	Specific Regulations	Specific Uses	MHC	Specific Regulations	Specific Uses	RVP	Specific Regulations
Major Home Occupation	S	Sec. 3-9-74	Park, public or not-for-profit	P		Place of Worship	S	Sec. 3-9-82	Multifamily	P					Single-family detached	P				
Manufactured home (DCA)	P		Place of Worship	S	Sec. 3-9-82	Private clubs	S		Nursing home	C	Sec. 3-9-69				Subdivided lots with 50 foot wide frontage and 5,000 square foot lot	C	Sec. 3-9-69			
Minor Home Occupation	P	Sec. 3-9-74	Private clubs	S		Single-family detached or attached	P		Paid or public parking lot, garage, structure	S					Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-62			
Model home	P	Sec. 3-9-78	Single-family detached	P		Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Personal services	P										
Noncommercial boat docks	P		Subdivided lots with 50 foot wide frontage and 5,000 square foot	C	Sec. 3-9-69	Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68	Place of Worship	S	Sec. 3-9-82									
Park, public or not-for-profit	P		Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Transitional / halfway housing	C	Sec. 3-9-69	Private clubs	S										
Place of Worship	S	Sec. 3-9-82	Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68	University or college	S		Recreation, indoor	S										
Plant nursery	S		University or college	S		Yacht clubs, country clubs, and other recreational amenities	S		Recreational Vehicle use	S										
Private clubs	S		Yacht clubs, country clubs, and other recreational amenities	S					Restaurant	S										
Private landing field	S								Single-family attached or detached	P										
Single-family detached	P								Specialty shops	P										
Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68							Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68									
Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68							Yacht clubs, country clubs, and other recreational amenities	S										
University or college	S																			
Yacht clubs, country clubs, and other recreational amenities	S																			

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-33. RSF

Sec. 3-9-33. Residential Single-family (RSF)

- (d) Conditional uses and structures (C): (For rules and regulations for any use designated as conditional use or structure, see section 3-9-69, conditional uses and structures.)

7) Accessory Chicken Keeping

July 2020 Adoption

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Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-69

Sec. 3-9-69. - Conditional uses and structures.

(g) Residential uses.

(14) Accessory Chicken Keeping (RSF)

- (a) This use must be accessory to a properly permitted residential use and structure.
- (b) No more than four hens (Gallus Gallus Domesticus) on a lot no smaller than 10,000 sq. ft. (or any lot legally created prior to October 22, 1992), or six hens on lots 20,000 sq. ft. or greater, may be kept in the rear yard. The rear yard of the lot must be fully fenced or otherwise enclosed.
- (c) Roosters are prohibited.
- (d) The killing and dressing of chickens is prohibited.
- (e) The hens shall be provided with a covered enclosure (i.e. "hen house/coop") and must always be kept in the covered enclosure or within a fenced enclosure if outside for exercise. If the enclosure is not readily movable for a storm event, it must be properly permitted and secured. Hens must be secured within the henhouse/coop during non-daylight hours. All areas including the coop must be shielded on all sides by a fully opaque fence or wall six feet in height.
- (f) The space per hen in the henhouse/coop shall not be less than four square feet per hen.
- (g) No covered enclosure or fenced enclosure shall be located in the front yard, nor shall the henhouse/coop be closer than the required accessory structure yard setbacks to any property line of an adjacent property. Odors from hens, hen manure, or other hen related substances shall not be detectable at the property boundaries.
- (h) All enclosures for the keeping of hens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of, the enclosure. The henhouse/coop must contain a barrier or barriers to prevent entry of rodents, wild birds, and predators, including coyotes, bobcats, dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly.
- (i) All feed and other items associated with the keeping of hens that are likely to attract, or to become infested with, or infected by rodents or other pests shall be kept in a secure location, container, or otherwise protected to prevent rodents and other pests from gaining access to or coming into contact with them.
- (j) The sale of eggs or any other hen products generated in a residential single-family district must be sold in a zoning district which permits the retail sale of such items.
- (k) No animal that kills a hen will, for that reason alone, be considered a dangerous or aggressive animal.
- (l) Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released.



Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-69

- (m) The owners of the chicken(s) must register their location with the department responsible with enforcement of the Land Development Regulations.
- (n) The owners of the chicken(s) and any person living in the household who will be responsible for caring for the chicken(s) must take the "Chickens In Your Backyard" course provided by the UF IFAS Extension Office.
- (o) County staff shall have the right to conduct an inspection to ensure compliance with these regulations.