

ORDINANCE NO. 9488-21

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY PROVIDING A NEW SUBSECTION UNDER SECTION 3-204 TO ALLOW FOR THE KEEPING OF CHICKENS IN CERTAIN RESIDENTIAL ZONING DISTRICTS; PROVIDING SPECIFIC STANDARDS FOR THE KEEPING OF CHICKENS AND ASSOCIATED ACCESSORY STRUCTURES; AMENDING SECTION 8-102 TO INCLUDE DEFINITIONS FOR CHICKEN, CHICKEN COOP, AND CHICKEN RUN; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in response to community dialogue and engagement with Clearwater residents, the City wishes to allow for the keeping of chickens in certain residential zoning districts subject to certain standards and restrictions; and

WHEREAS, the City has determined that revisions to the Community Development Code to allow for the keeping of chickens in certain residential zoning districts would serve to promote more diverse and healthier lifestyle choices for City residents; and

WHEREAS, the City of Clearwater adopted the Community Development Code on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed these amendments, conducted a public hearing, considered all public testimony and has determined that these amendments are consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt these amendments; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Article 3, Development Standards, Section 3-204., Specific Standards, Community Development Code, be amended to add subsection "I." and read as follows:

Section 3-204. – Specific standards.

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I. *Backyard Chickens*

1. Purpose. The purpose of this subsection is to allow the keeping of chickens within certain residential zoning districts while limiting the intensity and potential impact on neighboring properties.
2. Applicability. The provisions of this subsection shall apply to the keeping of chickens as an accessory use to a detached dwelling on properties located in the LDR, LMDR, MDR, MHDR, and HDR zoning districts.
3. Standards.
 - a. General conditions for the keeping of chickens in the permitted zoning districts.
 - i. Up to four (4) chickens may be kept on any property with an occupied detached dwelling located in the permitted zoning districts. Chickens may not be kept on properties occupied by attached dwellings, or within mobile home parks.
 - ii. A chicken coop and a connected chicken run are both required for the keeping of chickens pursuant to this subsection. Chickens shall be kept within the chicken coop or the chicken run connected thereto at all times.
 - iii. Ducks, geese, turkeys, peafowl, adult male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this subsection of the Code.
 - iv. Chickens shall be kept primarily for personal use. The selling of chickens, eggs or chicken manure, or the breeding of chickens for commercial purposes is generally prohibited. However, chicken eggs may be sold if the sales are conducted as a part of a lawful home-based business that has obtained all required permits and approvals for such activity.
 - v. Chickens shall not be slaughtered on premises.
 - b. Location and other requirements for chicken coops and chicken runs in the permitted zoning districts.
 - i. The chicken coop shall be covered and ventilated. The chicken coop and chicken run must both be completely secured from predators, including all openings, ventilation holes, doors, and gates.
 - ii. Any chicken coop and chicken run must be located in the rear yard of a property unless the property is a corner lot. For a corner lot, a chicken coop and chicken run must be located in the side yard of the property.
 - iii. The chicken coop and chicken run shall comply with the zoning district's accessory structure setbacks.
 - iv. The chicken coop and chicken run must be screened using an opaque fence or a landscape screen so that the coop and run cannot be seen from adjacent properties and public rights-of-way.
 - v. The chicken coop shall provide a minimum area of three (3) square feet per chicken and the chicken run shall provide a minimum area of eight (8) square feet per chicken to ensure that the chicken living area is of sufficient size to permit free movement of the chickens.
 - vi. Neither the chicken coop nor the chicken run may be taller than six (6) feet measured from the natural grade and both structures must be accessible for cleaning and maintenance.

- c. Health, sanitation, and nuisance as applied to the keeping of chickens in the permitted zoning districts.
 - i. No person shall release or set any chicken free from any chicken coop or chicken run.
 - ii. All feed must be stored in a rodent and predator-proof container.
 - iii. Chicken coops and chicken runs shall be maintained in a clean and sanitary condition at all times. All manure not used for composting or fertilizer shall be promptly removed. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
- d. Enforcement.
 - i. In a public health emergency declared by the Director of the Pinellas County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, the County or City may require immediate corrective action in accordance with applicable public health regulations and procedures.
 - ii. No person convicted as a repeat violator of this section may be permitted to, or continue to, keep chickens on their premises.

Section 2. That Article 8, Definitions and Rules of Construction, Section 8-102., Definitions, Community Development Code, be amended to add certain definitions and read as follows:

Section 8-102. - Definitions.

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Chicken means specifically female chickens only (i.e., hens).

Chicken coop means a covered house, structure, or room that provides chickens with shelter from weather and with a roosting area protected from predators.

Chicken run means a fenced or wired in area or pen with a roof or fencing completely covering the top portion thereof, required in conjunction with a chicken coop to provide an outside exercise area for chickens free from predators and of a size that allows access to a foraging area and sunlight.

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Section 3. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 4. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 5. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 7. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Assistant City Attorney

Rosemarie Call
City Clerk