

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 6, SECTION 6.03.01 BY ADDING THE POSSESSION OF LIVE CHICKENS FOR NON-COMMERCIAL PURPOSES AS A PERMITTED ACCESSORY USE FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS; ESTABLISHING RESTRICTIONS ON THE POSSESSION OF LIVE CHICKENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners has authorized certain subordinate activities and land uses as permitted accessory uses in specified zoning districts; and

WHEREAS, based on significant public input, the Board finds that many Escambia County residents seek to own, possess, and raise live chickens as an accessory non-commercial use to their primary usage of single-family residential dwellings, and that establishing such an accessory use therefore serves a public purpose; and

WHEREAS, the Board further finds that imposing certain restrictions on such an accessory use would protect the public health, safety, welfare from any deleterious effects on neighboring properties that may stem from this accessory use.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

SECTION 1. RECITALS.

The aforementioned recitals are hereby incorporated into this ordinance as the legislative findings of the Escambia County Board of County Commissioners.

SECTION 2. OWNERSHIP OF CHICKENS AS ACCESSORY USE.

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1 Part III of the Escambia County Code of Ordinances, the Land Development
2 Code of Escambia County, Article 6, "Home Occupations and Other Accessory Uses",
3 Section 6.03.01, is hereby amended as follows (words underlined are additions and
4 words ~~stricken~~ are deletions):

5 **6.03.00. – Home occupations and other accessory uses.**

6 6.03.01. *Accessory uses.* Activities or uses customarily associated with and
7 appropriately incidental and subordinate to the principal use when located on the same
8 lot as such principal use shall be considered an accessory use and shall adhere to the
9 conditions set forth in this section. Such accessory uses shall be controlled in the same
10 manner as the principal use within the district where such uses are located, except as
11 otherwise provided in section 2.10.06. Accessory uses include, but are not limited to,
12 the following:

13 1. Possession of Live Chickens (*Gallus gallus domesticus*) Accessory to Single
14 Family Residential Dwellings. The ownership, possession, and raising of live chickens
15 (*Gallus gallus domesticus*) is a permitted accessory use for all single-family residential
16 dwelling primary uses. Notwithstanding any prohibition of farm animals or minimum lot
17 area established for farm animals, the raising of chickens is allowed in all zoning
18 districts except Pensacola Beach and Perdido Key where single-family residential
19 dwellings are permitted primary uses, provided the following standards must be met:

- 20 1. The owner or occupant of a lot that is ¼ acre or less in size may not
21 possess more that eight (8) chickens.
- 22 2. Roosters are only permitted if kept no less than one-hundred (100) yards
23 from any inhabited residential dwelling other than the dwelling of the
24 owner thereof or the person keeping the same.
- 25 3. Between sunrise and sunset, chickens may roam freely in the fenced
26 rear yard of a single lot. During all other times, chickens must be kept in
27 secure coops, pens or enclosures that prevent access from predators.
- 28 4. All pens, coops, or enclosures must be a minimum of 10 feet from rear
29 and side property line of a single lot and 20 feet from any residential
30 dwelling located on an adjacent lot.

5. Chickens may not be kept for commercial purposes unless otherwise allowed by zoning.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this _____ day of _____, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

By: _____
Gene M. Valentino, Chairman

**ATTEST: PAM CHILDERS
Clerk of the Circuit Court**

By: _____
Deputy Clerk

1 (SEAL)

2

3 **ENACTED:**

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5 **FILED WITH THE DEPARTMENT OF STATE:**

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7 **EFFECTIVE DATE:**

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