



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2347-2017

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
AMENDING SECTION 8-2(b) IN THE STUART CODE OF
ORDINANCES TO ALLOW BACKYARD CHICKENS IN
CERTAIN RESIDENTIAL ZONING DISTRICTS;
AMENDING SECTION 2.06.00 OF THE STUART LAND
DEVELOPMENT CODE, SUPPLEMENTAL USE
STANDARDS FOR URBAN AGRICULTURE, TO PROVIDE
FOR CHICKENS IN COMMUNITY GARDENS AND
SINGLE FAMILY RESIDENTIAL PROPERTIES;
PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; AND PROVIDING
FOR AN EFFECTIVE DATE, AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, the City Code of Ordinances currently prohibits the keeping of fowl in the residential zoning districts within the city limits; and

WHEREAS, the City Commission recognizes there has been a nationwide movement towards sustainable, local food production which aims to foster sense of community, to educate children about food origins and production, and to reduce energy and transportation costs and environmental concerns associated with modern farming; and

WHEREAS, the City Commission duly scheduled, advertised and held a public hearing on April 24, 2017, to consider an ordinance to allow the keeping and raising of chickens in

community gardens and in the backyards of certain residential zoning districts under certain conditions.

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

SECTION 1: AMENDMENTS TO SECTION 8-2(b) OF THE STUART CODE OF ORDINANCES. Section 8-2(b), Stuart City Code of Ordinances is hereby amended to add a provision regarding allowing community garden and backyard chickens to read in its entirety as follows:

Sec. 8-2. Livestock prohibited.

- (a) The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Livestock means any horse, mule, pony, fowl, jackass, cow, bull, steer, goat, sheep, pig, hog, or other domestic animal not customarily kept as a household pet.

- (b) It shall be unlawful for any person to keep livestock in the city or to allow livestock to run at large within the city with the exception of domestic chicken (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to a permitted urban farm, community garden, and single family residence~~etial single family structure~~, subject to the restrictions contained in Section ~~2.06.09~~ 2.06.08 of the Stuart Land Development Code.

SECTION 2: AMENDMENTS TO SECTION 2.06.08 OF THE STUART LAND DEVELOPMENT CODE. Section 2.06.08(C), Stuart Land Development Code is hereby amended to add a provision regarding community garden and backyard chickens to read in its entirety as follows:

Sec. 2.06.08. Urban agriculture

C. Development standards

12. Pursuant to Chapter 8, Article I of the Code of Ordinances, livestock shall be prohibited, with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to a community garden, or a single family residence, -an urban farm, subject to the following restrictions:

(A) Urban farms and community gardens:

- a. No more than thirty (30) chickens per acre may be kept on an urban farm and four (4) chickens may be kept in community gardens, with roosters prohibited;
- b. The chickens shall be provided with a covered enclosure (i.e. "henhouse/coop") and must be kept in the covered enclosure or a fully enclosed run at all times. Chickens must be secured within the henhouse/coop during non-daylight hours;
- c. Covered enclosures (coops) and fully enclosed runs must meet the standards of permitted structures included in Section 2.06.098.C.4, and shall not be placed within ten (10) feet to any property line of an adjacent property or twenty-five (25) feet of any adjacent residential structure.
- d. A coop shall have a maximum height of six (6') feet, and shall not exceed 130 square feet. No coop shall be allowed in a front or side yard.
- e. The space per bird in the henhouse or /coop shall not be less than four (4) square feet per bird, and the space per bird (in addition to the coop) in the fully enclosed run shall not be less than ten (10) square feet per bird;
- f. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries. Enclosures shall be adequately ventilated, 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, and shall not be allowed to accumulate and cause a hazard or nuisance to the health, welfare, or safety of humans or animals;
- g. All enclosures for the keeping of chickens 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 be impenetrable to rodents, wild birds, and predators, including dogs and cats;
- h. All feed and other items associated with the keeping of chickens that are likely to attract or become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
- i. No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal;

- j. Sales of eggs shall be conducted in accordance with Section 2.06.08.C.11., and all applicable state and federal regulations; and

k. Humane harvesting of chickens is permitted by trained personnel, according to all applicable state and federal regulations.

(B) Single-Family residences:

- a. No more than four (4) chickens per half acre may be kept on a single family residential property, with roosters prohibited;
- b. The chickens shall be provided with a covered enclosure (i.e. "henhouse or coop") and must be kept in the covered enclosure or a fully enclosed run at all times. Chickens must be secured within the henhouse/coop during non-daylight hours;
- c. Covered enclosures and fully enclosed runs must meet the standards of permitted structures included in Section 2.06.098.C.4, and shall not be placed within ten (10) feet to any property line of an adjacent property or twenty-five (25) feet of any adjacent residential structure; in the alternative, covered enclosures may be constructed as portable structures with wheels or skids, and shall otherwise meet the above requirements. No coop shall be allowed in a front or side yard.
- d. A coop and run must be built within a rear yard that is surrounded by an opaque screen consisting of a wall, or fence, landscaping or combination thereof, that is at least six (6) feet in height. A chain-link fence, chain-link fence with slats, pickett fences or similar fence shall not constitute an opaque wall or fence. A building permit is required for a fence or wall.
- e. The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird, and the space per bird in the fully enclosed run shall not be less than ten (10) square feet per bird. Coops shall not exceed six (6) feet in height. Coops that exceed thirty-six (36) square feet shall require a building permit.
- f. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries. Enclosures shall be adequately ventilated, 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, and shall not be allowed to accumulate and cause a hazard or nuisance to the health, welfare, or safety of humans or animals;

- g. All enclosures for the keeping of chickens 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 be impenetrable to rodents, wild birds, and predators, including dogs and cats;
 - h. All feed and other items associated with the keeping of chickens that are likely to attract or become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
 - i. No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal;
 - j. Sales of eggs shall be prohibited;
 - k. Harvesting of chickens is permitted by trained personnel, according to all applicable state and federal regulations;
 - l. Chickens shall not be kept at residential property with a townhome, duplex, condominium, apartment, multi-family residential units, or within manufactured/mobile home parks. This ordinance does not authorize persons to violate applicable restrictive covenants and homeowners' association rules and regulations;
 - a.m. No person shall purposely release chickens with the intent of abandonment.
-
- n. No chicken or other fowl shall be allowed to run at large within the city.
 - o. Chickens and other fowl which crow or make noise in violation of the city's noise ordinance shall be declared a nuisance. In the event that a property owner or occupant has been convicted of a third noise violation for noisy chickens or fowl, said birds shall be removed from the property by the owner of same for at least one year; and
 - p. The city may conduct on-site inspections of chicken coops and runs to assure compliance with this ordinance.

SECTION 3: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of

competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5: The provisions of Section 1 and Section 2 of this ordinance shall be codified.

SECTION 6: This ordinance shall take effect upon adoption.

PASSED on First Reading this 24th day of April, 2017.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a roll call vote, the vote was as follows:

TOM CAMPENNI, MAYOR
TROY A. McDONALD, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
EULA R. CLARKE, COMMISSIONER

YES	NO	ABSENT

ADOPTED this ____ day of _____, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

TOM CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY