



Staff Report

City Commission Regular Meeting

September 11, 2025



To: City Commission
From: Drew Smith, City Attorney
Meeting Date: September 11, 2025
Item Name: Ordinance 2025-18. An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending Chapter 5, "Animals" to create Section 5-32, "Backyard Chickens Pilot Program" relating to the keeping of backyard chickens as a pilot program and providing for terms, conditions and penalties related to the program; providing for legislative findings; providing for codification; providing for conflicts; providing for severability; and providing an effective date (First Reading).

Background:

Attorney Smith received directions at the July 10, 2025 City Commission Regular Meeting to draft an ordinance for consideration to allow backyard chickens. At the July 24, City Commission Regular Meeting, Attorney Smith sought additional clarification, including the consideration of a Pilot Program (a possible limitation on the number of permits authorized). The Commission reached a consensus to test with the Pilot Program and limit the test program to five (5) residences.

Fiscal Impact:

Staff Recommendation:

Staff offers no recommendation at First Reading.

Attachments:

1. Backyard Chicken Ordinance (DAS 080125)_

ORDINANCE NO. 2025-18

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 5, “ANIMALS” TO CREATE SECTION 5-32, “BACKYARD CHICKENS PILOT PROGRAM” RELATING TO THE KEEPING OF BACKYARD CHICKENS AS A PILOT PROGRAM AND PROVIDING FOR TERMS, CONDITIONS AND PENALTIES RELATED TO THE PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 166.021(3), *Florida Statutes*, the City Commission has the home rule authority to enact laws concerning any subject matter which is not reserved to the State, and

WHEREAS, the City Commission finds that many communities in Florida and throughout the United States have been enacting regulations to compatibly integrate the keeping of backyard chickens into residential settings; and

WHEREAS, the City Commission finds that chickens can make good pets, and findings indicate that four (4) are sufficient to meet the needs of the average family’s egg consumption; and

WHEREAS, the City Commission desires to create a pilot program to allow for the keeping and maintaining of chickens in an occupied single-family residence and to detail such related terms and conditions of the pilot program; and

WHEREAS, the City Commission finds that it is in the best interests of the health, safety, and welfare of the City to enact a backyard chicken pilot program and terms and conditions related to such program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

SECTION 2. Chapter 5, “Animals,” of the City of Flagler Beach Code of Ordinances is hereby amended to create Section 5-32, “Backyard Chickens Pilot Program” as follows:

Note: Underlined words constitute new text of the City of Flagler Beach’s Code, ellipses (***) indicate an omission from the original text, which is intended to remain unchanged, and

~~strikethroughs~~ constitute deletions from the Code.

CHAPTER 5 – ANIMALS

Sec. 5-32. Backyard Chickens Pilot Program.

The intent of the Backyard Chicken Pilot Program (the “Program”) is to create a pilot program permitting the keeping of up to four (4) chickens on an occupied single-family residence upon certain terms and conditions. The Program is temporary and is subject to re-evaluation after a period of twenty-four (24) months of enactment. Any person keeping chickens as an accessory to an occupied single-family residence shall be subject to the terms and conditions contained within this section. This section does not authorize persons to violate applicable restrictive covenants and homeowners’ association rules and regulations. For purposes of this section, the term “chicken” shall be limited to female chickens only (i.e. hens).

- (a) *Permit required.* Persons desiring to participate in the Program are required to apply for and obtain a Backyard Chicken Permit (hereinafter “permit”). Such persons must submit their application to participate in the program to the City. The City shall charge an application fee of fifty dollars (\$50.00) to cover processing costs. The person applying for the permit must be the owner in fee simple of the property where the chickens are to be kept. If the person applying for a permit is not the fee simple owner of the subject property, the fee simple owner must join in and consent to the application. No more than five (5) permits will be issued under this program during the pilot period. Permits shall be awarded by the City on a first come, first served basis. If a participant is removed from the program due to violations of the terms of this ordinance, the City is then authorized to issue a permit to another qualified applicant. If a person holding a permit chooses to leave the program, they must notify the City in writing. The City is then authorized to issue a permit to another qualified applicant.

In order to obtain a permit under this section, person(s) applying for a permit for the keeping of chickens must show that they can meet the requirements of this section. The City may conduct site inspections of the subject property to ensure compliance prior to and after issuance of a permit. The City may deny a permit application if he/she determines that the person(s) applying for a permit cannot meet the requirements of this section. The issuance of a permit for the keeping of chickens is conditioned upon and subject to the terms and conditions of this section.

By applying for a permit under this section, persons applying for such permit thereby: (a) agree to the terms and conditions of this section; (b) grant the City and its officers, employees, and agents a right of entry upon the subject property for inspection purposes to ensure compliance with this section prior to and after the issuance of a permit, (c) agree to remove chickens and chicken coops and enclosures upon the termination of a permit for non-compliance with this section; and (d) hold the City and its officials, officers, employees and agents harmless concerning matters relating to or concerning the permit and this section. As

a condition of obtaining a permit, the City may require person(s) applying for a permit to sign an agreement, in a form acceptable to the City incorporating the agreements of this subsection.

(b) *Pilot program.* During the pilot program, City staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of chickens. Inspections shall be to ensure that all of the program's criteria are being met. Staff will keep a detailed record of the progress and conditions for evaluation at the end of the 24-month program.

(c) *General terms and conditions.* The following general terms and conditions must be adhered to at all times by any person who has obtained a permit as required:

(1) Up to four (4) chickens may be kept at an occupied single-family residence upon receiving a permit from the City.

(2) Chicken are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other properties except as explicitly stated herein.

(3) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.

(4) Chickens must be secured within a covered chicken coop or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner who holds a valid City permit. Chickens must have access to food and water at all times. The chicken coop and/or pen/run must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.

(5) The chicken coop and pen/run area must be cleaned regularly and kept free of insects and rodents. No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with keeping chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.

(6) Odors From chickens, chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pest, or contribute to any other nuisance condition.

(7) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

(8) Chickens may not be slaughtered on premises.

(9) The coop and enclosure must be screened from the neighbor's view, using an opaque fence and/or a landscape screen.

(10) All applicable building permits shall be obtained prior to constructing enclosures to house chickens.

(d) *Chicken coops and enclosures requirements.* The following requirements must be adhered to at all times:

(1) Chicken coops, pens, or runs must be located in the rear yard (behind the rear of the home) and be set back a minimum of ten (10) feet from the rear and a minimum of seven and a half

(7.5) feet from the side lot lines. Coops must be screened at grade from adjacent properties with a solid 6 foot fence or wall. No coop will be allowed in any front or side yard.

(2) The coop, pen, or chicken tractor must be a minimum of twenty (20) feet from any pre-existing neighboring residential principal structure, at least five (5) feet from the principal structure on the subject property, and at least five (5) feet from any property line. No setback is required between a coop and another accessory structure on the subject property.

(3) Chicken coops must be less than fifty (50) square feet and may have an attached run. The coop must also be tied down for wind resistance.

(4) The maximum height of a coop shall be six (6) feet, as measured from the existing grade to the highest part of the coop.

(5) An applicant for a permit must demonstrate compliance with the criteria in the Code in order to obtain a permit. The application for a permit must be submitted to the City. Applicants must submit photos of the proposed site of the coop/run areas, and a to scale survey or site plan of the subject property showing the location.

(6) The City shall not approve permits for locations with outstanding code violations.

(e) *Health, sanitation, and nuisance.*

(1) Chickens shall be kept within a coop and enclosure. No person shall release or set any chicken free from such coop or enclosure except as set forth in this article. Chickens shall not be permitted to trespass on neighboring properties.

(2) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(3) In a public health emergency declared by the Flagler County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required, in accordance with applicable public health regulations and procedures and in conjunction with Animal Services.

(f) *Violations and penalties.* In the event that a violation of this section occurs, the City shall have the right to one or more of the following remedies or actions:

(1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the subject property where the violation occurs;

(2) Take any other action or remedy authorized by law or an equity, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action; and/or

(4) Revoke the permit for the keeping of chickens.

SECTION 3. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,

word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 4. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION 5. Conflicts. All ordinances or part thereof in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purpose of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 6. Effective Date. This Ordinance shall become after adoption in accordance with applicable law.

PASSED on first reading this _____ day of September, 2025.

PASSED AND ADOPTED this _____ day of _____, 2025.

City of Flagler Beach, Florida

By: _____
Pattie King, Mayor

ATTEST:

Penny Overstreet, City Clerk