



EXECUTIVE REGULATORY OVERSIGHT COMMITTEE

**COMMISSION CHAMBERS
Old Lee County Courthouse
2120 Main Street, Fort Myers, FL 33901**

**WEDNESDAY, NOVEMBER 4, 2020
2:00 P.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
 2. Approval of Minutes – July 8, 2020
 3. LDC Amendment – Backyard Chickens
 4. Lee CARES COVID-19 Relief Programs
 5. Adjournment
- Next Meeting date: JANUARY 13, 2021

To view a copy of the agenda, go to www.leegov.com/dcd/calendar.

For more information, contact Debbie Carpenter, (239) 533-8345 or DCarpenter@leegov.com.

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**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(EROC)
Wednesday, July 8, 2020
2:00 p.m.**

Committee Members Present:

Randal Mercer, Chairman
Matthew Roepstorff
Michael Reitmann
Mike Roeder

Tracy Hayden, Vice Chair
Tim Keene
Buck Ward
Bob Knight

Excused / Absent:

Bill Ennen
Jim Ink
Carl Barraco Jr.
Bill deDeugd

Sam Hagan
Ian Moore
Victor DuPont

Lee County Government Staff Present:

Belinda Odom, DCD Admin, Recorder
Glen Salyer, Assistant County Manager
David Loveland, Director, Community Development
Pete Winton, Assistant County Manager
Betsy Clayton, Communications Director

Outside Consultants/Members of the Public Present:

Ms. Bobbi D'Alessandro, WFBL
Ms. Charlotte Newton, WFBL

CALL TO ORDER AND AFFIDAVIT:

Mr. Randal Mercer called the meeting to order at 2:00 p.m. in the first floor conference room, Room #118, of the Admin East Building, 2201 Second Street, Fort Myers, Florida.

Mr. Mercer welcomed all present and informed the guests that anyone wishing to make public comment could do so at the end of the meeting. All comments are welcome, but he asked that the time be kept to 3 minutes.

Ms. Belinda Odom announced that the County Attorney's office had reviewed the Affidavit of Publication and found it legally sufficient as to form and content and the meeting could proceed.

Mr. Mercer reminded the members to use their microphones and to remember that it may be more difficult to hear and understand with masks on.

APPROVAL OF MINUTES – June 10, 2020

Ms. Tracy Hayden made a motion to approve the June 10, 2020 minutes. Mr. Michael Reitmann seconded. The motion was called and carried.

LEE CARES COVID-19 RELIEF PROGRAMS

Mr. Glen Salyer thanked the committee and members of the public for taking the time to attend the meeting. He said he was going to keep it more informal than the last time, and just wanted to bring everyone up to date with what had happened so far, he would go through some of the reporting then after that field any questions.

He began by saying that since the last meeting, the Business Assistance Program had moved into Phase 2. Phase 1, Business Relaunch, was intended to help businesses that had closed or were severely curtailed by the Governor's stay at home order. This second phase, Business Rehire, was intended to help fill the gap left by the Federal Paycheck Protection Program (PPP). The federal program helped employers keep employees on the payroll, but many of Lee County's businesses did not qualify and were unable to tap into that resource. The Rehire program is available to businesses with 250 or fewer employees, including non-profits and Veteran support organizations that suffered adverse employment impacts (furloughs or layoffs) as a result of COVID. Eligibility is fairly broad, businesses can apply for a \$5000.00 grant for each full time employee or equivalent rehired for a position that was on the payroll on March 1, 2020.

Mr. Salyer said many jurisdictions are just starting or have yet to start deploying funds. The National Association of Counties asked Lee County, as one of three counties nationwide that have instituted programs and are deploying funds, to make a presentation to their members in order to provide tips and guidance on the types of programs that have been put into place and how to implement them.

Mr. Salyer referred to the LeeCares Program reports prepared through 7/2/20 and summarized what had been done to date. Almost 9500 applications have been received for the Individual Assistance Program. More than 3100 applications have been approved, 2000 have completed their initial review. A graph showed a breakdown of the number of applications received per day, and charts showed the average dollar amounts distributed along with the average number of days to process. The volume of applications has declined since the program first opened (May 26th), as has the time to process the applications from an initial 17+ days to the current 7 day turnaround time. Mr. Roeder questioned the number of denials and Mr. Salyer explained that the number included applications started but never finished for one reason or another; some applications were abandoned because they met the income criteria, but could not make the COVID connection as required by Treasury guidelines.

The Small Business Assistance Program Phase 1 has disbursed \$6Million of the total \$25M, leaving \$19M for Phase 2. Approximately 1300 applications have been approved to date. A pie chart and map showed distributions geographically and by sector.

The Small Business PPE Program has distributed 1.3M PPE items but he expected that number would go up in the fall and the advent of flu season. More than 2.5M items have been distributed through the State and County Procured PPE's (Cities, Constitutional offices, County offices, etc.) thus far.

The Food Security report (food pantries and food banks) showed 42 approved food pantry grants and the County has been calling other food pantries urging them to apply. The Food Banks have started to draw down their funding.

The Childcare Program has 73 providers enrolled and has approved 650 applications. The program is working well but is not as big as anticipated, partly because providers have had to limit capacity to comply with CDC guidelines, and also because families are not comfortable sending their children back to these programs yet, something the county saw with their summer programs. The County is disinfecting and deep cleaning sites for these providers.

The Call Center has handled 23,390 calls, the majority being human services related or for the individual or family assistance programs. There were less calls for the Business Assistance program but he anticipated that volume would increase as a result of the Business Relaunch program.

Mr. Mercer referred to the pie chart on page 3 specifically the retail sector. It seemed that retailers have done all the right things; got their PPE's, kept their people working and are open for business, however, the clients and customers are not responding and the parking lots for retail centers are very empty. Revenues are down and he has started to see a gap in retail rents getting to the landlords. Industrial and Commercial seem to be paying their rents on time. He suggested putting more emphasis on retail in the next round.

Mr. Matthew Roepstorff asked about the funds that have been allocated so far for Phase 1, and what has been held back for Phase 2 or the remainder of the year. Mr. Salyer said that all the funds have now been allocated so the County can continue these programs and others as it needs to. Mr. Mercer asked if, once those allocations are made, there is flexibility to make changes going forward and Mr. Salyer responded that the allocations are for planning purposes, a budgeting and reporting tool, but can change at any time to meet needs as they arise.

Mr. Tim Keene asked about sales tax data and whether the County had access to that in order to determine what sectors are being impacted and may need to be targeted more than others. Mr. Salyer confirmed that the County has access to and does track that data, but there is a serious time lag. Phase 2 of the Business Assistance Program is available to all business sectors and is intended to help any business whose payroll has been affected by the pandemic.

Mr. Salyer introduced Mr. Pete Winton, Chief Financial Officer (CFO) who was available to answer any questions about the Expense Classification reports. Again the amounts shown were based on data as of 7/2/20. He pointed out that the totals on the first page represented funds actually expended or for which there is an open PO. The Programs may have approvals that far outpace those numbers. Mr. Mercer asked if the business partners were doing what they were supposed to be doing. Mr. Salyer said the Food Banks in particular had done a miraculous job at meeting demand, some seeing increases up to 400%. All were well stocked and funds have been frontloaded with the understanding that the need may increase again in the fall. The childcare providers are doing a good job but are hampered by the willingness of families to enroll in the programs.

The remaining pages showed a breakdown of actual expenditures, which Mr. Winton said was modeled after what was provided to FEMA in the past and a discussion followed about the type of reporting that may be required by the Treasury going forward. The County will provide whatever is required by the Treasury guidelines for quarterly reporting.

Mr. Mercer asked if the County anticipated any additional funding or programs to supplement what has already been done. Mr. Salyer said there has been discussion in the Senate about more relief, but it appears to be more about flexibility for the money that has already been sent rather than sending more money. More flexibility would allow the County to do more for different business sectors.

Mr. Buck Ward had concerns about contract tracing and the lack of qualified personnel. Mr. Roeder asked about the grant to FGCU for antibody studies and when someone could get a test. Mr. Salyer said he understood that 4000 county residents, first responders and front line health workers that have previously tested positive for COVID-19 would be tested and that data would be used to determine how many people have been affected across the county. Mr. Salyer was not sure how someone could volunteer but could look into that. Mr. Mercer asked about the higher incidence of positivity among first responders and Mr. Salyer said the County was working with the DOH to get those people tested quickly, gets the results back, and get them back into the field.

Ms. Hayden asked if all of the original programs were still out there and available, and whether Phase 2 of the Business Assistance was in addition to, or instead of, Phase 1. Mr. Salyer responded that Phase 2 replaced Phase 1 since that was predicated on businesses closed or severely curtailed by the Governors order and was meant to cover unanticipated expenses related to re-opening a business, such as safety precautions, etc. At this point most businesses have re-opened and Phase 2 is intended to assist with payroll issues. The Business Assistance and the Individual Assistance portals have alternated every two weeks, but going forward will be rotated every week, so that when one is closed the other is open. Ms. Hayden said the media does not always make it clear that the portals will re-open and people get frustrated not knowing that the programs are still available. Mr. Salyer said that the County always gives a re-opening date in press releases anytime one window closes. The County also has a number of social media channels where that information is posted. Ms. Hayden thanked Mr. Salyer for sending her copies of each of the applications (the applications are not accessible unless someone starts the process). She found them informative and offered to copy the Committee. Mr. Salyer said he would send those out to the Committee and would include a copy of the Phase 2 application as well.

Mr. Salyer said that after the last meeting, Betsy Clayton and her team reached out to the School District and as suggested by the Committee, utilized their various communications channels and it did result in an increase in applications. Mr. Mercer gave kudos to Ms. Clayton and the team for making the effort and doing a great job.

Mr. Keene asked if grant recipients would receive 1099's. Mr. Salyer confirmed that vendors would receive 1099's; individuals probably would not.

Mr. Roepstoff asked if there had been any word on where the School District stood on reopening and if any of the money from this program could assist, such as cleaning or disinfecting services, so kids could get back to school and parents back to work. Mr. Salyer understood that the Department of Education was providing their own funding and that the State had received specific allocations for School Districts and expected there to be an additional tranch of those monies to help specifically with reopening.

Mr. Roepstorff also asked for a clarification of the timeline, *seven days of receipt to approval*; did that mean disbursement? Mr. Salyer said that on the business side vendors provide their ACH or routing numbers, the approval goes to the Clerk's office and the money is wired and it is done quickly. For the Individual Assistance, it is more complicated because payments go to the vendors versus individuals. He explained that payments to utility companies, of which there are only a few, is fairly quick, but given the number of landlords and mortgage service companies, that has been more challenging. Once the vendor provides the correct documentation disbursement is made; the time it takes is contingent on how long it takes to get that information. Mr. Winton said that there is a call center of 15 or 18 people devoted to mortgage assistance, calling mortgage companies and investigating the proper way to get them paid. Mr. Roepstorff asked if the approval could help an applicant provide proof to a lender that payment was forthcoming. Mr. Winton reviewed the county's process for working with the different mortgage lenders.

Mr. Roepstorff asked whether the Supervisor of Elections falls under the County budget. Mr. Salyer confirmed that it does, and that the County has allocated PPE's for the upcoming primary and fall elections. Now the state is making money available directly to Supervisors but there is a local match involved. The Supervisor of Elections will have everything he needs to go forward with the elections.

Mr. Roeder referred to Mr. Salyer's statement at the last meeting that the County would not be providing money to businesses that were not viable or not expected to succeed and asked if some of the 1300 denied applications included those types of business concerns. Mr. Salyer clarified that the comment was more about the County not having enough money to bail out non-viable or bankrupt firms, but that funds were available to help businesses re-open – for things like safety equipment, for making facility modifications or marketing the business. The underwriting process for the relaunch grant did not include a viability analysis, only whether a business was solvent but then was closed or curtailed as a result of the Governors Order, in which case it clearly suffered a direct impact and was entitled to the grant.

There was no further committee discussion and Mr. Mercer opened the meeting for public comment. Ms. Bobbi D'Alessandro spoke as a resident of Lee County and on behalf of Women for a Better Lee (WFBL) stating she had three questions and one comment. She had understood that there was going to be a dashboard available and asked if that had been done; she asked if money had been disbursed to the Food Banks yet and thirdly, she said the state's eviction mandate was set to expire on July 31st and asked if the County could do anything to help residents with that.

In response, Mr. Salyer brought the Dashboard up on the screen stating that it had been posted on the main website and could be reached by following the links to the COVID-19 information. He stated the food pantries had received their grants. The Food Banks had all provided a draw down schedule and were receiving funds. He confirmed that the eviction mandate was in fact a state mandate and the County had no control over that.

Ms. D'Alessandro's final comment was that the County should continue to communicate and do everything possible to let every citizen in Lee County know what services are available. She said that she would be advocating to get the eviction mandate extended. She thanked the County for the work that it had done so far.

Mr. Salyer said the comment concerning communication was a point well taken. The Committee recommendations have been appreciated and acted upon, and any other suggestions are welcome. The County is currently manufacturing wraps with LeeCares and website information on them for LeeTran buses and paratransit vans. The website continues to be updated with information and templates for printable mask signs and printable fliers with information about the individual assistance and childcare programs have been added.

Mr. Mercer said all this was good information and thanked the County for providing it.

There was no further discussion. Mr. Ward made a motion to adjourn, Mr. Keene seconded. Mr. Mercer adjourned the meeting at 3:00 p.m.

The next meeting was tentatively scheduled for September 9, 2020.

EROC ORDINANCE EVALUATION GUIDELINES

Proposed Ordinance: LDC amendments to allow the keeping and raising of hens in residential areas.

- 1. What is the public interest that the Ordinance is designed to protect?**
To allow the keeping and raising of hens in residential areas, promoting self sufficiency and sustainability.
- 2. Can the identified public interest be protected by means other than legislation (e.g., better enforcement, education programs, administrative code in lieu of ordinance, etc.)? If so, would other means be more cost effective?**
No
- 3. Is the regulation required by State or Federal law? If so, to what extent does the County have the authority to solve the problem in a different manner?**
No
- 4. Does the regulation duplicate State or Federal programs? If so, why?**
No
- 5. Does the regulation contain market-based incentives? If not, could that be used effectively?**
No
- 6. Is the regulation narrowly drafted to avoid imposing a burden on persons or activities that are not affecting the public interest?**
Yes
- 7. Does the regulation impose a burden on a few property owners for the benefit of the public as a whole? If so, does it provide any form of compensation?**
No

8. **Does the regulation impact vested rights?**
No
9. **Does the regulation provide prompt and efficient relief mechanisms for exceptional cases?**
N/A
10. **Even though there is an interest to be protected, is it really worth another regulation?**
Yes
11. **Has this approach been tried in other jurisdictions? If so, what was the result? If not, what are the reasons?**
Yes, the regulations are drafted to be similar to those applicable in other jurisdictions that allow the keeping and raising of hens in residential areas. Other jurisdictions have been successful, including some who made pilot programs permanent.
12. **If this regulation is enacted, how much will it cost on an annual basis, both public and private? If this regulation is not enacted, what will be the public and private cost?**
Permit fee to constituent, which is intended to cover staff administration cost.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

**TO: Executive Regulatory Oversight
Committee (EROC)**

DATE: October 27, 2020

FROM: Audra Ennis
Zoning Manager

**RE: November 4, 2020 Agenda Item: LDC Amendments
Backyard Chickens (Noncommercial Poultry Raising in Residential Areas)**

The attached Land Development Code amendments, scheduled for consideration at the November 4, 2020 EROC meeting, have been prepared in response to direction from the Lee County Board of County Commissioners. Staff seeks a recommendation on whether the proposed amendments should be adopted by the Board of County Commissioners.

BACKGROUND

On June 2, 2020 the Board of County Commissioners directed staff to prepare amendments to the Land Development Code to allow the keeping and raising of chickens in residential areas, and to take them through the appropriate committees for input. Staff has carefully considered the direction provided by the Board, regulations established in other jurisdictions, and guidance from the University of Florida's Extension Services to produce the attached amendments.

SUMMARY

Amendments to LDC Sections 34-694 (residential use regulations table) and 34-735 (mobile home use regulations table) are proposed as follows:

- **34-694:**
Allow the keeping and raising of chickens as an accessory use by right in the RS-1, RS-2, RS-3, RS-4, and RS-5 zoning districts. The current regulations allow the keeping, raising and breeding of chickens by right in the Agricultural (AG) zoning districts and by special exception in the RS-4 and RS-5 zoning districts. The regulations for AG zoning districts will remain unchanged and the special exception requirement for the RS-4 and RS-5 zoning districts is being removed.
- **34-735:**
Allow the keeping and raising of chickens as an accessory use by right in the MH-4 zoning district. The district has been included due to the larger lot size requirement and in recognition that the Code provides an opportunity to establish a private stable (for equines) by special exception.

Amendments to LDC Section 34-1294, to establish regulations for the keeping and raising of chickens as an accessory use in the RS-1, RS-2, RS-3, RS-4, RS-5, and MH-4 zoning districts, are proposed as follows:

The amendments include the following regulations:

- Keeping of chickens is limited to hens only. No roosters are permitted.
- Chickens may be kept for personal use only.
- Chickens may not be slaughtered on premises.
- The number of chickens is limited to four (4) for lots under one acre in size. The number of chickens is limited to six (6) for lots one acre in size or greater.
- The lot must:
 - Have an established residential use;
 - Comply with the minimum lot size requirements for the zoning district;
- The chickens must be contained in a coop with an outdoor run area no greater than 120 square feet in size and no greater than eight feet in height. The coop and run area must be located in the rear yard area and must provide a minimum setback of 15 feet from adjacent property lines. If the property is located adjacent to a waterbody, the minimum setback is 25 feet (natural) or 10 feet (man-made);
- The lot must have continuous visual screening, a minimum of six feet in height, around the side and rear lot lines.

The amendments further establish the submittal requirements for obtaining a permit to keep and raise chickens, including proof that the applicant has completed a class for the proper care of chickens through the University of Florida agricultural extension service.

PREVIOUS COMMITTEE CONSIDERATION

The Land Development Code Advisory Committee (LDCAC) considered the proposed amendments at its October 9, 2020 meeting. The LDCAC voted unanimously to recommend that the Board of County Commissioners not adopt the proposed amendments.

The Local Planning Agency (LPA) considered the proposed amendments at its October 26, 2020 meeting. The LPA passed a unanimous motion, finding the proposed amendments to be inconsistent with the Lee County Comprehensive Plan.

Attached to this memo you will find a copy of the draft amendments and three exhibits depicting:

- Where the noncommercial raising of poultry is currently permitted;
- Where the noncommercial raising of poultry is proposed; and
- A composite exhibit depicting both currently permitted and proposed areas for noncommercial raising of poultry.

cc: Roger Desjarlais, County Manager
Glen Salyer, Assistant County Manager
David Loveland, AICP, Director, Department of Community Development
Michael Jacob, Deputy County Attorney
Amanda Swindle, Assistant County Attorney
Mikki Rozdolski, Manager, Community Development Operations, Planning
John A. Manning, District One Commissioner
Cecil L. Pendergrass, District Two Commissioner
Ray Sandelli, District Three Commissioner
Brian Hamman, Chairman, District Four Commissioner
Frank Mann, District Five Commissioner

Sec. 34-694. - Use regulations table.

Staff Note: Remove special exception requirement for non-commercial poultry raising for RS-4 and RS-5 districts. Allow non-commercial poultry raising in the RS-1, RS-2, RS-3, RS-4, and RS-5 districts, subject to compliance with LDC Sec. 34-1294.

Use regulations for one- and two-family residential districts are as follows:

TABLE 34-694. USE REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

[illegible]

[illegible]

[illegible]

Stable, private	34-1292	—	—	—	—	—	—	SE	SE	—	—	—
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Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires a special exception.
- (3) Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres, requires a special exception.
- (4) Accessory buildings and uses (to the main building) may be located closer to the front of the property than the main building but must comply with all other setback requirements for accessory buildings and uses.
- (5) Family day care homes are exempt pursuant to F.S. § 125.0109.
- (6) Real estate sales are limited to sales of lots, homes or units within the development. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension. Additional time will require a new special exception approval.
- (7) Reserved.
- (8) Non-commercial only.
- (9) A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship is not required to obtain special exception approval.
- (10) Not permitted in Airport Noise Zone B.
- (11) Not permitted in Airport Noise Zone B. See section 34-1006(b)(2) for exceptions.
- (12) Reserved.
- (13) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004
- (14) Not permitted in Airport Noise Zone B unless pre-empted by state law.
- (15) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.

Sec. 34-735. - Use regulations table.

Staff Note: Add non-commercial poultry raising as a permitted use in the MH-4 zoning district, subject to LDC Sec. 34-1294.

Use regulations for mobile home districts are as follows:

TABLE 34-735. USE REGULATIONS FOR MOBILE HOME DISTRICTS

		Special Notes or Regulations	MHC-1, MHC-2	MH-1	MH-2	MH-3	MH-4
	Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq., 34-3106	P	P	P	P	P
	Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.				
	Entrance gates, gatehouses	34-1741 et seq.	P	P	P	P	P
	Residential accessory uses	Note (12), 34-622(c)(42), 34-1171 et seq., 34-1863, 34-1741 et seq.	P	P	P	P	P
	Signs in compliance with chapter 30		P	P	P	P	P
	Storage, open	34-3005(b), Notes (3) & (6)	SE	SE	SE	SE	SE
	Administrative offices		P	P	P	P	P
	Aircraft landing facilities, private:						
	Lawfully existing:						
	Expansion of aircraft landing strip or helistop landing pad	34-1231 et seq.	SE	SE	SE	SE	SE
	New accessory buildings	34-1231 et seq.	P	P	P	P	P
	New:						
	Helistop	34-1231 et seq.	SE	SE	SE	SE	SE

Animals and reptiles:						
Equines	34-1291 et seq.	—	—	—	—	SE
Keeping, raising or breeding of American alligators or venomous reptiles	34-1291 et seq.	SE	SE	SE	SE	SE
<u>Poultry raising, noncommercial</u>	<u>34-1291 et seq.</u>	=	=	=	=	<u>P</u>
Boat ramps	Note (6)	—	EO/SE	EO/SE	EO/SE	EO/SE
Clubs, private		P	P	P	P	P
Communication facility, wireless	34-1441 et seq.	Refer to 34-1441 et seq. for regulations.				
Community gardens		P	P	P	P	P
Community residential home	Note (13)	P	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Day care center, adult or child:						
Adult	Note (7)	SE	SE	SE	SE	SE
Child	Notes (4), (7) & (8)	SE	SE	SE	SE	SE
Dwelling unit:						
Mobile home	Note (10), 34-1921 et seq.	P	P	P	P	P
Single-family residence, conventional	Note (10)	P	P	P	P	P
Essential services	34-1611 et seq.	P	P	P	P	P
Essential service facilities (34-622(c)(13)):						
Group I	34-1611 et seq., 34-1741 et seq.	P	P	P	P	P

Excavation:						
Oil or gas	34-1651(c)	SE	SE	SE	SE	SE
Water retention	34-1651(b), 10-329(c)	P	P	P	P	P
Golf course	34-2471 et seq.	EO	EO	EO	EO	EO
Home care facility	Note (8)	P	P	P	P	P
Home occupation:						
No outside help	Note (12)	P	P	P	P	P
With outside help	Note (12), 34-1772(c)	AA	AA	AA	AA	AA
Laundromat	34-3021	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Models:						
Display center	34-1951 et seq.	SE	SE	SE	SE	SE
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Parks, group I	34-622(c)(32),	P	P	P	P	P
Park trailer	Note (8)	—	—	P	—	—
Place of worship	Note (8), 34-2051 et seq.	—	EO/SE	EO/SE	EO/SE	EO/SE
Real estate sales office	Note (2), 34-1951 et seq., 34-3021	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Recreation facilities:						
Personal		P	P	P	P	P
Private—On-site		P	P	P	P	P
Private—Off-site		EO	EO	EO	EO	EO

Religious facilities	Note (1) & (8), 34-2051 et seq.	—	SE	SE	SE	SE
Stable, private	34-1292	—	—	—	—	SE
Subordinate commercial uses	34-3021	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Temporary uses	34-3041 et seq.	TP	TP	TP	TP	TP

Notes:

(1) Expansion of facility to ten or more acres requires a special exception.

(2) Real estate sales are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension. Additional time will require a new special exception approval.

(3) Open storage must be in conjunction with a mobile home development and comply with the fencing and screening requirements of section 34-3005(b).

(4) Family day care homes are exempt pursuant to F.S. § 125.0109.

(5) Reserved.

(6) Non-commercial only.

(7) A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship is not required to obtain special exception approval.

(8) Not permitted in Airport Noise Zone B.

(9) Reserved.

(10) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.

(11) Reserved.

(12) Not permitted in Airport Noise Zone unless accessory to a lawful mobile home or single-family residence. See section 34-1004

(13) Not permitted in Airport Noise Zone B unless pre-empted by state law.

Sec. 34-1294. - Noncommercial poultry raising.

Staff note: Revise to remove special exception requirement for noncommercial poultry raising in the RS-4 and RS-5 zoning districts. Establish supplementary regulations for the keeping and raising of chickens as an accessory use in the RS-1 through RS-5, and MH-4 zoning districts.

- (1) ~~Except as provided in section 34-1296(b), the keeping, raising and breeding of chickens or other poultry is permitted in any AG district and as approved by Special Exception in RS-4 and RS-5 districts provided that no coop or other structure for housing chickens or poultry is located closer than 100 feet to any dwelling unit under separate ownership unless the property on which the dwelling unit is located is being used for bona fide agricultural purposes.~~
- (2) The keeping and raising of chickens is permitted as an accessory use in the RS-1 through RS-5 and the MH-4 zoning districts as follows:
 - a. For the purpose of this subsection, the term chicken refers to hens only. Roosters are prohibited.
 - b. Chickens may be kept for personal use only. Selling chickens, eggs, or chicken manure from the residence is prohibited.
 - c. Chickens may not be slaughtered on premises.
 - d. The minimum standards for keeping and raising of chickens are as follows:
 - i. A single family home or a mobile home must be the principal use of the property.
 - ii. The property must comply with the minimum dimensional requirements for the district, as contained in section 34-695 or 34-736.
 - iii. The number of chickens is limited as follows:
 1. Lots under one acre in size are limited to four chickens.
 2. Lots one acre in size or greater are limited to six chickens.
 - iv. Chickens must be contained in a covered, properly ventilated, and predator-resistant coop, with an outdoor run area. The coop and outdoor run area must be located in the rear yard, must not exceed 120 square feet in area or eight feet in height, and must be set back a minimum of 15 feet from adjacent property lines. On properties adjacent to a waterbody, the coop and outdoor run area must be set back a minimum of 25 feet from a natural waterbody and ten feet from a manmade waterbody.
 - v. Continuous visual screening a minimum of six feet in height must be provided and maintained around the side and rear lot lines.
 - e. A permit must be obtained prior to the keeping and raising of chickens on the premises. Prior to issuance of a permit, the applicant must provide the following:
 - i. Site plan depicting:
 1. Property dimensions;
 2. The size and location of all structures, including the chicken coop and outdoor run area;
 3. Minimum required setbacks; and
 4. Required screening.
 - ii. Drawing of the chicken coop and outdoor run area showing dimensions, including height, structure materials, and how the chickens will be secured from predators;

- iii. Proposed number of chickens;
- iv. Description of method for manure management;
- v. Letters of no objection from adjacent property owners; and
- vi. Proof that the applicant has completed a class for the proper care of chickens through the University of Florida agricultural extension service.





