

1 Introduced by Council Member Becton and amended by the  
2 Neighborhoods, Community Services, Public Health and Safety  
3 Committee:  
4  
5

6 **ORDINANCE 2021-222-E**

7 AN ORDINANCE AMENDING CHAPTER 656.422  
8 (CHICKENS ALLOWED BY PERMIT IN CERTAIN ZONING  
9 DISTRICTS), CHAPTER 656 (ZONING CODE),  
10 *ORDINANCE CODE*, TO MAKE CLEAR THAT ISSUANCE OF  
11 PERMIT DOES NOT SUPERSEDE DEED RESTRICTIONS OR  
12 HOMEOWNERS' OR NEIGHBORHOOD ASSOCIATION  
13 COVENANTS, BYLAWS OR REGULATIONS; AMENDING  
14 EXEMPTION PROVIDED FOR IN 2015-337-E FOR  
15 CERTAIN IDENTIFIED NEIGHBORHOODS TO INCLUDE  
16 DEERCREEK COUNTRY CLUB AND HAMPTON GLEN;  
17 APPROVING AND ADOPTING A MODIFIED APPLICATION  
18 THAT INCLUDES ADDITIONAL CERTIFICATIONS BY  
19 APPLICANT AND CONSENT OF ASSOCIATION IF A  
20 PROPERTY IS LOCATED IN A DEED RESTRICTED  
21 COMMUNITY OR ONE SUBJECT TO A HOMEOWNERS',  
22 NEIGHBORHOOD OR MASTER ASSOCIATION; PROVIDING  
23 AN EFFECTIVE DATE.  
24

25 **WHEREAS**, since 2015, the City of Jacksonville has allowed for  
26 backyard chickens in certain zoning districts and within certain  
27 neighborhoods, subject to issuance of a City permit and  
28 notwithstanding any contrary private deed restrictions or covenants  
29 on the subject property; and

30 **WHEREAS**, while the current language in the Ordinance Code and  
31 in the Application for Backyard Hen Permit clearly states that a

1 City permit cannot supersede contrary homeowners' association  
2 covenants or deed restrictions, some residents have attempted to  
3 circumvent the process and to rely on issuance of a permit to  
4 counteract deed restrictions or homeowners' or neighborhood  
5 association bylaws, covenants or regulations to the contrary; and

6 **WHEREAS,** the City does not police or enforce private  
7 restrictive covenants or rules and regulations of a neighborhood or  
8 homeowners' association but does desire to make clear that issuance  
9 of a backyard chicken permit does not supersede any covenants,  
10 rules or regulations enforced by private parties; now therefore

11 **BE IT ORDAINED** by the Council of the City of Jacksonville:

12 **Section 1. Amending Section 656.422 (Chickens allowed by**  
13 **permit in certain zoning districts), Ordinance Code.** Section  
14 656.422 (Chickens allowed by permit in certain zoning districts),  
15 Subpart B (Miscellaneous Regulations), Part 4 (Supplementary  
16 Regulations), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby  
17 amended to read as follows:

18 **CHAPTER 656. ZONING CODE**

19 \* \* \*

20 **PART 4. SUPPLEMENTARY REGULATIONS**

21 \* \* \*

22 **SUBPART B. MISCELLANEOUS REGULATIONS**

23 \* \* \*

24 **Sec. 656.422. Chickens allowed by permit in certain zoning**  
25 **districts.**

26 \* \* \*

27 (h) This section does not supersede any legally adopted, recorded  
28 restriction within any platted neighborhood. Moreover, this  
29 section does not authorize persons to violate applicable  
30 restrictive covenants and homeowners' association rules and  
31 regulations. Therefore, persons applying for and receiving

1 permits under this section are required to certify whether  
 2 their property is part of a deed restricted community or  
 3 subject to a homeowners, neighborhood or master association,  
 4 and if they answer in the affirmative, must provide a  
 5 separate consent form (which is part of the application)  
 6 signed by an officer of such entity that confirms that  
 7 chickens are permitted by the entity on the subject property.  
 8 The City does not police or enforce private restrictive  
 9 covenants and homeowners', neighborhood and master  
 10 association bylaws, rules and regulations. Persons applying  
 11 for and receiving permits under this section are solely  
 12 responsible for compliance with all applicable restrictive  
 13 covenants and homeowners', neighborhood or master association  
 14 bylaws, rules and regulations.

15 \* \* \*

16 **Section 2. Amending the exemption provided for in**  
 17 **Ordinance 2015-337-E for certain identified neighborhoods.** Revised  
 18 Exhibit 1 to Ordinance 2015-337-E is hereby amended to includes the  
 19 Deercreek Country Club and Hampton Glen communities to the exempt  
 20 single-family residential neighborhoods identified in Ordinance  
 21 2015-337-E. A copy of the Second Revised Exhibit 1, to incorporate  
 22 the additional neighborhood is attached hereto and incorporated by  
 23 reference herein as **Revised Exhibit 1**, labeled as "Revised Exhibit  
 24 1, Rev 2<sup>nd</sup> Rev Exhibit 1, June 14, 2021 - NCSPHS". All other  
 25 applicable laws remain in full force and effect with regard to  
 26 animal control and code enforcement matters in the neighborhoods so  
 27 identified.

28 **Section 3. Approving and adopting modifications of**  
 29 **application to include additional applicant certifications and**  
 30 **consent of homeowners' association, where applicable.** The  
 31 Application for Backyard Hens (the "Application"), attached hereto

1 and as **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev App,  
2 June 14, 2021 - NCSPHS" and incorporated by reference herein, is  
3 approved and adopted for use by the Planning and Development  
4 Department. The revised Application includes additions to the  
5 certification section which require the applicant to certify  
6 whether the subject property is located in a deed restricted  
7 community or in communities with a homeowners', neighborhood or  
8 master association. If the subject property is located in a deed  
9 restricted community or is subject to a homeowners', neighborhood  
10 or master association, then the applicant is required to submit  
11 with the Application, at the time of filing, a consent completed by  
12 the homeowners', neighborhood or master association, consistent  
13 with the amendment to Section 656.422, Ordinance Code, as provided  
14 for herein.

15 **Section 4. Effective Date.** This Ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's signature.

18  
19  
20  
21 Form Approved:

22  
23 /s/ Paige H. Johnston

24 Office of General Counsel

25 Legislation Prepared By: Paige H. Johnston

26 GC-#1439269-v1-2021-222-E.doc  
27  
28  
29  
30  
31