

1 Introduced by Council Member Becton:
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4 **ORDINANCE 2021-222**

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

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

28 **WHEREAS**, while the current language in the Ordinance Code and
29 in the Application for Backyard Hen Permit clearly states that a
30 City permit cannot supersede contrary homeowners' association
31 covenants or deed restrictions, some residents have attempted to

1 circumvent the process and to rely on issuance of a permit to
2 counteract deed restrictions or homeowners' or neighborhood
3 association bylaws, covenants or regulations to the contrary; and

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

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

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

16 **CHAPTER 656. ZONING CODE**

17 * * *

18 **PART 4. SUPPLEMENTARY REGULATIONS**

19 * * *

20 **SUBPART B. MISCELLANEOUS REGULATIONS**

21 * * *

22 **Sec. 656.422. Chickens allowed by permit in certain zoning**
23 **districts.**

24 * * *

25 (h) This section does not supersede any legally adopted, recorded
26 restriction within any platted neighborhood. Moreover, this
27 section does not authorize persons to violate applicable
28 restrictive covenants and homeowners' association rules and
29 regulations. Therefore, persons applying for and receiving
30 permits under this section are required to certify whether
31 their property is part of a deed restricted community or

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

13 * * *

14 **Section 2. Amending the exemption provided for in**
15 **Ordinance 2015-337-E for certain identified neighborhoods.** Revised
16 Exhibit 1 to Ordinance 2015-337-E is hereby amended to includes the
17 Deercreek Country Club community to the exempt single-family
18 residential neighborhoods identified in Ordinance 2015-337-E. A
19 copy of the Second Revised Exhibit 1, to incorporate the additional
20 neighborhood is attached hereto and incorporated by reference
21 herein as **Exhibit 1**. All other applicable laws remain in full force
22 and effect with regard to animal control and code enforcement
23 matters in the neighborhoods so identified.

24 **Section 3. Approving and adopting modifications of**
25 **application to include additional applicant certifications and**
26 **consent of homeowners' association, where applicable.** The
27 Application for Backyard Hens (the "Application"), attached hereto
28 and as **Exhibit 2** and incorporated by reference herein, is approved
29 and adopted for use by the Planning and Development Department. The
30 revised Application includes additions to the certification section
31 which require the applicant to certify whether the subject property

1 is located in a deed restricted community or in communities with a
2 homeowners', neighborhood or master association. If the subject
3 property is located in a deed restricted community or is subject to
4 a homeowners', neighborhood or master association, then the
5 applicant is required to submit with the Application, at the time
6 of filing, a consent completed by the homeowners', neighborhood or
7 master association, consistent with the amendment to Section
8 656.422, Ordinance Code, as provided for herein.

9 **Section 4. Effective Date.** This Ordinance shall become
10 effective upon signature by the Mayor or upon becoming effective
11 without the Mayor's signature.

12
13 Form Approved:

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15 /s/ Paige H. Johnston

16 Office of General Counsel

17 Legislation Prepared By: Paige H. Johnston

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