

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date:	February 27, 2025	Level of Review:	4
PC Date:	April 2, 2025	Type:	LDC Text Amendment
BoCC Date:	May 6, 2025	Case Numbers:	LDCT-2025-5
	June 17, 2025	Case Name:	Chicken Coops & Roosters
	July 15, 2025		
Applicant:	Polk BoCC	Case Planner:	Ian Nance

Request:	This is a County-initiated request to amend Land Development Code Chapter 2, Section 222, to allow structures for the sheltering and feeding of animals at ten feet from property lines; amending Chapter 9, Section 930, variances and special exceptions, to allow a variance process for structure setbacks; amending Chapter 10 to provide for definitions.
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 4:3

Among the changes to LDC:

- Amending LDC Section 222 to reduce setbacks from 50 to 10 feet for structures intended to feed and shelter livestock and fowl.

Summary:

This is a Board-directed, County-initiated request to revamp Land Development Code (LDC) Section 222 as it pertains to keeping livestock and fowl on residential properties. The LDC has made multiple attempts to balance responsible animal husbandry with the quality of life within residential neighborhoods. What has resulted is a complex set of standards that has left citizens and staff unhappy with the results.

For example, on all residential properties, structures for feeding and sheltering animals are currently required to be 50 feet from property lines. This has created physical burdens for placing coops and stables on certain lots, and while a variance process was implemented to address this in January 2024, 50 feet has been deemed to be too restrictive. This amendment will reduce the setback to 10 feet from property lines.

As is currently the standard in residential neighborhoods, Code Enforcement complaints regarding these matters can only be initiated by an owner of a residential property within 250 feet of the site. There is also an exemption for show animals and educational projects intended to be kept onsite on a temporary basis. Finally, these changes do not apply to any residential property in the Agricultural/Residential Rural (A/RR), Phosphate Mining (PM), or Green Swamp Core (COREX) land use districts. It is also not applicable to properties with *bona fide* ag exemptions. Ultimately, the goal is to allow livestock and fowl while creating some reasonable limitations to protect residential areas.

Findings of Fact

- *LDCT-2025-5 is a County-initiated request to amend Land Development Code Section 222 to clarify the County's code on non-commercial structures for the sheltering and feeding of livestock and fowl.*
- *On January 23, 2024, the BoCC approved LDCT-2023-18, which adopted Ord. No. 2024-005, allowing variances for the 50-foot setback of non-commercial farm buildings and structures from residential property lines.*
- *On January 10, 2012, the BoCC approved LDC 11T-09, which adopted Ord. No. 2012-001, requiring a 50-foot setback for non-commercial farm buildings and structures from residential property lines, except within the A/RR, A/RRX, PM, and CORE Future Land Use districts. This ordinance also set standards for Livestock and Fowl in Residential Neighborhoods in LDC Section 222.E, as follows:*

“This section is intended to address the balance between quality of life for residents and responsible animal husbandry in residential neighborhoods. Code enforcement action of this subsection (222.E) may be initiated only by complaint from an owner of residential property within 250 feet of the property on which livestock or fowl are contained. The following provisions apply to only residential properties less than ½ acre (21,780 square feet) in size and do not apply to any property within the A/RR, A/RRX, PM and CORE Future Land Use Map districts. These provisions do not apply to the good faith commercial agricultural use of land (bona fide agricultural purposes), as defined in Section 193.461, F.S.

1. Livestock shall be contained within fenced areas.

2. Fowl shall be kept in pens or fenced areas at least 50 feet from neighboring residential property lines.

3. The storage of animal waste shall be located at least 50 feet from neighboring residential property lines.

4. Show animals and educational projects shall be exempted from the requirements for pens in Section 222.E.2 provided the manure setback requirement in Section 222.E.3 can be met.

5. Relaxation of the standards set forth in this section may be approved by the Board of Adjustment through the process provided in Section 930 of this code.”

- *LDC Chapter 10 defines “Fowl” as, “a flightless and primarily ground-feeding bird kept, raised, or bred for hobby or for its eggs or flesh.”*
- *LDC Chapter 10 defines “Livestock” as, “any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as recreation, food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.”*

- *In 2024, Code Enforcement staff logged 225 complaints regarding setback violations for structures relating to fowl, free-range chickens, and roosters making noise (34 cases, specifically to roosters).*

Development Review Committee Recommendation:

The Land Development Division, based on the Findings of Fact, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2025-5.

Analysis:

Setting policy for keeping livestock and fowl on residential properties has been an ongoing challenge due to the size, age, and diversity of Polk County, and the history and value of agriculture in central Florida. The task is to recognize this value while maintaining a quality of life expected in residential areas.

On all residential properties, structures for feeding and sheltering animals are currently required to be 50 feet from property lines. This has created physical burdens for placing coops and stables on certain lots, and while a variance process was implemented to address this in January 2024, 50 feet has been deemed to be too restrictive. This amendment will reduce the setback to 10 feet from property lines. This conforms with standards found in other counties and cities.

This amendment will retain standards adopted by previous boards. The one most pertinent to this case is that Code Enforcement action of the standards listed above can only come from a property owner within 250 feet of the subject property, the idea being if there is no harm, there is no foul. Exemptions remain for *bona fide ag*, show animals, and those kept for educational purposes. Furthermore, swine will need to be kept a minimum of 50 feet from neighboring property lines. All storage of animal waste must be located 50 feet or more from property lines, as well.

Benefit-cost Analysis of the Amendment

Who does it help?

This amendment is going to benefit both animal owners and those on surrounding properties. One, this will reduce an onerous setback requirement for properties that cannot realistically accommodate 50-foot setbacks to keep coops and pens. In these situations, a variance will no longer be required to reduce setbacks. To further reduce the proposed 10-foot setback would still require LUHO approval, but it would be a tough task for an applicant to prove a hardship on the property in such instances.

Who does it hurt?

This will affect neighbors who live next to people who own chickens, bringing these structures closer to property lines. Chicken coops are not benign structures like utility sheds. With them comes noise and smells. However, these setbacks are still more than what would be applied to detached accessory structures in most residential land use districts. It is also worth noting here that these rules do not pre-empt deed restrictions or the covenants of an HoA, some of which prohibit keeping fowl and livestock within residential subdivisions.

What is the cost?

Code Enforcement penalties will be incurred if not in compliance. These usually begin with a \$100 per day fine but could be up to \$1,000/day per violation.

Comparisons to other Jurisdictions:

For this amendment, staff has reviewed ordinances and land development codes of 12 counties that bear similarities to Polk County as well as six cities within Polk for their rules pertaining to keeping livestock and fowl on residential properties. Below are the findings:

Quick stats:

- 4 out of 12 counties do not permit chickens in residential districts without public hearing process
- 3 out of 6 cities prohibit chickens
- **Roosters are prohibited in residential districts or zones** for all 12 counties and all 6 cities
- Hens (female chickens) are typically permitted at a range of 4 to 6 in residential with restrictions (*Bartow was an outlier at 12*)
- Setbacks for penned hens range from 10' to 50' from property lines and 25' to 50' from offsite residences.
- Minimum lot sizes range from none to 1 acre
- 3 Counties required opaque fences

Table 1

Jurisdiction (Code citation)	Are Chickens Permitted in Residential Districts?	What are the limitations placed on them?	What other livestock types are restricted?
Alachua County <i>Sec. 404.13</i>	Yes	Up to 6 Hens per residence. No Roosters. 50' setback from property all lines.	Horses – 1/ac, 1 ac. min. lot Goats and Sheep – 10/ac, 1 ac. min lot Hogs – 1/ac, 1 ac. min lot Cows – 1.5/ac, 1.5 ac. min lot Pot-bellied Pigs – 0.5/ac, 0.5 ac. min lot
Brevard County <i>Sec. 62-2108</i>	Yes	Up to 4 Hens on lots ½ acre or more . Meet Accessory setbacks No Roosters.	No other livestock on any land except Agricultural zoning.
Duval County <i>Sec. 656.422, 462.901, & 462.902</i>	Yes	Requires a permit. Up to 5 hens, min. 1 acre 5 more for every ½ acre after 1 ac. No Roosters. Accessory setbacks	No other livestock permitted in residential areas. Swine are required to be setback 200 feet from any inhabited dwelling.
Hardee County <i>Sec. 2.09.00</i>	No.	n/a	Allowed in Agricultural (A-1) and Farm Residential (F-R) districts with a 50' setback from any offsite residential structure.
Highlands County <i>Section 12.05.200, 12.05.316</i>	No.	n/a	Livestock and fowl are only permitted in Agricultural (AU) district. In AU district hogs or poultry are not permitted within 100 feet of any dwelling under separate ownership or within 50 feet of residentially zoned property or within 50 feet of any lot line. (except for 4-H, and FFA projects)
Hillsborough County <i>Sec. 6.11.129 Sec. 6.11.13</i>	LUHO Conditional Use	Up to 5 Hens, 10' setback No roosters, capons or cockerels.	No other livestock in residential districts except for Honeybees.
Lake County <i>Sec. 10.01.06</i>	Yes	Up to 5 Chickens, 20' setback Must be fenced or enclosed.	Other livestock only permitted in Agriculture (A) and Agricultural Residential (AR)

Jurisdiction <i>(Code citation)</i>	Are Chickens Permitted in Residential Districts?	What are the limitations placed on them?	What other livestock types are restricted?
		No roosters.	districts.
Manatee County <i>Sec.2-4-24, 531.1</i>	Yes	Up to 4 chickens. 10' from residential property lines, 25' from residential dwelling No roosters or male chickens. Must be inside enclosure from dusk til dawn, fenced dawn til dusk. Enclosure must provide 4 square feet per chicken.	Minimum two acres and 75' setback for all other livestock.
Orange County <i>Sec. 38-79 (37)</i>	Conditional Use	IFAS Training Required Site Plan, Coop, Pen Up to 4 Chickens 15' side setback, 10' rear, 6' opaque fence No roosters. Permit is not transferable.	Agricultural property: <5acres max 30 chickens 5-10 ac 100 chickens >10 unlimited Swine 100' setback from all property lines
Osceola County <i>Sec. 4-30</i>	Yes.	Fenced or cooped. Up to 6 hens. 25' from rear and side lot lines Roosters prohibited in residential districts	1 horse for every undeveloped acre Pot-bellied pigs 100' setback 2 swine for every full acre
Seminole County <i>Sec. 3.6.19</i>	Yes	Up to 6 hens No roosters or male chickens Opaque fence 10' from side and rear, 20 feet from residence	In any residential area, no livestock or fowl, other than backyard chickens in compliance with Section 30.6.19, may be housed or pastured closer than one hundred fifty (150) feet to any lot line nor may any commercial production of any stock, animal, or fowl be permitted.
Volusia County <i>Sec. 72-307</i>	Yes	Up to 5 Chickens No Roosters Min lot size 1/3 ac. 20' setback from all property lines Must be confined	It shall be unlawful for any person to keep, harbor, breed or maintain upon any premises not zoned for agricultural use or otherwise excepted in accordance with section 72-307 or elsewhere within this article, any of the following: Bees, roosters, peacocks, horses, ponies, cattle, goats, pigs, or other livestock, pigeons, ducks, or other fowl.
City of Auburndale <i>Chapter 5 LDR</i>	No.	n/a	All livestock except horses are prohibited in residential and commercial districts. Only allowed in Open Use Agriculture (OUA)
City of Bartow <i>Sec. 14-5</i>	Yes	12 fowl, 10' from property line is less than 40,000 square foot lot. Must be penned at all times. No roosters, cockerels, toms, ganders, etc.	No swine permitted in the city.
Haines City <i>Sec. 5-2, LDR Sec. 5.6.1</i>	Yes.	Not within 100 yards (300 feet) of another residence.	Livestock permitted only in Agricultural (AG) District but not within 200 feet of a residential district.
City of Lakeland <i>Sec. 10-2</i>	Yes.	50' setback from any residence No roosters within the city	No other livestock within 100' of a residence. No swine permitted in the city except 1 potbellied pig may be kept as a pet.
City of Lake Wales <i>Sec. 6-4</i>	No.	Unless authorized by City Council through adopted Resolution.	No livestock permitted in city except for vet clinics or schools with ag programs.
City of Winter Haven <i>Sec.21-69</i>	Yes.	Up to 5 , must be penned, Accessory structure setbacks per district apply. Hens only. No roosters.	No other livestock allowed in residential districts only Agricultural (AG) districts.

The proposed ordinance would align with those of surrounding jurisdictions.

Limits of the Proposed Ordinance

This amendment will affect all residential lots and property owners wishing to keep livestock or fowl, including within the Green Swamp Area of Critical State Concern (ACSC). This will not affect *bona fide* agriculture operations or those that are otherwise ag exempt.

Consistency with the Comprehensive Plan

This change has no bearing on the Comprehensive Plan.

Comments from Other Agencies: Code Enforcement and the Building Department contributed to this amendment.

Draft Ordinance: Under separate attachment

Exhibit 1 – LDCT-2025-5 Proposed Ordinance (Clean Copy)

Exhibit 1

Section 222 *Agricultural*

A. Livestock and Fowl on Residential Property (Revised 1/10/12; Ord. 12-001)

This section is intended to address the balance between quality of life for residents and responsible animal husbandry in residential areas. These provisions do not apply to the good faith commercial agricultural use of land (bona fide agricultural purposes), as defined in F.S. § 193.461, or any property within the A/RR, A/RRX, PM, and CORE Future Land Use Map districts.

1. Livestock and fowl shall be permitted on residential properties less than ½ acre (21,780 square feet) in size as follows:
 - a. Livestock and fowl shall be contained within fenced areas.
 - b. Swine shall be kept in pens or fenced areas at least 50 feet from neighboring residential property lines.
 - c. The collection and storage of animal waste shall be located at least 50 feet from neighboring residential property lines.
2. No structures intended for the sheltering or feeding of animals (such as barns, stables, coops, aviaries, troughs, or feeders) shall be permitted to be built within 10 feet of a residential property boundary.
3. Variances to the setbacks in subsections 1 & 2 may be approved by the Land Use Hearing Officer (LUHO) through the process provided in Section 930 of this Code.
4. Show animals and educational projects intended to be kept onsite on a temporary basis shall be exempted from setbacks, provided the manure setback requirement in Section 222.A.1.c. is met.
5. Code enforcement action of this subsection may be initiated only by complaint from an owner of residential property within 250 feet of the property on which fowl are contained.