

## **AMENDMENT TO COVENANT AND RESTRICTIONS; PAGE 2, SECTION 5**

**“Substantial rewording of Covenants, See Governing documents for current text.”**

**Changes are underlined or struck through.**

### **LIVESTOCK AND ANIMALS**

No animals, livestock, farm animals (goats, sheep, pigs, cows, llamas, etc.) poultry of any kind shall be raised, bred, or kept on any lot or property **except** horses, female chickens (hens) according to the below listed guidelines/restrictions, dogs, cats, or other household indoor domestic pets, provided that they are not kept, bred, or maintained for any commercial purpose. At no time shall nonresidential structures or enclosed fenced area be used to house or contain any farm animals **except** female chickens (hens) or horses.

### **(ESA) Emotional Support Animals**

Pickett Downs Homeowner’s Association, Inc. can request a property owner to provide reliable documentation from a qualified health care provider verifying the disability and the need for an emotional support animal (ESA) to alleviate symptoms, if the disability or the need for the animal is not readily apparent. If a property owner requests to keep more than one emotional support animal, Pickett Downs Homeowner ‘s Association, Inc. may request information regarding the specific need for each animal.

A property owner is required to have proof of compliance with state and local requirements for licensing and vaccinating each emotional support animal; under Florida law, specifically 760.27. F.S.

### **CHICKEN GUIDELINES/RESTRICTIONS**

The intent of this Covenant and Restriction (C&R) is to create and implement guidelines to permit the keeping of chickens on occupied single-family lots located in Pickett Downs Homeowner’s Association, Inc., subject to the terms and conditions of this Section.

For the purposes of this Section, the term "chicken" refers to female chickens (hens) only.

Persons keeping chickens are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.

The term "predators" includes, but is not limited to, bears, raccoons, coyotes, bobcats, and foxes.

The term "subject property" is the occupied single-family residential lot with chickens in Pickett Downs Phase 1 which poultry production is not a permitted use.

## **GENERAL CONDITIONS FOR THE KEEPING OF CHICKENS**

Persons keeping chickens pursuant to this Section are encouraged to successfully complete a University of Florida Agricultural Extension Service (UF IFAS) class or an equivalent class approved by the Seminole County UF IFAS Extension on the care and raising of chickens.

Persons keeping chickens pursuant to this Section (a) agree to the terms and conditions of this Section, and (b) upon a violation complaint of this section, grant the Architectural Control Committee (ACC) members, a right-of-entry upon the subject property (including the rear yard) for inspection purposes to ensure compliance with this Section.

Up to ten (10) chickens may be kept on subject property.

Chickens must be kept within a coop or enclosure and may not be released or set free to roam unless under the direct supervision of their owner in compliance with this Section. Such supervised roaming must be confined to the backyard of the subject property.

Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this Section.

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.

Chickens may not be bred or slaughtered on premises. Chickens shall not be used, or trained for the purpose of fighting for amusement, sport or financial gain.

The coop and enclosure must be screened from the neighboring property. Screening must be accomplished using an opaque fence and/or landscape screen (existing vegetation may be used if sufficient to create an opaque screen). Only one chicken coop with a connecting run will be permitted per property owner. No other additional buildings, fence enclosures or pens of any type will be permitted to house or contain chickens.

All applicable building permits must be obtained prior to constructing fences and enclosures to house chickens.

Unless otherwise in conflict with Florida Statutes, a dog or cat that injures or kills a chicken that wanders onto the property at which the dog or cat resides will not, for that reason alone, be considered a dangerous or aggressive animal.

Deceased chickens must be properly disposed of within twenty-four (24) hours of expiring and in accordance with Florida law. Contact a University of Florida Agricultural Extension Service office for requirements regarding proper disposal methods.

No manure may be allowed to accumulate on the floor of the coop or ground. Persons keeping chickens must implement a manure management program, whereby the coop and

enclosure are cleaned regularly. For example, a fly-tight bin for storage of manure could be utilized; the size of which must be sufficient to contain all accumulations of manure. A manure box inside the coop is recommended. The fly-tight bin must be kept at least eighty-five (85) feet away from all property lines. Composting of chicken manure may be allowed in the enclosed fly-tight bin. No perceptible odor shall emanate from the manure storage/composting bin.

#### **Location and requirements for chicken coops and enclosures.**

Chicken coops and fenced enclosures must be in the rear/back yard (behind the home). No coop or enclosure is allowed in any front or side yard. Yard, as used in this provision, references location, not building setback area.

The coop and enclosure must be a minimum of thirty-five (35) feet from the rear and side property lines and eighty-five (85) feet from any neighboring residential homes. On corner lots, coops and enclosures must meet the required side street setback per the subject property's applicable zoning district and Pickett Downs Homeowner's Association, Inc. Covenants & Restrictions.

If the coop structure exceeds one hundred (100) square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building Code.

The coop must be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors, and gates. Fencing or roofing is required over the enclosure in addition to the coop, to protect the chickens from predators. The coop must also be tied down for wind resistance.

For properties located in a Seminole County Urban Bear Management Area, feed, coops, and runs must be secured, and chickens must be protected from bears in accordance with the Florida Fish and Wildlife Conservation Commission guidelines for "Living with Florida Black Bears". All outdoor attractants must be secured. If electric fencing is utilized, it may only be installed around the coop, pen, and run and not along the property lines or anywhere else on the property.

All stored feed must be kept in a rodent and predator-proof container or inside a secure structure.

The coop must provide a minimum of three (3) square feet per chicken; a minimum of five (5) square feet of run per chicken and be of sufficient size to permit free movement of the chickens. The coop may not be taller than twelve (12) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance. Coops may not exceed a maximum of one hundred seventy (170) square feet.

## **HEALTH, SANITATION AND NUISANCE AS APPLIED TO THE KEEPING OF CHICKENS**

Chickens must be kept within a coop and enclosure and may not be allowed to roam outside the subject property. Chickens may not be released or set free from such coop or enclosure unless the chickens are under the direct supervision of their owner. Chickens may be allowed to roam outside the coop and run within their owner's backyard under the immediate supervision of their owners for limited periods of time for purposes of socializing, interaction and cleaning of the coop and run.

Chicken coops and enclosures must always be maintained in a clean and sanitary condition. Activities subject to this Section must be conducted in a manner that does not create any nuisance consisting of odor, noise, or pests, or contribute to any other nuisance condition. No perceptible odor shall be objectionable to neighboring properties emanating from the chickens or the enclosure.

In a public health emergency declared by the Seminole 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. Persons keeping chickens must be in compliance with such required corrective action.

### **VIOLATIONS**

In the event that a violation of this Section occurs, the Pickett Downs Homeowner's Association, Inc. ACC have the right to undertake one (1) or more of the following remedies or actions:

Institute enforcement proceedings against the violator/property owner of the real property where the violation occurs.

Issue a written notice describing the violations and how the violations can be corrected.

Give a minimum of fourteen (14) days to correct all violations and schedule an Architectural Committee review hearing.

If said violations have not been corrected by specified date; issue a Notice of Intent to Fine to subject property owner.

Schedule a hearing where three members from the community, appointed by the Association's Board of Directors, determine, by a majority vote, to approve or not approve the proposed fine based on the evidence presented and HOA's governing documents.

**This section of the C&R's concerning chicken guidelines allows the following:**

The Pickett Downs Homeowner's Association, Inc. may levy \$100.00 (one-hundred dollars) per violation of this section per day of a continuing violation up to \$5,000 (five thousand dollars) in aggregate for any single violation regardless of the Association's bylaws. (Per State Statute 720.305(2))

Fines shall be considered assessments and shall be subject to the collection methods stated in the C&R's as well as per State Statute.

Pickett Downs Homeowner's Association, Inc. may take any other action or remedy authorized by law or in 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 Pickett Downs Homeowner's Association, Inc. for reimbursement of Attorneys' fees and costs concerning such action. Once fines reach the maximum allowed, or if the violation remains:

- The HOA may place a lien on the property, which can potentially lead to foreclosure.
- The HOA can sue the subject property owner to get a court order forcing the violation to be corrected. (Injunctive Relief)
- The HOA can suspend property owner rights to use common areas (e.g., Lake Pickett access) and their voting rights concerning Pickett Downs Homeowner's Association, Inc. issues.

**VOTE BELOW BY SELECTING ONE OF THE FOLLOWING:**

\_\_\_\_\_ **YES, I approve this change**

\_\_\_\_\_ **NO, I do not approve this change**