ORDINANCE NO. 2014-10

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'SUPPLEMENTARY DISTRICT REGULATIONS', BY INCLUDING A DEFINITION FOR PIGEONS; PROVIDING CRITERIA FOR KEEPING/MAINTAINING PIGEONS IN RESIDENTIAL ZONING DISTRICTS OF THE CITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

LANDING BOARD. A device placed on a pigeon aviary for the intake of birds into any loft or aviary.

* * *

LOFT. Any house, dovecote, structure, or enclosure for the keeping and housing of any kind of pigeon.

* * *

PIGEON. A bird of the order Columbidae and includes racing pigeon, carrier pigeon, homing pigeon, fancy pigeon and sporting pigeon.

PIGEON AVIARY. An accessory use structure used for the keeping and housing of racing, homing, and 'fancy' or seamless banded pigeons.

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SEAMLESS BAND. A plastic or metal identification band that contains a series of letters or numbers that is permanently attached to the pigeon at birth. The band is issued by a nationally recognized birding association, and is to remain with the animal throughout its natural life.

* * *"

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', Section 185.136, Backyard Chickens, is hereby amended and shall henceforth read as follows:

"Section 185.136 BACKYARD CHICKENS.

(A) No person shall keep or maintain in, on or upon any lot, building, premises or property any farm animal in any zoning category outside of the RR and GU districts except as provided for in this section or Section 185.137.

* * *"

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', is hereby amended by including as Section 185.137 the following language:

"185.137 PIGEONS

(A) No person shall keep or maintain in, on or upon any lot, building, premises or property any farm animal in any zoning category outside of the RR and GU districts except as provided for in this section or Section 185.136.

(B) Pigeons may be kept on single family lots in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts subject to adherence to the following criteria:

(1) The keeping of pigeons is allowed in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts as an accessory use.

(2) A maximum of one hundred (100) pigeons may be kept on a parcel containing at least one (1) primary structure.

(3) Restrictions on flights.

(a) Maximum number to be released. No more than forty (40) pigeons may be released at any one time for exercise or training purposes.

(b) Maximum number of flights per twenty-four (24) hour period. No more than two (2) flights shall be allowed within a twenty-four (24) hour period.

(c) Pigeons shall only be released to fly between the hours of Sunrise to Sunset. When pigeons have been released from a distant location, they shall be allowed to fly into their home aviary upon their return- regardless of which day or time of day.

(4) Enclosure requirements. Pigeon Aviaries shall meet the provisions of 185.118 ACCESSORY STRUCTURES, Subparagraph (F), Animal Cages or Enclosures.

(5) Aviary Maintenance and Cleaning Requirements:

(a) Structures where pigeons are housed shall be kept and maintained in a sanitary condition. Refuse and droppings shall be removed from the premises at least twice each calendar week. No aviary or loft shall create a nuisance onto adjacent properties.

(b) The owner shall comply with the rules and regulations of the Brevard County Health Department and/or Animal Control pertaining to the sanitary conditions and maintenance of the premises.

(c) The owner or person in charge of keeping the pigeon aviary shall maintain the property and all features of the property, including roofs, driveways and walkways in a clean manner, void of any visible pigeon droppings.

(d) Pigeons shall not be allowed to land or perch on the structures or property of others. Birds shall be trained not to land anywhere except on the landing board to the loft within four (4) weeks after the pigeon is first let out of the loft (first flight). The landing board shall be constructed in such a manner that allows for the entire flying flock to land at the loft at one time. The minimum loft size shall be regulated to a minimum of one (1) square foot per bird.

(e) Pigeon businesses or breeding activities for commercial purposes shall not be conducted in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts.

(f) No training flight shall occur two (2) hours before sunset or sunrise, and that training flights not be conducted until four (4) hours after the feeding of birds.

(g) Any bird that is deemed diseased shall be removed from the loft and from the premises immediately."

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 6. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 7. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2014-08, held on April 3, 2014; and read in title only and duly enacted at Meeting No. 2014-09, held on April 17, 2014.

William Capote, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

Reviewed by CAO: APL

Applicant: Space Coast Racers
Case No.: T-1-2014

Words ~~stricken~~ through shall be deleted; underscored words shall be included. Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.