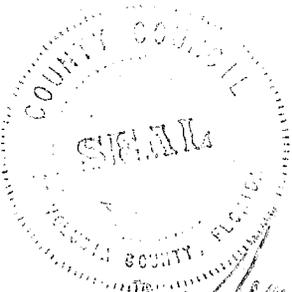


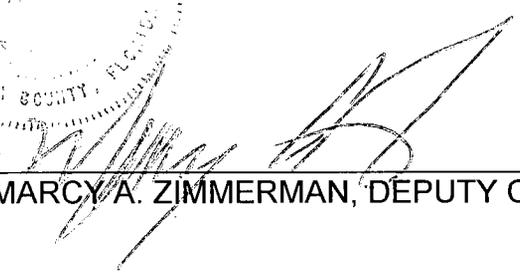
STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, GEORGE RECKTENWALD, Interim County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2018-13 is a true and correct copy of that certain Ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on July 24, 2018.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 25 day of July, A.D. 2018.



George Recktenwald  
GEORGE RECKTENWALD  
INTERIM COUNTY MANAGER AND  
CLERK TO THE COUNTY COUNCIL  
OF VOLUSIA COUNTY, FLORIDA

BY:   
MARCYA A. ZIMMERMAN, DEPUTY CLERK

ORDINANCE 2018-13

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 72 LAND PLANNING, ARTICLE II ZONING, BY AMENDING SECTION 72-290, BY CREATING SECTION 72-307 BACKYARD CHICKENS; BY AMENDING SECTION 72-341 ADMINISTRATION TO PROVIDE FOR CONDITIONAL USE PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORIZATION FOR INCLUSION IN CODE; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County Council recognizes the trend in society to incorporate fresh organic products into diets; a lifestyle which can be supported by allowing residents to keep and raise chickens on their single-family residential properties for the purposes of producing eggs for personal consumption; and

WHEREAS, the Volusia County Zoning Ordinance currently permits livestock and poultry only in agricultural zoning classifications; and

WHEREAS, many communities around the country have been exploring how to compatibly integrate backyard chickens into urban and suburban residential settings; and

WHEREAS, the County Council recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin, and disease; and

WHEREAS, experts suggest that the keeping of five (5) chickens is sufficient to meet the needs of the average family's egg consumption; and

WHEREAS, ordinances adopted around the country relating to backyard chickens offer an important tool for property owner education as well as official oversight of practices through permitting, which may provide property owners with knowledge of preventative measures that could improve the welfare of their chickens, wild birds, commercial operations, and the public at large; and

WHEREAS, increasing participation in educational programs widely utilized by the commercial industry but underutilized by backyard owners could help to improve bird health.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AS FOLLOWS:

(Words in ~~strike through~~ type are deletions; words in underline type are additions)

1           **SECTION I:** Chapter 72, article II, section 72-290, of the Code of Ordinances, County of  
2 Volusia is hereby amended to read as follows:

3  
4 **Sec. 72-290. Additional regulations for certain permitted principal uses.**

5  
6           The following additional regulations shall apply to specific permitted principal uses in all  
7 classifications where so permitted:

8  
9 \* \* \* \*

10  
11 (10) *Farm animals and fowl.* It shall be unlawful for any person to keep, harbor, breed or  
12 maintain upon any premises not zoned for agricultural use or otherwise excepted in  
13 accordance with section 72-307 or elsewhere within ~~with~~-this article, any of the following:  
14 Bees, roosters, peacocks, horses, ponies, cattle, goats, pigs, or other livestock, ~~or more than~~  
15 ~~one of the following: Pigeons, pigeons, chickens, ducks, or other fowl.~~ Any person who  
16 violates the provisions of this section shall be liable in accordance with subsection 72-  
17 341(f).

18  
19           **SECTION II:** Chapter 72, article II, section 72-307, of the Code of Ordinances, County  
20 of Volusia, is hereby created to read as follows:

21  
22 **Sec. 72-307. Backyard Chickens.**

23  
24           (a) Backyard chickens may be permitted in the R-1 through R-4, R-6, or MH-6 zoning  
25 classifications, by conditional use permit, pursuant to subsection 72-341(j). All backyard chicken  
26 conditional use permits shall be subject to the following restrictions:

27  
28           (1) The number of chickens shall be limited to no more than five (5), and no  
29 ducks, geese, pigeons, turkeys, peafowl, roosters, or any other poultry or fowl are allowed.  
30 For the purpose of this section, the term “chicken” refers to hens only.

31  
32           (2) Chickens shall be kept in an enclosed area with a coop that provides for the  
33 free movement of chickens, and are not permitted to be free range. The coop must have a  
34 roof, and be completely secured from predators, including all openings, ventilation holes,  
35 doors and gates. No more than one (1) coop shall be allowed per permitted parcel.  
36 Chickens shall at all times be provided receptacles kept constantly filled with clean water.

37  
38           (3) No manure may be allowed to accumulate on the floor of the coop or  
39 ground. Conditional use permit holders must implement a manure management program,  
40 whereby the coop and enclosure are cleaned regularly. A fly-tight bin for storage of manure  
41 must be utilized; the size of which must be sufficient to contain all accumulations of  
42 manure. The fly-tight bin must be kept at least twenty (20) feet away from all property  
43 lines. Composting of chicken manure may be allowed in the enclosed fly-tight bin. There  
44 shall be no perceptible odor emanating from the manure storage/composting bin.

45  
46           (4) The minimum lot size shall be one-third (1/3) of an acre.

1  
2       (5) The chicken coop and enclosure shall be considered an accessory structure  
3 which shall be located between the rear lot line and the rear-most point of the principal  
4 structure and shall comply with the requisite accessory use setback requirements of the  
5 property's zoning classification, unless otherwise required per section 72-277.  
6

7       (6) The coop may not be taller than eight (8') feet, measured from the natural  
8 grade, and must be easily accessible for cleaning and maintenance. Coops may not exceed  
9 a maximum of one hundred fifty (150) square feet.

10  
11       (7) If the coop structure exceeds one hundred twenty (120) square feet in size,  
12 a building permit is required under the Florida Building Code.

13  
14       (8) The coop and enclosure shall be screened from view from adjoining  
15 properties or the street.

16  
17       (9) Chickens shall be kept for personal use only. Selling chickens, eggs, or  
18 chicken manure, or the breeding of chickens for commercial purposes is prohibited.

19  
20       (10) The chickens must be sheltered or confined in such fashion as to prevent  
21 them from coming into contact with wild ducks or geese or their excrement.

22  
23       (11) The chickens may not be slaughtered by or at the direction of the owner or  
24 keeper thereof except pursuant to the lawful order of state or county health officials, or for  
25 the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane  
26 Society for such purpose, or as otherwise expressly permitted by law. Deceased chickens  
27 must be properly disposed of within twenty-four (24) hours of expiring and in accordance  
28 with Florida law. Conditional use permit holders may contact a University of Florida  
29 Agricultural Extension Service office for requirements regarding proper disposal methods.

30  
31       (b) In a public health emergency declared by the state or county health department,  
32 including, but not limited, to an outbreak of Avian Flu or West Nile virus, immediate corrective  
33 action may be required in accordance with applicable public health regulations and procedures.  
34 Conditional use permit holders consent to compliance with such required corrective action.

35  
36       (c) An application for conditional use permit, as well as applications for renewal of  
37 conditional use permit, shall be on a form supplied by the Department, together with any applicable  
38 fees. In addition to those requirements of sub-section 72-341(j), the application shall include, the  
39 following:

40  
41       (1) A site plan depicting the location and size of the coop and enclosure and the  
42 distance of these accessory structures from the property lines;

43  
44       (2) The method of screening of the coop and enclosure from adjacent  
45 properties;



1  
2       **SECTION IV: AUTHORIZING INCLUSION IN CODE** - The provisions of this  
3 ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia,  
4 as additions or amendments thereto, and shall be appropriately renumbered to conform to the  
5 uniform numbering system of the code.

6  
7       **SECTION V: SEVERABILITY** - Should any word, phrase, sentence, subsection or  
8 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or  
9 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed  
10 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain  
11 in full force and effect.

12  
13       **SECTION VI: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in  
14 conflict herewith are, to the extent of such conflict, repealed.

15  
16       **SECTION VII: EFFECTIVE DATE** - A certified copy of this Ordinance shall be filed  
17 with the Department of State by the County Manager within ten (10) days after enactment by the  
18 County Council and this Ordinance shall take effect upon filing with the Department of State.

19  
20       ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN  
21 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE  
22 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,  
23 DELAND, FLORIDA, THIS 24TH DAY OF JULY, A.D., 2018

24  
25  
26 ATTEST:

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

27  
28  
29  
30  
31  
32 \_\_\_\_\_  
George Becktenwald, Interim County Manager

Ed Kelley  
33 \_\_\_\_\_  
Ed Kelley, County Chair

