

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



### MEMORANDUM

To: James L. Gillis Jr., City Manager  
From: Becky Witte, Deputy City Clerk  
Re: First Reading of Ordinance No. 2022-09. Extending the Temporary Urban Chicken Pilot Program for one year. **Public Hearing.**  
Date: June 27, 2022

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In August 2021, the City Council created a Temporary Urban Chicken Pilot Program. The pilot program was set to expire on August 10, 2022. Since inception, 10 applications have been requested with 2 completed, successful program participants (Magnolia Avenue and Aurora Street) and 1 recent pending application (Duncan Road).

With a limited number of program participants but continued interest, staff recommends extending the Pilot Program for an additional year with a new expiration date of August 9, 2023. The extension of this pilot program will give staff additional time to properly evaluate it to ensure resident satisfaction.

Staff requests that Council approve the First Reading of Ordinance No. 2022-09 thereby extending the pilot program for an additional year.

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING CHAPTER 4 (ANIMALS AND FOWLS), ARTICLE 1 (GENERAL), SECTION 4-9 (KEEPING FOWL PROHIBITED) TO EXTEND THE TEMPORARY URBAN CHICKEN PILOT PROGRAM FOR ONE YEAR; AND PROVIDING FOR RECITALS, ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 828.27 of the Florida Statutes, the City has the authority to enact ordinances relating to the ownership, care, and custody of animals; and

**WHEREAS**, the City Council recognized the requests from residential homeowners to raise chickens on residential property; and

**WHEREAS**, the City Council established a Temporary Urban Chicken Pilot Program to provide such an opportunity on a trial basis in August 2021; and

**WHEREAS**, City staff recommends extending the program until August 2023; and

**WHEREAS**, the City Councils accepts the recommendation of City staff and finds that extending the Program to August 2023 is in the best interests of the citizens of South Daytona; and

**WHEREAS**, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein, and adopted as findings of the City Council of the City of South Daytona.

**Section 2.** The City Council of the City of South Daytona hereby amends Section 4-9 of the South Daytona Code of Ordinances to read as follows:

**Sec. 4-9. – Keeping fowl prohibited, with the exception of chickens regulated through the Urban Chicken Pilot Program.**

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(2) *Limited Duration.* Regardless of the date a temporary permit is issued for the keeping of chickens, such temporary permit shall terminate and expire on ~~August 10, 2022~~ August 9, 2023, unless terminated earlier or extended by city council action extending the urban chicken pilot program or implementing a permanent regulation.

**Section 3. Administrative Actions.** The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

**Section 4. Codification.** The provisions of this Ordinance amending or adding to the City of South Daytona Code of Ordinances and/or Land Development Code shall be codified and shall become and be made a part of the City of South Daytona Code of Ordinances and/or Land Development Code, as applicable. The codified portions of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate words. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**Section 5. Conflicts.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon enactment.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 26<sup>th</sup> day of July, 2022.

Passed and adopted upon second and final reading at a regular meeting of the City Council of the City of South Daytona, held in South Daytona, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF SOUTH DAYTONA:

ATTEST:

\_\_\_\_\_  
William C. Hall, Mayor

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James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

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Wade C. Vose, City Attorney