

# 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: Second and Final Reading of Ordinance No. 2023-11 - Urban Chicken Pilot Program. **Public Hearing.**  
Date: July 27, 2023

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The City Council approved the First Reading of Ordinance No. 2023-11 on July 25, 2023.

In August 2021, the City Council created a Temporary Urban Chicken Pilot Program. The pilot program was set to expire on August 10, 2022. With a limited number of program participants but continued interest, the Council extended the Pilot Program until August 9, 2023. The extension of this pilot program provided staff additional time to properly evaluate it to ensure resident satisfaction.

Although there remains limited interest, the program participants have been successful within the established program. Staff recommends utilizing the specifications from the Pilot Program into the fully instituted Urban Chicken Program. Some highlights of the program which staff feels will ensure the success of the program include:

- Limited to existing single-family detached residence that is owner-occupied outside of the boundaries of the Community Redevelopment Area (CRA).
- Limited to one (1) urban chicken permit on any given street. Permits shall be issued on a first-come, first-served basis.
- Written consent from each property owner of privately or publicly owned real estate within two hundred (200) feet of the outer boundaries of the premises for which the permit is being requested, stating that they have no objection to the applicant's ownership and maintenance of chickens.
- Maximum of four chickens per property.

Staff requests the Council approve Ordinance No. 2023-11 establishing the fully instituted Urban Chicken Program.

**ORDINANCE NO. 2023-11**

**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) AND SECTION 4-13 (NUMBER OF DOGS, CATS, POT BELLY PIGS, CHICKENS AND RABBITS THAT MAY BE KEPT AT RESIDENCE) OF THE CODE OF ORDINANCES TO ALLOW FOR AN URBAN CHICKEN PROGRAM FOR THE OWNERSHIP OF CHICKENS ON RESIDENTIAL LOTS UNDER CERTAIN CONDITIONS; 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 recognizes the requests from residential homeowners to raise chickens on residential property; and

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

**WHEREAS**, after a two year pilot program, staff is recommending that the City allow residential homeowners to raise chickens on residential properties with certain conditions, pursuant to the Urban Chicken Program; 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.**

It shall be unlawful to keep or maintain any goose, turkey, duck, peafowl, pigeons, roosters or any other fowl not permitted under the provisions of this section within the City. Chickens shall be allowed by permit only under all of the following conditions:

(1) ~~Temporary Urban Chicken Pilot Program.~~ The intent of this program is ~~to create and implement a one-year temporary urban chicken pilot program~~ to permit the keeping of urban chickens ~~at no more than ten (10) households,~~ on owner-occupied single-family properties, subject to the terms and conditions of this section.

~~(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 9, 2023, unless terminated earlier or extended by city council action extending the urban chicken pilot program or implementing a permanent regulation.~~

~~(2)~~ (3) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Chicken.* A domesticated fowl of the gallus genus. This term shall include only the female chicken (hen), and shall exclude the male chicken (rooster).

*Chicken coop.* The house or cage in which a chicken lives. Inside coops are often nest boxes for egg-laying and perches on which the birds can sleep.

*Chicken pen.* The outside area around a coop. An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

*Chicken tractor.* A movable chicken coop lacking a floor. Chicken tractors may be a lightly built A-frame which one person can drag about the yard. It may have wheels on one or both ends to make it easier.

~~(3)~~ (4) ~~Temporary Urban chicken permit regulations.~~ It shall be unlawful to keep, harbor, raise or maintain chickens without an urban temporary chicken permit. Temporary Urban chicken permits shall include the following conditions and restrictions:

- a. The maximum number of urban chickens allowed per household on a single-family detached residential lot shall be in accordance with Section 4-13 of the Code of Ordinances.

- b. ~~An temporary~~ urban chicken permit shall only be issued for a lot with an existing single-family detached residence that is owner-occupied outside of the boundaries of the Community Redevelopment Area.
- c. Ducks, geese, turkeys, peafowl, pigeons, roosters or any other poultry or fowl are not permitted under the provisions of this section.
- d. Chickens and associated activities shall be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.
- e. Chickens shall not be slaughtered on premises.
- f. The coop, pen and enclosure shall be located behind the single-family residence in the rear yard and shall be screened from all adjacent properties and rights-of-way with a six-foot-tall opaque fence. Chicken tractors shall not be permitted.
- g. The coop, pen, and enclosure shall comply with the standard setbacks for a shed set forth in Article 5, Section 5.6 of the Land Development Code.
- h. Chicken coops shall provide a minimum of four square feet per chicken to permit free movement of the chickens, shall not exceed 50 square feet, and may have an attached run. The coop shall be tied down for wind resistance. The coop and enclosure shall not be taller than six feet, measured from the natural grade, shall be at least six inches lower than the fence to provide full screening, and shall be easily accessible for cleaning and maintenance.
- i. The coop, pen and enclosure shall 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, in order to protect the chickens from predators.
- j. All feed and other items associated with the keeping of chickens that can attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container. Clean water must be provided.
- k. Chickens shall be secured within a covered chicken coop or fenced pen/run area at all times and shall not be permitted to run at large.
- l. Chicken coops, pens, and enclosures shall be kept clean from garbage and any substance which attracts rodents. The coop and surrounding area must be cleaned frequently enough to control odor. The floors and walls of a coop, pen or enclosure shall be kept in a clean, sanitary, and healthy

condition. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detected on another property. Failure to comply with these conditions may result in removal of chickens from the premises or revocation of a chicken permit. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition, as defined in the Code or State Law.

~~(4)~~ ~~(5)~~ *Procedures for the granting of ~~temporary~~ urban chicken permits.* Application for ~~temporary~~ urban chicken permit shall be submitted to the Police Department's Animal Control Division. Such submittal shall include the application form as provided by the city, together with all documents required under this section.

- a. ~~Temporary chicken permits shall be permitted for no more than ten (10) households citywide.~~ No more than one (1) ~~temporary~~ urban chicken permit shall be active on any given street. Permits shall be issued on a first-come, first-served basis. Once the city has issued ~~the initial temporary~~ an urban chicken permits ~~for a maximum of ten (10) households on a given street,~~ subsequent approved applicants on that street shall be placed on a waiting list. If a participant chooses to leave the program, he/she shall provide notice to the city. The city is then authorized to issue a permit to the next qualified applicant on the waiting list. If a participant is removed from the program due to one or more violations of this section, the city shall be authorized to issue a permit to the next qualified applicant on the waiting list.
- b. An temporary urban chicken permit shall not be issued for a property with an outstanding code enforcement case or any city imposed liens on said property.
- c. The ~~temporary~~ urban chicken permit is personal to the permittee and shall not be assigned.
- d. An applicant for a permit shall demonstrate compliance with the criteria in this section in order to obtain a permit. Applicants shall submit photos of the proposed site of the coop/run areas, a survey of the subject property showing the location, and proof of successful completion of a University of Florida Agricultural Extension Service class regarding the keeping of chickens or an equivalent class approved by the administrative official.
- e. The ~~temporary~~ urban chicken permit applicant shall sign a statement acknowledging that the ~~temporary~~ urban chicken permit may be revoked for any violation of this section, and may be revoked if this section is amended in the future, and the city shall not be held responsible or liable for any

losses, including the costs of improvements constructed for the keeping of chickens, to the applicant if such chicken permit is revoked.

- f. If any condition or restriction of the ~~temporary~~ urban chicken permit has been violated, the city may revoke the permit upon seven days' written notice. If the violation is cured within the seven-day notice period, the permit shall not be revoked; however, a repeat offense may result in the city's immediate revocation of the permit. The city is responsible for the determination of compliance with the requirements of this section. In matters of interpretation, the administrative official has the authority to determine compliance with this section.
- g. The City may conduct site inspections of the subject property to make compliance determinations under this article prior and after issuance of a permit.

~~(5)(6)~~ Those property owners wishing to apply for a permit to own chickens shall complete the application form and submit it to the Police Department's Animal Control Division for consideration. The property owner shall include with the application the following:

- a. An applicant for a permit shall submit written consent from each property owner of privately or publicly owned real estate within two hundred (200) feet of the outer boundaries of the premises for which the permit is being requested, stating that they have no objection to the applicant's ownership and maintenance of chickens.
- b. If the property is governed by a home owner's Association, then written approval from the home owner's association will be required.
- c. The required fee for an application to cover the City expense of reviewing the application for completeness and issuance of permit shall be ~~\$20.00~~ outlined in chapter 21 of the code of ordinances.

~~(6)(7)~~ Owner of chickens shall be responsible for correcting or abating any nuisance that may arise from keeping thereof.

~~(7)(8)~~ Violation of these regulations shall be remedied through the code enforcement process whereby the special master may levy fines to force compliance or revoke the permit.

~~(8)(9)~~ Rescuing, fostering, sitting or any other form of temporary ownership of chickens in the City of South Daytona is expressly forbidden.

~~(9)(10)~~ *Appeal.* A person aggrieved by a decision of the administrative official in the issuance, denial or revocation of an ~~temporary~~ urban chicken permit may appeal to the city

manager in writing within five business days of the administrative official's written decision by filing an appeal with the city clerk. Said appeal shall state fully the grounds for the appeal and all facts relied upon by the appellant. A person aggrieved by a decision of the city manager may appeal to the city council within five business days of the city manager's written decision by filing an appeal with the city clerk. Said appeal shall state fully the grounds for the appeal and all facts relied upon by the appellant. The decision of city council shall be final.

**Section 3.** The City Council of the City of South Daytona hereby amends Section 4-13 of the South Daytona Code of Ordinances to read as follows:

**Sec. 4-13. - Number of dogs, cats, pot belly pigs, chickens and rabbits that may be kept at residence.**

It is hereby found and declared that the keeping or maintaining of an inordinate number of mature dogs, cats, pot belly pigs, chickens and rabbits in a city residential environment creates a health and sanitation menace due to the unabated excretion of fecal matter and urine of such animals which produces offensive odors and insanitary conditions, consequently:

- (1) It shall be unlawful and prohibited for any person to keep or maintain a total combination of more than four (4) cats and/or dogs that have reached licensing age, and/or pot belly pigs, and/or rabbits of more than six (6) months of age at any one (1) residence within the city. In addition, a maximum number of four (4) chickens shall be allowed at any one (1) residence within the city (pursuant to the ~~Temporary~~ Urban Chicken ~~Pilot~~ Program).

**Section 4. 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 5. 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 6. Conflicts.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 7. 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 8. 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 25<sup>th</sup> day of July, 2023.

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 8<sup>th</sup> day of August 2023.

SIGNED:

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William C. Hall  
Mayor

ATTEST:

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James L. Gillis, Jr.  
City Manager

CERTIFIED AS TO FORM:

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Wade C. Vose, City Attorney