

ORDINANCE NO. 2012- 36

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION III AND ARTICLE VI, DIVISION 6, SUBDIVISION I, SPECIFICALLY AMENDING SECTIONS 62-1927 FARM ANIMALS AND FOWL AND 62-2108 FARM ANIMALS AND FOWL TO ALLOW UP TO FOUR BACKYARD FOWL PER ONE-HALF ACRE IN ALL SINGLE-FAMILY RESIDENTIAL ZONING CLASSIFICATIONS; PROVIDING FOR INTERPRETATION OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, the Board of County Commissioners desires to promote reasonable land development regulations; and

WHEREAS, on August 21, 2012, the Board of County Commissioners directed preparation of an amendment to the Zoning Regulations as they relate to backyard fowl in single-family residential zoning classifications.

WHEREAS, the Building and Construction Advisory Committee, on October 10, 2012, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on October 29, 2012, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendments serve the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.
~~Strike-through indicates deletions.~~

SECTION 1. Section 62-1927 Farm animals and fowl, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

The keeping of farm fowl and farm animals, including but not limited to cattle, fowl, goats, bees and rabbits, or no more than one hog, may be permitted as a conditional accessory use on a 2½-acre minimum lot in the rural residential zoning classification (RR-1) and the rural residential

mobile home zoning classifications (RRMH-1, RRMH-2.5 and RRMH-5), on the specific condition that the farm fowl or farm animals, including but not limited to cattle, goats, bees, rabbits or one hog, are for the personal, noncommercial use of the occupants only. A conditional use permit may be granted on less than two and one-half acres in cases where the animal is necessary to alleviate a bona fide medical hardship. When claiming medical hardship, the applicant shall submit documentation showing the necessity for the animal from a medical doctor licensed to practice medicine in the state. This conditional use permit, when approved on the basis of medical hardship, shall expire after five years, or upon the sale of the property. The applicant for a conditional use permit shall specify the number and type of farm animals and fowl at the time of application for the conditional use permit.

In all single-family residential zones, on lots of at least one-half acre minimum, up to four chickens (no roosters or other fowl) may be permitted per one-half acre of land without a conditional use permit for the personal, noncommercial use of the occupants only.

SECTION 2. **Section 62-2108 Farm animals and fowl**, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

It shall be unlawful for any person to keep, harbor, breed or maintain upon any premises not zoned for agricultural use or otherwise excepted in accordance with this chapter, any of the following: bees, roosters, peacocks, horses, ponies, cattle, goats, pigs or other livestock, or more than one of the following: pigeons, chickens, ducks, or other fowl.

In all single-family residential zones, on lots of at least one-half acre minimum, up to four chickens (no roosters or other fowl) may be permitted per one-half acre of land. Housing, such as coops, that is not considered to be a barn, stall or paddock is required and must meet the setback requirements for accessory structures in accordance with the zoning classification. All fowl are for the personal, non-commercial use of the occupants only. Breeding and slaughtering of any fowl is strictly prohibited. Any person who violates the provisions of this section shall be liable in accordance with sections 62-1105 and 62-1106.

SECTION 3. **Conflicting Provisions.** In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other applicable federal, state or county law, rule code or regulation, the more restrictive shall apply.

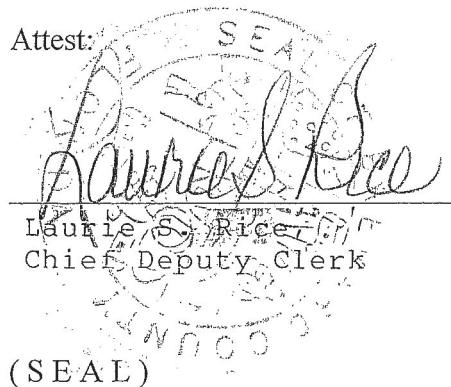
SECTION 4. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. **Area Encompassed.** This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

DONE, ORDERED AND ADOPTED, in regular session, this 6th day of December 2012.

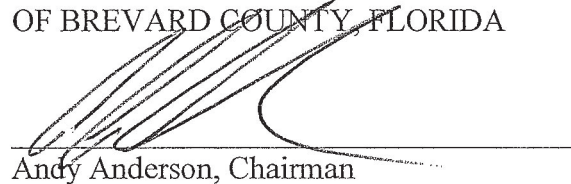
Attest:



Laurie S. Rice
Chief Deputy Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Andy Anderson, Chairman

As approved by the Board on December 6, 2012