

## ORDINANCE NO. 26-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, BREVARD COUNTY CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS"; SPECIFICALLY CREATING A NEW SECTION, SECTION 62-1835.3.5, ENTITLED "FARM ANIMALS AND FOWL", IN ORDER TO ALLOW CHICKENS IN ALL SINGLE-FAMILY RESIDENTIAL ZONING CLASSIFICATIONS WITHIN CERTAIN AREAS OF BREVARD COUNTY AND SUBJECT TO CERTAIN REQUIREMENTS AS A PERMITTED USE WITH CONDITIONS; AMENDING SPECIFIC ZONING CLASSIFICATIONS TO ALLOW "FARM ANIMALS AND FOWL" AS A PERMITTED USE WITH CONDITIONS IN THE FOLLOWING ZONING CLASSIFICATIONS: SECTION 62-1335 - RURAL ESTATE USE (REU), SECTION 62-1336 - RURAL RESIDENTIAL (RR-1), SECTION 62-1337 - SUBURBAN ESTATE RESIDENTIAL USE (SEU), SECTION 62-1338 - SUBURBAN RESIDENTIAL (SR), SECTION 62-1339 - ESTATE USE RESIDENTIAL (EU, EU-1 AND EU-2), SECTION 62-1340 - SINGLE-FAMILY RESIDENTIAL, RU-1-13 AND RU-1-11, SECTION 62-1341 - SINGLE-FAMILY RESIDENTIAL (RU-1-9), AND SECTION 62-1342 - SINGLE-FAMILY RESIDENTIAL (RU-1-7), SECTION 62-1344 - RESIDENTIAL PROFESSIONAL (RP), SECTION 62-1401 - RURAL RESIDENTIAL MOBILE HOME (RRMH-1, RRMH-2.5, RRMH-5), SECTION 62-1402 - SINGLE-FAMILY MOBILE HOME (TR-1 AND TR-1-A), SECTION 62-1403 - SINGLE-FAMILY MOBILE HOME (TR-2), SECTION 62-1443 SAME-PERMITTED USES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

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

**WHEREAS**, on July 22, 2025, the Board of County Commissioners directed preparation of an ordinance amendment to the County's Zoning Regulations as it relates to the raising and keeping of chickens in single-family zoning classifications within the northern area of Brevard County; and

**WHEREAS**, the Building and Construction Advisory Committee, on \*, reviewed the proposed ordinance and made recommendations; and

**WHEREAS**, the Planning and Zoning Board/Local Planning Agency, on \*, reviewed the proposed ordinance and made recommendations; and

**WHEREAS**, the Board of County Commissioners has reviewed the recommendations of the Planning and Zoning Board/Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

**WHEREAS**, the Board finds that the current Zoning Regulations related to chickens are overly stringent in the northern area of Brevard County, and incompatible with its general rural character.

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

Underline indicates additions.  
~~Strikethrough indicates deletions.~~

**SECTION 1.** Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

**SECTION 2.** New Section 62-1835.3.5., Brevard County Code, is hereby created and entitled "Farm animals and fowl", and reads as follows:

**Sec. 62-1835.3.5. - Farm animals and fowl.**

The provisions of this section establish a permitted use with conditions for the keeping of chickens in certain residential zoning classifications and operate independently of the conditional use provisions contained in Section 62-1927. Within the boundaries of Brevard County Commission District 1, as of January 1, 2026 (not subject to change upon redistricting), detached single-family residentially zoned properties shall be entitled to keep, raise, and slaughter chickens (no roosters or other fowl) subject to the following conditions:

(a) An application must be submitted and approved by the Planning and Development Department with the following information:

(1) A completed application accompanied by any required fees as established by the Board of County Commissioners.

(2) A recorded deed showing ownership of the subject property.

(3) If the applicant is not the owner of the subject property, a written authorization to act on behalf of the owner(s) of the subject property.

(4) A signed certificate of completion of the backyard chicken training class (or similarly named program) offered by the University of Florida, Extension Institute of Food and Agricultural Sciences (UF/IFAS Extension) in Brevard County.

(5) A signed affidavit of consent from all adjacent property owners, for up to six (6) chickens to be kept, raised, and slaughtered for personal, non-commercial uses on the subject property.

(6) A dimensioned plot plan showing the location and size of the proposed coop and pen area relative to the property lines, easements encumbering the area where the coop and pen are proposed, and any other structures located.

(7) Any other documentation deemed necessary by the County in order to ensure there are no detrimental impacts to health, safety, or welfare of the surrounding area, including, but not limited to, drainage systems or wetlands impacts.

(b) A maximum of six (6) chickens are allowed per detached occupied residential dwelling.

(c) Chickens must be kept, raised, and slaughtered for personal, non-commercial uses.

(d) Coop and Pen Standards

(1) One (1) coop is allowed to be permitted per parcel.

(2) The coop, and associated pen, shall be fully enclosed with welded wire mesh, hardware cloth, or equivalent material (chicken wire prohibited); tied down for wind resistance; and, buried twelve (12) inches below the ground to better deter predators.

(3) Size requirements

- a. Coop: four (4) square feet per chicken
- b. Pen: ten (10) square feet per chicken.
- c. Combined maximum area: one hundred (100) square feet.
- d. Maximum coop height: eight (8) feet.

(4) Locational requirements

- a. The coop and pen shall be located behind the principal structure.
- b. Side and Rear Setbacks: minimum ten (10) feet from property line.
- c. Environmental Setbacks: minimum ten (10) feet from environmental sensitive areas, including, but not limited to, wetlands, upland buffers, conservation areas, and Brevard County coastal setback line.
- d. On corner lots, coops and pens shall meet the minimum side street setback for the applicable zoning classification.
- e. Opaque fencing, walls, and/or vegetation of sufficient height shall be installed to screen the coop and pen from neighboring properties.

(e) Health and Safety

(1) Coop and pen must be maintained in a clean and sanitary condition to avoid nuisance and comply with the Brevard County Code, including, but not limited to, performance standards identified in Chapter 62, Article VI, Division 6 of the Brevard County Code, as may be amended.

(2) All applicable building permits must be obtained prior to constructing fences and enclosures associated with the keeping, raising, and slaughtering of chickens.

(f) Care and Waste Management

(1) Feed shall be stored in covered, rodent- and wildlife-proof containers.

(2) No manure may be allowed to accumulate on the floor of the coop or ground. A manure management program must be implemented whereby the coop and pen are cleaned regularly to avoid the accumulation of manure. A manure box inside the coop is recommended. Manure and bedding may be composted in enclosed bins located at least twenty (20) feet from property boundaries. Non-composted waste materials shall be discarded in a sealed bag and removed from the property to avoid accumulation of such waste materials.

(3) Chickens, eggs, feather, or manure shall not be sold.

(4) Breeding is prohibited.

(5) Chickens shall not be used, or trained, for the purpose of fighting.

(6) Deceased chickens must be properly disposed of within twenty-four (24) hours of death.

(7) Chickens shall not be surrendered to Brevard County Animal Services or released.

(g) Enforcement and Revocation.

(1) Nothing contained herein shall be construed or interpreted to mean that chickens may be kept, raised, or slaughtered where private covenants or deed restrictions prohibit such uses, or where rules promulgated under such covenants and restrictions prohibit such uses.

(2) Issuance of an administrative approval under this Section is strictly limited to review of applicable zoning regulations under the Brevard County Code. Additional permits and approvals may be required from other authorities having jurisdiction, including, but not limited to, the Florida Department of Health. Failure of the applicant to obtain any necessary permit(s) shall result in a notice being issued to the applicant to correct such violation in accordance with the conditions outlined in said notice. Failure of the applicant to timely correct such violation(s) may result in revocation of the administrative approval.

(3) Failure of the applicant to comply with the requirements outlined in this Section may result in revocation of administrative approval. Failure of the applicant to remove or otherwise relocate the chickens from the property may result in the County taking action against the applicant and/or the property owner, including, but not limited to, pursuant to Section 1-7, Brevard County Code.

(4) The applicant hereby authorizes the County and its officers, employees, and agents to conduct inspections to ensure compliance with the requirements outlined in this Section.

(h) Definitions. For purposes of this Section the following terms are defined as follows:

(1) *Chicken* means female chicken.

(2) *Coop* means a covered enclosure designed for the roosting of chickens that provides ventilation and protection from drafts, sunlight, weather, and predators.

(3) *Pen* means an enclosed area around the coop used by chickens for exercise and foraging.

**SECTION 3.** The following zoning classifications are hereby amended to include “Farm animals and fowl” as a permitted use with conditions in each of the respective zoning classifications, and shall read as follows:

**Sec. 62-1335. - Rural estate use, REU.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1336. - Rural residential, RR-1.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1337. - Suburban estate residential use, SEU.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1338. - Suburban residential, SR.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1339. - Estate use residential, EU, EU-1 and EU-2.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1340. - Single-family residential, RU-1-13 and RU-1-11.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1341. - Single-family residential, RU-1-9.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1342. - Single-family residential, RU-1-7.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

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**Sec. 62-1334. – Residential-professional, RP.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Learning centers.

Preexisting use.

Temporary living quarters during construction of a residence.

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**Sec. 62-1401. – Rural residential mobile home, RRMH-1, RRMH-2.5, RRMH-5**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power and telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Temporary living quarters during construction of a residence.

Tiny house or a THOW.

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**Sec. 62-1402. – Single-family mobile home, TR-1 and TR-1-A.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Temporary living quarters during construction of a residence.

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**Sec. 62-1403. - Single-family mobile home, TR-2.**

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(1)b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Temporary living quarters during construction of a residence.

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**Sec. 62-1443. – Same- Permitted uses.**

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(b). Permitted\_uses with conditions are as follows:

Farm animals and fowl (section 62-1835.3.5).

Group homes, level I development within any residential tracts, subject to the requirements set forth in section 62-1835.9.

Group homes, level II development within multi-family residential tracts, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Resort dwellings.

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**SECTION 4.** Section 62-1927 Farm animals and fowl, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1927 - Farm animals and fowl.**

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.

Within the boundaries of Brevard County Commission District 1 areas as of January 1, 2026, detached single-family residentially zoned lots may keep, raise, and slaughter chickens pursuant to the standards set forth in Section 62-1835.3.5. The provisions of Section 62-1835.3.5 establish an alternative allowance for chickens within those areas and shall not preclude an applicant from seeking a conditional use permit under this section where otherwise applicable. Rural residential zoned lots (RR-1, RRMH-1, RRMH-2.5, RRMH-5 ) meeting the requirements as described above may apply for a 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 subject to the requirements set forth in section 62-2108.

**SECTION 5.** Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule code or regulation, the more restrictive shall apply.

**SECTION 6.** 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 7.** Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

**SECTION 8.** Effective Date. A certified copy of the 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.

**SECTION 9.** Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**DONE AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_

Rachel M. Sadoff, Clerk

By: \_\_\_\_\_

Thad Altman, Chairman

As approved by the Board on \_\_\_\_\_

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