



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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### STAFF COMMENTS

#### Text Ordinance Amendment

#### Farm Animals and Fowl

Location: Brevard County Commission District 1

BCAC: April 8, 2026

Planning & Zoning Board: April 13, 2026

Board of County Commissioners: May 7, 2026

Board of County Commissioners: May 19, 2026

#### Actions to be Considered

Adoption of Chapter 62, Article VI, Section 62-1835.3.5., "Farm animals and Fowl" and amendment to Chapter 62, Article VI, Section 62-1927, "Farm animal and Fowl" to allow up to six chickens within certain single-family detached residential zoning classifications. Those respective zoning classifications are amended to include "farm animals and fowl" as a permitted use with conditions.

#### Background and Purpose of Request

The following report details the current standards pertaining to the keeping of chickens, highlighting current animal unit maximums for the various single-family detached residential zoning classifications within the District 1 Unincorporated areas as of January 1, 2026, of Brevard County.

On July 22, 2025, the Brevard County Commission had requested consideration of amending the current language of the Zoning Regulations as it relates to backyard farm fowl in single-family detached residential zoning classifications within the Commission District 1 areas. Specifically, the Board motioned that within District 1, up to six chickens, no roosters or other fowl, be permitted on all single-family zoned lots on the condition that coops meet specific setback requirements, feed is stored securely, and the slaughtering of chickens be allowed for personal, non-commercial purposes only. The affected zoning codes are Chapter 62, Article VI, Division 5, Subdivision II. – Permitted Uses with Conditions 62-1835.3.5. – Farm animals and fowl and Subdivision III. – Conditional Uses Section 62-1927. – Farm animals and fowl. Additionally, within Chapter 62, Article VI, Division 4, the respective single-family residential zoning classifications have been amended to reflect the newly introduced permitted use with conditions for "farm animals and fowl".

The reason for the request comes from the restriction of eggs to customers due to the recent disease outbreaks nationwide, which have affected the total egg supply. There is also a concern of inability to purchase singular chickens from nearby major retailers.

Lastly, to address the current zoning code restrictions limiting the number of chickens allowed on their respective property that was under one-half acre. The Board recognized the importance of healthy, sustainable food sources to meet the needs of the average family and therefore directed staff with the legislative intent to amend the current ordinance.

Staff has confirmed that generally nearby major retailers only sell their chickens seasonally, with a minimum purchase of 4 chickens per customer. Neighboring established farmers may sell chickens without such restrictions.

**Concerns:**

If developed and occupied, the smallest lot sizes, typically 5,000 sq. ft. in accordance with the TR-1-A and RU-1-7 zoning classifications, would be eligible to be administratively approved to allow up to six chickens for personal, non-commercial use of the occupants. This ordinance amendment will affect neighbors who live next to those who will own chickens, especially on smaller lot sizes. Code enforcement complaints regarding the keeping of farm fowl on residential properties have included noisy and numerous free-range animals, as well as the smells they create. With this consideration, the proposed setbacks for the chicken coops and pens will typically be more than what is currently applied to detached utility accessory structures on smaller-sized lots. In addition, the cap of one coop per parcel may help regulate the number of chickens allowed on each single-family residence. The safe and humane slaughtering of chickens on such premises may pose a challenge on smaller-sized lots due to the proximity to neighbors. Educational programs such as the backyard chicken class offered by UF/IFAS may incorporate information pertaining to the slaughtering of chickens in the future to help alleviate such concerns.

Failure to comply with the ordinance standards may result in revocation of administrative approval, and owners shall have 15 days to relocate their chickens to a licensed farm, agribusiness, or another resident who meets ordinance standards. Revoked applicants shall be ineligible for re-application for 365 days. This Board-directed, County-initiated request to amend the Land Development Code as it pertains to the keeping of farm fowl would not apply to any of the agricultural zoning classifications or as otherwise provided by law. Further considerations may be proposed if needed.

Commission District boundaries are fluid and subject to change. As such, staff suggests using the static boundaries of County Commission District 1 as they existed on January 1, 2026.

**Benefits:**

The number of chicken-related code enforcement cases from the last five years has averaged annually at 21 cases within the unincorporated areas of Brevard County. This ordinance amendment would address some of the concerns raised during the July 22, 2025, Board of County Commissioners meeting, allowing residents within the

unincorporated Commission District 1 areas greater access to self-sustainable food sources. The administrative approval process would allow zoning staff to promote zoning code transparency and clarification to applicants, and ensure compliance with new ordinance standards.

### Ordinance History

Ordinance	Approval	Summary
<b>2012-36</b>	12/6/2012	Revised both Conditional Use and supplement provision code for farm animals and fowl.
<b>98-26</b>	04/30/1998	Revised Conditional Use for farm animals and fowl code.
<b>98-04</b>	01/29/1998	Revised supplement provision for farm animals and fowl code.
<b>81-51</b>	10/22/1981	Established Conditional Use for farm animals and fowl code.
<b>79-10</b>	03/ 22/1979	Established supplement provision for farm animals and fowl code.

On December 6, 2012, the Board approved ordinance **2012-36**, establishing that all single-family residential zoned lots be permitted up to four chickens (no roosters or other fowl) per one-half acre of land without a conditional use permit for personal, noncommercial use of the occupants only. In addition, housing such as coops, that is not considered to be a barn, stall, or paddock, is required and must meet accessory structure setbacks in accordance with the zoning classification.

On April 30, 1998, the Board approved ordinance **98-26**, revising the conditional use code section allowing a conditional use permit for farm animals and fowl within rural residential zoned lots of less than 2.5 acres to be considered when claiming medical hardship. This conditional use permit, when approved on the basis of medical hardship, shall expire after five years, or upon the sale of the property.

On January 29, 1998, the Board approved ordinance **98-04**, revising the supplement provision code section for farm animals and fowl code to exclude rabbits.

On October 22, 1981, the Board approved ordinance **81-5**, establishing conditional use criteria for farm animals and fowl within rural-residential zoning classifications.

On March 22, 1979, the Board approved ordinance **79-10**, making it unlawful for any person to keep, harbor, breed, or maintain certain farm animals and fowl, unless otherwise excepted by ordinance.

As this Ordinance impacts uses permitted within zoning classifications, two public hearings are required under Section 125.66, Florida Statutes.

## **Proposed Policy Analysis**

### Current Code

#### Section 62-1927

Farm animals and fowl is a conditional use permit provision which allows fewer restrictions of farm fowl on 2.5-acre minimum-sized single-family rural residential zoned lots (RR-1, RRMH-1, RRMH-2.5, and RRMH-5), to be allowed, limited only by the number and type of farm animals noted on the respective approved conditional use permit. Additionally, such lots less than 2.5 acres may also apply for this type of conditional use permit when claiming medical hardship; however, upon issuance, the permit would expire within five years or upon sale of the property. Across the board, all single-family residential zoned properties are permitted up to 4 chickens (no roosters or other fowl) for every one-half (1/2) acre of land without the need for a conditional use permit. For example, if the property is one acre in size, 8 chickens would be permitted.

### Proposed Amendment

The proposed amendment would exclude the unincorporated Brevard County Commission District 1 areas as of January 1, 2026 from the provisions stated in the last paragraph of Section 62-1927, "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." However, rural residential zoned parcels as described within the section would still be able to apply for the conditional use permit for farm animals and fowl.

The keeping of chickens in all single-family residential zones within the unincorporated Brevard County Commission District 1 areas as of January 1, 2026, would be governed by Section 62-1835.3.5. under an administrative approval process by the Planning and Development Department.

### Current Code

Sec. 62-2108. - Farm animals and fowl.

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.

### Proposed New Code Section

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

In comparison to section 62-2108, this newly introduced code section would remove the required “of at least one-half acre minimum” lot size, increase the permitted chickens from four to six, and permit slaughtering of chickens for personal use. Administrative approvals for this allowance would be required for unincorporated Brevard County Commission District 1 areas only. The submittal will require a completed application package accompanied by a dimensioned plot plan, a recorded deed, a certificate of completion of the Brevard County Backyard Chicken Training class offered by the University of Florida Agricultural Extension Service (UF/IFAS), and a required fee as approved by the Board of County Commissioners. Based on fees established within neighboring Central Florida County Districts for “Backyard Chicken permits”, zoning staff recommends an application fee of \$60. Modeling some aspects of the neighboring Orange County and City of Cocoa Backyard Chicken ordinance, staff have confirmed UF/IFAS offers a two-hour course at the Cocoa branch location available monthly after 5:30 pm at a general cost of ten dollars. This educational opportunity offers instruction on the following topics: the safe raising and harvesting of small flocks of chickens for home consumption of poultry and eggs; legal restrictions and ordinances; health concerns; and poultry management.

Housing for chickens, such as a coop, will need to incorporate an enclosed pen area and be located to the rear of the principal structure with a minimum of ten feet from side and rear property lines, wetland lines, upland buffers, conservation areas, and the Brevard County Coastal Setback line. In addition, the height of such structure would be limited to eight feet. Only one coop per occupied property would be permitted. The proposed maximum coop and pen area should be restricted to 100 square feet. All applicable building permits must be obtained prior to constructing fences and the coop and enclosures to house chickens. Composted material, such as manure and bedding, may be located no closer than 20 feet from any property boundaries or discarded in a residential waste collection container for pick-up by waste collection services. In addition, feed must be stored securely to avoid creating a pest nuisance for neighbors. And lastly, such properties shall offer buffering from neighbors.

Upon issuance of the proposed subject administrative approval by the Planning and Development Department, the occupant(s) of the single-family dwelling would be allowed to slaughter their chickens for personal, non-commercial purposes, enabling an alternative source of poultry for themselves.

This allowance would only apply to the properties within Commission District 1 as it existed on January 1, 2026, with administrative approval. Nothing herein shall be construed or interpreted to mean that the chickens or slaughtering of chickens is permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants and restrictions prohibit such use. Breeding of chickens would remain prohibited.

### **Other Municipalities and Counties in Comparison**

In preparation for this amendment, staff have researched 67 Florida counties, 16 Brevard-based cities/townships, and one recently passed zoning ordinance amendment currently in review through the City of Sanford. Below are the findings:

The proposed allowance of up to six (6) chickens within District 1 must be evaluated in relation to the regulatory standards of adjacent incorporated jurisdictions. The City of Titusville, which directly abuts portions of the District 1 boundary, permits up to four (4) backyard chickens in single-family residential zoning districts. As a result, the proposed allowance of six (6) chickens within District 1 would create an inconsistency along shared boundaries where residential development patterns and community expectations are similar.

Similarly, the City of Cocoa, which also abuts portions of the District 1 boundary, permits up to four (4) chickens in residential zoning districts. This further highlights the contrast between the proposed District 1 allowance and the established standards of the adjacent municipalities and districts.

In addition, the request to allow slaughtering of backyard chickens for personal use introduces an activity not permitted within the neighboring municipalities. Slaughtering may generate sanitation concerns, odors, waste byproducts, and audible animal distress, all of which have a greater potential to affect nearby residential properties than the mere keeping of chickens. Because slaughtering is overwhelmingly prohibited in the municipalities reviewed—including those directly adjacent to District 1—it represents an increase in intensity and a potential for disproportionate impacts compared to existing residential standards along shared boundaries.

Given these existing municipal conditions and the nature of the additional activity proposed, the allowance of up to six (6) chickens and the inclusion of slaughtering for personal use would introduce a higher intensity of use than what is currently permitted in the neighboring municipality.

### **County-Level Findings**

A review of sixty-seven (67) Florida counties shows a wide variation in the regulation of backyard chickens within non-agricultural residential zoning districts. Thirty-three (33) counties allow some form of backyard chickens in residential areas, while thirty-four (34) counties do not permit chickens outside agricultural or rural zoning classifications. Among the counties that allow chickens in residential zoning districts, the most common numerical allowances range from four (4) to six (6) chickens, with six (6) counties permitting up to four chickens, six (6) counties permitting up to five chickens, and five (5) counties permitting up to six chickens. Several counties also employ alternative lot-size-based standards, such as allowances tied to acreage (e.g., fifteen (15) chickens per acre, twenty (20) chickens per acre), or broad classifications such as “domestic pets,” “no restrictions,” or “varies by zoning district.” Higher fixed limits (e.g., ten (10), fifteen (15), twenty (20), or twenty-five (25) chickens) are considerably less common and generally associated with counties containing substantial rural or agriculturally dominated residential patterns.

Across all counties, the keeping of roosters in residential zoning districts is overwhelmingly prohibited. Only six (6) of the sixty-seven counties allow roosters in a residential context, and even among these, allowances often apply only to specific zoning categories or large-lot residential districts. The county-level data also show that coop and setback requirements are universal among the thirty-three counties that allow chickens in residential zoning: every county allowing chickens requires a designated coop or enclosure that complies with setback or placement standards. This trend mirrors the municipal regulations and reflects a statewide consensus that containment and distance-based mitigation are essential components of residential chicken-keeping.

A comparison of regulatory tools further shows that counties employ a mix of permit requirements, zoning actions, and administrative processes. Of the counties that allow chickens, thirteen (13) do not require any zoning action or permit, twelve (12) expressly require a zoning action or permit, and eight (8) regulate chickens through underlying zoning or lot-size criteria without a distinct permitting mechanism. Education requirements are uncommon among counties; only four (4) counties require training or educational programs before chickens may be kept, while the remaining counties either do not require education or do not address the subject in their ordinances.

The county-level analysis also shows that slaughtering of chickens in non-agricultural residential zoning districts is almost uniformly prohibited. Only two (2) counties allow or fail to prohibit slaughtering in a way that may be interpreted as permissive. The remaining sixty-five (65) counties either expressly prohibit slaughtering in residential zoning districts or use regulatory frameworks in which slaughtering is not considered an allowable residential accessory use. This pattern is consistent with the municipal analysis and reflects a statewide standard that slaughtering is considered a higher-intensity agricultural function rather than a typical component of residential chicken keeping.

**\*\*\*See Exhibit A - C**

## **Conclusion**

Based on the information presented herein, the proposed text amendment would expand the ability to keep backyard chickens within the Commission District 1 unincorporated area while introducing administrative oversight, setback and enclosure standards, and educational requirements intended to address potential compatibility concerns. Approximately 24,737 detached single-family residential parcels lie within Commission District 1 and would become eligible to apply for an administrative approval under the proposed framework.

However, as detailed in the municipal and county-level comparison, the proposed allowance of up to six (6) chickens exceeds the standards of the neighboring municipalities whose boundaries adjoin District 1, including the City of Titusville and the City of Cocoa, both of which permit no more than four (4) chickens within comparable single-family residential zoning districts. In addition, the request to permit slaughtering for personal use would introduce an activity not allowed in adjacent municipalities and one that is overwhelmingly prohibited across both Florida cities and counties due to sanitation, odor, waste byproduct, and potential nuisance concerns. These differences represent an intensified use relative to the standards currently applied along shared jurisdictional boundaries.

The administrative approval process, coop and setback requirements, and mandatory UF/IFAS educational program provide mechanisms intended to mitigate potential impacts on surrounding residential properties, promote proper husbandry, and ensure compliance with adopted standards. These measures may help offset certain compatibility issues associated with increasing the number of chickens or permitting slaughtering within smaller lot sizes; however, their effectiveness must be weighed against the increased intensity relative to surrounding jurisdictions.

## **Board Considerations**

The Board may wish to consider whether the proposed regulatory framework—including the increase to six (6) chickens, the administrative approval requirement, setback and enclosure standards, and the allowance for slaughtering—appropriately balances the desire for self-sufficient food practices with the need to protect residential areas from potential nuisance or compatibility impacts. The Board may also consider modification of one or more components of the proposal, including the number of chickens permitted, elimination or limitation of slaughtering, restricting the allowance to specific zoning classifications or minimum lot sizes, or retaining the current ordinance framework.