



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Miscellaneous

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J.7.

7/22/2025

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### Subject:

Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article VI, "Zoning Regulations" RE: Farm Animals and Fowl

### Fiscal Impact:

None

### Dept/Office:

District 1 Commission Office

### Requested Action:

It is requested that the Board approve Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article VI, "Zoning Regulations," Brevard County Code, and to direct staff to bring forward an ordinance that addresses the issues detailed in the Summary Explanation and Background section below.

### Summary Explanation and Background:

A proposal to revise the noted zoning regulations was initially presented at the July 8, 2025 commission meeting. This agenda item has been revised to include commissioner feedback and clarification, with a chart listing specific proposed policy changes and an additional requirement for storage of feed to prevent the attraction of nuisance pests.

The County Commission has received complaints from local residents regarding the requirement that they can generally only have one chicken under the current Code. Specifically, Section 62-2108, Brevard County Code of Ordinances, provides, in pertinent part, that "[i]t shall be unlawful for any person to keep, harbor, breed, or maintain upon any premises not zoned for agricultural use . . . more than one of the following: pigeons, chickens, ducks, or other fowl. . ."

Due to chickens being a flock animal, residents have complained that they are unable to purchase a single chicken from local suppliers who do not sell single chickens. In order to address these complaints, it is requested that the Board approve legislative intent and permission to advertise an ordinance amending the Brevard County Code of Ordinances, as necessary, to allow for up to six (6) chickens as a permitted use with conditions, bringing the County more in line with other jurisdictions.

This request will require staff to make changes to Chapter 62, Article VI, Division 4, Subdivision II, "Unimproved, Agricultural, and Residential," in order to allow chickens as a permitted use with conditions for the corresponding zoning classifications found within that Subdivision. Additionally, changes may be needed to Section 62-1102, "Definitions"; Section 62-1927, "Farm animals and fowl" (Conditional Uses); and, Section 62-2108, "Farm animals and fowl" (Supplemental Regulations - General Provisions).

**Clerk to the Board Instructions:**



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

July 23, 2025

**M E M O R A N D U M**

**TO:** Commissioner Delaney, District 1

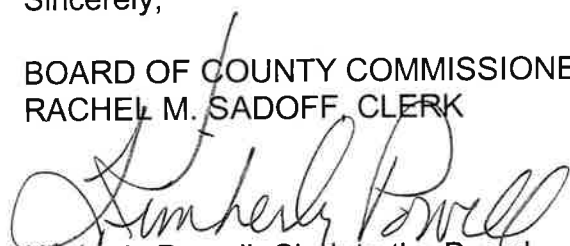
**RE:** Item J.7., Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article IV, "Zoning Regulations" Farm Animals and Fowl

The Board of County Commissioners, in regular session on July 22, 2025, approved legislative intent and permission to advertise Amendments to Chapter 62, Article VI, "Zoning Regulations", Brevard County Code for the north end; and directed staff to bring forward an ordinance that addresses the issues detailed in the summary explanation and background section below.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/ns

## Summary of Proposed Changes to Ordinance 2012-36

### Brevard Board of County Commissioners - July 22, 2025

Ordinance Provision	Current Ordinance (2012-36)	Proposed Change (2025)
<b>Maximum Chickens Allowed</b>	Up to 4 chickens per one-half acre in single-family residential zones; less than one-half acre not more than one chicken	Up to 6 chickens per single-family residential zones. Coop/setback requirements apply (see separate item*).
<b>Roosters Allowed</b>	No roosters permitted	No change (roosters still not permitted)
<b>Other Fowl Allowed</b>	No other fowl permitted	No change (other fowl still not permitted)
<b>Lot Size Requirement</b>	Minimum one-half acre lot required to allow up to 4 chickens	Allowed on a Residential Lot
<b>Use</b>	Personal, noncommercial use only	No change
<b>Breeding/Processing</b>	Breeding and processing prohibited	Non-commercial processing allowed
<b>Coop/Setback Requirements*</b>	Coop required; must meet accessory structure setback requirements	Must be in back yard and 10 ft. set back from property lines. Must be kept in enclosure unless roaming is confined to the fenced back yard of the subject property
<b>Feed Storage</b>	Not addressed	Feed must be stored securely and avoid creating pest nuisance for neighbors

**Summary Table: Florida County/City Chicken Limits**

Location	Max Chickens	Roosters Allowed	Permit Required	Notes
Brevard (current)	4 per 1/2 acre	No	No	Coop/setback rules
Indian River (uninc.)	6	No	No	No roosters, coop required
Marion County	6	No	No	Coop/setback, personal use only
Osceola/St. Cloud	6	No	Yes	Class required, annual renewal
Charlotte County	4-6	No	Yes	Lot size determines max hens

*This chart was researched and compiled by Perplexity AI using official county and city government sources for current backyard chicken ordinances in Florida.*

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.

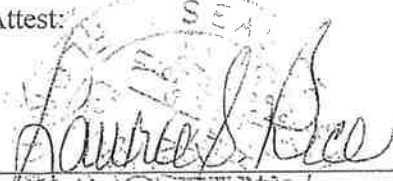
**SECTION 4.** **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to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

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
Andy Anderson, Chairman

As approved by the Board on December 6, 2012

(SEAL)



Board Meeting Date

7-22-25

Item Number: \_\_\_\_\_

J.7 - leg. intent for the N. end. <sup>D.I.</sup> ~~DH~~  
unincorporated

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

KD

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

TA

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

KA, TA

3-2

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2		✓
Commissioner Adkinson	3		✓
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	

J.7 - Board Direction to work with ~~DH~~1  
Commissioner on boundary

TA - Asked if she had a town hall meeting