

ORDINANCE 11-2022

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING THE CITY OF DEBARY LAND DEVELOPMENT CODE, CHAPTER 1, SECTION 1-3 - DEFINITIONS, CHAPTER 3, ARTICLE III, DIVISION 3, SECTION 3-88 - RR RURAL RESIDENTIAL CLASSIFICATION, AND SECTION 3-89 - RA RURAL ESTATE CLASSIFICATION CONCERNING PERMITTED USES AND STRUCTURES TO ALLOW THE KEEPING OF BACKYARD CHICKENS FOR PERSONAL USE AND PROVIDING FOR DEFINITIONS AND RESTRICTIONS CONCERNING THE SAME; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the trend in society to incorporate organic products into diets; a lifestyle which can be supported by allowing residents to keep and raise chickens on their single-family residential properties for purposes of producing eggs for personal consumption; and

WHEREAS, the Rural Residential (RR) and Rural Estate (RA) zoning classifications already provide for similar uses and consists of built residential properties that are semi-rural in character, and

WHEREAS, the City Council recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin and disease; and

WHEREAS, the City of DeBary previously held a community workshop on June 29, 2022, exploring whether to allow backyard chickens in certain areas of the City with the majority of participants showing support; and

WHEREAS, the City Council finds that the amendment to the City's Land Development Code set forth herein is in the interests of the public health, safety, and welfare; and

WHEREAS, the City Council finds that the amendment to the City's Land Development Code set forth herein is consistent with the Comprehensive Plan; and

WHEREAS, this Ordinance has been adopted after the required notice and public hearings in accordance with general law and the Charter and Land Development Code of the City of DeBary.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. ADOPTION. Chapter 3, Article III, Division 3, Section 3-88 of the City of DeBary Land Development Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

Sec. 3-88. - RR Rural Residential Classification.

(a). Purpose and intent. The purpose and intent of the RR Rural Residential Classification is to provide for development in a manner which is consistent with the Comprehensive Plan.

(b). Permitted principal uses and structures. In the RR Rural Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Excavations only for stormwater retention ponds for which a permit is required by this Code.

Family in-home day care as defined by law.

Hobby breeder.

Home occupations, Class A (refer to section 3-127).

Keeping of backyard chickens and ducks for personal use (not for resale or the commercial sale of eggs) that is accessory to a single-family residential dwelling and in compliance with supplemental restrictions set forth in this code.

Parks and recreation areas accessory to residential developments.

Single-family standard dwelling.

Keeping of horses and ponies as an accessory use to residential dwelling.

Keeping of pets as an accessory use to residential dwelling.

Publicly owned parks and recreational areas.

SECTION 3. ADOPTION. Chapter 3, Article III, Division 3, Section 3-89 of the City of DeBary Land Development Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

Sec. 3-89. - RA Rural Estate Classification.

(a). Purpose and intent. The purpose and intent of the RA Rural Estate Classification is to provide for low density development.

(b). Permitted principal uses and structures. In the RA Rural Estate Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Excavations only for stormwater retention ponds for which a permit is required by this Code.

Family in-home day care as defined by law.

Home occupations, Class A (refer to section 3-127).

Keeping of backyard chickens and ducks for personal use (not for commercial sale or resale of eggs, feathers, or manure) that is accessory to a single-family residential dwelling and in compliance with supplemental restrictions set forth in this code.

Keeping of horses and ponies as an accessory use to residential dwelling.

Keeping of pets as an accessory use to residential dwelling.

Parks and recreation areas accessory to residential developments.

Publicly owned parks and recreational areas.

Single-family standard dwelling.

SECTION 4. ADOPTION. Chapter 1, Section 1-3(c) of the City of DeBary Land Development Code is hereby amended to add the definition of backyard chicken(s) as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

Sec. 1-3. - Definitions and rules of construction.

Backyard chicken(s) – chickens and ducks kept as an accessory use to a single-family residential unit for personal (non-commercial) use. Poultry or fowl, other than chickens and ducks, are not considered back yard chickens and are prohibited.

SECTION 5. ADOPTION. A new Section 3-139 of Chapter 3, Division 4 of the City of DeBary Land Development Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

DIVISION 4. - SUPPLEMENTARY REGULATIONS

Sec. 3-139. – Backyard Chickens.

When backyard chickens are permitted by the underlying zoning district, the keeping of chickens is subject to the following supplemental restrictions:

- (a) Neither chickens nor ducks will be permitted to roam free outside of the boundaries of the property owned or occupied by the owner of the chickens or ducks.
- (b) Chickens and ducks must be kept in a safe, sanitary environment, free from predators and rodents.
- (c) Chickens and ducks must not create excessive noise, odor, or other nuisance impacts to neighboring properties.
- (d) Geese, turkeys, peafowl, pigeons, or any other poultry or fowl are not allowed.
- (e) The commercial sale of chickens, ducks, eggs, feathers, or manure, or the breeding of chickens and ducks is prohibited. Regardless of the foregoing, the small-scale sale of eggs and/or fowl that does not generate more than \$600 in revenue per year is excepted from this restriction.
- (f) The owner of the chickens and ducks must occupy a single-family residential dwelling on the property for which the chickens are kept.
- (g) Structures and other enclosures for keeping chickens or ducks must receive a permit and meet the Florida Building Code and zoning code requirements, if applicable.
- (h) Structures and other enclosures for the keeping of chickens and ducks must be sized to provide a minimum of three (3) square feet per animal.
- (i) The total size of accessory structures or coops used to house backyard chickens may not exceed one-hundred twenty (120) feet per parcel.

SECTION 6. CODIFICATION. Sections 2, 3, 4 and 5 of this Ordinance shall be included and incorporated into the City of DeBary Land Development Code, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the Land Development Code may be freely made.

SECTION 7. SEVERABILITY. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 8. CONFLICTS. In the event of a conflict or conflicts between this Ordinance

and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

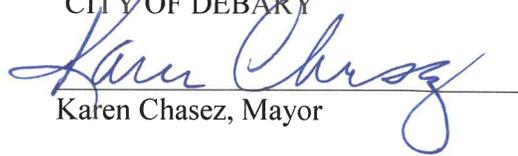
SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council, of the City of DeBary, Florida.

FIRST READING: August 17, 2022

SECOND READING: September 21, 2022

ADOPTED this 21st day of September, 2022, by the City Council of the City of DeBary, Florida.

CITY COUNCIL
CITY OF DEBARY


Karen Chasez, Mayor

ATTEST:


Annette Hatch, City Clerk