

**ORDINANCE NO. 2025 - 10**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 33-27.05 “LOW INTENSITY AGRICULTURE” AND CREATING A NEW SECTION 33-27.06 “URBAN OR BACKYARD CHICKENS” OF THE CODE OF ORDINANCES OF THE CITY OF DELAND BY PROVIDING FOR THE USE OF BACKYARD CHICKENS UNDER CERTAIN REGULATIONS; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the price of eggs has increased 40 percent from May 2024 to May 2025 according to the U.S. Bureau of Labor Statistics CPI Price index; and

**WHEREAS**, the health benefits of eggs produced by backyard chickens include improved nutrition resulting from, amongst other things, higher levels of protein and the reduced use of antibiotics; and

**WHEREAS**, the ability for property owners to raise chickens increases sustainability by reducing in some small measure the carbon footprint; and

**WHEREAS**, the City desires to allow up to four chickens on property zoned and used for single-family residential use within the R-R, R-R1, R-1AA, R-1A, R-1B, and R-1 zoning districts, as an accessory use, subject to the terms and conditions provided herein; and

**WHEREAS**, the City Commission finds that permitting a limited number of backyard chickens as an accessory use is in the best interests of the health, safety, and welfare of the residents of the City and that this Ordinance is consistent with the City’s Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:**

**Section 1. Legislative Findings and Intent.** The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative findings and intent of the City Commission.

**Section 2. Revision to Code.** Section 33-27.05 of Chapter 33 “Land Development Regulations” of the Code of Ordinances of the City of DeLand is hereby amended by adding the underlined and removing the ~~strikethrough~~, as follows:

*33-27.05. Low intensity agriculture.*

- (a) *Generally.* Low intensity agriculture is permitted only as an accessory use to single-family dwellings. The uses in this category include the raising of crops, citrus, or fern; and the keeping of livestock, including aviaries, and pisciculture, and ~~apiaries.~~

- (b) Urban or backyard chickens are permitted, subject to the standards outlined in Section 33-27.06.
- (c) ~~(b)~~ Low intensity agricultural uses are restricted to properties, which are located in either the R-R or R-R1 zoning districts. Low intensity agricultural land uses may be permitted in other single-family zoning districts, provided that the property is at least two acres in area and that a minimum of a Class C landscape buffer is provided along the perimeter of the property.
- (d) ~~(e)~~ *Where allowed.* Low intensity agricultural uses which are an accessory use to a single-family residence may be located in any of the following zoning districts, provided that the use is consistent with the Comprehensive Plan and the requirements of this section are met: R-R, R-R1, R-1AA, R-1A, R-1B, and R-1.
- (e) ~~(d)~~ *Other applicable regulations.* The primary use shall comply with all applicable local, regional, state, and federal regulations for the district in which the primary use is located.
- (f) ~~(e)~~ *Nonconforming uses.* Property which does not meet the minimum required lot size or minimum setback requirements of the specific zoning district in which the structure is located shall not be permitted to have low intensity agriculture as an accessory use.

**Section 3.** New Provision Relating to Urban or Backyard Chickens in *City Code*. New provisions of the *Code of Ordinances of the City of DeLand* are created and enacted to read as follows:

*33-27.06 Urban or Backyard Chickens*

- (a) *Generally.* The keeping of urban or backyard chickens for personal use may be permitted in the R-R, R-R1, R-1AA, R-1A, R-1B, and R-1 zoning districts, as an accessory use, subject to specific requirements and upon issuance of an Urban Chicken Permit, provided the following criteria are met:
1. No more than four (4) chickens may be kept on any single-family residential property.
  2. Roosters are prohibited.
  3. Ducks, geese, turkeys, peafowl, or any other poultry or fowl are prohibited under the provisions of this section.
  4. The required coop and enclosure shall not total more than 100 square feet.
  5. Chickens and associated activities shall be kept for personal use only. Selling chickens, eggs, or chicken manure, is prohibited.
  6. The breeding of chickens is prohibited.
  7. The coop and enclosure shall be located in the rear yard, as defined by the City's Land Development Regulations.
  8. No coop or enclosure shall be allowed in any front, side, or street-side yard.
  9. Chickens shall be kept in an enclosed area with an immobile coop and enclosure; chickens are not permitted to be free-range.
  10. Chicken tractors and mobile coops are prohibited.

11. The coop and enclosure shall be easily accessible for cleaning and maintenance.
12. The coop shall be covered and ventilated, and an enclosure run is required. The coop must be completely secured from predators, including all openings, ventilation holes, doors, and gates and shall meet the requirements specified by the University of Florida Institute of Food and Agricultural Sciences (IFAS), publication AN239.
13. Coops and enclosures shall include chicken wire or other barriers, buried 12-18 inches in an L-shape at the perimeter of the structure to deter predators.
14. All stored feed must be kept in a rodent-and predator-proof container.
15. The slaughtering of chickens is prohibited.
16. Chickens shall not be permitted to create a nuisance consisting of odor, noise, or pests, or contribute to any other nuisance condition.
17. Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times.
18. No manure may be allowed to accumulate on the floor of the coop or ground. Urban Chicken Permit holders must implement a manure management program, whereby the coop and enclosure are cleaned regularly. A fly-tight bin for storage of manure must be utilized; the size of which must be sufficient to contain all accumulations of manure. The fly-tight bin must be kept at least 20 feet away from all property lines.
19. Persons granted an Urban Chicken permit are encouraged to attend an appropriate training session made available by the University of Florida Institute of Food and Agricultural Sciences to learn safe chicken and egg practices.

*(b) Standards*

1. Maximum number of chickens: four (4)
2. Total maximum size of enclosure and coup: 100 square feet
  - a. Setbacks:
    1. Rear: 10 feet
    2. No coop or enclosure shall be located within the front, side or street-side yard.
  - b. Maximum height of coop and enclosure: eight (8) feet

*(c) Procedures for the granting of Urban Chicken Permits.* The Planning Division shall administer the Urban Chicken Permit. A separate Building Permit is required for all non-pre-fabricated coops or enclosures. An Urban Chicken Permit is required for chickens to be kept, harbored, raised, or maintained in chicken coops and enclosures as hens for eggs as an accessory use to a single-family residential structure, subject to the chicken permit process below:

1. An Urban Chicken Permit may be issued once a complete application has been submitted, reviewed, and approved.
2. The owner or other person with authority to bind the owner of the property for which an Urban Chicken Permit is to be issued must sign the application.
3. The coop and enclosure may be subject to an annual inspection to ensure that the area is being maintained in a manner that is safe and sanitary for the animal(s) and

does not create a nuisance. As a condition of the issuance of an Urban Chicken Permit, the permit holder authorizes City of DeLand representatives to enter onto the rear yard of the subject property, with the right to open any gates or fences to gain access, for the limited purpose of inspecting the coop and enclosure. Notice, by email or leaving of a door hangar shall be provided at least 48 hours prior to any inspection and inspections will normally be conducted during business hours.

(d) *Urban Chicken Permit Submittal Requirements.* An Urban Chicken Permit application must include the following:

1. A completed Urban Chicken Permit application.
2. Payment of a fee in the amount of \$100. The fee will be reduced by 50% for applicants who have successfully completed the training session made available by the University of Florida Institute of Food and Agricultural Sciences to learn safe chicken and egg practices.
3. A signed affidavit acknowledging that the Urban Chicken Permit shall comply with Section 33-27.06 and may be revoked for any violation of Section 33-27.06.
4. A survey of the property which shows the proposed location of the coop and enclosure. Such survey shall include dimensions and details which demonstrate compliance with the requirements for urban or backyard chickens. Upon approval by the Planning Division, an acceptable alternative such as a plot plan or other detailed dimensioned drawing may substitute for a survey, provided all dimensions and details are shown and the alternative clearly demonstrates compliance with the dimensional and locational requirements.
5. Dimensioned and detailed drawings depicting and demonstrating the method for securing and anchoring the coop and enclosure as well as a detail for the buried barrier.
6. Details, plans, and specifications for the coop, enclosure, and fly-tight storage bin.

(e) *Separate building permit required:*

1. Pre-fabricated or pre-designed coops or enclosures do not require a building permit; a building permit is required for all other types of coops or enclosures.

(f) *Violations.*

1. Failure to maintain the coop or enclosure or other violation of the requirements of this Section 33-27.06, or any requirements specific to an Urban Chicken Permit, may be subject the permit holder to revocation of their Urban Chicken Permit. The city will not be held responsible or liable for any losses to the applicant if such Urban Chicken Permit is revoked.
2. A person found to have failed to maintain the coop or enclosure or to be in violation of the requirements of this Section 33-27.06, or any requirements specific to an Urban Chicken Permit, may be issued a notice of violation by any City official. Such violation notice will give the person a minimum of ten calendar days in which to correct the violation(s) listed in the violation notice.

3. A permit holder receiving a violation notice shall have the right to appeal such notice. The appeal shall be filed by submitting a written notice of appeal to the office of the City Clerk within ten calendar days of the issuance date of the violation notice. The notice of appeal shall attach a copy of the violation notice and identify the specific reason why the permit holder believes that there is not a violation as identified in the violation notice. The City's Planning Director or his or her designee shall review the written appeal and shall either withdraw the notice or set the matter for a hearing before the City's hearing officer, which hearing shall be set as expeditiously as reasonably possible. Notice of the hearing shall be provided by email and by regular mail to the permit holder at the address at which the chickens are located. The City shall have the burden of proof at the hearing to establish that there is a violation. If the hearing officer determines that there is a violation, the hearing officer shall determine and reduce to writing in a written order what needs to be done in order to cure the violation and the amount of time in which that must be done. If the permit holder does not strictly comply with the order issued by the hearing officer, then the City shall be entitled to remove the chickens and, by accepting the Urban Chicken Permit, the permit holder is deemed to have authorized the City to enter the permit holder's property and take the chickens, to be disposed of as the City's animal control officer deems appropriate.
4. In the case of emergency or other threat to public health, the City is authorized to immediately remove chickens from the holder of any Urban Chicken Permit and to dispose of same as the City's animal control officer deems appropriate.

**Section 4. Revision to Code.** Section 33-12 of Chapter 33 "Land Development Regulations" of the *Code of Ordinances of the City of DeLand* is hereby amended by adding the underlined language, as follows:

#### *33-12 Definitions*

*Agricultural animals* shall mean animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.

*Agriculture, commercial* shall mean the production principally for the sale to others of plants, animals, or their products, including but not limited to: forage and sod crops, grain and feed crops, dairy animals, and dairy products; livestock, including dairy and beef cattle, poultry, sheep, swine, horses, ponies, mules, and goats; including the breeding and grazing of all such animals; bees and apiary products; fruits of all kinds including grapes, nuts, and berries; vegetables; nursery, floral ornamental and greenhouse products, and other commodities. Commercial agricultures shall not include poultry or swine production or animal feedlot operations.

*Chickens, backyard.* See Chickens, Urban

*Chickens, Urban* shall mean a limited number of female chickens permitted as a limited accessory use on single-family residential properties for the purpose of providing eggs for single-family

resident; roosters are prohibited. Also known as hens. Also known as backyard chickens. See Urban Chicken Regulations.

Fowl means a bird of the Galliformes that is kept for its fresh eggs and flesh.

Poultry means any animal belonging to the family of Phasianidae, including, but not limited to chickens, roosters, turkeys, peacocks, and any animal belonging to the family Anatidae, including, but not limited to, geese and ducks.

**Section 5. Implementing Administrative Actions; Adoption of Administrative Rules.**

(a) The City Manager is hereby authorized and directed to implement the provisions of this Ordinance as may be deemed necessary or appropriate by the City Manager.

(b) The City Manager may delegate responsibilities arising under this Ordinance to such City employees as deemed appropriate and necessary.

**Section 6. Savings.** The prior actions of the City of DeLand in terms of the matters relating to the regulation of low intensity agriculture, are hereby ratified and affirmed.

**Section 7. Conflicts; Repealer.** All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

**Section 8. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 9. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.**

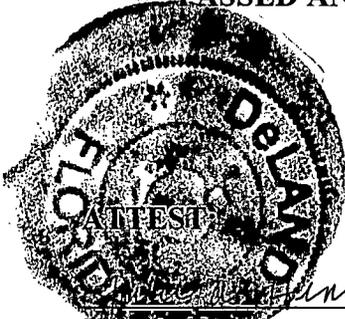
(a) The provisions of Section 2 through 4 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 1 and Sections 5 through 10 shall not be codified.

(b) The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

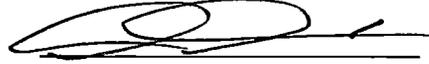
(c) In accordance with the City's ongoing codification program, the City Clerk-Auditor in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

**Section 10. Effective Date.** This Ordinance shall become effective immediately upon adoption.

**PASSED AND DULY ADOPTED** this 3<sup>rd</sup> day of November, 2025.



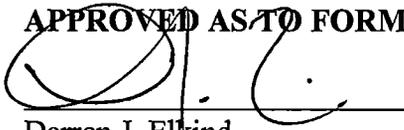
  
Julie A. Hennessy  
City Clerk - Auditor



Christopher M. Cloudman  
Mayor - Commissioner

Passed on first reading: July 07, 2025  
Adopted on second reading: August 04, 2025

**APPROVED AS TO FORM AND LEGALITY:**



Darren J. Elkind  
City Attorney