

ORDINANCE NO. 2013-03
**(Adoption of Amendments to the City of North Port, Florida
Unified Land Development Code, Chapter 53)**

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA,
AMENDING THE CITY OF NORTH PORT UNIFIED LAND
DEVELOPMENT CODE, CHAPTER 53, CONCERNING PERMITTING
OF CHICKENS IN THE RESIDENTIAL ZONING DISTRICT; PROVIDING
FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, the Unified Land Development Code currently prohibits the keeping of poultry within the city limits except in Agricultural Zoning District (AG); and

WHEREAS, the City has received questions and comments from interested citizens regarding the raising of chickens in residential areas of the city limits; and

WHEREAS, at a workshop held on January 14, 2013, the City Commission directed Staff to prepare an ordinance to allow chickens in the City of North Port residential areas; and

WHEREAS, the City Commission desires to amend the City's Unified Land Development Code which will be applicable to the keeping of chickens within the city limits so as to protect public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. FINDINGS.

The City Commission hereby makes the following findings:

1.01 The City of North Port has broad home rule powers granted by the Florida Constitution to enact ordinances which are not inconsistent with general or special law for the purposes of protecting the public health, safety, and welfare of its citizens; and

1.02 On June 14, 2010, through the adoption of Ordinance No. 2010-14, the City Commission enacted the updated Unified Land Development Code which regulates all land uses within the City of North Port; and

1.03 Regulations permitting the keeping of chickens in single family residential zoning districts would

meet the additional needs and desires of the citizens, enhance economic development, and ensure the health, safety and welfare of the entire citizenry.

SECTION 2. ADOPTION.

2.01 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code, which is attached hereto, and incorporated herein, as Exhibit "A".

SECTION 3. CONFLICTS.

3.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. SEVERABILITY.

4.01 If any section, subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. CODING OF AMENDMENTS.

5.01 In this Ordinance, additions are shown as underlined and deletions as strikethrough. These editorial notations shall not appear in the codified text.

SECTION 6. EFFECTIVE DATE.

6.01 This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY in public session this _____ day of _____, 2013.

PASSED and ADOPTED on second and final reading in public session this _____ day of _____, 2013.

CITY OF NORTH PORT, FLORIDA

LINDA M. YATES
Mayor

ATTEST:

HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:

ROBERT K. ROBINSON
City Attorney

EXHIBIT A

Article IX. RSF RESIDENTIAL SINGLE-FAMILY DISTRICT

Sec. 53-121 - Permitted principal uses and structures.

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H. Keeping of chickens as accessory to a residential single-family structure, subject to the following restrictions:

(1) No more than six (6) chickens may be kept, with roosters prohibited.

(2) No person shall slaughter any chickens.

(3) The chickens shall be provided with a movable covered enclosure (i.e. "hen house/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours.

(4) The space per fowl in the henhouse/coop shall not be less than four (4) square feet per fowl.

(5) No covered enclosure or fenced enclosure shall be located in the front yard, nor shall the henhouse/coop be closer than ten (10) feet to any property line of an adjacent property, nor within twenty-five (25) feet of any adjacent residential structure. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries.

(6) All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly.

(7) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them.

(8) The sale of eggs or any other chicken products generated in the City of North Port is prohibited.

(9) No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

(10) This section applies to the keeping of chickens only in a residential single-family district, and does not apply to any other animal or fowl.

Sec. 53-122. - Prohibited uses and structures.

Any use, structure or activity not specifically or provisionally permitted herein, including specifically adult entertainment, or exhibition establishments, adult bookstores or any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. The following uses are specifically prohibited:

- A. Adult gaming.
- B. The parking and storage of construction equipment except in connection with authorized active, continuing construction on the premises.
- C. The keeping of farm animals, exotic animals, livestock and poultry, except for chickens as permitted under Section 53-121, or any animal normally found in the wild.
- D. The operation of a business unless specifically permitted as a home occupation. There shall not be evidence of business activity on the premises, including the parking and storage of commercial vehicles, material storage, inordinate vehicular traffic, outside storage, or advertising signs.
- E. Any car service activity other than that done by the homeowner, or by a service professional who has been granted permission by the homeowner, to the homeowner's vehicle shall be expressly prohibited.
- F. Manufacturing or industrial establishments.
- G. Wholesale establishments.
- H. Wholesale clubs.
- I. Warehouse and storage.
- J. Junkyard or automobile wrecking yard.
- K. Dumpster containers that are not in conjunction with construction or renovation.
- L. Fireworks sales or manufacturing.
- M. Incinerators.
- N. Retail sales.
- O. Bail bondsmen.
- P. Check quick cashing and quick loan establishments.
- Q. Pawn shops.
- R. Body art establishments.