



# AGENDA REQUEST

**AGENDA HEADING:**

Unfinished Business

**COMMISSION MEETING DATE:**

February 18, 2014

**AGENDA ITEM NO:**

XIII.1.

**BY** Neighborhood and Development  
Services

Timothy Litchet

Planning and Development Services  
General Manager Schneider

Originating Department

Department Head

Presenter

**SUBJECT:**

Status Report Re: Report on City of Sarasota's Urban Chicken Keeping Ordinance

**COMMISSION PRIORITIES:**

Quality of Life

**EXPLANATION:** (see next page for additional explanation)

At the request of Citizens Lobbying for Urban Chicken Keeping (CLUCK), the City Commission amended the City Code on February 7, 2011 to permit the keeping of chickens within the city limits. Highlights of the ordinance include: a property containing a single family home can have up to four chickens and no roosters, the chickens must be contained in a moveable coop or a fenced back yard, and the chickens must be securely contained within a coop at night. In addition, a minimum space of 4 sq. ft. per bird, setbacks from property lines and adjacent residential structures, and other standards designed to keep rodents and other pests away from the chickens and their feed are required. Killing chickens to eat and the sale of any eggs produced are also not allowed. As part of ordinance approval the City Commission requested Neighborhood and Development Services to report back within three years on how this ordinance has worked in practice.

For the first 6 months after adoption no complaints regarding chickens or roosters were received. Since then, the Neighborhood and Development Services Code Compliance division has received 21 verified complaints. Seven complaints dealt with

**ADMINISTRATION'S RECOMMENDATION:**

With the continued cooperation and assistance of CLUCK, staff recommends no change to the ordinance.

**APPROVAL SUMMARY:**

# AGENDA REQUEST

Approval	Required	Date Completed	Completed By	Status
Department Head Approval	Y	02/04/2014	Timothy Litchet	APPROVED
Deputy City Manager Approval	Y	02/06/2014	Marlon Brown	APPROVED
City Manager Approval	Y	02/06/2014	Marlon Brown	APPROVED
City Auditor and Clerk Approval	Y	02/06/2014	Pamela Nadalini	APPROVED



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## **ADDITIONAL EXPLANATION:**

chickens and 14 specifically about roosters. The chicken complaints included too many chickens or chickens roaming outside the property. We have no explanation for the increase in complaints other than the assumption that new residents may not be aware of the specific restrictions regarding keeping chickens and the prohibition on keeping roosters. Once a complaint is verified staff will notify CLUCK representatives if it is felt that additional education is warranted for the homeowner. In some instances it is such a minor matter that staff handles it without notifying CLUCK. The complaints have been scattered throughout the City so there is not a concentration in any one neighborhood. There has only been one property with two chicken related complaints and they were for different reasons.

City Code Enforcement staff handles over 2000 complaints a year. Therefore an average of 7 complaints would be related to chicken keeping annually. At this point, the handful of additional chicken complaints has not overburdened staffs' workloads. Additional information submitted by Jono Miller of CLUCK is attached.

## **ADDITIONAL ADMIN RECOMMENDATION:**

## **FUNDING SOURCE:**

## **AMOUNT:**

## **HOUSING IMPACT (Per House):**

## **NEW CONSTRUCTION:**

## **REHABILITATION:**

\$ 0

\$ 0

## **SUPPORT DEPARTMENTS:**

City Auditor and Clerk - Pamela M. Nadalini

Neighborhood and Development Services -

Timothy Litchet

City Commissioners - Thomas Barwin

Commission Liaisons - Marlon Brown

## **AGENDA DISPOSITION**

## **COMMISSION ACTION:**

Final Action Motion: \_\_\_\_\_

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

Vote: \_\_\_\_\_

## Sarasota CLUCK perspective on three years of Ordinance 11-4955

Submitted by Jono Miller, Charter Founder

The Town of Sarasota was incorporated as a City in 1913 and it was not until 2000 that chickens were banned -- partially in direct response to one inconsiderate resident that had accumulated 45 chickens, 40 rabbits, 8 turkeys, 2 pheasants, and a pygmy goat on a single-family lot! The passage of Ordinance 11-4955 in 2011 means that the City of Sarasota has now been chicken-tolerant for 89% of its history. CLUCK views the recent three-year period since passage of 11-4955 as an overall success and attributes that success to a variety of factors.

**Education** CLUCK wants people to have success with chickens and from the beginning we have been working with the local County IFAS Extension Office, which has offered several local Chicken 101 classes. Our Sarasota CLUCK blog has over 250 distinct posts (which have been viewed over 98,000 times), many of which provide useful information for people interested in backyard chickens. For instance, CLUCK's advice on how to design a secure coop here in Southwest Florida has been viewed 2,800 times. And our quiz that attempts to assess whether someone would be a successful chicken owner has been viewed 1,644 times. Our Sarasota C.L.U.C.K. (note the periods) Facebook group has over 750 members (most live outside the City) and routinely uses networking to address concerns regarding sources of organic feed, maladies, etc.

**Movable coops** Not many locales require movable coops, but Sarasota's requirement contributes to success in a variety of ways. Being movable tends to limit size and visual intrusion of the structure and makes it possible to relocate if weather conditions mandate. Relocating the birds provides them with new territory, which provides access to new food sources and, which can minimize problems caused by remaining in one spot for protracted periods. Of course, the ability to relocate a coop not only has the potential to ameliorate any neighbor concerns, but it also makes it easier for households to sell not only the birds, but also their shelter, if necessary.

**No Permits** The lack of permitting has minimized paperwork for the City and chicken owners alike. That has allowed the City to focus on problems.

**Cooperation with Code Enforcement** Once the ordinance passed, CLUCK worked with City staff to provide informal support for code complaints related to chickens. On several occasions staff has contacted myself, and I either delegate or personally look into complaints by visiting the address of the alleged violation. This approach reduces staff commitment on easily-solved situations.

**Outreach** In addition to local success, your ordinance has been of interest to people elsewhere. Our online annotated version of the ordinance has been viewed 2,774 times and apparently has been a model for draft ordinances in other locales. In addition, the CLUCK blog has been a resource for others elsewhere and Sarasota CLUCK has provided advice to backyard chicken advocates in two locations where ordinances passed (Jacksonville and Bradenton) and one where the ordinance failed on a 2-2 vote (North Port).

**Challenges:** It is CLUCK's understanding that passage of Ordinance 11-4955 has not resulted in a noticeable or problematic increase in the number of annual chicken-related complaints, which are a very small fraction of total code-related complaints. The largest source of complaints seems to be roosters and we suspect this is the result of people acquiring young birds with the assumption that they are pullets (young females), when some or all turn out to be males and begin crowing. CLUCK plans to work with local chick sellers to clearly explain that "straight-run" chicks contain, on average, 50% male chickens that will become roosters.

The other local challenge lies outside the City. Chicken complaints have increased dramatically in unincorporated Sarasota County. That is probably a function of increased interest in backyard hens combined with confusion about where hens are legal. Because hens are legal in the urban City, many people reason they must be legal in the suburban sections of the County. [They are legal in Open Use zoning categories.] The solution is to adopt reasonable regulations allowing hens in the suburban County and an online petition to do so now has close to 250 signatures. Education, compliance, and enforcement will be facilitated by the extent to which a county ordinance matches the current city ordinance.

What follows are some sample testimonials.

I am thrilled with the backyard chicken ordinance that the City of Sarasota adopted some three years ago. Having hens in my yard, not only provides my family with fresh wholesome eggs, it teaches my children about responsibility and creates a focal point for neighbor kids to come over and visit, care for, and appreciate. It's also created many opportunities for me to spend quality time with my kids. We've had no problems with neighbors and all around it has been very well received. Thank you for making this happen, I hope it gets adopted for permanent fixture in our City. - Jesse White, 4801 Eastchester Dr.

Thank you City of Sarasota for your bold actions to allow backyard Chickens. As a hobby I build Chicken coops, countless stories from my customers how raising chickens has brought there families an neighbors closer together plus nutritious eggs. I hope Sarasota County can follow the forward thinking of our city commissioners and their staff. Thanks again for supporting the local guy.  
Ira of <http://www.urbanchickentractors.com/>

I have had chickens for two years now in the city of Sarasota. It had been wonderful for my family. We get fresh eggs everyday and my sons love playing with the chickens. They have become part of the family. I hope the law continues. JBM

## ORDINANCE NO. 11-4955

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE SARASOTA CITY CODE, CHAPTER 8, ANIMALS, TO ALLOW CHICKENS TO BE KEPT IN THE CITY SUBJECT TO RESTRICTIONS MORE FULLY SET FORTH HEREIN; PROVIDING FOR REGULATIONS ASSOCIATED THEREWITH; PROVIDING THAT PRIVATE RESTRICTIONS MAY BE MORE STRINGENT THAN APPLICABLE CITY REGULATIONS; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID OR UNENFORCEABLE; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Code currently prohibits the keeping of poultry within the city limits; and,

WHEREAS, the City Commission recognizes there has been a nationwide movement towards sustainable, local food production which aims to foster a greater sense of community, to educate children about food origins and production, and to reduce energy and transportation costs and environmental concerns associated with modern farming; and,

WHEREAS, at the request of the organization known as Citizens Lobbying for Urban Chicken Keeping ("CLUCK") and other interested citizens, the City Commission wishes to amend the City Code so as to permit the keeping of chickens within the city limits, subject to the limitations set forth herein; and,

WHEREAS, the City Commission desires to amend the City Code to set forth regulations which will be applicable to the keeping of chickens within the city limits so as to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

**Section 1.** The Code of the City of Sarasota; Chapter 8, "Animals", Section 8-2, "Keeping livestock and certain animals prohibited" is hereby amended:

(Additions to text are indicated by underline; deletions by ~~strikeout~~).

Sec. 8-2. Keeping livestock and certain animals prohibited.

(a) Except for a retail establishment engaging in the lawful sale of animals and Sarasota Jungle Gardens, it shall be unlawful for any person to keep, harbor, raise or maintain the following:

(1) Any livestock;

(2) Any poultry, except chickens being kept, harbored, raised, or maintained as accessory to a residential single family structure, subject to the following restrictions:

a. No more than four (4) chickens may be kept, with roosters prohibited;

b. No person shall slaughter any chickens;

c. 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;

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

e. 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;

f. 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;

g. 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;

h. The sale of eggs or any other chicken products generated in the City of Sarasota is prohibited;

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

(3) Any rabbits, except those being kept, harbored, raised or maintained:

a. As pets within a completely enclosed dwelling or detached garage capable of housing at least two cars;

b. In an outside enclosure, coop or pen, up to a maximum of two rabbits.

(b) Notwithstanding the provisions of subsection (a) above, the city manager or his designee may, by special permit, authorize the keeping harboring, raising or maintaining of livestock, poultry or rabbits (not within a dwelling) within the city limits. A special permit may only be issued for a specified limited period of time and shall set forth such conditions or requirements as shall be deemed necessary to mitigate the potential adverse effects upon neighboring properties. In determining whether a special permit shall be issued, the city manager or his designee shall consider the nature of the request, the potential benefit to the city or the general public which may result if the special permit is granted, and any adverse effects which neighboring properties may experience if the special permit is granted.

**Section 2.** Nothing herein shall affect the ability of private property owners and/or neighborhoods to create and/or enforce private restrictions (including but not limited to: deed restrictions, condominium/association restrictions and by-laws, or private covenants), which may provide more stringent regulation of chicken keeping than provided for herein, including the prohibition of chicken keeping.

**Section 3.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this


Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

**Section 4.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.


**Section 5.** City Neighborhood and Development Services Department staff shall make a presentation and report to the City Commission regarding the keeping of chickens in the City pursuant to this ordinance by no later than three (3) years after its effective date. The report shall contain an assessment and evaluation of how this ordinance has worked in practice and may recommend amendments to this ordinance in order to better address any particular circumstances that have occurred as a result of urban chicken keeping. After receipt of the report, the City Commission may determine that no further action is warranted or may set a public hearing to consider either amendment or repeal of this ordinance.

**Section 6.** This ordinance shall take effect immediately upon second reading. PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 24th day of January, 2011.

PASSED on second reading and finally adopted this 7th day of February, 2011.

  
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Kelly M. Kirschner, Mayor

ATTEST:



Pamela M. Nadall  
City Auditor and Clerk

Yes Mayor Kirschner  
Yes Vice Mayor Atkins  
Yes Commissioner Atwell  
Yes Commissioner Clapp  
Yes Commissioner Turner