



Legislation Text

File #: 16-0719, **Version:** 1

TO: Honorable Mayor & Members of the North Port Commission

FROM: Jonathan R. Lewis, ICMA-CM, City Manager

TITLE: Ordinance No. 2016-42, second reading, Petition No. TXT-16-221, Amending the City of North Port Unified Land Development Code (ULDC) Chapter 53, permitting of chickens in the Residential Zoning District.

Recommended Action

Approve Ordinance No. 2016-42, Petition No. TXT-16-221, Amending the City of North Port Unified Land Development Code (ULDC) Chapter 53, permitting of chickens in the Residential Zoning District for adoption.

Background Information

At its regularly scheduled meeting of December 13, 2016, the City Commission heard at first reading, Ordinance No. 2016-42, amendments to the City of North Port Unified Land Development Code (ULDC) Chapter 53, to allow chickens as a permitted use in the Residential Zoning District with the following modifications to Sec. 53-121 H. of the ordinance as follows:

1. Amending Sec. 53-121H.(1) to read "No more than four (4) hens may be kept on a 80' x 120' lot or six (6) hens on two (2) or more lots may be kept, with roosters prohibited.
2. Amending Sec. 53-121H. adding item #11 to read exactly as the adopted Sarasota County Ordinance concerning unwanted chickens. The following language has been added to read: "Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released. Unwanted chickens may be taken to Health & Human Services Mosquito Control Division for utilization in the Sentinel Chicken Program".
3. Amending #8 to read: "The sale of eggs or any other chicken products generated in a residential single-family district cannot be sold in a residential single-family district".
4. The word "chicken" shall be replaced with the word "hen".

The changes as directed by Commission have been incorporated into Ordinance No. 2016-42 for second reading and adoption.

History

The City Commission held a workshop on January 14, 2013 to discuss the raising of chickens within the limits of the City of North Port. Staff was directed to provide an ordinance that mirrors the regulations of the City of Sarasota regarding the raising of chickens in the Residential Single Family (RSF) zoning district.

Based on the Commission direction, Staff drafted Ordinance 2013-03, file number TXT-13-024, a proposed text amendment to the City of North Port Unified Land Development Code (ULDC) to amend Chapter 53, Article IX. - RSF Residential Single-Family District, Section 53-121 and Section 53-122 to allow chickens in the Residential Single-Family (RSF) zoning district.

- Ordinance 2013-03, TXT-13-024 was presented to the Planning and Zoning Advisory Board (PZAB) on April 4, 2013. The Planning and Zoning Advisory Board did not recommend approval, with a 4-3 vote dissenting. The board had raised several concerns regarding the keeping of chickens in residentially zoned areas.
- Ordinance 2013-03, TXT-13-024 was presented to City Commission on April 22, 2013 for first reading and the

item was continued to second reading on May 13, 2013 with minor changes to the ordinance:

- Reducing the number of hens that may be kept from 6 to 4; and,
- Including a provision requiring written consent to the presence of chickens to be secured from all abutting developed property owners prior to the placement of chickens on the respective property.

Ordinance 2013-03 failed on a 2-2 vote by City Commission at the second reading.

- An agenda item was placed on the June 14, 2016 regularly scheduled Commission meeting to discuss the keeping of chickens (hens) as pets in residential zoning areas and to direct staff to draft an ordinance mirroring the City of Sarasota regulations for the keeping of hens in single-family residential areas of North Port, with the ability of deed restricted communities to adopt their own regulations prohibiting chickens and include a provision that requires staff to make a presentation to the Commission no later than 3 years providing a report that includes an assessment, data and evaluation of how the Ordinance has worked in practice. The motion failed with a 3-2 vote.

At their regularly scheduled meeting of November 22, 2016, the City Commission directed staff to bring an ordinance for first reading mirroring the City of Sarasota regulations for the keeping of hens in single-family residential areas. Staff has attached draft Ordinance 2016-42, formerly known as Ordinance 2013-03. This ordinance is the exact ordinance heard by PZAB on April 4, 2013 and subsequently at first reading by City Commission on April 22, 2013.

Ordinance No. 2016-42 was advertised in a newspaper of general circulation within the City of North Port on December 3, 2016 pursuant to the provisions of Chapter 166, Florida Statutes, Section 9.01(b) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC) regarding public notice.

Procedure

Section 1-21.C of the ULDC provides that: "The department responsible for land development services will present each ULDC proposed change first to the Planning and Zoning Advisory Board and then to City Commission."

Section 1-12. B (2) of the ULDC provides that: "All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board in the manner herein set out." Section 1-12. E details the nature and requirements of the Planning and Zoning Advisory Board's report to the City Commission. Section 1-12.H sets forth the process for City Commission action on the Planning and Zoning Advisory Board report.

Points for Commission's consideration:

1. The Planning and Zoning Advisory Board heard and considered Ordinance 2013-03, on April 4, 2013 and the board's recommendation was denial to the City Commission. Subsequently, the Ordinance failed at second reading by City Commission with a 2-2 vote.
2. It has been three (3) years and seven (7) months since the Planning and Zoning Advisory Board heard Ordinance 2013-03.
3. Typically, when an Ordinance fails at second reading, at Commission, it is considered over. The Commission may want to consider sending this ordinance, 2016-42 back to PZAB for recommendation before first reading by Commission.

Legal has been consulted regarding Ordinance No. 2016-42 and is recommending the following additions to Ordinance No. 2016-42:

WHEREAS, this ordinance is based upon ordinances enacted by the City of Sarasota and the County of Sarasota; and

WHEREAS, the findings of fact, if any, used by the City of Sarasota and the County of Sarasota are hereby adopted by reference; and

WHEREAS, to the extent any application of this ordinance conflicts with Florida State Statutes Section 761.03, Florida State Statute will apply.

Strategic Plan

Financially Responsible City Providing Quality Municipal Services

Financial Impact

Not Applicable

Procurement

Not Applicable

Attachments:

1. Ordinance 2016-42
2. Sarasota County Ordinance No. 2016-44
3. City of Sarasota Report on Urban Chickens