



**CITY OF UMATILLA
AGENDA ITEM STAFF REPORT**

DATE: May 31, 2017

MEETING DATE: June 20, 2017

SUBJECT: Ordinance 2017 – A, Second Reading

ISSUE: Backyard Chickens

BACKGROUND SUMMARY: At the May 2nd Council meeting a draft ordinance related to Back Yard Chickens was reviewed by the Council. Attorney Stone presented the proposed changes to the Land Development Regulations based on Lake County's regulations.

Council consensus was three (3) in favor, two (2) opposed to moving forward with the ordinance. Attorney Stone said the ordinance allowing chickens would be brought back and the Council could finalize the desired set-backs.

The ordinance presented at the May 16th Council meeting contained set-backs of 20' and a motion failed adopting the presented ordinance during the first reading. A subsequent motion increasing the set-backs to 25' passed with a 3-2 vote.

STAFF RECOMMENDATIONS: Vote on Ordinance 2017 – A, Second Reading.

FISCAL IMPACTS: N/A

COUNCIL ACTION:

MOTION by Purvis; SECOND by Butler; to approve the first reading of Ordinance 2017-A.

AYES: Purvis, Butler

NO: Adams, Olson, Wright

Motion failed.

President Wright indicated she was not comfortable with a twenty-foot setback and said she would prefer a twenty-five foot setback.

Attorney Stone said a motion can be made to approve an ordinance on first reading with an amendment. The ordinance can be changed between the first and second readings. It can be approved with the condition of a revision as long as it does not change the purpose and the title is still applicable. This is a minor change. It would be proper to entertain any motion that would be made.

MOTION by Purvis; SECOND by Butler; to amend the previously read Ordinance 2017-A to read twenty-five foot setback from side, rear, and front property lines; all property lines.

AYES: Purvis, Butler, Wright

NO: Adams, Olson,

Motion carried.

Reviewed by City Attorney Yes No N/A

Reviewed by City Engineer Yes No N/A

- 40 1. Any person wishing to raise or maintain chickens on their property within the
41 enumerated zoning districts must first submit an application for a permit to do so
42 to the city's building department and obtain a permit from the City. Application
43 for a permit constitutes consent for the city to inspect the applicant's facilities
44 prior to issuance of the permit and during the life of the permit to ensure that the
45 facilities are adequate to meet the requirements of this section and that no
46 nuisance has occurred. A permit may contain conditions imposed to ensure
47 compliance with this section.
- 48 2. No more than five (5) chickens may be kept;
- 49 3. Slaughtering of chickens is prohibited;
- 50 4. Chickens must be secured within the chicken coop or other fenced enclosure,
51 suitable to protect them from dangers associated from predators and the
52 elements, at all times;
- 53 5. All feed and other items associated with the keeping of chickens that are likely
54 to attract or to become infested with rodents or other pests shall be kept in a
55 rodent and pest-proof container;
- 56 6. No manure shall be allowed to accumulate on the floor of the coop or ground.
57 A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient
58 to contain all accumulations of manure. The fly-tight bin shall be kept at least
59 twenty (20) feet away from all property; and
- 60 7. Composting of chicken manure shall be allowed in an enclosed bin. The
61 composting bin shall be kept at least twenty (20) feet away from all property
62 lines.
- 63 8. The sale of eggs, meat, feathers, or other chicken products from chickens
64 permitted pursuant to this section is prohibited.
- 65 9. The keeping of chickens shall not be considered a farm, nor is it considered the
66 process of farming.
- 67 B. *Chicken Enclosure.* Chicken coop or fenced enclosure shall be used to house
68 chickens. Any chicken coop or fenced enclosure used to house chickens shall:
- 69 1. Not be located in the front or side yards; and
- 70 2. Be set back a minimum of ~~twenty (20)~~ twenty-five (25) feet from all property
71 lines.
- 72 3. Serve to protect the chickens from dangers associated with predators and the
73 elements.
- 74 C. *Nuisance.*

75 1. Chickens shall not run free or be found at large, and shall not damage property
76 or deposit excretory matter upon the property belonging to anyone other than their
77 owner.

78 2. Chicken coops and run enclosures must be kept in a manner that does not create
79 a nuisance for neighbors, either by noise, odor, or accumulation of flies, rodents, or
80 other pests.

81 3. Removed excrement or other wastes shall be kept in airtight containers until
82 properly disposed.

83 4. The requirements set out in this section or set out in any permit issued pursuant
84 to this section shall be followed.

85 5. Violations of this subsection shall be enforced through the City's Code
86 Enforcement procedures and are subject to Code Enforcement penalties. A permit
87 issued under this section shall be revoked and chickens must be removed from the
88 associate property after three violations of this subsection have been found on three
89 separate events. This subsection is intended to be cumulative and supplementary to
90 other laws and regulations and shall not preclude enforcement thereof.

91 **Section 3. Severability.** If any section, sentence, clause, or phrase of the Ordinance is held to be
92 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
93 the validity of the remaining portion of this Ordinance.

94 **Section 4. Repeal.** All ordinances in conflict with the provisions of this Ordinance are hereby
95 repealed.
96

97 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon passage by the
98 City Council of the City of Umatilla.
99

100 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County,
101 Florida, this _____ day of _____, 2017.

102 _____
103 Mary C. Johnson
104 Mayor

106 ATTEST:
107 _____
108 _____
109 Karen H. Howard, CMC
110 City Clerk

Approved as to form:

Kevin Stone
City Attorney

Passed First Reading: May 16, 2017
Passed Second Reading : _____

114 [Seal]

NORTH LAKE OUTPOST
Published Weekly
Umatilla, Lake County, FLORIDA

STATE OF FLORIDA

COUNTY OF LAKE

Before the undersigned authority personally appeared *Matt A. Newby* Matt A. Newby, who on oath says that he or she is Publisher of the North Lake Outpost, a weekly newspaper published at 131 North Central Avenue, Umatilla, in Lake County, Florida; that the attached copy of advertisement, being a legal notice in the matter of THE UMATILLA CITY COUNCIL, NOTICE OF PUBLIC HEARING, was published in said newspaper in the issue of 5-18-17.

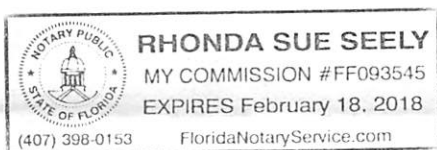
Affiant further says that the said publication is a newspaper published at 131 North Central Avenue, Umatilla, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as periodicals matter at the post office in Umatilla, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 18th day of MAY 2017, by MATT A. NEWBY, who is personally known to me or has produced _____ as identification.

Rhonda Sue Seely (Signature of Notary Public)

RHONDA SUE SEELY (Print, Type, or Stamp Commissioned Name of Notary Public)

_____(Notary Public)



NOTICE OF PUBLIC HEARING
ORDINANCE 2017 -- A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, AMENDING CHAPTER 8, MISCELLANEOUS REGULATIONS OF THE LAND DEVELOPMENT REGULATIONS; CREATING A NEW SECTION 9 ENTITLED "BACKYARD CHICKENS" ALLOWING THE KEEPING OF CHICKENS WITHIN THE AR, R-18, R-15, R-12, R-10, R-8 AND R-5 DISTRICTS UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Final reading of the proposed ordinance will be considered at the Umatilla City Council meeting on June 6, 2017 at 7:00 p.m. The meeting will be held in the City Council Chambers at 1 S. Central Avenue, Umatilla, Florida.

The proposed Ordinance may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at City Hall. For further information call (352) 669-3125.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Umatilla is an equal opportunity provider and employer.

Karen Howard, CMC
City Clerk

1-5-18