



## **PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT**

**MEETING DATE:** August 17, 2021

**AGENDA ITEM:** E.1.

**CASE:** TA2021-06001

**ORDINANCE NO.:** 9488-21

**REQUEST:** To amend the City of Clearwater's Community Development Code accessory uses/structures standards to allow for the keeping of backyard chickens and provide standards for associated accessory structures as an accessory use in certain residential zoning districts.

**INITIATED BY:** City of Clearwater, City Attorney's Office

### **BACKGROUND:**

At its regular council meeting held on May 6, 2021, the City of Clearwater City Council engaged in a discussion with city staff, residents, and chicken advocates regarding the possibility of allowing chickens in certain residential zoning districts in the City of Clearwater. During the meeting, the City Council requested that the City Attorney's Office prepare a draft ordinance to allow for the keeping of such chickens. After having worked closely with Planning and Development staff, the City Attorney's Office has prepared Ordinance 9488-21 which proposes to allow for the keeping of chickens as an accessory use in certain residential districts.

### **ANALYSIS:**

The proposed amendments to the Community Development Code revise the accessory use/structures specific standards in Section 3-204 and Article 8. Definitions and Rules of Construction as follows.

- Allows for the keeping of up to four backyard chickens as an accessory use to detached dwellings located in the LDR, LMDR, MDR, MHDR, and HDR zoning districts.
- Clarifies that the keeping of other poultry or fowl, including roosters, is prohibited.

- Generally prohibits the sale the chicken eggs, the sale of manure, and the breeding of chickens for commercial purposes. However, an exception is provided for the sale of eggs that are a part of a lawful home-based business that has obtained the necessary permits and approvals.
- Establishes location, size and other standards for chicken coops and associated chicken runs.
- Obligates owners to maintain chicken coops and runs in clean and sanitary manners to ensure proper health and sanitation, and establishes what situations would be a nuisance condition.
- Defines chicken, chicken coop, and chicken run.

It should be noted that a second supplemental ordinance is concurrently being processed through the City that proposes amendments to Chapter 8, Animals, of the Clearwater Code of Ordinances to provide consistency with the proposed backyard chickens accessory use section. However, the supplemental ordinance is not a subject for review by the City of Clearwater Community Development Board.

## **CRITERIA FOR TEXT AMENDMENTS:**

CDC Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.
2. The proposed amendment furthers the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed amendment does not conflict with the Comprehensive Plan, Community Development Code, or any other City ordinances. Specifically, the proposed text amendment will further the purposes of the CDC in that it will be consistent with the following purposes set forth in CDC Section 1-103:

Sec. 1-103.A. It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city.

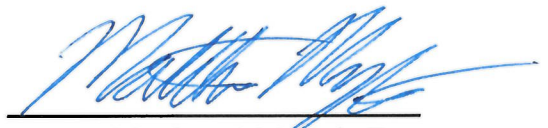
- Sec. 1-103.D. It is the further purpose of this Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.
- Sec. 1-103.E.2. Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city.
- Sec. 1-103.E.12. Coordinate the provisions of this Development Code with corollary provisions relating to parking, fences and walls, signs, and like supplementary requirements designed to establish an integrated and complete regulatory framework for the use of land and water within the city.

The proposed amendments will allow residents to keep backyard chickens for their personal use and enjoyment, adding to the city's quality of life, while maintaining the health, safety and general welfare of the community overall. Establishing general standards for the size, location, screening, and maintenance of the chickens' coop and run as accessory uses to the primary residential use of the property works to ensure compatibility with neighbors while furthering the city's sustainability objectives.

## SUMMARY AND RECOMMENDATION:

The proposed amendment to the Community Development Code is consistent with and will further the goals of the Clearwater Comprehensive Plan and the purposes of the Community Development Code. Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 9488-21 that amends the Community Development Code.

Prepared by City Attorney's Office:



Matthew J. Mytych, Esq.  
Assistant City Attorney

ATTACHMENTS: Ordinance No. 9488-21  
Resume