



To: City Council
From: Planning and Zoning Commission
Date: June 24, 2019
Re: Case #19005: 30th Amendment to the UDC – Keeping of Fowl

GENERAL INFORMATION

Applicant: City of Raymore

Requested Action: 30th Amendment to the Unified Development Code – Fowl

Advertisement: May 2, 2019 Journal Newspaper
June 6, 2019 Journal Newspaper

Public Hearing: May 21, 2019 Planning and Zoning Commission
June 24, 2019 City Council

Items of Record:

- Exhibit 1. Growth Management Plan
- Exhibit 2. Unified Development Code
- Exhibit 3. Notice of Publication
- Exhibit 4. Staff Report
- Exhibit 5. Photographs submitted by Jeff Adams
- Exhibit 6. Resident comments included in the 2019 Citizen Survey
- Exhibit 7. Citizen Survey results - backyard chickens
- Exhibit 8. Photographs submitted by Susan Dooley
- Exhibit 9. Comments submitted by Planning and Zoning Commissioner Melody Armstrong
- Exhibit 10. Documents submitted during public testimony before Planning and Zoning Commission on May 21, 2019

TEXT AMENDMENT REQUIREMENTS

Chapter 470: Development Review Procedures outlines the applicable requirements for amending the text of the Unified Development Code.

Section 470.020 (B) states:

“...text amendments may be initiated by the City Council or the Planning and Zoning Commission”.

Section 470.020 (F) requires that a public hearing be held by the Planning and Zoning Commission and the City Council.

Section 470.020 (G) (2) states:

“In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:”

1. whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore.
2. whether the proposed text amendment corrects an error or inconsistency in the code;
3. the areas which are most likely to be directly affected by such change and in what way they will be affected;
4. whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and
5. whether the proposed text amendment is in the best interests of the City as a whole.

STAFF COMMENTS

1. The keeping of livestock, including chickens, on any property in the City other than land zoned “A” Agricultural was first allowed with the creation of the “RE” Rural Estate Zoning District Classification in July of 2006.
2. From 2006 through 2018 chickens were allowed to be kept on property zoned Agricultural or Rural Estate. There were no restrictions placed on the keeping of chickens.
3. In January of 2018 the areas where livestock and chickens were allowed was expanded to the “R-1” Single-Family Residential Zoning District classification for those properties over 3 acres in size.
4. Within the animal control code, the keeping of ducks is specifically exempt from regulation and is allowed on any property.

5. The topic of keeping of chickens on smaller residential lots has been discussed by the City on several occasions:
 - During deliberation on the proposed Unified Development Code in 2007-2008, there was discussion on amending the code to allow chickens on smaller residential lots. No changes to the code were made.
 - At its October 1, 2012 work session Council heard a presentation from the City Management Intern on the keeping of chickens on smaller residential lots. There was no consensus to propose any code amendments to the current code.
 - At its October 20, 2014 work session Council by consensus determined not to move forward with any changes on the keeping of chickens.
6. There are 220 properties in the City that are currently allowed to keep chickens.
7. 42% of the land area in the City consists of land zoned either Agriculture or Rural Estate.
8. Subdivisions that currently allow chickens based upon the zoning include:
 - a. Countryside View (Vogt Road)
 - b. Coventry Meadows
 - c. Gore Estates
 - d. Hubach Hill Addition
 - e. Jweda
 - f. Pegasus Park
 - g. Southwind Estates
 - h. Tiffany Manor
9. The following nearby communities allow chickens on small lots (¼ acre):
 - a. Belton - maximum 4
 - b. Grandview - maximum 4
 - c. Harrisonville - maximum 6
 - d. Kansas City - maximum 15
 - e. Lee's Summit - maximum 6
10. The following nearby communities allow chickens only on larger lots:
 - a. Peculiar - on lots minimum 2-acres
 - b. Pleasant Hill - only on lots zoned Agriculture
11. Based upon recorded subdivision covenants and private restrictions, the following subdivisions would not allow the keeping of chickens:

- a. Alexander Creek
- b. Brookside
- c. Canter Ridge
- d. Cedar Ridge
- e. Creekmoor
- f. Cumberland Hills
- g. Eagle Glen
- h. Evan Brook
- i. Foxhaven
- j. Heritage Hills
- k. Lakeshore Place
- l. Madison Creek
- m. Meadows
- n. Meadowood
- o. Moon Valley
- p. Remington
- q. Silver Lake
- r. Stonegate
- s. Ward Park Place
- t. Wedgewood Place
- u. Wood Creek

Note: This is not an exhaustive list.

- 12. The City does not administer or enforce any subdivision covenants or private land use restrictions. City Code is allowed to be more restrictive than subdivision covenants or restrictions, and subdivision covenants and restrictions are allowed to be more restrictive than City Code.
- 13. The proposed 30th amendment includes language that fowl are permitted in the A, RE, RR, R-1A, and R-1 zoning districts *subject to the requirements of Section 205.280 of the City Code*. Section 205.280 is a proposed new section of City Code that is part of a companion ordinance to the 30th Amendment. This addition to City Code would incorporate the requirements for the keeping of fowl within the City, including number of fowl allowed, consent of neighbors, enclosures, limit on odors, and similar provisions.
- 14. The definition of fowl proposed to be added to the UDC is the same definition of fowl utilized in the Animal Control Code.

PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Under Section 470.020 of the Unified Development Code, the Planning and Zoning Commission is directed concerning its actions in dealing with a request to amend the text of the Unified Development Code. Under 470.020 (G) (2) the Planning and Zoning Commission is directed to make findings of fact taking into consideration the following:

1. **whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore;**

The proposed amendment is consistent with the identified purpose and intent of Section 400.040 of the Unified Development Code and with the Growth Management Plan.

2. **whether the proposed text amendment corrects an error or inconsistency in the code;**

The proposed sections of the ordinance do not correct an error or inconsistency.

3. **the areas which are most likely to be directly affected by such change and in what way they will be affected;**

The changes would affect properties throughout the City.

4. **whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and**

The proposed amendment is not made necessary because of changed or changing conditions in the zoning districts. The amendment is proposed to expand those residential areas where fowl are allowed to be maintained.

5. **whether the proposed text amendment is in the best interests of the City as a whole.**

The proposed amendment is intended to expand those residential areas of the City wherein fowl are allowed to be maintained.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1st</u>	<u>City Council 2nd</u>
Public Hearing	May 21, 2019	June 24, 2019	July 8, 2019

STAFF RECOMMENDATION

After considerable research and discussion, staff prepared the 30th amendment to the UDC and a companion ordinance that would amend the Animal Control Chapter of City Code. These two companion ordinances would allow for the keeping of fowl on property zoned RR, R-1A, and R-1 subject to certain conditions.

The two ordinances were written by staff to ensure that, if the decision was made to allow the keeping of fowl on smaller residential lots, the requirements in place were adequate to allow for proper administration and enforcement. Staff would not support approval of the 30th amendment unless the companion ordinance amendment to the Animal Control Code was also approved.

Staff is neutral on the amendment provided the language in the amendment is approved as submitted. Should the language of the amendment be altered, staff reserves the right to offer a recommendation.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 21, 2019 meeting, did not obtain the required number of votes for a binding recommendation on case #19005, 30th amendment to the Unified Development Code. No majority vote of the entire Commission was obtained as the vote was 4-3-0 on a motion for a recommendation of approval. Five votes constitutes a majority vote of the Commission. In accordance with Section 470.020F2 of the Unified Development Code, case #19005, 30th amendment to the Unified Development Code, is forwarded to the City Council with no recommendation.