

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
06-24-09

ITEM NO. 10: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (SDM)

TA-4-3-09: Consider amendments to Sections 20-402, 20-403, 20-602, and 20-1708 of the Development Code to permit the keeping of fowl within the City consistent with the provisions of Chapter III of the City Code. Initiated by the Lawrence City Commission on March 31, 2009.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments to the City Commission.

Reason for Request: The City Commission initiated this amendment on March 31, 2009 to support and complete revisions to Chapter III of the City Code related to the keeping of certain fowl.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is zoning regulations, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date.

KEY POINTS

- The City Commission adopted Ordinance No. 8378 on March 31, 2009 and initiated the text amendment to complete the legalization of permitting female chickens and ducks in the city.
- The Development Code currently prohibits the keeping of chickens and ducks in all districts except RS40.
- This amendment permits the keeping of female chickens and ducks within the city pursuant to Article 5 of Chapter III of the City Code.

OVERVIEW OF PROPOSED AMENDMENT

Please see attached Ordinance No. 8378 and a memo from Scott J. Miller, Staff Attorney, dated March 11, 2009 for an overview. The proposed language also includes a house keeping revision to delete the word "Husbandry" from the "Agriculture, Animal Husbandry" term found in the use table since the term is titled "Agriculture, Animal" in Section 20-1708, a section proposed for revisions with this amendment.

The language references Chapter III of the City Code to permit coops in certain yards. The language also exempts the keeping of fowl pursuant to Chapter III of the City Code from the Animal Agriculture definition since the Animal Agriculture use is permitted only in the RS40 zoning district and Chapter III of the City Code permits the raising of permitted fowl in any district.

CONFORMANCE WITH *HORIZON 2020*

While the amendment does not conflict with any goal or policy of *Horizon 2020*, it is not necessarily supported by one either. The level of land use detail that this amendment provides is not addressed

by the plan.

CRITERIA FOR REVIEW & DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition.**

Staff Response: The proposed amendment implements the direction of the City Commission to permit certain fowl within the city of Lawrence. It meets the challenge of a recognized changing condition identified by the governing body to permit a resident's ability to maintain some amount of urban food producing system in the city.

- 2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

Staff Response: As discussed above, the comprehensive plan does not specifically address the amendment. The amendment helps implement the governing body's direction to permit residents the ability to maintain a limited system of urban food production.

PROPOSED LANGUAGE: See attached.

Attachments: Proposed Language
Scott Miller Memo
Ordinance No. 8378