

## ORDINANCE 1347-15

### **AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA AMENDING SECTION 2.02.07 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE REGARDING LIMITATIONS ON ANIMALS AND ZONING FOR AGRICULTURAL USES WITHIN THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING FOR THE CORRECTION OF SCRIVENERS ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Alfred City Commission approved the Unified Land Development Code in 1993, and prescribed regulations as related to animals; and

**WHEREAS**, as originally adopted by the City Commission of the City of Lake Alfred, Florida, the regulations governing animals within the municipal boundaries of the City of Lake Alfred, Florida, were codified in Section 2.02.07, Article 2, Unified Land Development Code; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, has adopted certain amendments to the Unified Land Development Code of the City of Lake Alfred, Florida, as related the regulations governing animals in order to maintain consistency with Florida law; and

**WHEREAS**, the City of Lake Alfred City Commission approved an update to said Code of Ordinances via Ordinance 1346-14 on December 1, 2014 providing consistency with applicable state law and local county ordinance on wild game, nuisances and domesticated animals such as dogs and cats; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, has determined that the Unified Land Development Code of the City of Lake Alfred, Florida, and the regulations governing animals must be amended in order to maintain consistency with Florida law, the regulations prescribed by the Florida Fish and Wildlife Conservation Commission, and the regulations prescribed by Polk County, Florida; and

**WHEREAS**, amending Article 2 of the Unified Land Development Code of the City of Lake Alfred, Florida, in order to maintain consistency with Florida law and incorporate the regulations prescribed by the Polk County Animal Control and Animal Services Ordinance will advance the health, safety and welfare of the residents and citizens of the City of Lake Alfred, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

**Section 1.** Section 2.02.07 of the Unified Land Development Code of the City of Lake Alfred is hereby amended to read as follows (language stricken is shown in ~~stricken~~ format; language added is shown as underlined format):

**2.02.07 Limitations on Animals and Zoning for Agricultural Uses (Including Farm Animals)**

~~(A) No person shall keep or maintain in connection with any residential dwelling unit more than two (2) dogs aged six (6) months or older. No person shall keep or maintain more than two (2) dogs in connection with any building used for commercial or industrial purposes.~~

(B) No person shall breed or maintain farm animals, fowl, or other livestock within the City of Lake Alfred except in residential districts RR and RE with the restrictions outlined in (D) below. These shall include, but are not limited to bees, cattle, chickens (including roosters), goats, horses, peacocks, pigeons, and pigs.

~~(C) No person shall breed or maintain any wild animal or poisonous reptile that, in the opinion of the Chief Building Official, poses a threat to human safety in Lake Alfred. Excluded from this restriction are animal shelters, medical or scientific facilities, pet shops, zoos or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Code. No person shall breed or maintain captive wildlife within the City of Lake Alfred without first obtaining a Captive Wildlife Permit from the Florida Fish and Wildlife Commission. Captive wildlife requiring a permit may include venomous reptiles, conditional reptiles, and Classes I, II and III Wildlife pursuant to 68A-6.002, 68A-6.0021 and 68A-6.0022 Florida Administrative Code.~~

(D) Property that was previously classified and zoned by Polk County for agricultural uses; and is used for a "Bona Fide Agricultural Purpose", as certified by the Polk County Property Appraiser; and qualifies for an agricultural tax exemption by the State of Florida under F.S. 193.461; may be annexed into the City with the Rural-Residential/Agriculture, Very Low Density Residential or Low Density Future Land use classification to allow the property owner to continue his agricultural (including farm animal) activity. These lots may only be zoned under an RR or RE district.

Lands that are surrounded by the city limits, and are known as "enclaves", may not be annexed in and zoned agricultural (including farm animal) activity unless the use is a limited agricultural use. For the health, safety and welfare of the citizens of Lake Alfred, this activity will only be permitted at the perimeter of the City, in areas that already support agricultural uses and have qualifying agricultural tax exemptions. At the time of development, or subdivision of the land for development, or when the agricultural tax exemption is removed, all rights to agricultural uses (including the keeping of farm animals) shall cease.

**Section 2.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances, unless such repeal is explicitly set forth herein.

**Section 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or re-codified copy of same with the City Clerk.

**Section 5.** The effective date of this Ordinance shall be immediately upon adoption at Second Reading.

**INTRODUCED AND PASSED** on first reading at a regular meeting of the City Commission of Lake Alfred, Florida held this 5<sup>th</sup> day of January, 2015.

**PASSED AND ENACTED ON SECOND READING**, with a quorum present and voting, at the regular City Commission meeting of Lake Alfred, Florida, this 20<sup>th</sup> day of January, 2015.

**CITY OF LAKE ALFRED  
CITY COMMISSION**

By: Nancy Z. Daley  
Nancy Z. Daley, Mayor

ATTEST:

By: Valerie Ferrell  
Valerie Ferrell, Interim City Clerk

APPROVED AS TO FORM:

By: Frederick J. Murphy Jr. For  
Frederick J. Murphy Jr., City Attorney