BILL NO. 2188

ORDINANCE NO. 2188

AN ORDINANCE TO ADD REGULATIONS REGARDING THE KEEPING OF CHICKENS IN THE CITY OF LADUE TO CHAPTER 18 OF THE LADUE CODE OF ORDINANCES AND TO AMEND ORDINANCE 1175 THE ZONING ORDINANCE OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI TO REFERENCE THE NEW CODE SECTION.

WHEREAS, the City recognizes that residents of Ladue may be interested in keeping chickens on their properties; and

WHEREAS, an excess number of chickens, the keeping of roosters, and other issues related to the keeping of chickens may create noxious odors and added noise, which may constitute a nuisance for neighboring properties under the Ladue Code; and

WHEREAS, properties in Ladue frequently have sufficient yard and green space to allow for the keeping of a certain number of chickens, and the City seeks to place reasonable limitations on the keeping of chickens to prevent conditions that would result in a nuisance; and

WHEREAS, the City also recognizes that an enclosure and shelter for the safe keeping and housing of such chickens shall be necessary as a component of keeping chickens, both to prevent predators from attacking such chickens and to prevent the chickens from running amok and creating a nuisance for neighboring properties under the Ladue Code; and

WHEREAS, the Zoning and Planning Commission met on March 28, 2018 and May 23, 2018 to discuss reasonable limitations for the keeping of chickens and voted to recommend approval of amendments to the Ladue Code of Ordinances and to the Zoning Ordinance by a vote of 5 in favor and 0 opposed; and

WHEREAS, a duly noticed and published public hearing was held on June 25, 2018, regarding the proposed amended regulations in conformity with all requirements of Section 89.060 of the Missouri Revised Statutes and Zoning Ordinance 1175; and

WHEREAS, pursuant to the City's police powers, the City Council desires to and finds it in the best interest of the City to enact regulations to allow for the keeping of chickens with reasonable limitations to prevent nuisances; and

WHEREAS, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 18 of the Ladue Code of Ordinances is hereby amended to enact the following new Article IV:

Article IV. CHICKENS

Sec. 18-45. Purpose and definitions.

(a) The regulations of this section are established to permit the keeping of chickens in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) For the purposes of this Article, the following words shall be defined as follows (Terms referred to but not defined in this Article may be listed in the Zoning Ordinance, Section XIV):

Chicken shelter. A covered, predator-proof structure that is designed to house chickens on the property.

Chicken enclosure. An outdoor fenced enclosure designed to contain the chickens on the property.

Green space. Undisturbed natural areas, rain gardens, landscaped grass and gardens. Provided green space shall not include buildings, driveways, decks and patios, pools, sidewalks and paths (except stepping stone paths), or other permeable or impermeable pavement (sports courts, etc.) except as described in Section V.G. (3) of the Zoning Ordinance of Ladue (#1175).

Sec. 18-46. Requirements for owning chickens.

Persons wishing to own chickens within the City of Ladue shall comply with the following:

(1) The applicant for the permit must be the owner of the property on which the chickens will be kept.

(2) A chicken shelter shall be required to house chickens on the property. At least four (4) square feet of space shall be provided per chicken. Such structure shall not be greater than thirty-two (32) square feet in area, nor shall it exceed fifteen (15) feet in height. No more than one chicken shelter shall be allowed on a property.

(3) A chicken enclosure shall be required such that chickens are confined to the owner's property, with at least 10 square feet of area per chicken housed on the property.

(4) The chicken shelter and enclosure shall be located in the rear yard of the property.

(5) A minimum of 4,000 square feet of green space will be required for the keeping of chickens on a property.

(6) The chicken shelter must be at least 50 feet from residential buildings on adjacent and nearby properties. This shall not include any buildings on the property on which the chickens are kept.

(7) The chicken shelter and enclosure shall be required to meet building setbacks for accessory structures in the district in which they are located.

(8) The chicken shelter and enclosure shall be kept in a clean, dry, and odor-free condition at all times. The shelter and enclosure shall not be used for storage or other uses unrelated to the keeping of chickens.

(9) The chicken shelter and enclosure shall be composed of quality materials, with wood being the preferred primary material. The shelter should appear professional in quality and workmanship.

(10) The chicken shelter and enclosure shall be screened from adjacent properties (at ground level) and from all roadways, public and private, by a fence or vegetative screen.

(11) No property may house more than 6 chickens.

The following table provides more information regarding the number of chickens allowed per property:

Amount of green space on property	Number of chickens permitted
4,000 square feet	2
6,000 square feet	3
8,000 square feet	4
10,000 square feet	5
12,000 square feet or more	6

Sec. 18-47. Permit required.

(a) A permit application must be submitted and approved by the City of Ladue prior to construction of any structures for the keeping of chickens. Once construction has been completed, an inspection by the Building Inspector will be required to ensure that construction on the site matches the approved site plan.

(b) Permit shall expire three (3) years after the date of approval. An application, fee, and inspection will be required for renewal of the permit.

(c) By applying for a permit under this Article, the property owner authorizes City officials at all reasonable times and in a reasonable manner to enter upon and inspect the property to determine compliance with this Article or any other ordinance of the City of Ladue as it may relate to the keeping of chickens on the property.

(d) The permit for the keeping of chickens shall be non-transferrable.

(e) If any information submitted for approval of a permit for the keeping of chickens changes after approval and inspection of the site, a revised application and site plan will be required. Failure to submit an updated application and site plan within a reasonable time, as determined by the City Planner, will result in revocation of the permit.

Sec. 18-48. Application for permit.

The application for the permit shall require the following:

(1) Name and address of the applicant (property owner) as well as other pertinent information about the property.

(2) Application fee as listed on the Building Department schedule of fees.

(3) Scaled drawing of chicken shelter and enclosure with square footage and building

materials indicated.

(4) Number of chickens to be kept on the property.

(5) A site plan of the property on which the chicken shelter and enclosure will be located, with the following information:

a. All property lines
b. Total square footage of property and total square footage of green space on the property
c. Location and square footage of the chicken shelter and enclosure, as well as the location of other structures on the property
d. Distances between all structures and the proposed chicken enclosure, including the distance from buildings on adjacent properties
e. Location and height of all fences on the property. A fence permit will be required for new fences and must comply with the requirements of the Ladue Zoning Ordinance 1175
f. Any landscaping being installed in order to screen the chicken shelter and enclosure

(6) Signature of acknowledgement by Subdivision Trustees, if applicable

(7) Signature by the applicant certifying that he/she will comply with the requirements of this Article.

Sec. 18-48. Specific prohibitions.

The following are specifically prohibited:

(1) Keeping a rooster or crowing hen in the City of Ladue.
(2) Keeping chickens for any commercial purpose.
(3) Allowing chickens to roam unsupervised outside of the chicken enclosure.
(4) Keeping chickens in such a way that results in a nuisance or violates any ordinances of the City of Ladue, including those regarding noise, odor, and solid waste.

Sec. 18-49. Termination of Permit.

(a) If the permit holder wishes to terminate the permit and remove the chickens from the property, the chicken shelter and fenced enclosure shall be removed from the property within thirty (30) days, or a reasonable extended time that is approved by the Building Official, after it is no longer used for housing chickens.

(b) The permit may be reinstated after a new application and fee have been submitted and an inspection of the property has been completed.

Sec. 18-50. Violations; Appeals.

(a) If the property is found to be in violation of this Article or any other Section or Chapter of the Ladue Code or any other ordinance of the City of Ladue, including the Zoning

Ordinance of Ladue, as it may relate to keeping chickens on the property, the owner shall be sent a violation notice notifying him or her of the violation on the property and the requirements to correct the violation, including the period of time allowed to correct the violation, as reasonably determined by the Building Official.

(b) If the violation is not remedied within the time period stated in the violation notice, the permit shall be revoked and all chickens and all structures and enclosures built for the keeping of chickens shall be ordered to be removed from the property in compliance with applicable law. After the expiration of six (6) months, a new permit application may be filed in order to reinstate the permit to keep chickens on the property.

(c) Notwithstanding any other remedy the City may have, violation of any provision of this Article shall be deemed an ordinance violation subject to the penalties as set forth in Section 1-9 of the Ladue Code.

(d) A permit holder or applicant aggrieved by the decision of the City Planner or Building Official regarding denial of a permit or revocation of a permit may appeal to the Zoning Board of Adjustment. The appeal shall be in writing and state the reasons for the appeal. The proceedings in connection with such appeal shall be in accordance with the requirements of the Administrative Procedure Act of the State of Missouri (RSMo Ch. 536) for contested cases. The proceedings shall follow the standard procedures of the Zoning Board of Adjustment as outlined in Section IX of the Zoning Ordinance of the City of Ladue (#1175). To the fullest extent permitted by law, said appeal procedure shall be exhausted before an action may be filed in any court against the City or its officers, employees, boards, officials, or commissions.

Section 2. Amend Section IV.A. (2) (d) of the Zoning Ordinance #1175 to read as follows:

(d) Raising and keeping of small animals and fowl, but not on a commercial basis, as regulated by Chapter 18 of the Ladue Code of Ordinances.

Section 3. This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED THIS _____ DAY OF _____, 2018.

_____
President, City Council

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2018.

_____
Nancy Spewak, Mayor

ATTEST:

_____
Laura Rider, City Clerk