

BILL NO. 04-21-16
ORDINANCE NO. 3990

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SUGAR CREEK BY ADDING THERETO SECTION 32A TO PERMIT RAISING OF CHICKENS UNDER CERTAIN RESTRICTIONS IN CERTAIN AREAS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUGAR CREEK, MISSOURI, AS FOLLOWS:

WHEREAS, the Planning Commission has conducted a public hearing and given considerable attention to the issue of allowing chickens to be raised in the City of Sugar Creek under certain conditions in certain areas; and

WHEREAS, the Board of Aldermen did not receive any new evidence at a hearing held to consider new evidence on the proposed restrictions;

NOW, THEREFORE, BE IT FURTHER ORDAINED AS FOLLOWS:

Section 1. That the Zoning Ordinance of the City of Sugar Creek is hereby amended by adding thereto Section 32A, which shall state as follows:

Section 32A

RAISING CHICKENS

The Board of Aldermen recognizes that residents of the City desire to raise chickens in residential areas for noncommercial purposes provided that such use does not disrupt the character of the surrounding residential neighborhood or affect the general welfare of the inhabitants of the City. Raising of chickens is permitted in a residential or agricultural district subject to the restrictions set forth below. No person shall raise chickens in a residential district unless the Building Official grants a permit as provided herein.

- A. All residents who wish to keep or raise chickens will be required to fill out an application with the Building Official and submit a site plan showing the size, character and location of the enclosure and fencing to be used in keeping or raising chickens. The building official shall issue a permit provided that the applicant meets the restrictions set forth herein, and obeys the rules and regulations for keeping and sheltering of chickens.
- B. The following restrictions apply:
 - 1. No domestic fowl other than chickens are permitted.
 - 2. Chickens may be kept for non-commercial purposes only.
 - 3. No roosters may be included among the kept chickens
 - 4. Only one (1) chicken coop or enclosure shall be permitted per parcel.
 - 5. A distance of twenty (20) feet between the chicken coop or enclosure shall be kept as a setback for side and rear yards only. No enclosure or coop may be maintained in the front yard.
 - 6. The enclosure or coop shall not be less than fifty (50) feet from any primary residential structure on adjacent property.

7. Fenced pens shall consist of sturdy wire and shall use posts of permanent placement, unless a chicken tractor is used. The fence, coop or tractor shall be maintained free of defects at all times and shall be constructed to prevent escape of chickens and/or access by vermin, pests and predators.
8. The maximum number of chickens allowed shall be based on the size of the parcel containing a primary residence as follows:
 - a. One acre or more (43,560 Sq. ft. or more): maximum of twelve (12) chickens.
 - b. $\frac{3}{4}$ acre to one acre (32,670 sq. ft. - 43,559 sq. ft.): eight (8) chickens;
 - c. $\frac{1}{2}$ acre to $\frac{3}{4}$ acre (21,780 sq. ft. – 32,670 sq. ft.): six (6) chickens
 - d. $\frac{1}{4}$ acre to $\frac{1}{2}$ acre (10,890 sq. ft. -- 21,780 sq. ft.): four (4) chickens
 - e. Minimum of 8,400 sq. feet with a minimum of seventy (70) feet of street frontage: two (2) chickens
 - f. Less than 8,400 sq. feet: 0 chickens
9. The coop shall be fully enclosed with a roof that is water-tight, well-ventilated and wind proof.
10. Chickens may not be kept for fertilizer production and any manure kept on the premises shall be thoroughly spaded into the ground at least weekly or buried weekly from April 1st through December 31st each year. Buried manure shall be covered with a minimum of six (6) inches of earth.
11. Odors from chickens, chicken manure or other chicken related activities shall not be detectable beyond the property boundaries.
12. Slaughter of chickens may occur for personal use only provided it is conducted in a sanitary manner, does not generate noise that creates a nuisance, and is not visible from adjacent properties or any public area or right of way.
13. No chicken enclosure may be kept in the thirty (30) foot front yard setback and or closer to the front right of way than a line parallel to the rear exterior wall of the primary structure and extending to the side yard property line. Corner lots shall not have chicken structures closer than thirty (30) feet to the intersecting side street right of way or than a line parallel to the side of the primary structure closest to that right of way.
14. Chickens shall be kept in the chicken coop or attached fenced enclosure at all times and shall not be permitted to run at large.
15. The coop and enclosure shall be maintained in a clean and sanitary condition at all times and all chickens shall be kept in a manner as to prevent any public nuisance and/or health hazard to humans. The presence of numerous flies or the presence of fly larvae in the vicinity of a chicken enclosure or chicken structure shall be evidence of a lack of sanitary maintenance on the premises and shall constitute a public nuisance.
16. Any property wherein chickens are raised or maintained that has a short term and unidentifiable loss of at least one third ($\frac{1}{3}$) of the flock is required to contact the Sugar Creek Building Department immediately upon discovering the loss. The Building Official will, in turn, immediately inform the Jackson County, Missouri Environmental Health Services Department and request an investigation.
17. Chickens may not be kept within 180 feet of any educational institution or grounds of the institution or within 180 feet of any commercial zoned property.
18. It shall be unlawful for any keeper of chickens to abandon any chicken(s).
19. As a condition of any permit granted herein, the owner or tenant grants permission to the Building Official, or his/her designee, to inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section. Failure to grant permission to enter the premises for inspection shall be grounds for automatic revocation of the permit.

20. If the person applying for the permit is not the owner of the property, he or she shall have written permission from the owner to keep chickens on the property. If any violation of this section occurs, the owner shall also be notified of the violations.

- C. If any person or family that is issued a permit and shall violate the restrictions and conditions as set forth herein, notice shall be given in writing by the Building Official of the violation which shall provide an opportunity to cure the violation. If the violation is repeated, the Building Official shall notify the permittee that the permit is revoked. The decision of the Building Official may be appealed to the Board of Aldermen.
- D. No variances or exceptions to the restrictions set forth herein shall be permitted and will not be considered by the Building Official or the Board of Aldermen.
- E. The violation of any of the provisions of this section shall be subject to prosecution in the municipal court and to the penalties set forth in Section 36 of the Zoning Ordinance.

Section 2. This ordinance shall take effect from and after its passage.

Passed by the Board of Aldermen this 25th day of April, 2016.

Matthew Mallinson, President of the Board

Approved this 25th day of April, 2016

Matthew Mallinson, Mayor

ATTEST:

Jana J. Olivarez-Dickerson, City Clerk