



**CITY OF BELTON
CITY COUNCIL
WORK SESSION
TUESDAY, SEPTEMBER 20, 2016 – 7:00 P.M.
CITY HALL ANNEX
520 MAIN STREET
AGENDA**

- I. CALL WORK SESSION TO ORDER
- II. ITEMS FOR REVIEW AND DISCUSSION
 - A. Report of recommended cost-share agreement with Dean Co. Farms and the Mullen Road TDD to construct 173rd Street extension.
 - B. Report on street preservation.

Trever Leikam, Transportation Superintendent, will make a presentation

Page 3
 - C. Report from the Park

Shane DeWald, Parks and Recreation Director, will make a presentation
 - D. Report on recommended poultry ordinance

Page 5
 - E. OTHER BUSINESS
- III. ADJOURN WORK SESSION
- IV. CALL SPECIAL MEETING TO ORDER
- V. ROLL CALL
- VI. Motion to enter Executive Session to discuss matters pertaining to the hiring, firing, disciplining or promotion of personnel, according to Missouri Statute 610.021.3, and that the record be closed.
- VII. ADJOURN SPECIAL MEETING

SECTION II

B



CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: September 20, 2016

DIVISION: Transportation

COUNCIL: Regular Meeting Work Session Special Session

<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order	<input type="checkbox"/> Motion
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input checked="" type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

ISSUE/RECOMMENDATION:

Trever Leikam will make a presentation to highlight the following:

- 1) The Cost-Share Program has had a very high level of interest. The demands of the program are becoming overwhelming. This is a great issue to have because it shows the willingness of the residents to take action to save infrastructure. It will need additional discussion, support, and evaluation as the pilot program expands.
- 2) FY17 Street Preservation Program is wrapping up. Some streets were better than anticipated, but a few were much worse. Calculating for this common concern was thorough and additional concerns were addressed.
- 3) The Transportation Division is confident in the data collected and evaluation of the conditions of City streets. Establishing a strategic, data-driven approach to the Street Preservation Program and evaluating the method of improvement is a must. This approach must also be applied to the adjoining Stormwater infrastructure to maintain maximum benefit and reduce threats to the system. Improvements in Traffic Management are also discussed with recommendations.
- 4) Looking ahead to FY 2018 and opening up for new concepts and approaches to creating a sustainable street and Stormwater system.
- 5) CIP Strategy for preservation

PROPOSED CITY COUNCIL MOTION:

N/A

FINANCIAL IMPACT/ANALYSIS:

N/A

STAFF RECOMMENDATION, ACTION, AND DATE:

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED:

N/A

SECTION II

D



**CITY OF BELTON
CITY COUNCIL INFORMATION FORM
TUESDAY, SEPTEMBER 13, 2016 / 7:00 P.M.**

DATE: September 20, 2016
 ASSIGNED STAFF: Jay C. Leipzig, Community and Economic Development Director
 DEPARTMENT: Community Planning & Development

<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order
<input type="checkbox"/> Agreement	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> FYI / Update	<input type="checkbox"/> Public Hearing

ISSUE

Clarification on direction to staff in the regard to provisions for the keeping of Livestock and Poultry in Article IV of the General Code of Ordinances, and the Keeping of Animals 6-4, (f) Keeping of Animals in the Unified Development Code.

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BACKGROUND:

Over the last several months, city staff has received many comments, concerns and general questions from the public concerning the city’s regulations regarding the raising and harboring of chickens in residential zoning districts. City staff has been meeting regularly with the Code Enforcement Advisory Committee as well as having discussions with the Planning Commission in regard to the keeping of poultry in the City.

During the Planning Commissions’ public hearing on June 6th, the many perceived benefits and detriments of raising chickens were discussed such as: raising chickens to promote a healthy lifestyle; chickens help reduce the insect population by eating bugs, etc; some pets are noisier and smell more than chickens; chicken coops produce odors; the appearance of chicken coops are unsightly; they reduce property values; and chickens are noisy and smell.

After the public hearing was closed, the discussion was continued to the July 18th and August 15th meetings, to allow staff additional time to re-evaluate the proposed code language, research other municipal codes, and rewrite the poultry ordinance in an effort to establish a balanced set of standards.

However, after review by staff including the City Attorney and Chief of Police for potential legal and enforcement issues, the existing Code as it is written in Article IV – Keeping of Livestock and Poultry of the General Code of Ordinances and Chapter 6-4(f)- the Keeping of Animals, in the Unified Development Code still continues to balance the issues of lot size and number of animals with proper enforcement of smell, manure management and proper animal husbandry better than any proposed amendments that attempt to interject other controls to account for more chickens.

STAFF RECOMMENDATION

Staff recommends retaining the existing language in both the Unified Development Code and in the General Code of Ordinances as currently adopted.

GENERAL CODE OF ORDINANCES AND UDC
EXISTING CODE LANGUAGE

General Code of Ordinances Existing Code Language

ARTICLE IV -LIVESTOCK AND POULTRY

- **Sec. 4-194. - Sale of chickens and ducklings.**

Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than 25 to a single purchaser.

(Code 1976, § 6-1.6; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-195. - Keeping livestock.**

No person shall keep any livestock in a building used for residential purposes or where more than five persons are employed in said building where such livestock is being maintained. This prohibition shall not apply where the persons residing or working in such building is employed to care for such livestock.

(Code 1976, § 6-2; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-196. - Keeping livestock near residences; number of animals kept.**

No livestock shall be kept or maintained within 75 feet of the nearest portion of any building occupied by or in any way used by human beings as a residence, other than such dwelling occupied by the owner or keeper of such animal or animals. Beyond the aforementioned limitation of 75 feet, not more than two animals per acre or part of an acre shall be kept or maintained; provided, however, a limitation of two animals shall not apply to a riding stable, a commercial stockyard or land zoned for agricultural purposes.

(Code 1976, § 6-3; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2003-2991, § 1, 8-12-2003)

- **Sec. 4-197. - Keeping poultry.**

It shall be unlawful, and it is hereby declared a public nuisance for any person in charge of a residence to keep, harbor or maintain or allow to be kept more than four poultry animals per acre or part of an acre at such residence unless the residence is licensed as a commercial animal establishment with proper zoning classification therefor.

(Code 1976, § 6-3.1; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2003-2991, § 1, 8-12-2003)

- **Sec. 4-198. - Keeping livestock to conform to zoning, building regulations.**

Stables, barns or other buildings erected for the housing of livestock shall comply with all zoning and building restrictions applicable.

(Code 1976, § 6-4; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-199. - Cleanliness of premises where livestock kept.**

Every stable, barn, building or other structure wherein any livestock are kept or maintained, shall be maintained in a clean and sanitary condition at all times, devoid and free of all rodents and vermin and free from objectionable odor, smell or stench.

(Code 1976, § 6-5; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-200. - Disposal of manure.**

Every stable, barn or other structure in which livestock are kept or maintained shall be provided with a watertight and flytight receptacle for manure of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure or refuse shall be allowed to accumulate except in such receptacle and all such manure or refuse when removed from the receptacle shall be buried with a covering of not less than six inches of earth, or if used as fertilizer, shall be thoroughly spaded into the ground or shall be removed from the property.

(Code 1976, § 6-6; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-201. - Control of livestock, poultry off premises of owner.**

All livestock and poultry shall be kept under the control of the owner at all times when off the premises of the owner.

(Code 1976, § 6-7; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-202. - Livestock, poultry at large.**

All livestock and poultry shall be kept under the control of their owners at all times and shall be prohibited from running at large. Any livestock or poultry found running at large may be impounded and sold by the chief of police in the same manner as wrecked or abandoned motor vehicles and other personal property in accordance with article II of chapter 19.

(Code 1976, § 6-8; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

- **Sec. 4-203. - Driving livestock, poultry on streets.**

All livestock and poultry upon a roadway or city street shall be under the control of its owner, and its owner shall keep livestock and poultry as near to the right-hand side of the roadway or street as practicable, exercising the highest degree of care when passing a standing motor vehicle or one proceeding in the same direction, and shall not have the livestock or poultry upon the street or roadway at nighttime.

(Code 1976, § 6-9; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

- **Secs. 4-204—4-229. - Reserve**

Unified Development Code (UDC) Existing Code Language

- **Sec. 6-4- Additional Regulations- (f) Keeping of Animals -**

(f)

Keeping of animals. Cattle, cows, horses, sheep, goats and similar domestic animals are permitted in the A and R-1B districts only. In the R-1B district, maximum number of animals permitted per grazing acre, excluding building coverage, ponds and yard area around the principal dwelling, are:

- (1) Two head of cattle; or
- (2) Two sheep; or
- (3) Two goats; or
- (4) Two horses.

Limits for other animals not enumerated herein shall be determined based upon type or size of animal.

PLANNING COMMISSION RECOMMENDATION

AUGUST 15, 2016

PROPOSED CHANGES IN ITALICS

**Planning Commission
Recommended Changes to the UDC
August 15, 2016**

PROPOSED LANGUAGE / SECTION 6-4(f) –Additional Regulations - Keeping of Animals.

(f) Keeping of animals.

(1) Cattle, cows, horses, sheep, goats and similar domestic animals are permitted in the A and R1 B districts only. In the R-1 B district, maximum number of animals permitted per grazing acre, excluding building coverage, ponds and yard are around the principal dwelling, are:

- a. Two head of cattle; or
- b. Two sheep; or
- c. Two goats; or
- d. Two horses.

(2) *Poultry.*

a. *Definition: Poultry is domesticated fowl, such as chickens, turkeys, ducks, or geese, raised for meat or eggs.*

b. *Keeping of Poultry.*

- i. *Ducks, geese, turkeys, or chicken roosters are prohibited.*
- ii. *With an approved permit and site plan, chicken hens are permitted only in Residential and Agricultural zoning districts and only under the following conditions:*
 - *No chicken hens shall be allowed on lots less than 8,400-square feet;*
 - *Lot sizes 8,400-sq. ft. up to 43,560-sq. ft. (1-acre) shall allow no more than four (4) chicken hens;*
 - *Lot sizes larger than 43,560 sq. ft. shall allow no more than eight (8) chicken hens; All other provisions of this Ordinance shall apply.*
 - *Chicken hens shall be maintained and kept in the rear yard only;*

- *Chicken hens shall not be allowed to roam free unless chicken hens are within an enclosed chicken hen yard, not to exceed 100-sq. ft. in size.*

c. Enclosures.

- i. Henhouses or chicken hen coops shall be kept in a clean, dry, odor free and sanitary condition at all times;*
- ii. Henhouses or chicken hen coops shall be designed to provide a safe and healthy living conditions for the chicken hens, while minimizing adverse impacts to other neighboring residents; A henhouse or chicken hen coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be shut and locked at night. Windows and vents must be covered with predator-bird proof wire of less than 1-inch openings.*
- iii. Henhouses or chicken hen coops shall be setback no less than five feet (5') from a property line and no less than sixty-feet (60') from any neighboring residence;*
- iv. There shall be a distance of no less than ten-feet (10') between the chicken hens owner's residence and the chicken hen coop;*
- v. A full or partial six-foot wood privacy fence shall be installed along the rear and side property lines; OR A row of evergreen shrubs, similar plantings (high opacity) shall be planted between the coop and the property line to provide an additional buffer from noise, sight and sound;*
- vi. Henhouses, chicken hen coops or other accessory structures shall meet the requirements as outlined in Chapter(s) 1.5 and 4.1 of the Belton Unified Development Code.*

d. Nonconforming Number of Chickens / Violation.

- i. Existing chicken hen owners not in compliance with this code shall have sixty (60) days to comply;*
- ii. Failure to comply with the regulations outlined in this code shall be deemed a violation and therefore subject to the enforcement provisions.*