



Barbara Sondag, City Manager
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To: PCDC
RE: "Quality of Life" Matters
Date: September 16, 2020

I would like to start by apologizing for not attending your last meeting. I did watch the video and would like to reframe the "quality of life" discussion. And I will start that discussion by saying that I'm sorry we even used the term "quality of life".

The Council has been discussing the keeping of roosters, planting of bamboo, and increase in prairie landscaping over the course of the last year. During the discussions, it became clear that unless the scope of each topic was clearly defined, the topic quickly became unwieldy. At the August 4, 2020 Council worksession, staff narrowed the scope and walked the Council through a process to help frame the discussion at the Planning and Community Design Commission.

Most important to the process was that we narrow scope of each topic. For instance, the Council is asking for regulations regarding the permitting of chickens and bees. The Council is not asking the Commission to take up other farm animals, dogs/cats, or the issue of noise. (Noise and the permitting of dogs/cats are regulated in other sections.) The Council would like to see a regulation that requires permitting of chickens and bees and that does not allow roosters. The Council is not requesting the Commission determine what to do with roosters currently residing in Olivette.

The Council is requesting the Commission establish regulations concerning the planting of bamboo. The Council is not asking that the Commission expand the regulation to other invasive plants. The Council understands that the request to establish regulations of converting yard to prairie or native landscaping may be the most difficult to establish.

In all three cases, the Council would like to see a permitting process that requires residents to submit a plan that states their intent, shows their knowledge, and contains an exit strategy. (The Council also discussed the idea of residents needing to notify their neighbors of their intentions.)

The urgency to establish regulations is not to stop any of three identified activities, but to establish the process and standards under which they occur. Until the regulations are in place, there are no standards.

The Council understands that the Commission has several pressing matters before it. They are also aware of your long meetings. I know that much of your time at recent meetings has been spent on variations requests. I have spoken with Carlos and Paul Martin on how to limit the Commission's time on these matters. Paul will be in attendance on Thursday evening to discuss this matter.

Thank you for your work and dedication! You are without a doubt a spectacular group of professionals and the City is very fortunate to have you as residents and commissioners.



City of Olivette
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DEPARTMENT MEMORANDUM

DATE: SEPTEMBER 17, 2020

TO: PLANNING AND COMMUNITY DESIGN COMMISSION

FROM: CARLOS TREJO, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

RE: URBAN AGRICULTURE

PETITION TYPE TEXT AMENDMENT

PETITIONER City of Olivette	PROPERTY OWNER Not Applicable	ENGINEER: Not Applicable
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Item introduced: Scheduled as discussion item on September 3, 2020. Per §400.1910, the Commission has no more than 120 days to act.

STAFF SUMMARY

- DESCRIPTION:** The City Council has requested the PCDC develop community standards to govern various urban agricultural activities that are conducted on residential property.
- ACTIVITIES:** The immediate activities the City Council wants addressed include the following: raising of chickens and bees, the planting of bamboo, and the conversion of full yards to prairies or natural habitats.
- GOAL:** The Council goal is for staff to have clearly defined parameters/standards in which to educate residents, monitor compliance, and provide consistent code enforcement.

ATTACHMENTS

- July 7, 2020, Letter from City Manager to City Council
- August 4, 2020 Memo entitled "Quality of Life" from City Manager and Planning Director to City Council
- Proposed Outline Structure
- Current Article XVI Code Language
- Via PDF access various codes from other communities

SUGGESTED MOTION

This agenda item is for Discussion purposes only. As a Discussion Agenda item, there will be no actions or motions.

STAFF REPORT

The City Council has requested the Commission prepare community standards to govern various “urban agriculture” activities on single family residential property.

For the purposes of this Report, agriculture is defined as: *Agriculture is the science and art of cultivating plants and livestock.*

The Council has been in deliberating this issue in various Work Sessions this year. At the August 4th meeting, the Council directed the City Manager and City Council PCDC Liaison to engage the PCDC to prepare parameters and standards that would be reflective of Olivette’s community characteristics and values.

The primary activities the Council is requesting to see addressed are land use standards for the following:

- raising chickens and bees,
- the planting of bamboo, and
- conversion of entire yard areas to prairie or native plantings.

Issues regarding noise, nuisances, pets, animal control, and dangerous animals are already codified in other sections of the Code. In some cases, the structure in which these activities are conducted are regulated within the Zoning Code.

What is not currently within the Code are parameters/standards in how these land use activities should be conducted within the boundaries of property itself.

What are we doing? Establishing parameters and standards that are reflective of our community character and values.

Parameter. any set of physical properties whose values determine the characteristics or behavior of something...”a boundary or limit”

- Merriam-Webster

Standard. ... a document that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose. - International Standards Organization, ISO

Standards allow technology to work seamlessly and establish trust so that markets can operate smoothly. They:

- provide a common language to measure and evaluate performance,
- make interoperability of components made by different companies possible, and
- protect consumers by ensuring safety, durability, and market equity.

- National Institute of Standards & Technology, U.S. Department of Commerce, NIST

Community Values. Past Council actions express support for many of the activities noted above. With the Council supporting prairie development and restoration in our parks, with the ordinance approval of the Accessory Structure section within the Zoning Ordinance and Animal Regulations within the Municipal Code, and even with our Community Design Standards, etc.

The Council does not seek to limit residents from pursuing and enjoying the benefits of any of the aforementioned activities. What has been brought to the Council’s attention, is that, the City lacks clear parameters and standards as to how these activities should be conducted within the environment of the City’s urban-suburban character—and not be offensive to neighbors/surroundings.

Staff has proposed that these parameters/standards be incorporated into the City’s land use codes, and not other sections of the Code that leave into question the jurisdiction of department authority.

Staff proposes to include “*urban agriculture*” as an accessory use, and limit said activities only to single family residential properties within the SR Zoning District.

Attached is an initial outline for discussion of this matter.

THE OUTLINE

ARTICLE XVI ACCESSORY STRUCTURES AND USES

This part is existing.

Section 400.1590 Accessory Structures

- A. Intent and purpose
- B. Review procedures

Section 400.1592 Permitted Accessory Structure in Residentially Zoned Districts

- A. Limitations
- B. Residential Accessory Structures
- C. Additional accessory structures not enumerated
- D. Variation behind the footprint of principle structure

Section 400.1594 Permitted Accessory Structures in Non-residentially Zoned Districts

- A. Permitted Structures
- B. Setbacks

Section 400.1596 Accessory Uses

- A. Limitations
 - 1. Home Occupations
 - 2. Urban Agriculture
 - a. Purpose and Intent
 - b. Authorized Uses
 - (1) Rearing of Livestock
 - Chickens
 - Bees
 - Others
 - Prohibited
 - (2) Horticulture
 - Vegetable Gardens
 - High Crops
 - Others -orchards
 - Prohibited
 - (3) Forestry
 - Bamboo
 - Rain Gardens
 - Prairies and Native Restoration
 - Prohibited
 - c. Permitting
 - Application
 - Fee
 - Annual Review
 - Adoption of Standards
 - d. Revocation
 - Violations
 - Nuisance
 - Appeal

THE COMPONENTS

Urban Agriculture

Define

Purpose and Intent

Community Parameters

Authorized uses

Types:

1. Rearing livestock
2. Horticulture
3. Forestry

Raising Livestock

Chickens

Limit: 6

No roosters

Existing grandfathered

Bees

Limit: 3 aeries

Others

Anatidea, water birds, less than 25 lbs

Prohibited

Doves/Pigeons

Birds of prey/raptors

4-legged farm animals, including but not limited to cattle, sheep, horses, pigs, goats, ect.

Horticulture

Placement

- Behind front setback line
- Lots abutting more than one street
 - Corner
- Double frontage

Type

- Vegetable Gardens
 - Limited to 10% of Lot Area
 - High Crops
 - Limit to 1% of lot area
 - Other
 - Orchards
- Prohibited

Forestry

Placement

Limitation

Types

Bamboo

Rain Gardens

Parries and native restoration

Prohibited

Permitting

Application. Prior to keeping or housing hens, a person shall first submit an application to the City of Olivette Department of Planning and Community Development. Said permits may be issued for a one-year period. Permits are non-transferable.

Fees. The annual fee for a permit shall be twenty-five dollars (\$25.00) to help defray costs of inspection and enforcement, payable on issuance of the permit and on January first (1st) of each year.

Annual Reviews

Standards and conditions

Revocation

Violation

1. **Complaint.** If a complaint is filed regarding a violation of any of the conditions stated in **SECTION** or this **SECTION**, or, in the absence of a complaint, in the discretion of the Department of Planning and Community Development, an investigation of any potential violations shall be made by the director or designee.
2. **Investigation.** If the investigation substantiates the existence of a violation of such conditions, a letter shall be sent by certified mail to the property owner notifying the property owner of such violation and that same shall be corrected within not less than five (5) days and that such property owner shall be responsible for notifying the director by certified mail that such violations have been corrected and seeking a reinspection to verify that such violations have been corrected.

Revocation. In the event the property owner shall fail to notify the director of public works of such correction within five days or in the event that a reinspection does not verify such correction, the permit shall be revoked.

Appeal. Permit revocations under this section may be appealed as follows:

- (1) Appeals must be filed within five days after the revocation notice is mailed by certified mail.
- (2) Appeals shall be determined following a hearing before the city manager or his designee.
- (3) At least five days notice of the hearing shall be given to the property owner by certified mail.
- (4) The property owner and any other interested party may appear at the hearing and testify and present evidence concerning the conditions giving rise to the revocation.

CURRENT CODE LANGUAGE

ARTICLE XVI Accessory Structures and Uses

Section 400.1590 Accessory Structures.

- A. Intent And Purpose. The intent and purpose of this Article is to establish community standards governing accessory structures and uses so as to:
1. Complement the standards of the City's zoning districts, Olivette Residential Redevelopment and Design Guidelines, Stormwater Management, and Community Design Regulations;
 2. Establish reasonable dimensional and bulk standards to preserve light, air, and open space;
 3. Address the impact of stormwater generated on the site grounds and on adjacent properties; and
 4. Ensure that the development of land in the City of Olivette occurs in a manner that protects, provides for and promotes public health, safety, convenience, comfort and general welfare of the residents of Olivette.
- B. Review Procedure. Applicability for accessory structures.
1. Unless otherwise noted, all flatwork, pools, and structures sixty (60) square feet or greater require building permits.
 2. Accessory structures defined as Buildings that are greater than one hundred twenty (120) square feet will be reviewed by staff for conformance to the Olivette Residential Redevelopment and Design Guidelines.
 3. Accessory structures in which the combined lot coverage is increased by four hundred (400) square feet or more, but less than one thousand two hundred (1,200) square feet shall incorporate a stormwater best management practice as noted under Section 422.060 to minimize the stormwater impact generated by the proposed improvements.
 4. Accessory structures in which the impervious area is increased one thousand two hundred (1,200) square feet or more must provide onsite detention in a volume designed to accommodate the proposed impervious area based on a 15-year, 20-minute rain event.
 5. Review by the Planning and Community Design Commission is required for those items that exceed the parameters noted below, that do not fully comply with the above stated stormwater management BMP or with the Olivette Residential Redevelopment and Design Guidelines.

Section 400.1592 Permitted Accessory Structures In Residentially Zoned Districts.

- A. Residential. Accessory structures in a residentially zoned district ("SR," "AR," "PASF," and "PRO") are limited to the following:
1. In no case shall the total square footage of the combined area of all accessory structures on a lot may exceed ten percent (10%) of the total lot area.
 2. Accessory improvements increasing the impervious surface area four hundred (400) square feet or greater must incorporate a stormwater best management practice as noted under Section 400.060 to minimize the stormwater impact generated by the proposed improvement.
- B. Residential. Accessory structures in a residentially zoned district are limited to the following:
1. Flatwork, patios, hardscaped pool decking, paver patios, etc.

[Image]

- a. Number: Not limited.
- b. Area:
 - (1) The total square footage of the combined area of all flatwork on a lot may not exceed the greater of five percent (5%) of the lot area or five hundred (500) square feet.
- c. Height: Not to exceed two (2) feet above ground.
- d. Setback:

- (1) Front yard: Located behind the front yard setback.
- (2) Side yard:
 - (a) Pedestrian walkways and pathways limited to no more than four (4) feet in width maybe located within the established minimum side yard setback of the underlying zoning district so long as no point of the walkway or pathway is closer than five (5) feet to the side property line.
 - (b) All other flatwork shall not extend into the established minimum side yard setback of the underlying zoning district.
- (3) Rear yard: Five (5) feet from rear lot line if area is equal to or less than one hundred twenty (120) square feet. If greater than one hundred twenty (120) square feet, then ten (10) feet from rear lot line.

2. Decks.

[Image]

- a. Number: Not limited.
- b. Area:
 - (1) Five hundred (500) square feet maximum on lots less than ten thousand (10,000) square feet.
 - (2) Six hundred (600) square feet maximum on lots ten thousand (10,000) to twenty thousand (20,000) square feet.
 - (3) Seven hundred (700) square feet maximum on lots greater than twenty thousand (20,000) square feet.
- c. Height: Deck floor not to exceed four (4) feet above ground.
- d. Setback:
 - (1) Front yard: Located behind the front yard setback.
 - (2) Side yard: Not to extend into the side yard setback of the lot.
 - (3) Rear yard: Decks attached to the home are not to extend into the rear yard setback. Decks one hundred twenty (120) square feet or less not attached to the home must remain five (5) feet from rear lot line. All other decks must remain ten (10) feet from the rear lot line.

3. Sheds.

[Image]

- a. Number: One (1) per lot.
- b. Area: Not to exceed one hundred twenty (120) square feet.
- c. Height: Not to exceed twelve (12) feet.
- d. Setback:
 - (1) Front yard: Located behind the front yard setback of the lot.
 - (2) Side yard: Five (5) feet from side lot line.
 - (3) Rear yard: Five (5) feet from rear lot line.
- e. Exterior finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.

4. Detached garages and enclosed accessory structures.

[Image]

- a. Number: One (1) per lot.
- b. Area:

- (1) Five hundred (500) square feet maximum on lots less than ten thousand (10,000) square feet.
 - (2) Six hundred (600) square feet maximum on lots ten thousand (10,000) to twenty thousand (20,000) square feet.
 - (3) Seven hundred (700) square feet maximum on lots greater than twenty thousand (20,000) square feet.
- c. Height: Not to exceed the residential building height of the principal structure on the lot grounds, and not to exceed fifteen (15) feet.
- d. Setback:
- (1) Front yard: Located behind the front yard setback of the lot.
 - (2) Side yard: No further than five (5) feet beyond the principal structure, may not extend into the side yard setback of the lot.
 - (3) Rear yard: Ten (10) feet from rear lot line.
 - (4) Principal building setback: Garage shall remain five (5) feet from other structures greater than one hundred twenty (120) square feet.
- e. Exterior finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.
5. Open accessory structures, including but not limited to gazebos, pergolas, etc.

[Image]

- a. Number: Not limited.
- b. Area:
- (1) Five hundred (500) square feet maximum on lots less than ten thousand (10,000) square feet.
 - (2) Six hundred (600) square feet maximum on lots ten thousand (10,000) to twenty thousand (20,000) square feet.
 - (3) Seven hundred (700) square feet maximum on lots greater than twenty thousand (20,000) square feet.
- c. Height: Not to exceed the residential building height of the principal structure on the lot grounds, and not to exceed fifteen (15) feet.
- d. Setback:
- (1) Front yard: Located behind the front yard setback.
 - (2) Side yard: Five (5) feet if area is equal to or less than one hundred twenty (120) square feet. If greater than one hundred twenty (120) square feet then no further than five (5) feet beyond the principal structure, may not extend into the side yard setback of the lot.
 - (3) Rear yard: Five (5) feet if area is equal to or less than one hundred twenty (120) square feet. If greater than one hundred twenty (120) square feet, then ten (10) feet.
- e. Exterior finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.
6. Pools.

[Image]

- a. Number: One (1) per lot.
- b. Area:
- (1) Five hundred (500) square feet maximum on lots less than ten thousand (10,000) square feet.

- (2) Six hundred (600) square feet maximum on lots ten thousand (10,000) to twenty thousand (20,000) square feet.
 - (3) Seven hundred (700) square feet maximum on lots greater than twenty thousand (20,000) square feet.
 - c. Height: Not to exceed four (4) feet above ground.
 - d. Setback:
 - (1) Front yard: Located behind the front yard setback.
 - (2) Side yard: No further than the side yard setback of the lot.
 - (3) Rear yard: Ten (10) feet from rear lot line.
7. Accessory pool structures, including cabanas, changing houses and equipment storage.

[Image]

- a. Number: One (1) per lot.
 - b. Area: Not to exceed one hundred twenty (120) square feet.
 - c. Height: Not to exceed twelve (12) feet.
 - d. Setback:
 - (1) Front yard: Located behind the front yard setback of the lot.
 - (2) Side yard: Five (5) feet from side lot line.
 - (3) Rear yard: Five (5) feet from rear lot line.
 - e. Exterior finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.
8. Greenhouses for the cultivation or protection of plants.

[Image]

- a. Number: One (1) per lot.
 - b. Area: Not to exceed one hundred twenty (120) square feet.
 - c. Height: Not to exceed ten (10) feet.
 - d. Setback:
 - (1) Front yard: Located behind the front yard setback of the lot.
 - (2) Side yard: five (5) feet from side lot line.
 - (3) Rear yard: five (5) feet from rear lot line.
 - e. Exterior finish: High quality polycarbonate or glass.
9. Play Structures.

[Image]

- a. Number: Not limited.
- b. Area: Not to exceed two hundred fifty (250) square feet.
- c. Height: Not to exceed twelve (12) feet.
- d. Setback:
 - (1) Front yard: Located behind the front yard setback of the lot.
 - (2) Side yard: Not to exceed the side yard setback of the lot.
 - (3) Rear yard: five (5) feet from rear lot line.

- e. Exterior finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.

10. Animal Shelters.

[Image]

- a. Number: One (1) per lot.
- b. Area: Not to exceed sixty (60) square feet.
- c. Height: Not to exceed eight (8) feet.
- d. Setback:
 - (1) Front yard: Located behind the footprint of the principal structure. Screened from any adjacent street.
 - (2) Side yard: Located behind the footprint of the principal structure and screened from view.
 - (3) Rear yard: Five (5) feet from rear lot line.
- e. Exterior finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.

11. Animal Fences.

[Image]

- a. Number: One (1) per lot.
 - b. Area: Not to exceed one hundred twenty (120) square feet.
 - c. Height: Not to exceed six (6) feet.
 - d. Setback:
 - (1) Front yard: Located behind the front yard setback of the lot.
 - (2) Side yard: Five (5) feet from the side lot line.
 - (3) Rear yard: Five (5) feet from rear lot line.
 - e. Exterior Finish: Materials shall be compatible with the character of the residence located on the lot and in keeping with the general character of the surrounding neighborhood.
- C. Additional accessory structures not enumerated or accessory structures in excess of the noted height or area permitted under this Section are subject to Site Plan Review in accordance with Article XI and Community Design Review in accordance with Chapter 425.
- D. Variation Behind The Footprint Of The Principal Structure. Through site plan review in accordance with Article XI and Community Design Review in accordance with Chapter 425, the Commission may consider variations from the placement of an accessory structure behind the footprint of the principal structure, if the Commission finds the following:
- 1. Conditions of the property grounds, whether it be shape, area, narrowness, or topography, prohibit reasonable placement in conformance with the setbacks noted.
 - 2. The accessory structure incorporates design features and elements to mitigate the diminished setback requirements.
 - 3. The variation would be consistent with the purpose and intent of the underlying zoning district and further the goals and objectives of this Article.
 - 4. The variation would not adversely impact the health, safety, or welfare of the lot occupants or neighboring property owners.

Section 400.1594 Permitted Accessory Structures In Non-Residentially Zoned Districts.

A. Permitted Structures In Non-Residential Districts:

1. Accessory structures in a zoning district not considered residential shall comply with the bulk and use regulations applicable to the district in which they are located.
2. Accessory structures in excess of one hundred twenty (120) square feet are subject to Site Plan Review in accordance with Article XI.

B. Setbacks In Non-Residential Zoned Districts.

1. Front Yard Setback. Unless otherwise noted, accessory structures shall be located behind the front yard as established in the underlying zoning district.
2. Side Yard Setback.
 - a. Accessory structures consisting of one hundred twenty (120) square feet or less shall be set back at least five (5) feet from a side lot line.
 - b. Unless otherwise noted, accessory structures consisting of more than one hundred twenty (120) square feet may not be located within the side yard established by the underlying zoning district.
3. Rear Yard Setback.
 - a. Accessory structures of one hundred twenty (120) square feet or less shall be set back at least five (5) feet from the rear lot line.
 - b. Accessory structures in excess of one hundred twenty (120) square feet may not be located within the rear yard established by the underlying zoning district.
4. Principal Building. No part of any accessory structure shall be located closer than five (5) feet to any principal structure or other accessory structure.
5. Transitional Yard Setback. All accessory structures in a non-residential zoning district abutting a residentially zoned district shall comply with the necessary transitional yards defined under Section 400.750.

Section 400.1596 Accessory Uses.

- A. All use limitations applicable in the zoning district in which they are located and with the following additional use limitations:
 1. Home occupations, provided that the Building Official finds:
 - a. The home occupation does not occupy more than twenty-five percent (25%) of the total floor area of the dwelling on the premises;
 - b. No inventory or stock in trade are delivered to, stored or sold on or from the premises;
 - c. No materials or equipment are displayed or stored outdoors in connection with the home occupation;
 - d. No alteration is made to the exterior of the premises that would indicate the presence of the home occupation other than installation of one (1) nameplate not greater than one (1) square foot in area;
 - e. No commercial or delivery vehicles used in connection with the home occupation are parked at, stored on or visit the premises with any frequency, provided one (1) such vehicle may be parked overnight on the property in an enclosed garage;
 - f. No steady or concentrated visitation of clients to the premises results from the conduct of the home occupation and in the case of home occupations involving teaching or other type of instruction, the same shall be limited to one (1) pupil at a time except for occasional seminar groups;
 - g. No noise, dust, vibration, odor, smoke, electrical interference, fire hazard or any other nuisance results from the conduct of the home occupation;
 - h. Any contracting or service business, including, but not limited to, painting, decorating, landscaping, carpentry, plumbing, electrical or plastering contractors, which operates from a

home and which otherwise meets the requirements of this Section, shall only be permitted subject to the following additional requirements:

- (1) No employees, other than persons legally residing on the premises and one (1) non-related person residing elsewhere, shall report to work at or near the premises;
 - (2) Not more than one (1) truck shall be parked on the property and then only in an enclosed garage; and
 - (3) No contracting equipment or materials used in the home occupation shall be stored on the premises, except in a truck used for transporting said equipment or materials between jobs and no loading or unloading shall be done at the premises;
- i. No other applicable provision of the zoning ordinance or other City ordinance is violated by the conduct of the home occupation.

Section 400.1600 Use Limitations.

- A. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:
1. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

LANGUAGE FROM OTHER COMMUNITIES

Sec. 10-2. - Raising certain animals prohibited.

No person shall raise or keep in the city any livestock such as horses, cattle, pigs, sheep, goats or any other useful animals traditionally kept or raised on a farm or ranch, including miniature versions of the aforementioned animals. No person shall raise in the city any pigeons, poultry (except as allowed in section 10-3), rabbits or other rodents unless raised or kept within biological laboratories, hospitals or pet shops.

Sec. 10-3. - Poultry.

- A. Permit Required. The keeping of up to six (6) chickens or ducks in total shall be permitted as provided in this section only in the SR single-family residential zoning district and only if a permit has been issued by the Department of Planning and Community Development.
- B. Conditions. A permit to keep not more than six chickens or ducks in total on any parcel of property located within a SR single-family residential zoning district shall be issued by the director of public works if the following conditions are satisfied:
- (1) The chickens or ducks must be adequately confined within a yard or other place surrounded by wire netting or other fence as a provision to prevent their escape therefrom.
 - (2) The pen shall be maintained in a safe and sanitary condition.
 - (3) Any manure or other discharges from the chickens or ducks shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases.
 - (4) The keeping of roosters shall be strictly prohibited.
 - (5) No slaughtering of any chickens or ducks kept pursuant to a permit issued under this section shall be allowed.
 - (6) No person shall keep chickens or ducks in any manner as to create a nuisance under chapter 34, article VIII.
 - (7) Eggs may not be sold on the premises.
- (b) The keeping of chickens or ducks pursuant to a permit issued under this section shall comply with all ordinances of the city. Nothing in this section shall be deemed to preclude the enforcement of any violation of any city ordinances committed in connection with the keeping of chickens or ducks, notwithstanding the issuance of such permit. By applying for a permit under this section the property owner authorizes city officials at all reasonable times and in a reasonable manner to enter upon and inspect the property with respect to which such permit is applied for to determine whether the keeping of chickens or ducks violates this section or any other applicable ordinances.

The annual fee for a permit shall be twenty-five dollars (\$25.00) to help defray costs of inspection and enforcement, payable on issuance of the permit and on January first (1st) of each year.

Sec. 10-4. - Revocation of permits to keep chickens and/or ducks.

- (a) The Department of Planning and Community Development shall revoke any permit issued for the keeping of chickens or ducks for violation of any of the conditions stated in section 10-3 or if any of the following conditions are found to exist:
- (1) Excessive noise created by the chickens or ducks is audible from adjacent property.
 - (2) The chickens or ducks are not kept in safe and sanitary condition.
 - (3) The chickens or ducks are not properly confined.
 - (4) The keeping of the chickens or ducks creates a nuisance.
- (b) Actions to be taken.
- (1) If a complaint is filed regarding a violation of any of the conditions stated in section 10-3 or this section, or, in the absence of a complaint, in the discretion of the director of public works, an investigation of any potential violations shall be made by the director of public works or designee.
 - (2) If the investigation substantiates the existence of a violation of such conditions, a letter shall be sent by certified mail to the property owner notifying the property owner of such violation and that same shall

be corrected within not less than five days and that such property owner shall be responsible for notifying the director of public works by certified mail that such violations have been corrected and seeking a reinspection to verify that such violations have been corrected.

- (3) In the event the property owner shall fail to notify the director of public works of such correction within five days or in the event that a reinspection does not verify such correction, the permit shall be revoked.
- (c) Permit revocations under this section may be appealed as follows:
 - (1) Appeals must be filed within five days after the revocation notice is mailed by certified mail.
 - (2) Appeals shall be determined following a hearing before the city manager or his designee.
 - (3) At least five days notice of the hearing shall be given to the property owner by certified mail.
 - (4) The property owner and any other interested party may appear at the hearing and testify and present evidence concerning the conditions giving rise to the revocation.

Section 205.450 Keeping Of Bees.

- A. The keeping of bees shall be allowed on all detached single-family lots under the following conditions:
 1. Regulations.
 - a. Minimum Lot Size. The subject property must be at least ten thousand (10,000) square feet in area.
 - b. Number Of Hives. Five (5) hives are permitted if the subject property is between ten thousand (10,000) and sixty thousand (60,000) square feet in area. A maximum of fifteen (15) hives are permitted if the subject property is more than sixty thousand (60,000) square feet in area.
 - c. Location Of Hives. The hives must be at least ten (10) feet from each property line unless one (1) of the following circumstances applies:
 - (1) The hives are at least sixteen (16) inches above the adjacent ground.
 - d. Housing And Maintenance. All colonies must be kept in movable frame hives. Adequate space must be maintained around hives to prevent overcrowding and swarming.

BAMBOO.

§ 18-9.1 Purpose. The purpose of this section is to protect and promote the public health through the control of the growth of bamboo.

§ 18-9.2 Definitions. As used in this section, the following terms shall have the meanings indicated:

BAMBOO

Shall mean all native and non-native variations of the plant commonly known as bamboo. These plants may damage trees, vegetation, or structures.

ENFORCING OFFICER

Shall mean the Chief Housing Inspector of the Township or his designee.

§ 18-9.3 Inspections.

All places and premises in the Township of Woodbridge shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Woodbridge. Such inspection shall be made if that official has reason to believe that any subsection of this section is being violated.

§ 18-9.4 Violations and Penalties.

a. Whenever bamboo as defined by this section is found planted in the ground on any plot of land, lot or any other premises or place, a notice of violation shall be given to the owner and any tenant in possession of the property, in writing, to remove or abate the same within such time as shall be specified herein. Bamboo whose root system is entirely contained within a pot or other container shall not constitute a violation.

b. The cost of the abatement shall be borne by the property owner and/or any tenant in possession of the property.

c. If the owner and/or tenant fails to comply with such notice within the time specified therein, a summons shall be issued to the property owner and/or tenant. Furthermore, the enforcing officer may remove or otherwise control the bamboo and the Township may thereafter recover the costs incurred in connection with said removal. Should owner or tenant, within thirty (30) days of the demand of the Township fail to reimburse the Township for all amounts paid by the Township to abate any violations of this section, said amount shall be forwarded to the Tax Collector and shall be added to the next applicable tax bill for the property in question.

