



City of Olivette
 Planning and Community Development Department
 1140 Dielman Road
 Olivette, MO 63132
 (314) 993-0252 (Office)
 www.olivettemo.com

DEPARTMENT MEMORANDUM

DATE: NOVEMBER 5, 2020
TO: PLANNING AND COMMUNITY DESIGN COMMISSION
FROM: CARLOS TREJO, AICP
 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
RE: URBAN AGRICULTURE
 (formerly Quality of Life Issues)
PETITION TYPE TEXT AMENDMENT

PETITIONER	PROPERTY OWNER	ENGINEER:
City of Olivette	Not Applicable	Not Applicable

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.

Enclosed is the updated draft and application forms from the October 15th meeting discussion. Items noted by the Commission from the October meeting include the following:

- How long does someone have to remove a rooster, once that it is found. What is reasonable time to remove a rooster. **(How about six (6) weeks? That is 42-days from notification)**
- Can you sell honey. **(The selling of any commodity is prohibited, this is just for hobby or personal use—just like the eggs from the chickens)**
- If neighbor has bee allergy, opportunity for neighbor’s to weigh in and comment about. Does it eliminate the possibility of someone having a hive. **(schedule discussion with City Attorney in December meeting)**
- Once you decide not to continue harboring chickens or bees, requirement for removal of structures. **(this has been added to the proposed ordinance language)**
- On the guidance handouts, these tend to change over time. Date form/link with check for updates. **(added to forms)**
- Other farm animals, noted pigs and other animals less than 25 lbs. **(At this point, Council is only looking for regulations on chickens and pigs, which produce a commodity for personal use. Pets are not intended to be regulated under this draft).**

ATTACHMENTS

- Draft regulations
- Handouts

SUGGESTED MOTION

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

Section 400.0000 URBAN AGRICULTURE

Section 400.0000.A. Definitions:

Will work with Commissioner Brophy on definitions section once the components of this Section are fully defined.

Director. The Director of Planning and Community Development.

Urban Agriculture: The science and art of cultivating plants and livestock.

Horticulture: The art or practice of garden cultivation and management.

Pet. A pet, or companion animal, is an animal kept primarily for a person's company or entertainment rather than as a working animal, livestock or a laboratory animal.

Livestock. Livestock is commonly defined as domesticated animals raised in an agricultural setting to produce labor and commodities such as meat, eggs, milk, fur, leather, and wool.

Rearing: The process of keeping, feeding, breeding and medical care of useful animals is called rearing of animals. These animals produce one or more useful products for human beings.

Apiary: a place where bees are kept; a collection of beehives.

Vegetable garden. Gardening of vegetables and other plants useful for human consumption.

Natural landscaping. also called native gardening, is the use of native plants, including trees, shrubs, groundcover, and grasses which are indigenous to the geographic area of the garden. Native landscaping includes bioretention facilities, such as rain gardens, to treat polluted stormwater runoff.

Section 000.0000.B. Purpose and Intent

(1) The purpose of this section is to:

- a. Recognize the balance necessary to regulate traditional agricultural activities within a single family residential urban setting.
- b. Establish defined Community Parameters for urban agricultural activities in residential properties.
- c. To minimize disruptions to adjacent properties when agricultural activities take place in close proximity.
- d. Assure residents are informed of the investment requirements for urban agriculture.
- e. Provide an orderly exit strategy for concluding urban agriculture activities.

(2) Types:

- a. Rearing livestock
- b. Horticulture

Section 000.0000.C. Rearing Livestock

- (1) Authorized uses. For lots zoned SR Single Family Residential, the following livestock maybe reared by administrative permit.
 - a. Chickens, hens only
 - Limit: 6
 - b. Bees
 - Limit: 3 hives, each not exceeding 20 cubic feet or 5-feet in height
- This portion of this Section, regarding bees, requires a direct discussion with the Commission and City Attorney, as several inquiries have been made regarding impact on neighbor's who have allergies to bee stings.*
- (2) Site Plan Review **(subject to Commission review and approval)** The following are subject to Site Plan Review procedures under Article XI.

The purpose of this amendment is to provide parameters to the harboring of various livestock, in this case chickens and bees, that produces a commodity, such as eggs or honey.

Staff recommends that harboring livestock for pet purposes not be addressed at this time.

- **DISCUSSION NECESSARY**

- i.e., not limited to:

- Anatidea (water birds) less than 25 lbs
- Doves/Pigeons
- Birds of prey/raptors
- 4 legged farm animals, including but not limited to cattle, sheep, horses, pigs, goats, ect.

- (3) Prohibited

- Roosters.

Section 000.0000.D. Horticulture

Goal is to limit a property occupant from converting their entire property into a native garden or prairie.

(1) Native gardens and prairies:

General conditions:

- Defined perimeter or edge.
- Setback 5-feet from an adjacent property line
- May not encroach into an abutting street right-of-way
- If the native garden or prairie encompasses 50% of the front yard area or 50% of the rear yard area, Commission review is required under Site Plan Review procedures.

~~(1) Authorized by right.~~

- ~~• Vegetable gardens. less than 1% of the total lot area.~~
- ~~• Natural gardens. less than 10% of the total lot area.~~

~~(2) Site Plan Review. (subject to Commission review and approval) Any authorized garden in excess of the authorized noted above.~~

(3) Prohibited. Bamboo

Section 000.0000.E. Permitting

- (1) Application. Prior to rearing livestock or initiating an approved Site Plan Review for horticulture purposes, a person shall first submit an application to the City of Olivette Department of Planning and Community Development.
 - Contact
 - Site Plan
 - Housing method
 - Screening
- (2) 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.
- (3) Standards and conditions.
 - The Commission shall prepare an application with general standards and conditions, which said application shall be approved by the Council and which may be amended from time to time.
 - Permits are issued for only a one-year period.
 - Annual Inspection.
 - Nontransferable.
 - Removal and restoration required upon termination of permit.

Section 000.0000.F. Revocation

- (1) Violation
 - a. 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.
 - b. 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.
- (2) Revocation. In the event the property owner shall fail to notify the Director or designee of such correction within five days or in the event that a reinspection does not verify such correction, the permit shall be revoked.
- (3) Appeal. Permit revocations under this section may be appealed as follows:
 - a. Appeals must be filed within five days after the revocation notice is mailed by certified mail.
 - b. Appeals shall be determined following a hearing before the City Manager or designee.
 - c. At least five days notice of the hearing shall be given to the property owner by certified mail.
 - d. 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.

(PROPOSED INFORMATION HANDOUT AND APPLICATION)

RAISING CHICKENS IN OLIVETTE, MO

(adopted version date: 2020 11-01)

The City of Olivette permits the keeping of up to six (6) chickens at a single-family residence. Below are the steps to follow if you would like to raise chickens:

- a. Request application packet from the Building Department.
- b. Review application packet.
- c. Determine how setbacks from property lines affect placement of where coop/pen can be located and review other criteria. If your desired placement would encroach on required side or rear property line setbacks, you need to get written permission from neighbors showing that they agree to the placement. You will need to submit the neighbor(s) written permission(s) along with your application to the Building Department.
- d. Submit application along with the \$25.00 fee and drawing of rear yard showing proposed placement of coop/pen. Also include your neighbor(s) written permission(s) for placement, if applicable.
- e. Your proposed coop/pen placement will be reviewed and if in compliance, approved.
- f. Build coop and pen.
- g. Schedule inspection for placement review.
- h. Permit issued.

If you have any questions, please call the Department of Planning and Community Development at 314-993-0252.

APPLICATION FOR REARING CHICKENS

Note: Only allowed in the SR Single Family Residential District

I. Applicant acknowledges that they understand:

The keeping of up to six (6) chickens 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.

a) Operation Regulations:

- No more than six (6) chicken hens may be kept on a single lot.
- The pen shall be maintained in a ventilated, safe and sanitary condition, which has adequate space for humane treatment and free from predators.
- All feed for the chickens shall be stored in water-tight and vermin-proof containers.
- Any manure or other waste from the chickens 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.
- No chicken shall be permitted to run at large. The term "run at large" is defined as any chicken freely roaming in any area not on the premises to which the permit applies. The chicken shall be deemed to be permitted to run at large when the premises to which the permit applies is not securely enclosed by a proper boundary fence as to prevent a chicken from leaving the premises.
- No slaughtering of any chickens shall be allowed except within a fully enclosed premise completely blocked from public view.
- Deceased chickens shall be immediately disposed of in a proper manner.
- No person shall keep chickens in any manner so as to create a nuisance as defined in our ordinances.
- Eggs may not be sold on the premises.
- Only chicken hens may be kept - no roosters. Upon discovery of roosters, the rooster(s) shall be relocated outside the City in a timely manner. If the City is made aware of a rooster on the premises during the permit time period, the City shall notify the owner that the rooster must be relocated within a six (6) week period.
- Fighting or aggressive birds may be not kept.

b) Housing Regulations:

- The chickens must be adequately confined within a coop or pen in accordance with Section 400.1592 (B.10) *Animal Shelters*, including the following:

Number: One (1) per lot.

Area: Not to exceed sixty (60) square feet.

Height: Not to exceed eight (8) feet.

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.

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) Other Regulations:

- As is the case with many regulations, when applicable, subdivision indentures may be more restrictive than City ordinances; therefore, it is recommended that the applicant seek subdivision approval prior to filing this application.
- If the applicant is not the owner of the property on which such activity is proposed, written authority from the owner must be provided.

- The keeping of chickens pursuant to a permit issued under this section shall also 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, notwithstanding the issuance of such permit; and
- 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 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 1st of each year.
- Transferability of permit: A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any chicken on property that is not identified on the permit.

Upon termination of a permit, the applicant shall remove all associated structures utilized for harboring chickens and restore the grounds to reflect the adjacent yard area.

CERTIFICATION BY PETITIONER(S)

I (we) hereby certify that I (we) have a legal interest in the hereinabove described property and that all information given herein is true and a statement of fact.

Signature: _____

Printed Name: _____

Address: _____

Phone No.: _____

E-mail Address: _____

CERTIFICATION BY OWNER(S)

I (we) hereby certify that I (we) have a legal interest in the hereinabove described property and that all information given herein is true and a statement of fact.

Signature: _____

Printed Name(s): _____

Address: _____

Phone No.: _____

CHICKEN CARE CONSIDERATIONS **Provided by The Humane Society of the United States**

Chickens are energetic, inquisitive, and friendly animals who are a joy to watch, but the decision to keep them should not be made lightly. Chickens require dedicated, consistent care and there are important issues to consider before acquiring a backyard flock.

Many municipalities prohibit residents from having backyard chickens. Be sure to contact local authorities (such as your local animal control or zoning/planning departments) to ensure such animals are legal before you bring any chickens home.

Cockerel conundrum. Within city limits, many municipalities that permit chickens nevertheless limit the number of chickens that one household can keep, and roosters are generally not permitted at all, as their crowing can disturb neighbors. This creates an ethical conundrum, because when chickens are purchased as young chicks it is not possible to accurately determine their sex.

Chicks purchased through mail order or local farm supply outlets may be sold in groups separated by sex, but since gender determination is inexact, as the birds grow, families often find they have one or more male birds when they were expecting to have only females. Many young roosters are being relinquished to shelters and sanctuaries, organizations already overburdened with unwanted animals. Worse, these roosters may be simply abandoned or killed.

The adoption option. For these reasons, The HSUS recommends that families consider adopting adult birds, when the animal's gender is already known. Adult hens can usually be located through your local humane society or animal control. Chickens end up in traditional shelters more often than people realize, and adopting from a shelter is a great way to save a life. You might even ask to be put on a waiting list to be contacted about hens as they come into the shelter.

If your local shelter has no chickens available, look to adopt a "retired" hen from a factory farm who now lives at a rescue or sanctuary that adopts these birds out. While not as productive as they were in their prime, many of these chickens still lay multiple eggs per week. Most of these older hens would otherwise end up being killed on the farm or sent to slaughter. You can find a list of adoption agencies near you by visiting sanctuaries.org or petfinder.com.

Alternatively, you may want to look at flyers posted in your local farm/feed stores, check your newspaper's classified ads, or even scan websites like craigslist.org to find chickens who need good homes.

Chicken care essentials. Once hens have been adopted, proper care and housing are vital. In addition to regular daily attention, feed and clean water, and securing them in their shelter at night, the following care principles are also essential.

- **Chickens are heat- and cold-sensitive.** Like dogs and cats, chickens must have shelter to protect them from temperature extremes. Hens and roosters with large single combs are prone to frostbite in cooler climates, and all chickens need shade during periods of heat. It is important that the shelter is both insulated and well-ventilated. Straw bedding will add comfort and warmth to a shelter's floor space, but it should be replaced regularly with new, clean straw.
- **Predator protection is vital.** Chickens need absolutely secure shelter at night or they can easily fall prey to urban wildlife like raccoons and opossums. Dogs may also attack chickens. They must be completely enclosed in a safe henhouse, with four solid walls and a sturdy roof, every night. Predators can also dig under fences and walls, so this should be considered when planning the chickens' home. During the day, chickens should be kept in a fully-fenced enclosure or yard with proper protection from aerial day-time predators, neighborhood dogs and, in the case of small bantam hens, free-roaming cats.
- **Hens need an appropriate environment.** Hens need an enclosed nesting space (a "nestbox") in which to lay their eggs. They also need an elevated roost on which to perch at night; this is where they prefer to sleep. Hens enjoy loose substrate such as dirt, sand, or peat for dustbathing, and they should also have free access to grass and other vegetation to engage in natural pecking, scratching, and foraging behaviors. Often-used areas may become denuded, and it is important to provide plenty of space, giving them as much room as possible to express natural behavior outdoors. Hen houses, coops, and runs must be kept very clean at all times, for the health of the chickens and the food safety of the eggs.
- **Chickens will require veterinary care.** While it may be tempting to think of a backyard flock as a source of inexpensive eggs, hens, like cats and dogs, require periodic veterinary care. Chickens

can become ill or get injured, and vet exams and treatment can easily cost over \$100 per visit. These expenses should be carefully considered before the decision is made to keep backyard chickens. Not all avian veterinarians are experienced with chickens, so be sure to locate a trusted poultry vet in your area ahead of time.

- **Vacation help is a must.** Since chickens require daily care, a designated caretaker must be arranged for vacations and other periods away from the house. Someone must be present to feed and water the hens and to put them inside their secure shelter every evening.
- **Chicken nutrition is important.** It is a common misperception that chickens can be fed on corn kernels or kitchen scraps alone. Chickens need a balanced diet, like one of the commercially available feeds that have been carefully formulated by nutritionists specifically for adult hens. The protein requirements of chickens change with the birds' age, so it's important to feed an age-appropriate diet.
- Laying hens also need access to a supplemental source of course calcium, such as limestone (available at livestock supply stores) if their feed ration does not already contain enough. In addition to calcium, hard insoluble granite grit should be fed, free choice, 2 or 3 days per month.
- Chickens enjoy fresh fruits, grains, and vegetables in addition to their regular feed, but certain plants can be toxic. Avoid raw green potato peels, dried or undercooked beans, and avocados. Chickens should receive fresh feed and water daily—discard any feed that is old, moldy, or stale.
- The Alabama Cooperative Extension System has published a detailed page on the feeding requirements of backyard chicken flocks throughout their lives.
- **Prevent disease.** Chickens can carry and become ill from a variety of infectious diseases. It is important to keep the hens' environment clean with regular manure removal, and by washing the feed and water containers. You should also avoid mixing birds from different flocks. (Temporarily quarantine any new birds for two weeks and watch them closely for signs of illness or parasites before introducing them into an already established group.) Don't share equipment with neighbors (each chicken house should have dedicated tools, wheelbarrows, buckets, etc.), because pathogenic organisms can travel on these items. Diseases can spread to chickens from pet birds and wild birds, so limit contact where possible.
- **Give your birds plenty of attention.** If you spend time watching and interacting with your chickens, you will find that each one has a unique personality, and they are friendly and curious when treated kindly. They display interesting behavior patterns such as dustbathing and foraging, and their complex social interactions are entertaining to observe. Enjoy their antics, and remember that your hens are completely dependent on you for responsible, committed care for their entire lives.

(PROPOSED INFORMATION HANDOUT AND APPLICATION)

BEEKEEPING IN OLIVETTE, MO (adopted version date: 2020 11-05)

The City of Olivette permits beekeeping on a single-family residence. Below are the steps to follow if you would like to bee-keep:

- a. Request application packet from the Department of Planning and Community Development.
- b. Review application packet.
- c. Determine how setbacks from property lines affect placement of where beehive body frame can be located and review other criteria. You will need to submit the neighbor(s) written notification(s) along with your application to the Building Department.
- d. Submit application along with the \$25.00 fee and drawing of rear yard showing proposed placement of beehive body frames.
- e. Your proposed placement will be reviewed and if in compliance, approved.
- f. Locate and build your frames.
- g. Schedule inspection for placement review.
- h. Permit issued.

If you have any questions, please call the Department of Planning and Community Development at 314-993-0252.

APPLICATION FOR BEEKEEPING

Note: Only allowed in the SR Single Family Residential District

I. Applicant acknowledges that they understand:

The keeping of up to 3-bee hive body frames, each not exceeding 20-cubic feet, 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.

a) Operation Regulations:

- No more than 3-bee hive body frames, each not exceeding 20-cubic feet, may be kept on a single lot.
- The frame shall be maintained in a ventilated, safe and sanitary condition, which has adequate space for humane treatment and free from predators;

b) Housing Regulations:

- No more than 3-bee hive body frames, each not exceeding 20-cubic feet, may be kept on a single lot.
- The frame shall be maintained in a ventilated, safe and sanitary condition, which has adequate space for humane treatment and free from predators;

Number: Three (3) hives per lot.

Area: Each not to exceed twenty (20) cubic feet.

Height: Not to exceed eight (8) feet.

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.

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) Other Regulations:

- As is the case with many regulations, when applicable, subdivision indentures may be more restrictive than City ordinances; therefore, it is recommended that the applicant seek subdivision approval prior to filing this application.
- If the applicant is not the owner of the property on which such activity is proposed, written authority from the owner must be provided.
- The keeping of bees pursuant to a permit issued under this section shall also 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 bees, notwithstanding the issuance of such permit; and
- 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 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 1st of each year.
- Transferability of permit: A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any bees on property that is not identified on the permit.

Upon termination of a permit, the applicant shall remove all associated structures utilized for harboring bees and restore the grounds to reflect the adjacent yard area.

CERTIFICATION BY PETITIONER(S)

I (we) hereby certify that I (we) have a legal interest in the hereinabove described property and that all information given herein is true and a statement of fact.

Signature: _____

Printed Name: _____

Address: _____

Phone No.: _____

E-mail Address: _____

CERTIFICATION BY OWNER(S)

I (we) hereby certify that I (we) have a legal interest in the hereinabove described property and that all information given herein is true and a statement of fact.

Signature: _____

Printed Name(s): _____

Address: _____

Phone No.: _____

BEEKEEPING TIPS FOR BEGINNERS

Moneen M. Jones
Research Entomologist, Division of Plant Sciences
College of Agriculture, Food and Natural Resources

For a beginning beekeeper, between two and five hives is ideal. Olivette limits the number to three hives, not to exceed 20-cubic feet each. This size apiary is small enough for a beginner to manage but still provides enough bees to allow for winter losses. Once a hive has become established, it can produce 50 to 100 pounds of surplus honey each year.

Take a beginning beekeeping class before you invest in bees and equipment. Between varroa mites and colony collapse disorder, knowledge of beekeeping management practices is essential. Check with your local MU Extension center about upcoming classes.

Join local and state beekeeping associations for additional information and guidance. Attend any seminars or meetings that are offered to expand your education and to meet other beekeepers, who can provide valuable help. For additional information, check with your local MU Extension for some of the many good reference books on apiculture.

When you are ready to buy supplies, you will have many beekeeping supply companies to choose from; a few are listed with your local MU Extension. You can buy prebuilt hive kits that include all necessary hive components, or you can build your hive boxes from scratch. You can also order all the parts ready to be assembled, in which case all else you will need are a hammer, some nails and any color of exterior latex-based paint.

Order your bees early for the next year. Suppliers of bees commonly take orders for nucleus colonies, called nucs for short, or package bees in November and December, for delivery in April or May. If you wait too long to order, you will pay a premium or they may not have any bees to sell you. Several months before your colonies arrive, buy your hive components and other equipment. Have the hives assembled and placed on your selected site 30 days before your bees are scheduled to arrive.

Apiary location. Place the apiary near an abundant source of nectar and pollen. A good supply of water is essential. The apiary should face east or south with a northern windbreak. Deciduous trees that partially shade the colony in summer afternoons and allow the sun to penetrate in winter are desirable.

Placement. Hives should be level from side to side but should be tilted slightly forward to prevent water from accumulating inside. Ventilate the hive through the top by propping open the telescoping lid with a stick to reduce humidity inside the hive. Moist conditions inside promote diseases.