

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning *JW*
James Eckrich, Director of Public Works/City Engineer *JE*

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, February 23, 2023



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 23, 2023 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Merrell Hansen** (Ward IV).

Also in attendance were: Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; Petree Powell, Assistant City Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the January 19, 2023 Committee Meeting Summary

Councilmember Hansen made a motion to approve the Meeting Summary of January 19, 2023. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0**.

II. UNFINISHED BUSINESS

A. Baxter Road Crosswalk at August Hill Road

STAFF PRESENTATION

Chair Hurt stated that in May of 2020, Jim Eckrich, Director of Public Works/City Engineer, sent a letter to St. Louis County requesting accommodations be considered on Baxter Road to help pedestrians safely cross Baxter Road at the August Hill Drive/Benton Taylor Drive intersection. Since Mr. Eckrich did not receive a response, Chair Hurt asked the Mayor to send a follow-up letter to St. Louis County requesting the status of the City's request.

The County did respond to the Mayor's letter and indicated that a pedestrian crossing will not be installed because one would not meet established standards from the Federal Highway Association and the Manual on Uniform Traffic Control Devices. However, the County did indicate that this location will be monitored as development continues. When and if the aforementioned standards are met, they indicated that will act accordingly to construct the proper intersection and/or pedestrian controls.

The Committee decided that no further action will be taken at this time and that this information will be passed on to the residents of Baxter Point who made the crosswalk request.

III. NEW BUSINESS

- A. **P.Z. 03-2023 City of Chesterfield (Unified Development Code-Article 4)**: An ordinance amending Article 4 of the Unified Development Code to create Section 405.01.120 related to licenses, permits, or other approvals for non-compliant properties.

STAFF PRESENTATION

Justin Wyse, Director of Planning, explained that City Council asked Staff to confer with the City Attorney and propose updates to the City's Municipal Code that would allow the City to deny any license, permit, or other approval to a person or corporation if the premises to be licensed and/or permitted is in violation of Chapter 405 of the City's Municipal Code.

Two bills were generated from the City Attorney's office, of which the first one, Bill No. 3420, has already been approved by City Council. The second proposed bill is an amendment to the Unified Development Code (UDC) which requires a Public Hearing. The Public Hearing was held on February 13, 2023 and the Planning Commission recommended approval by a vote of 8-0.

DISCUSSION

To clarify, Mr. Wyse explained that Bill 3420 amended the Licenses and Business section in the City Code which deals with the approval of business licenses and liquor licenses. The proposed bill, amends the UDC to strengthen the City's ability to bring zoning issues into compliance. The two bills affect different sections of Code that pertain to permits.

Councilmember Hansen made a motion to forward P.Z. 03-2023 City of Chesterfield (Unified Development Code-Article 4) to City Council with a recommendation to approve. The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the March 6, 2023 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 03-2023 City of Chesterfield (Unified Development Code-Article 4.)]

B. **Chickens in Residential Areas - Discussion**

STAFF PRESENTATION

Petree Powell, Assistant City Planner, stated that this topic first came up at a City Council meeting and was then briefly discussed at the January 19 Planning and Public Works Committee meeting. At that time, Council directed Staff to provide information on factors to consider when expanding the allowance of chickens in some or all residential zoning districts. Currently under City Code Chapter 205.150, person(s) cannot "keep, raise, harbor or offer for sale any" chickens within the City, unless the property is two acres or more in size

Staff reached out to several surrounding cities to see how they handle this issue. Some cities do not permit chickens at all, some have a few regulations and some have numerous regulations. The cities that had the most regulations are Brentwood, Creve Coeur, University City, Ladue and

Ellisville. Information was also obtained from Festus and Ste. Genevieve, who are both more rural and have the most regulations.

The following are some factors that may be considered in developing an ordinance.

1. **Number of Chickens.** Most cities that permit chickens in single-family residential districts have space requirements tied to the number of chickens that are permitted. Most cities also have a maximum number of chickens allowed.
2. **Coops, Shelters or Aviaries.** Most cities have regulations that govern the structure and fencing used to contain the chickens. Chickens are typically not allowed to “run at large” outside coops. In addition, there are often location restrictions.
3. **Cleanliness and Nuisances.** Most cities include a separate provision to prevent nuisances arising from the possession of chickens with cross reference to ordinances on noise and noxious odors.
4. **Permitting/Violations.** Cities typically have permitting, fee and inspection requirements if they allow chickens. Fees are usually nominal and inspections are done bi-annually. Cities often detail circumstances in which permits are revocable. Citations with fines can also be issued for violations.

There are several things that Chesterfield can do, however, the question is whether the City has the capacity to enforce these regulations. The City does not have a building department, does not employ building inspectors nor animal control officers. In addition, St. Louis County could be implicated in the permit process depending on structure requirements, but since they do not have a chicken ordinance, they would not perform any inspections for the City.

While compiling this research, Staff also inquired if any lessons were learned from establishing a chicken ordinance. Most said the process of getting the ordinance passed was contentious but there have been no issues in the application of their ordinance to report.

DISCUSSION

Chair Hurt stated that in the past, his in-laws had a large-scale chicken operation on a farm and on a windy day, the odor was pungent. He also mentioned the problems they had with rodents and racoons. If neighbors are too close, then they will also have problems with predators. If the cities polled are not having any issues related to enforcement, one could assume that they do not have very many people keeping chickens.

In response to Councilmember Monachella's question, Ms. Powell replied that the current ordinance has no other associated restrictions other than the size of the property, however, the City's nuisance ordinance can regulate noise violations.

Councilmember Monachella stated she is not in favor of allowing chickens on smaller lots as the City does not have the means to do the permitting nor enforcement. She indicated that her niece had chickens on a 2-acre lot and she did not recommend allowing chickens on smaller lots. Councilmember Monachella also expressed concern that the chickens will attract predators.

Councilmember Mastorakos' daughter, who has five acres in Washington and who has had chickens for several years, suggested the following regulations that she agrees with:

- Recommended at least one acre of property but you must consider if the backyard is one acre or the whole lot is one acre.
- No roosters allowed.
- One acre lots should have a maximum of six to ten hens. Hens lay approximately two eggs a day in warm weather. In the winter, heaters are usually put in the coop to encourage hens to lay eggs year-round.
- Domesticated pets should not be held accountable for causing harm to the chickens. Besides wild animal predators, domestic pets can go after chickens too. Her community has some type of ordinance in place to that affect.
- The yard must be fenced.

Councilmember Hansen stated that she agrees that imposing more regulations for the keeping of chickens would be a burden for Staff to administer and she would suggest at least one acre. She has no problem with allowing the chickens to roam around the yard a bit. She understands that it would be difficult for some neighborhoods with smaller lots and for Staff to manage. She is in favor of leaving the current ordinance as is and not making it more cumbersome for those who do have chickens.

Councilmember Monachella stated that the newer one-acre subdivisions have smaller side yard setbacks than previously which can cause problems with noise and Staff would still have to regulate the requirements if chickens were allowed on smaller lots.

Chair Hurt pointed out that only one person has requested this in the last ten years. Previously when this issue came up it was in Ward 1 and that is when the current ordinance was created. At that time, the ordinance grandfathered in anyone that already had chickens. The resident who questioned this did not even have a one-acre lot and he is unwilling to go below an acre. He believes there is no need to change the ordinance now.

After some further discussion, the Committee reached the consensus to not change the existing Ordinance at this time.

Justin Wyse, Director of Planning, stated that he would contact the resident who requested the change in regulations.

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 6:01 p.m.