



Legislation Text

File #: 230502, Version: 2

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230502

Sponsor: Councilmember Andrea Bough

Amending Chapter 14, Code or Ordinances, by repealing Section 14-14, Special exceptions from distance requirements for keeping of livestock, and enacting in lieu thereof a new section of like number and subject matter, allowing the director of neighborhood services to issue thirty-day, special exception periods for Section 14-12's prohibitions on both keeping livestock within 200 feet of a building used by human beings, and keeping more than two such animals beyond such distance; reducing the Contingent Appropriation by \$1,000.00 in the General Fund; appropriating that amount in the General Fund for the purpose of educating the public about the ordinance and benefits of livestock agricultural maintenance; designating requisitioning authority; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, pursuant to Section 14-12, the City Code provides restrictions for the keeping of livestock and wild animals; and

WHEREAS, pursuant to Section 14-14, special exceptions may only be granted by appeal to the Property Maintenance Appeals Board; and

WHEREAS, the City seeks to allow such special exceptions by allowing applications to be submitted preemptively rather than as an appeal; and

WHEREAS, the City recognizes that livestock may be used for an environmentally-friendly means of vegetation management and brush clearing and seeks to provide the opportunity for an application for special exceptions to Section 14-12 be submitted for those purposes; and

WHEREAS, the City acknowledges the importance of regulating the keeping livestock and protecting human health, and has retained those restrictions in the amended Section 14-14 language; and

WHEREAS, the proposed amendment to Section 14-14 limits the time period of special exceptions to periods of thirty (30) days and grants the Director of Neighborhood Services the authority to impose additional conditions, as they deem necessary; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 14, Code of Ordinances, is hereby amended by repealing Section 14-14, Special exceptions from distance requirements for keeping of livestock, and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 14-14. Special exceptions from distance requirements for keeping of livestock.

(a) *Special exception authorized.* For purposes of this section, term “director” shall refer to the director of neighborhood services or their designee. The director is hereby authorized to grant special exceptions to Section 14-12(a)’s prohibitions on both keeping, maintaining, pasturing or feeding livestock within 200 feet of the nearest portion of any building in any way used by human beings, and on keeping no more than two of such animals beyond this limitation of 200 feet.

(b) *Application for special exception.* A special exception described in subsection (a) of this section may be granted upon application to the director. Each application shall identify, on a form provided by the director, the:

- (1) name and address of the applicant;
- (2) type and number of livestock for which the applicant seeks an exception;
- (3) purpose or use for which the applicant seeks an exception for such livestock;
- (4) duration of the requested exception period;
- (5) specific description of the real property and dimensions within which the applicant seeks to locate such livestock during the duration of the requested exception period;
- (6) manner in which such livestock will be transported to and from and contained on the property during the requested exception period;
- (7) applicant’s certification, and, if applicant is not the owner of such property, the owner’s certification, that the director is permitted to inspect such property for purposes of evaluating the application for special exception;
- (8) applicant’s certification that they have provided written notification of the application, on a form provided by the director, via certified mail at least fifteen days before the date the application is submitted, to the owner of each property parcel wholly within or intersected by a radius of 200 feet from the property parcel within which such livestock will be located during the exception period. Such notification must include the information required by subsections (b)(1)-(7) of this section, and inform each such neighboring property owner that they may submit to the director within fifteen days any information that they believe supports or does not support the requested exception, according to the factors in subsection (c) of this section.

(c) *Director’s determination of special exception.* Upon review of the completed application pursuant to subsection (b) and any information submitted by neighboring property owner(s) in response to the notification required within the fifteen-day period described in subsection (b)(8) of this section, or by any city department or the Kansas City, Missouri Police Department, the director may grant a special exception pursuant to this section upon a finding that the requested special exception would not be a detriment to the city. In determining whether a special exception would be a detriment to the city, the director will consider the:

- (1) likely impact(s) upon human health;
- (2) likely impact(s) upon the property for which the exception is sought and the area abutting the

property for which the exception is sought, including physical characteristics, square footage, preexisting conditions and topography of both the property for which the exception is sought and abutting properties, the location of existing structures on such property and abutting properties, the location of any watercourses, bodies of water or wetlands;

- (3) the type and number of livestock present on the property during the requested exception period;
- (4) the purpose or use to which livestock will be put during the requested exception period;
- (5) the duration of the requested exception period;
- (6) the manner in which the livestock will be transported to and from and contained on the property during the requested exception period;
- (7) economic conditions; and
- (8) any environmental, vegetation management or other benefit(s) the livestock may provide for such property.

Upon issuing any decision in response to an application for special exception pursuant to this section, the director of neighborhood services or their designee shall send notice by regular United States mail, postage prepaid, to the applicant and owner of property for which a special exception is sought, and to any owner of a property parcel wholly within or intersected by a radius of 200 feet from the property parcel for which the special exception was requested pursuant to this section.

(d) *Issuance, duration and conditions of special exception.* Upon consideration of the factors set forth in subsection (c) of this section, the director of neighborhood services or their designee may grant a special exception of up to thirty days and attach any conditions to the special exception as they deem necessary. The property on which a special exception is granted shall be subject to inspection for the duration of the special exception by the director of neighborhood services or their designee. Refusal to allow such inspection shall void the exception.

(e) *Renewed or additional special exception.* An applicant may request a renewed or additional special exception of up to thirty days. The process of application for and determination of whether to grant a renewed or additional special exception shall be the same as that provided in this section for an initial request for a special exception.

(f) *Appeal.* Any decision whether to grant or renew a special exception pursuant to this section may be appealed to the property maintenance appeals board, pursuant to sections 56-341 through 56-348 of this Code, by the applicant or any owner of a property parcel wholly within or intersected by a radius of 200 feet from the property parcel for which the exception was sought or granted pursuant to this section. The director of neighborhood services or their designee shall send notice by regular United States mail, postage prepaid, to the applicant or owner of the property for which the special exception was sought, and all owners of property parcels wholly within or intersected by a radius of 200 feet from the property parcel for which the special exception was requested, at least ten days prior to the date of the hearing.

Section 2. That the appropriation in the following account of the General Fund is reduced by the following amount:

24-1000-179990-B Contingent Appropriation \$1,000.00

Section 3. That the sum of \$1,000.00 is hereby appropriated from the Unappropriated Fund Balance of the General Fund to the following account in the General Fund:

24-1000-572600-B Animal Control \$1,000.00

Section 4. That the Director of Neighborhood Services Department is designated as requisitioning authority for Account No. 24-1000-572600.

Section 5. That this ordinance is recognized as having an accelerated effective date as provided in Section 503(a)(3)(C) of the City Charter in that it appropriates money, and shall take effect in accordance with that section.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Bret Kassen
Associate City Attorney