



ORDINANCE NO. 2020-001

AN ORDINANCE ADOPTING AND DEFINING AGRICULTURE ("AG") ZONING AS OUTLINED ON THE ZONING MAP OF THE CITY OF BIG SANDY, TEXAS AS PART OF THE COMPREHENSIVE ZONING ORDINANCE (CHAPTER 152: ZONING REGULATIONS) FOR THE CITY OF BIG SANDY; PRESCRIBING CERTAIN POLICIES, RULES AND REGULATIONS; PROVIDING FOR REPEAL; PROVIDING PENALTIES FOR NONCOMPLIANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Sandy, Texas (the "City"), recognizes that the Comprehensive Zoning Ordinance for the City of Big Sandy, Texas was adopted on April 23, 2014; and

WHEREAS, the City acknowledges that the Zoning Map of the City of Big Sandy, Texas was adopted on April 23, 2014 as part of the Comprehensive Zoning Ordinance for the City of Big Sandy, Texas; and

WHEREAS, the City finds it in the best interest of the health, safety and benefit of the citizens of Big Sandy to define the AG designated areas which are outlined on the Zoning Map of the City of Big Sandy, Texas but not previously defined in the Comprehensive Zoning Ordinance for the City of Big Sandy; and

WHEREAS, the City Council of the City of Big Sandy desires to adopt the "AG" Zoning Ordinance, dated August 2020, as the official City policy for "AG" designated areas according to the Zoning Map of the City of Big Sandy, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SANDY THAT:

Section I.

The City Council hereby approves and defines the areas designated as AG Zoning designated areas as recited verbatim herein.

DEFINITIONS:

1. **Agricultural use, commercial.** A tract of land for which the primary purpose is the growing of farm products, vegetables, fruit, trees, or grain for wholesale or retail distribution, and may include facilities to process, store, wrap, and ship such items for market for commercial gain. An office or residence may be sited on the tract, but its use is secondary to the raising, growing, production, and distribution of the product or products for which the farm or ranch is engaged.
2. **Agricultural use, private.** An area of land for which the growing of farm products, vegetables, fruit, trees, and grain and for the raising thereon of poultry or farm animals

such as horses, chicken, cattle, goats, and sheep is a secondary or incidental use to the residence. This definition excludes the commercial feeding of offal or garbage to swine or other animals and excludes any type of agriculture or husbandry specifically prohibited by ordinance or law. This definition also excludes any corporate farm or production facility, professional ranch, stable, garden, or orchard, as defined above.

AG, AGRICULTURAL ZONING DISTRICT

(a) Purpose. The agricultural district is established to permit the use of land for ranching, propagation and cultivation of crops, and similar uses of raw land (but excluding mining or. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed and not immediately zoned into the appropriate district for development is automatically zoned AG, agricultural district.

It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification in the future, as appropriate, unless said land is preserved for rural purposes. However, the AG, agricultural zoning district also encompasses both private agricultural land uses and commercial agricultural land uses, the latter of which requires the approval of a specific use permit (SUP).

(b) General locations. Locations of agricultural zoning districts shall be any location with sufficient acreage to sustain farming and/or ranching.

(c) Height and area regulations. The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot in agricultural district shall be as follows:

- (1) Maximum height. Fifty (50) feet. This height limitation may be waived by action of the city council.
- (2) Minimum front yard setback. Fifty (50) feet.
- (3) Minimum lot area. Ten (10) acres.
- (4) Setback for agricultural buildings. Agricultural accessory structures that contain livestock shall be set back from any single-family district a minimum of 100 feet.

(d) Other applicable regulations.

(1) Agricultural open storage. Open storage is prohibited except for materials for the resident's personal use or consumption such as firewood, garden materials, etc. Agricultural, ranching, and crop production storage is allowed, including agricultural vehicles necessary for the agricultural use.

(2) Agricultural fencing. If livestock (animals typically kept in pastures and/or stables and not in the home), then the restriction for fencing within the front yard setback shall not apply. Fences suitable for containment of livestock (but not barbed wire or razor wire) shall be allowed along the property boundary. Notwithstanding the above, barbed wire fencing may be allowed on undeveloped tracts of land over three (3) acres in size to contain livestock.

Section II.

Any resident failing to comply with the provisions of this Ordinance shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of utility services by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Ordinance is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section III.

The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section IV.

Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section V.

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

EFFECTIVE DATE: This ordinance shall take effect and be in force immediately upon its passage, and the caption and/or a summary shall be published once in a newspaper of general circulation published in the City of Big Sandy, Texas.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Passed, approved and adopted by a vote of 4-0-0 as set out below at the City of Big Sandy City Council meeting held on the **18th day of August 2020** by the following vote:


AYES: Becky Desborough, David Fonteno, Andrew McIver, Rex Rozell

NAYS: NONE

ABSENT: NONE

APPROVED:

ATTEST:



Sonny Parsons, Mayor



Laura M. Rex, City Secretary

Approved As To Form:

Robert Davis, City Attorney