

**ORDINANCE NO. 215-A**

**AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, AMENDING ORDINANCE NO. 215, THE ZONING ORDINANCE, BY AMENDING ARTICLE 4 "PERMITTED USES" TO PROVIDE PERMITTED USE LISTINGS FOR THE NEW AGRICULTURAL USES, AND RELATED REQUIREMENTS; SECTION 4.2 "SUPPLEMENTAL STANDARDS FOR LAND USES" BY ADDING A SUBSECTION 32, "ANIMAL AND LIVESTOCK REGULATIONS" TO PROVIDE NEW STANDARDS FOR LIVESTOCK, SWINE, CHICKENS, WILD ANIMALS AND WILDLIFE, INCLUDING STANDARDS FOR LOCATION, NUMBER OF ANIMALS ALLOWED BY ZONING DISTRICT, MINIMUM ACREAGE REQUIREMENTS, PASTURE FENCING, SHELTER, AND PROVISIONS FOR SPECIFIC USE PERMITS FOR ADDITIONAL ANIMALS OR SWINE; SECTION 9.2 "GENERAL DEFINITIONS" BY AMENDING OR ADDING DEFINITIONS RELATED TO THE FOREGOING SECTIONS, AND AMENDING OR ADDING DEFINITIONS FOR ACCESSORY FARMING AND LIVESTOCK ON URBAN LOTS OR PARCELS; ANIMAL; ANIMAL BREEDER; ANIMAL COMMERCIAL ENTERPRISE; ANIMAL DOMESTIC; ANIMAL OWNER; ANIMALS PROHIBITED; CHICKENS, URBAN; CHICKENS OR CHICKENS, RURAL; LIVESTOCK; SECURE ENCLOSURE; SWINE; WILD ANIMAL OR WILDLIFE; AGRICULTURAL, FARMING AND FORESTRY ACTIVITIES; ANIMAL PRODUCTION, RANCHING AND LIVESTOCK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town has previously adopted Ordinance No. 215 regulating the location and use of buildings, structures, and land for business, industry, residence and other purposes, and now desires to amend said ordinance for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

**WHEREAS**, the Town Council wishes to amend Ordinance No. 215 for the purpose of adopting provisions relating to the regulation of animals and livestock with standards for their location, sheltering, fencing and number of animals per acre; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on October 13, 2022 and the Town Council on October 20, 2022 as required by law; and

**WHEREAS**, the Town Council has determined that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the Town of Annetta and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA TEXAS, THAT:**

**SECTION 1.**

Subsection 4.1.A “Uses Permitted by District” of Section 4.1 “Use of Buildings and Land” of Article 4 “Permitted Uses” of Ordinance No. 215 is amended by adding or amending the Town of Annetta use table by adding or amending the following permitted agricultural uses of buildings and land to read as follows:

Town of Annetta Use Table														
"P" Permitted Use "S" Specific Use Permit Required "SE" Special Exception Required "X" Prohibited														
DISTRICTS	RESIDENTIAL									MIXED-USE AND NON-RESIDENTIAL				SUPPLEMENTAL
USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Agricultural Uses</b>														
Accessory Farming and Livestock to a Residence(def)	P	P	S	X	X	X	X	X	X	X	X	S	S	2-acre minimum parcel size except as allowed in 4.2-32
Agricultural, Farming and Forestry Activities (def)	P	S	X	X	X	X	X	X	X	X	X	S	S	2-acre minimum parcel size
Animal Breeder (def)	P	S	X	X	X	X	X	X	X	X	X	X	X	
Animal Processing (def)	X	X	X	X	X	X	X	X	X	X	X	S	S	4.2.2, 7
Animal Production, Ranching and Livestock (def)	P	P	X	X	X	X	X	X	X	X	X	S	S	2-acre minimum parcel size, 4.2-32
Animal(s), Prohibited (Def)	X	X	X	X	X	X	X	X	X	X	X	X	X	4.2-32.
Animals, Swine (def)	S	X	X	X	X	X	X	X	X	X	X	X	X	4.2-32.
Chickens, Urban (def) (ten or less excluding roosters)	P	P	P	P	P	P	X	X	X	X	X	P	P	4.2-32.
Chickens, (def) (more than ten excluding roosters)	P	P	P	P	P	X	X	X	X	X	X	X	X	4.2-32.
Chickens, R-AG (more than ten including roosters)	P	X	X	X	X	X	X	X	X	X	X	X	X	4.2-32.
Farm, Ranch, Garden or Orchard (def)	P	P	P	S	X	P	X	X	X	X	X	X	X	4.2-3
Feed Lot(def)	X	X	X	X	X	X	X	X	X	X	X	X	S	4.2-1, 6, 7
Produce Stand (def)	SE	SE	S	X	X	S	X	X	X	X	S	S	P	
Produce Sales (Inside) (def)	SE	SE	S	X	X	S	X	X	X	X	S	P	P	
Stable, Commercial (def)	S	S	X	X	X	S	X	X	X	X	X	X	S	4.2-1, 8
Stable, Private (def)	P	P	P	P	P	P	X	X	X	X	X	P	P	4.2-8, 32
Wild Animal or Wildlife	S	X	X	X	X	X	X	X	X	X	X	X	X	4.2-32c

## SECTION 2.

Section 4.2 “Supplemental Standards for Land Uses” is amended by adding a new paragraph 32. “Animal and Livestock Regulations” to read as follows:

### “32. **Animal and Livestock Regulations**

**a. Wildlife.** A person commits an offense if they harbor, possess or otherwise has care, custody or control of a wild animal, wildlife or a dangerous wild animal (as defined in this chapter) within the town except as specifically authorized herein.

#### **b. Livestock**

##### (1) Prohibited.

i. A person commits an offense if he keeps, harbors, possesses or maintains livestock except as provided herein, within the Town of Annetta or on property in a district which is zoned other than R-AG, Agricultural Residential, R-1, Residential or R-E, Estate Residential, under the Town of Annetta adopted zoning ordinance.

ii. A person commits an offense if he keeps, fences, stables, pastures or otherwise maintains livestock of the Order Ungulata (excluding horses, cattle, sheep, mules and goats as provided for in this ordinance but including deer, bison and camels) on a tract or parcel of land of less than five acres.

iii. Any violation of this section 4.2, 32. “Animal and Livestock Regulations” is hereby declared to be a nuisance.

(2) **R-AG Livestock.** A person maintaining livestock, as authorized by this chapter, may maintain on each full acre of land zoned R-AG, Agricultural Residential, in a secure enclosure, no more than the following:

i. three horses;

ii. three head of cattle;

iii. six sheep;

iv. six goats;

v. or any combination thereof.

vi. Rabbits shall meet the same numerical requirements as chickens.

##### (3) **R-1 and R-E Livestock**

i. **Less than two acres.** On a parcel of land less than two acres within the Town zoned R-1, Residential District or R-E, Estate Residential livestock, including horses, mules, cattle, goats and sheep are not allowed unless a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out.

ii. **More than two acres.** On a parcel of land more than than two acres within the Town zoned R-1, Residential District or R-E, Estate Residential District, a person maintaining livestock, as authorized by this chapter, may maintain on each full acre of land, in a secure enclosure, no more than the following:

1. two horses;
2. two head of cattle;
3. six sheep;
4. six goats;
5. or any combination thereof.
6. Rabbits shall meet the same requirements as chickens.

(4) Other livestock allowed herein shall have the same number allowed per full acre of land as a similar sized animal above.

(5) The cumulative total of animals allowed shall be based proportionally on the number of animals allowed for each full acre of land. For the purposes of equivalency and calculating how many animals of certain varieties may be placed on the same full acre of land, the following table shall be utilized:

### ***Table of Animal Equivalentents***

One =	Horse	Cow	Sheep	Goat
Horse		1	3	3
Cow	1		3	3
Sheep				1
Goat			1	

(6) Using the table to calculate the mix of animals allowed on acreage, one horse is the equivalent of one cow. A horse or a cow is the equivalent of three sheep or three goats or other equal sized animals. (for example, on three acres of R-AG zoned land there can be three horses on the first acre, three cattle on the second acre, one horse, one cow and three goats on the third acre for a total of 11 animals)

(7) **Pasture Fencing**

- i. Fencing provided for livestock must be a minimum of four feet in height at its lowest point, and on properties less than two acres shall not extend into the front yard between the main building structure and the street or street right-of-way unless otherwise provided for in this ordinance.

- ii. On parcels exceeding 2 acres and utilized for the raising of animals, typical agricultural fencing such as welded or woven wire fencing (goat wire, chicken wire, etc.) may be utilized and located on all property lines, including in the front setback. Fences in the front setback shall be more than 75% opaque.
- iii. Barbed and electrified fencing is only allowed in the R-AG and R-1 district for actual raising of livestock on more than 2 acres.

**(8) Shelter**

- i. Horses and mules shall be provided with a minimum of a three-sided roofed shelter meeting the sanitation requirements of this chapter, all applicable zoning requirements, and providing adequate protection for the animal(s) from the elements.
- ii. A person commits an offense if he stables, stalls or pens livestock within 100 feet of an occupied building or structure other than a building or structure occupied or controlled by the owner of the livestock.
- iii. It is an exception to applicability of this subsection that the owner of the livestock had erected and existing on the owner's property a stable, stall, pen or other secure enclosure for livestock which was, on the effective date of this chapter, situated within 100 feet of an occupied building or structure other than a building or structure occupied or controlled by the owner of the livestock. Nothing herein, however, shall be construed to except the said existing stable, stall, pen or other secure enclosure from all other requirements of this chapter.

**(9) Swine, Pigs, Potbellied Pigs or Otherwise Prohibited Animals.**

- i. Swine, pigs or potbellied pigs may be allowed by a Specific Use Permit approved by the Council after recommendation by the Commission, with conditions of operation set out, if it is determined the animals will not have a detrimental effect on surrounding properties. The Specific Use Permit, if approved, shall limit the number of animals and set conditions for their maintenance and keeping. Written notice must be provided to property owners within 200 feet in accordance with the rezoning notice requirements of this ordinance, in order to determine the effect of the request on adjacent properties.
- ii. It is an exception to the prohibition of swine, pigs or other livestock if the animals are kept and maintained strictly for educational purposes on the premises of an accredited secondary school or institution of higher learning.
- iii. A person may keep, harbor, own, or maintain on such person's premises up to two swine or ten rabbits that would not otherwise be allowed, if the premises are larger than one acre, the person is lawfully involved in an Agricultural Youth Project under the supervision of a County Extension Agent, interest group leader or agriculture teacher employed by the independent school district and the swine or rabbits are kept no longer than twelve consecutive months or the duration of the supervised project.

**(10) Excepted Animal Operations.** The following are excepted from application of this section provided their operations are conducted in accord with the adopted Town of Annetta ordinances including the zoning ordinance, and applicable state

law and regulations: animal slaughterhouses; animal processing plants; animal rendering plants; livestock auctions; livestock shows or events; rodeos; livestock related activities or businesses; and animal shelters run by governmental entities or private animal welfare organizations.

**c. Chickens**

- (1) A person commits an offense if he keeps, harbors or maintains chickens in the town other than on a premises or in a district classified by the Town of Annetta zoning ordinance as agricultural or residential.
- (2) **R-AG Chickens.** Within areas in the town zoned R-AG, Residential Agricultural, a person may keep no more than twenty chickens, including roosters, per acre, with no more than a total of 150 chickens permitted. Additional chickens may be allowed if a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out.
- (3) **Other Residential District Urban Chickens.**
  - i. **More than One Acre.** On lots larger than one acre and within areas of the town zoned for residential use other than R-AG, a person may **keep ten** chicken hens per full acre, with no more than 50 chicken hens permitted without a special exception. Roosters are prohibited.
  - ii. **Less than One Acre.** On lots of one acre and smaller and within areas of the town zoned residential a person may keep no more than ten-urban chicken hens. Roosters are prohibited.
- (4) All pens, coops, or hutches for the keeping of fowl on more than one acre shall be maintained a minimum of 100 feet from any residence or commercial building, excluding the residence or commercial building of the person keeping or harboring the fowl, except as specifically provided herein. On less than one acre the minimum distance shall be 50 feet.
- (5) A person who keeps, harbors or maintains urban chickens in the town shall ensure that the animal(s) in their care or custody are treated humanely by, at a minimum, providing the urban chickens with sufficient food, potable water, adequate shelter, and protection from weather. All pens, coops, hutches and exercise runs shall be completely enclosed. The pen, coop, hutch or exercise run may not be placed in the front yard of any property.

**d. Restrictive Covenants/Deed Restrictions.** It is not the intent of these animal land use regulations to supercede or invalidate existing private restrictive covenants or deed restrictions. All potential users of land are advised to check their property deed or subdivision to determine if there are private covenants or deed restrictions that apply to the raising or harboring of animals, or livestock fencing, and be advised that they may still be subject to such provisions, regardless of the Town of Annetta's regulations.

**e. Specific Use Permits for Additional Animals and Swine:**

- (1) On individual requests, additional animals may be allowed within areas of the town zoned for R-AG, R-1 or R-E residential use, if a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out. The Specific Use Permit may allow for:
  - i. **additional livestock**, if in the approval of a Specific Use Permit, the Council determines that the approval of the Specific Use Permit will not have a detrimental effect on surrounding properties and the Specific Use Permit limits the number of additional animals.

- ii. **additional chickens** on lots larger than one acre if in the approval of a Specific Use Permit, the Council determines that the approval of the Specific Use Permit will not have a detrimental effect on surrounding properties and the Specific Use Permit limits the number of additional animals.
  - iii. **swine, pigs or potbellied pigs** on more than two acres, if in the approval of a Specific Use Permit, the Council determines that the approval of the Specific Use Permit will not have a detrimental effect on surrounding properties, the Specific Use Permit limits the number of animals, and sets conditions for their maintenance and keeping.
- (2) The Council, in the approval of a Specific Use Permit, may require additional conditions to protect adjacent properties, including:
- i. the number of animals,
  - ii. maintenance and keeping restrictions,
  - iii. distance of pastures, pens, fencing and other animal shelters from adjacent property line,
  - iv. special fencing and screening, and
  - v. any other livestock or poultry conditions it deems necessary.
- (3) Written notice of a Specific Use Permit public hearing must be provided to the owners of adjacent properties within 200 feet of the property included in the request, in accordance with the property owner notice requirements of this ordinance, in order to determine the effect of the request on adjacent properties.”

### SECTION 3.

Subsection 9.2 “Definitions” of Ordinance No. 215 is amended to add the following definitions to read as follows:

“**Accessory Farming and Livestock on Urban Lots or Parcels** - The accessory use of a parcel less than 2 acres in size for agricultural and farming activities and the raising of animals solely for the use of the property owner and not for sale or commercial purposes unless a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out.”

“**Animal** - Any living creature other than humans. Unless specifically indicated otherwise, the term shall include livestock, fowl, reptiles, amphibians and wildlife as well as dogs, cats and other creatures commonly owned as pets.”

“**Animal Breeder** - A facility, kennel or residence in which more than one litter of dogs or cats are bred and raised for sale.”

“**Animal Commercial Enterprise** - As permitted by the zoning regulations of the town, an activity or venture, with a commercial purpose, where animals are raised, trained, boarded, harbored, maintained, groomed, displayed and/or offered for sale and shall include, but is not limited to, kennels, pet shops, grooming shops, animal clinics, animal hospitals, animal research centers, zoological parks, petting zoos, livestock auctions, guard dog or obedience training centers, horse stables or riding facilities, farms or ranches, or performing animal exhibitions as defined in this chapter.”

**“Animal, Domestic** - Any animal normally adapted to live in intimate association with humans, or for the advantage of humans. It includes, but is not limited to, the following: dogs, cats, livestock, fowl or other tame or domesticated animal of or pertaining to the family or household which can be vaccinated against rabies with an approved rabies vaccine. All domestic animals located on land in the Town of Annetta must be vaccinated against rabies as set forth in chapter 826 of the Texas Health and Safety Code and Town Ordinance #81.”

**“Animal, Owner** - Any person that owns; keeps; harbors; maintains; controls; displays; possesses; has care, custody, control, possession of or a property right in an animal; or that provides premises to which the animal returns for food, shelter or care for a period of three or more consecutive days.”

**“Animals, Prohibited** - Any animal, the possession, harboring, keeping or other maintenance of which, is prohibited by state or federal law or the adopted Town Zoning Ordinance #84, as amended, and also including, but not limited to, the following species and/or subspecies of the following animals: venomous snakes, wild felines (including lions, tigers, ocelots, bobcats, lynx, cougars, leopards, cheetahs, jaguars, hyenas), bears, lesser pandas, ferrets born in natural habitats, binturong (Bearkat), elephants, Vietnamese pot belly pigs, miniature pigs, pigs or swine in general and/or any member of the Family Suidae unless provided for in this ordinance, apes or other such other non-domesticated species of animal not indigenous to nor common to this area.”

**“Chickens, Urban** - A species of chicken known as Gallus Domesticus, also referred to as the common chicken on lots of less than one acre, and not including roosters.”

**“Chickens or Chickens, Rural** – Chickens on more than one acre, including roosters.”

**“Livestock** - Domestic animals including horses, mules, donkeys, burros, cattle, goats, sheep, llamas, emus, ostriches, rabbits and any member of the Order Ungulata (such as antelope, deer, bison and camels) regardless of age, sex, size or breed, or any crossbreeding of such species, or any domestic animal raised for business or commercial purposes or animals commonly associated with farm and ranch enterprises. Fowl, except for emus and ostriches, and exotic animals are not included in the definition of livestock.”

**“Secure Enclosure** - A pen, cage, container, structure or building, or fence of sufficient strength and height to prevent the livestock and subject animal(s) from escaping therefrom. The enclosure must be free of defects, disrepair or any other deficiencies that would give rise to a reasonable conclusion that a dog or other animal would likely be able to escape as determined by the Planning and Zoning Coordinator or an animal control authority.”

**“Swine** - Pigs, hogs, potbellied pigs or any member of the Family Suidae.

**“Wild Animal or Wildlife** - Any non-domesticated creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which is normally found in a wild state, and which is not naturally tame or gentle, or which, because of its size, vicious nature or other characteristics, constitutes a danger to human life or property including, but not limited to, all animals defined herein as prohibited animals or dangerous wild animals.”

#### SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.



**SECTION 5.**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.**

All rights and remedies of the Town of Annetta are expressly saved as to any and all violations of the ordinances of the Town of Annetta, as amended, or any other ordinances affecting land use and zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8.**

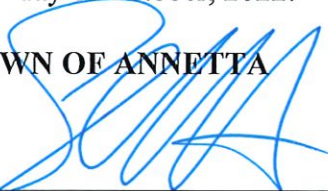
The Town Secretary of the Town of Annetta, Texas, is hereby directed to publish this Ordinance in compliance with state law.

**SECTION 9.**


This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** on this 20<sup>th</sup> day of October, 2022.

**TOWN OF ANNETTA**

  
Sandy Roberts, Mayor

ATTEST:

  
Jamee Long, Town Secretary

