

**ORDINANCE NO. 2003-43****AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING ORDINANCE NO. 99-08 ZONING ORDINANCE ARTICLE 2 SECTIONS 2-101 AND 2-102 AS HERETOFORE AMENDED, TO ADD AN AGRICULTURE (AG) ZONING DISTRICT AND DEFINE AGRICULTURE USE, YARD AND BULK REQUIREMENTS. PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning, Zoning and Ordinance Commission of the Town of Talty and the governing body of the Town of Talty, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the Town of Talty is of the opinion that said zoning ordinance should be amended as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:**

**Section 1.** That the comprehensive Zoning Ordinance No. 99-08 of the Town of Talty, Texas as heretofore amended, adds to Section 2-101 Zoning District Categories, without change or amendment to any other provision or subsection of Section 2, said amendment to read as follows:

**(E) AGRICULTURE (AG) DISTRICT**

This district is intended to provide a location for land situated on the fringe of an urban area and used for agricultural purposes, but which then may become an urban area in the future. Generally, an Agricultural District will be near development; therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses. The types of uses and the area and intensity of use permitted in this district shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

**Section 2.** That the comprehensive Zoning Ordinance No. 99-08 of the Town of Talty, Texas as heretofore amended, adds to Section 2-102 (A) Use, (B) Yard and Bulk Requirements,

without change or amendment to any other provision or subsection of Section 2, said amendment to read as follows:

**(A) AGRICULTURE (AG) USE GROUP:** A building or premise shall be used only for the following purposes:

1. Single-family dwellings on building lots of five (5) acres or more in areas where such dwellings can be adequately served by city utilities or septic tanks/systems located on the building lot.
2. All general and special agricultural, farming, ranching, and related accessory buildings; stock and poultry raising, dairy farming, stables and other related uses, so long as such uses do not cause a hazard to health by reason of dust, fumes, noise, odor or vibration, and are not otherwise detrimental to the public welfare.
3. Accessory buildings and structures clearly incidental to the above operations, including but not limited to, barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total square footage of all accessory buildings and structures shall be limited to four hundred percent (400%) of the square footage of air conditioned space of the main building and, combined with such main building, shall be limited to fifteen percent (15%) of the gross land area.
4. Metal building less than six hundred (600) square feet which are used for tool and supply storage.
5. Greenhouses, green nurseries, truck gardening and gardening activities in general, which are limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises.
6. Riding Academies and other equestrian related activities.

**(B) AGRICULTURE (AG) YARD AND BULK REQUIREMENTS:**

1. Minimum Lot Area – Five (5) acres
2. Minimum Lot Width – 300 square feet
3. Minimum Frontage on Cul-de-sac or Turnaround – 60 feet
4. Minimum Lot Area per Dwelling – Five (5) acres
5. Minimum Front Yard Setback from a Street Right-of-Way:
  - a. For all Principal Buildings and Uses – 150 feet
  - b. For all Accessory Buildings and Uses – 200 feet
6. Minimum Side Yard Setback from a Street Right-of-Way for all Buildings and Uses – 150 feet
7. Minimum Side Yard Setback:
  - a. From an Interior Lot Line for all Principal Uses – 75 feet
  - b. For all Accessory Uses – 15 feet
8. Minimum Rear Yard Setback:
  - a. For all Principal Uses – 25 feet

- b. For all Accessory Uses – 10 feet
- 9. Maximum Height:
  - a. For all Principal Uses – 35 feet
  - b. For all Accessory Uses – 20 feet
- 10. Minimum Area of Principal Dwelling (living space) – 2,000 square feet

**Section 3.** That all provisions of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the Town of Talty not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**Section 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

**DULY APPROVED AND PASSED** by the Board of Aldermen of the Town of Talty, Texas on the 22<sup>nd</sup> day April, 2003.

APPROVED:

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Allison Weaver, Mayor

ATTEST:

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Carla Milligan, Town Secretary

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