

ORDINANCE NO. 2021- 04

**AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY SAM RAMSEY, TO ALLOW CHICKENS ON PROPERTY ZONED HISTORIC DISTRICT (HD) LOCATED AT 35 S. MAIN STREET IN SALADO, BELL COUNTY, TEXAS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.**

**WHEREAS**, an application for a Conditional Use Permit has been filed by Sam Ramsey ("Applicant") to allow chickens to be kept on real property, described as A0398BC H W Hurd, P-11120, 4.173 acres, zoned Historic District (HD); and

**WHEREAS**, having chickens is an authorized use in areas zoned Historic District (HD) upon the approval of a Conditional Use Permit; and

**WHEREAS**, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

**WHEREAS**, Applicant has submitted a Conditional Use Permit Application, attached hereto as Exhibit "A", respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Salado Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning Commission and Board of Aldermen have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

**WHEREAS**, the Board of Aldermen finds that keeping chickens on the property in question, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

**ARTICLE I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

## ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The BOARD OF ALDERMEN HEREBY GRANTS the Application for a Conditional Use Permit submitted by Sam Ramsey ("Applicant") to allow chickens to be kept on real property, described as A0398BC H W Hurd, P-11120, 4.173 acres, zoned Historic District (HD), Salado, Bell County, Texas, subject to the following conditions:

- (A) The maximum number of chickens that may be kept or housed on the subject property is eight (8).
- (B) No person shall allow chickens outside of the fenced rear yard of the subject property. For the purposes of this ordinance, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- (C) No person shall keep any rooster on the subject property.
- (D) No person shall slaughter any hens on the subject property.
- (E) A person shall not keep chicken hens in any location on the subject property other than in a fenced rear yard. For the purposes of this ordinance, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- (F) No covered enclosure used to keep chicken hens shall be located closer than twenty (20) feet to the property line of any adjacent property and shall not be located closer than fifty (50) feet to any residential structure on the adjacent property unless the subject property owner also owns the adjacent property. Such enclosures may be placed closer to an adjacent property line than the specified setback amounts if the subject property owner also owns the adjacent property. For purposes of this ordinance, "adjacent property" includes any parcel of property that comes into contact with one (1) or more points of the subject property but does not include parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.
- (G) Any enclosures used to keep chicken hens shall be constructed and kept in good repair so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- (H) All feeds and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

## ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

**ARTICLE IV. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**ARTICLE V. SEVERABILITY**

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**ARTICLE VI. EFFECTIVE DATE**

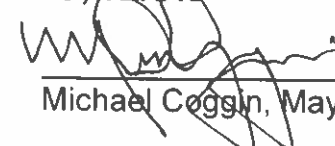
This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**ARTICLE VII. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** by the Salado Board of Aldermen on the 15<sup>th</sup> day of April 2021 by a vote of 4 (Ayes) and 0 (Nays).

**SALADO, TEXAS**

By:   
Michael Coggin, Mayor

**ATTEST:**

  
Cara McPartland, City Secretary

(SEAL)



APPROVED AS TO FORM:

  
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Josh Katz, City Attorney