

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY OF SWEETWATER, TEXAS TO ALLOW FOR RANCHETTE USE AND ASSOCIATED ANIMAL ALLOWANCES IN B DWELLING DISTRICT AS A CONDITIONAL USE APPLICATION FOR PROPERTY LOCATED IN SUNRISE RANCH ADDITION, SECTION 48, BLOCK 22, T & P RY SURVEYS, SWEETWATER, NOLAN COUNTY, TEXAS (28 ACRES) (LOTS 1,2,3,4,5 AND 6)

WHEREAS, on February 8, 2022, the City Council of Sweetwater approved an approved an Ordinance to amend the city Zoning Ordinance to allow for a ranchette use allowing also for associated animal uses and a conditional use procedure for conditional use applications, and

WHEREAS, application had been made for ranchette use with associated animal use allowances as a conditional use for the Sunrise Ranch Addition, Sweetwater, Nolan Cuntty, Texas, and

WHEREAS, property owner notifications and publication had been conducted as provided for by city code, and

WHEREAS, on March 22, 2022, the Planning and Zoning Commission considered and approved a recommendation for ranchette use and associated animal use for Sunrise Ranch Addition, Section 48, Block 22, RY T & P Surveys, Sweetwater, Nolan County, Texas (28 Acres) (Lots 1,2,3,4,5 and 6), as requested by conditional use application.

BE IT ORDAINED by the City Council of the City of Sweetwater, Texas to approve an Ordinance to allow for ranchette use and associated animal allowances in "B" Dwelling District as a conditional use application for property located in Sunrise Ranch Addition, Section 48, Block 22, T & P RY surveys, Sweetwater, Nolan County, Texas (28 acres) (Lots 1,2,3,4,5 and 6), and

BE IT FURTHER ORDAINED this Ordinance shall be effective upon the date of adoption hereof and any publication required by law.

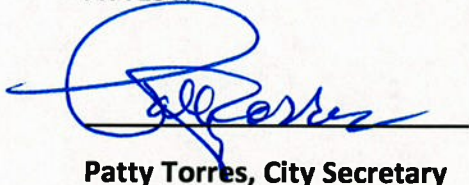
PASSED, APPROVED AND ORDAINED, this the 12th day of April, 2022.

CITY OF SWEETWATER, TEXAS



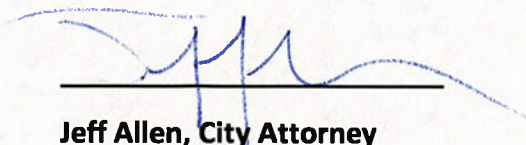
Jim McKenzie, Mayor

ATTEST:



Patty Torres, City Secretary

APPROVED AS TO FORM



Jeff Allen, City Attorney

Sunrise Ranch Addition - Sweetwater
Nolan County, Texas, 29 AC +/-



Boundary



The information contained herein was obtained from sources deemed to be reliable.
Mapbox Software makes no warranties or guarantees as to the
completeness or accuracy thereof.

Previous Approved Amendments:

B. Conditional Use

(1) Ranchette.

- a. Eligible properties are adjacent to city limits boundary lines, including properties that are contiguous to properties adjacent to city limits boundary lines.
- b. Eligible properties in platted tracts/subdivisions.
- c. 2-acre minimum tract size required for Ranchette use and animal unit equivalents.
- d. Animal Unit Equivalent allowances per Section 15(4).
- e. 5-acre maximum allowance for animal unit equivalents on tracts larger than 5 acres.
- f. Properties must have roadway access and utilities from improved right-of-way.
- g. The Director of Planning and Development Services is authorized to make the final determination on whether a property tract is considered as eligible for a conditional use application to be considered by the Planning and Zoning Commission.

B. Condition use procedure

(1) Purpose

The purpose of the conditional use procedure is to allow for review of uses which would not be appropriate generally or without certain restrictions throughout a zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.

(2) Jurisdiction

The director of planning and development services shall be responsible for the administration of the conditional use procedure; and the planning and zoning commission shall be responsible for review, evaluation and action on all applications.

(3) Submission Requirements

An application for a conditional use permit shall be submitted to the director of planning and development services, along with any applicable fee required per the central rate schedule, at least 21 days prior to the regular meeting of the planning and zoning commission. The application shall include submission requirements for a site plan for review.

(4) Planning and Zoning Commission Hearing and Report.

The Commission will hold a public hearing on the proposed conditional use Permit, for which notice of the time and place of the hearing has been published in the official newspaper of general circulation in the City before the 15th day before the date of the public hearing. Notice must be given as required by law to owners of any Premises located within 200 feet of the land subject to the conditional use. After the public hearing, the Commission will make a recommendation to the Council for denial or approval of the request. A tie vote on a request for a conditional use is deemed to be the Commission's recommendation that the requested change be denied. If the Commission recommends denial, the application may not be submitted to the Council for consideration unless the applicant files a written request with the Director within 30 days of the date of denial asking that the Council consider the request.

(5) City Council Hearing and Action.

After receiving a recommendation from the Commission, the City Council will hold a public hearing on the conditional use request, for which notice of the time and place of the hearing has been published in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the public hearing, or as provided by state law. Notice must be given to owners of any premises located within 200 feet of the land subject to the conditional use. After the close of the public hearing, the City Council may approve or deny the request, return it to the Commission for further consideration, or take whatever other action the Council deems appropriate. The affirmative vote of at least $\frac{3}{4}$ of all members of the Council is required to:

- a. Overrule the Commission's recommendation that a proposed conditional use be denied; or
- b. Approve a Conditional Use Permit, if the City receives, as provided by state law, a written and signed petition from adjoining landowners protesting the change.

(6) Report of The Director of Planning and Development Services

The director of planning and development services shall review the application and submit a report to planning and zoning commission. This report shall be made available to the applicant at least ten days prior to the public hearing.

(7) Review and Evaluation Criteria

The conditional use application shall be reviewed and evaluated using the following criteria:

- A. Conformance with applicable regulations and standards established by the zoning ordinance.

B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

C. Potentially unfavorable affects [effects] or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.

D. Location, lighting, and type of signs, and relation of signs to traffic control, and adverse effect on adjacent properties.

E. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.

(8) Conditional Use Review Conditions

The planning and zoning commission may place conditions upon the issuance of a conditional use permit and may condition its approval to ensure compliance with the intent of this provision. Such conditions shall include, but are not limited to:

A. Limits on the floor area of a use.

B. Limits of the hours of operation of a use.

C. Limits on activities within the use.

D. Approval of building elevation designs.

E. Approval of uses ancillary to the primary use.

F. Site ingress and egress.

G. Approval of site circulation plan.

H. Location of parking.

I. Location of loading and docking facilities.

J. Need for fencing and type of required fencing or other screening devices.

K. Location, height and dimensions of signs.

L. Other conditions which may be appropriate to ensure compatibility with adjacent or neighboring land uses and traffic patterns.

(10) Lapse of Approval

A conditional use permit shall be valid for one year from the date of approval unless prior to such expiration date a building permit is issued and construction is commenced and diligently pursued towards completion. A conditional use permit may be renewed for an additional year by the planning and zoning commission upon application. Such renewal may be subject to additional conditions of approval.

(11) Modification of Conditional Use Permit

Minor modifications of a conditional use permit may be modified if the director of planning and development services determines such conditions will not change the intent and affect of the approval by the planning and zoning commission.

ORDINANCE AMENDMENT RANCHETTE USE AND ANIMAL USES IN "B" DWELLING DISTRICT

Section 15. Definitions.

Animal unit equivalents: An animal unit (AU) is generally one mature cow of approximately 1,000 pounds and a calf as old as 6 months of age, or their equivalent.

Kinds/Classes of Animals	Unit	Kinds/Class of Animal	Unit
Cow, dry	1.00	Goat, mature male	1.50
Cow, with calf	1.00	Goat, mature female	.15
Bull, mature	1.25	Kid, 1 year of age	.10
Cattle, 1 year of age	.60	Deer, white tail, mature	.15
Cattle, 2 year of age	.80	Deer, mule, mature	.20
Horse, mature	1.25	Antelope, mature	.20
Sheep, mature	.20	Bison, mature	1.00
Single pig/hog/swine	1.50	Sheep, bighorn, mature	.20
Lamb, 1 year of age	.15	Ostrich/emu	1.00
Other exotic species		[as determined by City Commission]	

Animal Equivalent Allowances:

- Any combination of animals per unit equaling total units allowed based property tract size
- A one-half ($\frac{1}{2}$) acre minimum size lot, tract or parcel shall have a maximum of one (1) animal unit.
- For each additional one-quarter ($\frac{1}{4}$) acre of land within an individual lot, tract or parcel, one-half ($\frac{1}{2}$) additional animal unit shall be allowed.

Property Size (Acres)	Animal Units Allowance	Property Tract Size	Animal Units Allowance
2	4	3 $\frac{1}{4}$	7.5
2 $\frac{1}{4}$	4.5	4	8
2 $\frac{1}{2}$	5	4 $\frac{1}{4}$	8.5
2 $\frac{3}{4}$	5.5	4 $\frac{1}{2}$	9
3	6	4 $\frac{3}{4}$	9.5
3 $\frac{1}{4}$	6.5	5	10
3 $\frac{1}{2}$	7		