

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), BY AMENDING ARTICLE THREE, "ACCESSORY USES" OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS" TO ADD A NEW SECTION, SECTION 5.307, "LARGE ANIMALS"; BY AMENDING SECTION 4.603, "RESIDENTIAL DISTRICT USE TABLE" OF CHAPTER 4, "DISTRICT REGULATIONS" TO ALLOW LARGE ANIMALS IN "A" ONE-FAMILY AND "B" TWO-FAMILY DISTRICTS BY RIGHT OR BY SPECIAL EXCEPTION IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 4.803, "NON-RESIDENTIAL DISTRICT USE TABLE" OF CHAPTER 4, "DISTRICT REGULATIONS" TO REFERENCE SECTION 5.307, "LARGE ANIMALS"; BY AMENDING CHAPTER 9, "DEFINITIONS" TO ADD DEFINITIONS FOR "REGULATED STRUCTURES", "PASTURE LAND" AND "LARGE ANIMALS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS** the City of Fort Worth permits the keeping of large animals as a primary use in agricultural districts and as an accessory use in residential neighborhoods; and

**WHEREAS** current City regulations permit an unlimited number of large animals to be kept in residential neighborhoods if setback requirements are met, which can create nuisances to nearby property owners; and

**WHEREAS** current City regulations prohibit residential property owners from keeping large animals on lots that do not contain the owner's dwelling unit; and

**WHEREAS** the City of Fort Worth recognizes that keeping large animals is part of the cultural heritage of Fort Worth and that providing appropriate regulations protects the quality of life for all residents;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:**

**SECTION 1.**

Article 3, “Accessory Uses” of Chapter 5, “Supplemental Use Standards” of Ordinance Number 13896, the Zoning Ordinance of the City of Fort Worth, is amended to add a new section, Section 5.307 “Large Animals,” to allow large animals as an accessory use to a primary residential use in “A” One-Family and “B” Two-Family zoning districts, and to incorporate regulations for non-residential property, to read as follows:

**5.307 Large Animals**

**A. General**

1. If a Large Animal is kept in or confined by any building or structure, such as a stable, barn, shed, pen, or fence, the separation distances required below shall be measured in a straight line from the nearest point of such building or structure to the nearest point of any Regulated Structure.
2. Pre-weaned animals will not be counted in calculating the Pasture Land square footage for each animal.

**B. Allowed by Right in “A” One Family and “B” Two Family Districts**

1. A property owner with Large Animals must provide required Pasture Land per animal, based on the type of animal to be kept:
  - a. Large Animals, with the exception of those listed in b below, shall require 10,000 square feet per animal.
  - b. Miniature horses, sheep and goats require 5,000 square feet per animal.
2. A property owner must keep any Large Animals at least 50 feet away from a Regulated Structure.
3. A property owner must own a total of ½ acre of contiguous land to keep a Large Animal. This land may be comprised of several individual lots as long as all lots are under common ownership.

4. A property owner must live on the property with the animals or within ¼ mile of the property where the animals are being kept.

**C. Allowed by Special Exception in “A” One Family and “B” Two Family Districts**

Property owners who cannot meet the conditions listed in Subsection B above may apply to the Board of Adjustment for a special exception. In granting the special exception, the Board shall consider the following:

1. The presence of other large animals being kept within the neighborhood;
2. The quality of the conditions in which the animal(s) are being kept;
3. The distance of the pasture and shelters from regulated structures;
4. The conditions of the barns or stables and their impact on adjacent properties;
5. The provision of parking or storage for any trailers, in accordance with City Code;
6. The provision of any additional setback or screening to mitigate possible impacts to adjacent properties; and
7. Whether the property owner was lawfully operating prior to the adoption date of this ordinance

**D. Requirements in “AG” Agricultural and “K” Heavy Industrial Districts**

A property owner must either keep any Large Animals at least 50 feet away from a Regulated Structure or provide the required Pasture Land as follows:

1. Large Animals, with the exception of those listed in 2 below, shall require 10,000 square feet per animal.
2. Miniature horses, sheep and goats require 5,000 square feet per animal.

**E. Legal Non-Conforming Status**

A property owner wanting to claim legal non-conforming status under Chapter 7 Nonconformities must register with the City of Fort Worth, Planning and Development Department, within one year of the adoption date of this ordinance. Such registration would include the number of Large Animals being kept on the property, the amount of Pasture Land provided, and the distance from any Regulated Structure. The large animal use may only be expanded if the use is brought into full compliance with this section.

## **F. Requirements for City-Owned or Operated Property**

City-owned or operated property shall not be subject to sections B, C, D, and E above. Large Animals must either be kept at least 50 feet away from a Regulated Structure or be kept on the required Pasture Land as follows:

1. Large Animals, with the exception of those listed in 2 below, shall require 10,000 square feet per animal.
2. Miniature horses, sheep and goats require 5,000 square feet per animal.

### **SECTION 2.**

Chapter 4, Article 6, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.603, “Residential District Use Table,” is hereby amended to add “Large Animals” as a use under “Accessory Uses, Accessory”; to add a “P” and an asterisk to indicate permitted uses for the column headings “A-2.5A” through “B” districts for “Large Animals” and add a reference in the “Supplemental Standards” column to Section 5.307 for “Large Animals” under “Accessory Uses.”

### **SECTION 3.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, “Nonresidential District Use Table,” is hereby amended to add a reference in the “Supplemental Standards” column to Section 5.307 for “Agricultural” and “Stockyards or feeding pens (commercial)” under “Other Uses” and for “Stable, stockyards or feeding pens (noncommercial)” under “Accessory Uses.”

### **SECTION 4.**

Chapter 9, “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended definitions for a “Regulated Structure”, “Pasture Land” and “Large Animals” to read as follows:

**REGULATED STRUCTURE:** For purposes of Section 5.307, “Large Animals”, of Chapter 5, “Supplemental Use Standards” a regulated structure shall be any of the following: (1) a residence, structure, or building used for human habitation, other than the person's habitation; (2) a restaurant, cafe, or eating establishment; or (3) a church, school, hospital, convalescent home, or nursing home.

**PASTURE LAND:** For purposes of calculating the required square footage of land for each animal in Section 5.307, “Large Animals”, of Chapter 5, “Supplemental Use Standards” pasture land shall be the designated open space, excluding any residential structures and accessory structures unrelated to the keeping of large animals.

**LARGE ANIMALS:** For purposes of Section 5.307, “Large Animals” shall be any equine animal including, but not limited to, a horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, any species of the bovine family; including but not limited to any cow, calf, steer or bull, any llama, sheep, ram, ewe, lamb; any goat, billy, nanny, or kid; or an emu, ostrich, or rhea.

## **SECTION 5.**

This ordinance shall be cumulative of all other ordinances of the City of Fort Worth affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

## **SECTION 6.**

All rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896 or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**

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

**SECTION 8.**

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 (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 9.**

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

**SECTION 10.**

This ordinance shall take effect upon adoption and publication as required by law.

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Assistant City Attorney

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_