

## **ORDINANCE NO. 243**

**AN ORDINANCE OF THE ANNETTA TOWN COUNCIL AMENDING THE ZONING ORDINANCE OF THE TOWN OF ANNETTA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE TOWN, BEING APPROXIMATELY 1.28 ACRES OF LAND SITUATED IN THE BENJAMIN STEPHENSON SURVEY, ABSTRACT NO. 1219, COMMONLY KNOWN AS 2457 W FM 5, ANNETTA, TEXAS, FROM "LR" LOCAL RETAIL DISTRICT WITH AN SUP TO "PD" PLANNED DEVELOPMENT DISTRICT FOR CERTAIN LOCAL RETAIL USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas (the "Town") 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**, pursuant to Chapter 211 of the Local Government Code, the Town has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with the Town's comprehensive plan; and

**WHEREAS**, a change in the zoning classification of the Property listed below was requested by a person or entity having a proprietary interest in said Property; and

**WHEREAS**, a public hearing was duly held by the Planning and Zoning Commission of the Town on November 13, 2025, and by the Town Council of the Town on November 20, 2025, with respect to the zoning change described herein; and

**WHEREAS**, all requirements of law dealing with notice to other property owners, publication, and all procedural requirements have been complied with in accordance with Town Ordinances and Chapter 211 of the Local Government Code; and

**WHEREAS**, the Town Council of the Town does hereby deem it advisable and in the public interest to amend the Zoning Ordinance, as amended, as described herein, and the amendment will promote the health, safety, and general welfare of the citizens of the Town and the general public.

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

### **SECTION 1.**

The Zoning Ordinance and Zoning Map of the Town of Annetta, as amended, is hereby amended by rezoning the "Property" of approximately 1.28 acres of land described in Exhibit "A," and more commonly known as 2457 W FM 5, Annetta, Texas, from "LR - Local Retail Zoning District" with a Specific Use Permit (SUP) limited to a dry cleaning drop off/pickup, and a personal fitness studio" to Planned Development District (PD) hereinafter referred to as "Planned Development #3" (PD #3) with base zoning of LR - Local Retail District Uses and Area Regulations and is hereby approved subject to the regulations, restrictions, terms, and conditions set forth in this Ordinance.

### **SECTION 2.**

#### **CONCEPT / PD SITE PLAN, PLATTING**

The Concept Plan attached hereto as Exhibit "B – Concept Plan" is approved. A Planned Development (PD) Site Plan meeting the requirements of this adopted Zoning Ordinance and in substantial conformance with the Concept Plan shall be submitted and approved by the Planning and Zoning Commission and Town Council prior to issuance of a building permit on the Property. In addition, Property must be platted in accordance with the adopted Subdivision Ordinance, as amended, prior to issuance of a building permit.

### **SECTION 3.**

#### **USES AUTHORIZED**

The purpose and intent of this PD #3 is to provide flexibility in the development and operation of a retail area at the gateway to Annetta. In accordance with the Town's Comprehensive Plan, the base land use is designated as Commercial. The permitted uses of the Property are limited to those retail uses listed in Exhibit "C – PD #3 Permitted Land Uses" and all other uses customarily incidental to a local retail site permitted by the Town Zoning Ordinance..

### **SECTION 4.**

#### **DEVELOPMENT REGULATIONS AND RESTRICTIONS**

The Property shall be subject to and developed in accordance with the Concept Plan, attached hereto as Exhibit "B", the Planned Development (PD) Site Plan as approved by the Town Council upon recommendation of the Planning and Zoning Commission, and all other applicable ordinances of the Town. All development standards and regulations not specifically set forth herein shall be those required for development in the "LR - Local Retail Zoning District" as set forth in the relevant sections of the Town's Zoning Ordinance except as otherwise amended herein and as required in an Exhibit "D," if included in this ordinance.

### **SECTION 5.**

#### **COMPREHENSIVE PLAN**

The zoning changes and boundaries herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety



from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, wastewater, drainage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community. The Town's comprehensive plan is amended as it applies to this Property in accordance with this Ordinance.

## **SECTION 6. ZONING MAP**

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

## **SECTION 7.**

The use of the Property hereinabove described shall be subject to all the applicable regulations contained in the Zoning Ordinance of the Town of Annetta, as amended, to the regulations, restrictions, terms, and conditions set forth in this Ordinance and to all other applicable and pertinent ordinances of the Town.

## **SECTION 8.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Annetta, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed as they apply to this Property.

## **SECTION 9.**

All rights and remedies of the Town, are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or land use 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 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 10.**

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 11.**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases 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 section, paragraph, sentence, clause, or phrase.

#### **SECTION 12.**

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

#### **SECTION 13. EFFECTIVE DATE**

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 THIS 20TH DAY OF NOVEMBER, 2025.**

  
\_\_\_\_\_  
Sandy Roberts, Mayor

ATTEST:

  
\_\_\_\_\_  
Jamee Long, Town Secretary





## EXHIBIT A - PROPERTY DESCRIPTION

BEING 1.28 acres out of the Benjamin Stephenson Survey, Abstract No. 1219, Parker County, Texas and being that certain tract conveyed to James Harrington by deed recorded in Volume 1204, Page 389 of the Real Records of Parker County, Texas and that certain tract conveyed to Nona Terry by deed recorded in Volume 363, Page 396 of the Deed Records of Parker County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch iron rod, set, on the East line of F.M. Highway No. 5, said point being the Northwest corner of said Terry tract and being by deed call North 3774.40 feet and East 30.00 feet from the Southwest corner of said Stephenson Survey for an angle point of this tract;

THENCE N 00D 12' 14" E, along and with the East line of said F.M. Highway No. 5, a distance of 165.99 feet to a ½ inch iron rod, set, at the most Northerly Southwest corner of that certain tract conveyed to Suncrop Nursery, LLC by deed recorded in Volume 2080, Page 1609 of the Real Records of Parker County, Texas for the Northwest corner of this tract;

THENCE S 89D 41' 00" E, along and with a South line of said Suncrop Nursery tract, a distance of 147.20 feet to a 1 inch flat iron, found in place, at an ell corner of said Suncrop Nursery tract for the Northeast corner of this tract;

THENCE S 00D 11' 13" E, along and with a West line of said Suncrop Nursery tract, a distance of 379.03 feet to a ½ inch iron rod, set, on the North line of that certain tract conveyed to Barbara Moore Family Partnership LTD by deed recorded in Volume 1849, Page 106 of the Real Records of Parker County, Texas for the Southeast corner of this tract;

THENCE N 84D 55' 24" W, generally along an existing fence line and along and with the North line of said Barbara Moore Family Partnership LTD tract a distance of 52.26 feet to a ½ inch iron rod, set, at the Southeast corner of said Terry tract for an angle point of this tract;

THENCE S 89D 18' 03" W, along and with the North line of said Barbara Moore Family Partnership LTD tract, a distance of 95.44 feet to a point on the East line of said F. M. Highway No. 5, for the Southwest corner of this tract;

THENCE N 00D 21' 35" W, along and with the East line of said F. M. Highway No. 5, a distance of 88.04 feet to a point, for an angle point of this tract;

THENCE N 00D 27' 28" W, along and with the East line of said F. M. Highway No. 5, a distance of 122.36 feet to the place of beginning and containing 1.28 acres.



## EXHIBIT B – CONCEPT PLAN



### **EXHIBIT C - PD #3 PERMITTED LAND USES**

The following land uses as listed in the “LR” Local Retail District shown below are the only permitted land uses in Planned Development District PD #3. All other uses shown in Article 4 of the Town of Annetta Zoning Ordinance in the “LR” Local Retail District as permitted are only allowed if a “Specific Use Permit” for such use is approved and authorized by the Town Council in accordance with Section 5.16, SUP Specific Use Permits. All other uses shown in other zoning districts below are for informational purposes only. Supplemental Standard requirements as shown below, unless otherwise amended herein, refer to those Supplemental Standards listed in the Permitted Use Charts in Article 4 for each use and in Section 4.2, Supplemental Standards, as amended.



## Town of Annetta PD #3 Use Table

"P" Permitted Use "S" Specific Use Permit 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
Automotive, Communication and Transportation														
Auto, Boat, Trailer, RV and or Truck Storage (def)										x	S	S	S	1, 7, 11, 13
Office and Professional														
Art Gallery, School or Museum											P			
Bank, Savings & Loan/Credit Union (def)										P	P	P	P	
Office Center (def)										P	P	P	P	
Office, Professional, General (def)										P	P	P	P	3, 17
Studios, Professional (def)										P	P	P	P	3, 17
Retail, Services and Commercial														
Amusement Center, Commercial, Outdoor (def) including Batting Cages										X	P	S	S	4,2, 6, 7, 26, 31 See *, **, *** below
Amusement Center, Commercial, Outdoors, Temporary (def) including Batting Cages										X	P	S	S	4,2, 7, 27,30,31 See *, **, ***, ****
Amusement Center, Commercial, Enclosed (def)										X	P	P	X	
Bakery, Retail Sales Only										P	P	P	P	
Beauty, Barber or Other Personal Care Shop (def)										P	P	P	P	
Building Materials and Hardware Sales, Enclosed (def)										P	P	P	P	
Consignment/Used Merchandise Store, Indoor (def)										x	P	P	P	1
Dry Cleaning, Small Shop (def)										x	P	P	P	
Feed Store (def)										x	S	P	P	



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"P" Permitted Use "S" Specific Use Permit 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
Health Club, Weight and Aerobic Center (def)										S	P	P	P	7
Laundromat, Self-Serve (def)										x	P	P	P	
Nursery, Retail w/Outside Storage (def)										x	P	P	P	7
Pet Shop (def)										x	P	P	P	
Restaurant, Café or Cafeteria (def)										S	P	P	P	7, 29
Retail or Service, Incidental (def)										P	P	P	P	7
Retail Sales, General (def)										P	P	P	P	7
Service and Repair Shops, General (def)										P	P	P	P	
Shopping Center (def)										P	P	P	P	7

\* Hours of operation shall be 9 am to 9pm.

\*\*Noise levels generated from the use shall be in compliance with all ordinances of the Town of Annetta. No amplified sound, music or announcement systems shall be utilized.

\*\*\*All lighting shall be shielded in accordance with the Town of Annetta ordinances and Supplemental Standard #7 of Section 4.2 of the adopted Zoning Ordinance as amended.

\*\*\*\* Permitted on a temporary basis only, in accordance with the conditions and stipulations set forth in this Ordinance for the use and any additional conditions as established by the Council. Temporary, removable structures as shown on the approved site plan shall meet the building code requirements for temporary, removable structures. Temporary parking, as shown on the approved site plan may utilize an all-weather surface in lieu of a paved surface provided they are marked and will not back into West FM 5.

