

**ORDINANCE NO. 220**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, BY APPROVING A SPECIAL USE PERMIT FOR THE USE OF AN ACCESSORY DWELLING ON LOT 3, BLOCK 1, WINDMILL ESTATES MORE COMMONLY KNOWN AS 1381 OLD ANNETTA ROAD; 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 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 a comprehensive plan; and

**WHEREAS**, a public hearing was duly held by the Planning and Zoning Commission of the Town on June 9, 2022, and by the Town Council of the Town on June 16, 2022, 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 of Annetta, Texas, does hereby deem it advisable and in the public interest to amend the Zoning Ordinance, as amended, as described herein.

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

**SECTION 1.**

A special use permit is granted for the use of an accessory dwelling on the following property:

Lot 3, Block 1, Windmill Estates at 1381 Old Annetta Road (the "Property").

**SECTION 2.**

The special use permit is subject to the following conditions:

1. The 1800+ square foot dwelling existing on the Property as of 6/13/2022 is designated as the accessory dwelling (hereafter the "Accessory Dwelling"). The new proposed

6,095 square foot dwelling is designated as the primary structure (hereafter the "Primary Structure"), allowing the Accessory Dwelling to be considered accessory and less than 50% of the size of the Primary Structure.

2. The Primary Structure will be built as shown on the attached Exhibit "A" and the Accessory Dwelling may remain as is, subject to additional six-foot tall screening of the structure along Old Annetta Road, Windmill Road and the north property line. The walls, plantings, and fences forming a solid opaque, 6-foot-high visual screen must be installed in accordance with the landscape plan attached hereto as Exhibit "A".
3. The Accessory Dwelling may only be used by the Property owner or non-paying guests of the Property owner.
4. The Accessory Dwelling shall utilize the Primary Structure's utility meters and connections.
5. The Accessory Dwelling may be sold only with the sale of the entire Property, including the Primary Structure.
6. The Accessory Dwelling height, area, and yard requirements shall be the same as the Primary Structure. The Accessory Dwelling shall not exceed the height of the Primary Structure.
7. The Primary Structure must be constructed closer to Old Annetta Road than the existing Accessory Dwelling.

### **SECTION 3.**

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, to facilitate the adequate provisions of transportation, water, sewerage, 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.

### **SECTION 4.**

The Town Secretary is hereby directed to amend the official zoning map to reflect the special use permit approved herein.

### **SECTION 5.**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 6.**

All rights and remedies of the Town of Annetta, Texas, 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 7.**

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 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 (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

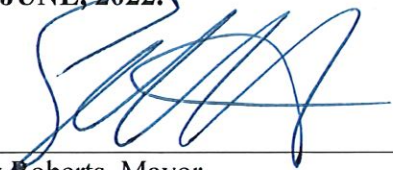
**SECTION 9.**

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

**SECTION 10.**

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 16<sup>TH</sup> DAY OF JUNE, 2022.**

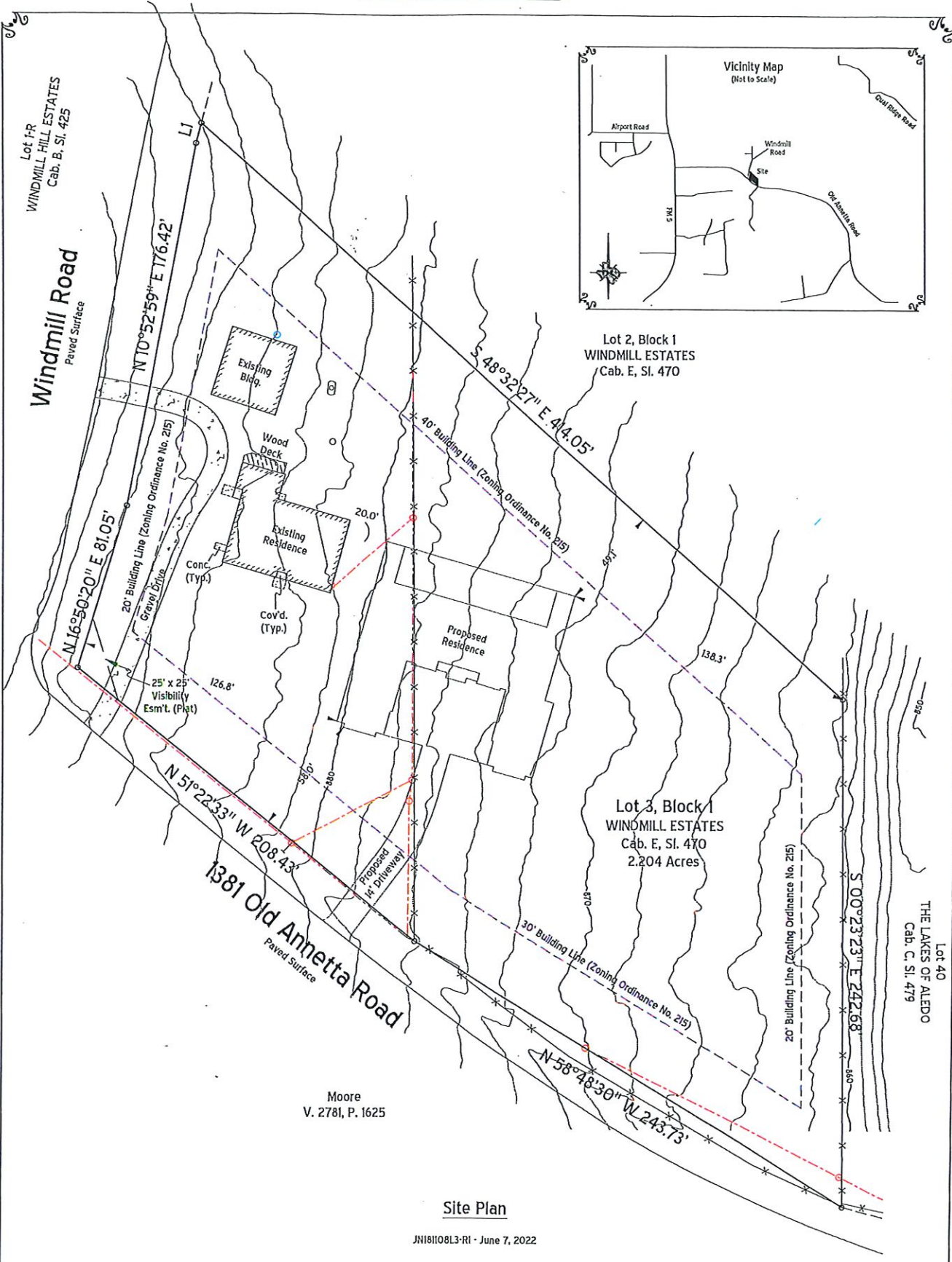
  
\_\_\_\_\_  
Sandy Roberts, Mayor

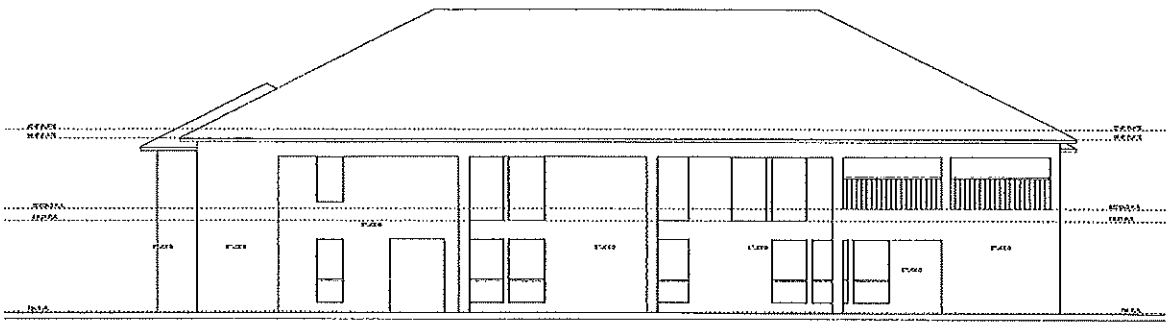
Attest:

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



**EXHIBIT**  
**A**





REAR ELEVATION



FRONT ELEVATION

