

ORDINANCE NO. 234

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 A 5.350 ACRE PARCEL AT 99 VIANNAH DRIVE; 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 May 9, 2024, and by the Town Council of the Town on May 16, 2024, 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 (SUP) is granted in addition to the R-1 Residential Zoning for the use of an accessory dwelling on the same lot as the main dwelling unit to be used by a person or persons related to occupants of the main dwelling unit at 99 Viannah Drive on, according to the tax records, an unplatted property of 5.350 acres out of Abst: 1994, Survey: I & G N R R CO, TR:, BLK:, SURV: I & G N R R CO2.000 and further described in the legal description shown as Exhibit A and in the survey of the property in Exhibit B. (The "Property").

SECTION 2.

The Special Use Permit is approved subject to the following conditions:

1. The existing 2,075+ square foot single family residential dwelling as of May 16, 2024 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. The proposed 448+ square foot dwelling on the Property is designated as the accessory dwelling (hereafter the "Accessory Dwelling").
2. 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. The Accessory Dwelling will be built as shown on the attached Exhibit "C" except the side setback may be reduced to 20+ feet as long as the landscape screening between the structure and the side lot line remains in place.
3. The accessory dwelling elevation as shown in the attached photo in Exhibit "D" is approved with the color scheme shown or as matches the main structure. Masonry is not required with the vegetation screening existing in the side setback from the adjacent property.
4. The Accessory Dwelling may only be used by the Property owner or non-paying guests of the Property owner.
5. The Accessory Dwelling shall utilize the Primary Structure's utility meters and connections, with the exception of a separate electric meter and connection, which Council has specifically approved in this ordinance.
6. The Accessory Dwelling may be sold only with the sale of the entire Property, including the Primary Structure unless the Accessory Dwelling is being removed from the premises and no portion of the property is included.
7. The Accessory Dwelling unit may be constructed, or in this case moved in, only with the issuance of a building permit.

SECTION 3.

The zoning changes and boundaries established herein 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 16TH DAY OF MAY, 2024.



Sandy Roberts, Mayor

Attest:



Jamee Long
Town Secretary



EXHIBIT "A" – Legal Description

TRACT #1

BEING all that certain lot, tract or parcel of land situated in the L. & G.N. Railroad Company Survey, Abstract No. 1994, Parker County, Texas, being a tract of land known as Tract 1 described in deed to Michael J. Moore and Spouse, Kelly R. Moore, recorded in Volume 2900, Page 370, Deed Records, Parker County, Texas (D.R.P.C.T.), and being more particularly described by the following metes and bounds description:

BEGINNING at a 1/2 inch iron rod found for corner in the West line of Lot 12, Block 1, McDavid Southwest, an Addition to the City of Aledo, Parker County, Texas, according to the Plat thereof recorded in Cabinet B, Slide 622, Plat Records, Parker County, Texas (P.R.P.C.T.), at the Northeast corner of Lot 1 of Chapman Hills Estates, an Addition to the City of Aledo, Parker County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 162 (P.R.P.C.T.), being the Southeast corner of said Tract 1;

THENCE North 89 deg. 37 min. 01 sec. West, a distance of 539.77 feet to a 5/8 inch iron rod found for corner at the Northwest corner of said Lot 1;

THENCE North 00 deg. 31 min. 13 sec. West, a distance of 340.30 feet to a 5/8 inch iron rod found for corner in the Southeast line of Airport Road;

THENCE North 54 deg. 48 min. 32 sec. East, a distance of 42.14 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 60 deg. 23 min. 12 sec. East, a distance of 169.54 feet to a 1/2 inch yellow-capped iron rod set for corner at the Northwest corner of a tract of land described in deed to Rita Karen Walker, recorded under Instrument No. 20225899 (D.R.P.C.T.);

THENCE South 01 deg. 31 min. 58 sec. West, a distance of 121.27 feet to a 3/8 inch iron rod found for corner at the Southwest corner of said Walker tract;

THENCE South 89 deg. 58 min. 12 sec. East, a distance of 363.94 feet to a 3/8 inch iron rod found for corner in the West line of Lot 10 of said Block 1 of McDavid Southwest Addition, at the Southeast corner of said Walker tract;

THENCE South 00 deg. 03 min. 21 sec. East, a distance of 330.54 feet to the PLACE OF BEGINNING and containing 190,306 square feet or 4.37 acres of land.

TRACT #2

BEING all that certain lot, tract or parcel of land situated in the L. & G.N. Railroad Company Survey, Abstract No. 1994, Parker County, Texas, being a tract of land known as Tract 2 described in deed to Michael J. Moore and Spouse, Kelly R. Moore, recorded in Volume 2900, Page 370, Deed Records, Parker County, Texas (D.R.P.C.T.), and being more particularly described by the following metes and bounds description:

BEGINNING at a 1/2 inch iron rod found for corner in the Northeast line of Viannah Drive, at the West corner of Lot 1 of Chapman Hills Estates, an Addition to the City of Aledo, Parker County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 162, Plat Record, Parker County, Texas (P.R.P.C.T.), being the South corner of said Tract 2, and being the beginning of a curve to the left having a central angle of 20 deg. 36 min. 15 sec., a radius of 228.00 feet, and a chord bearing and distance of North 43 deg. 42 min. 34 sec. West, 81.55 feet;

THENCE Northwesterly along said curve to the left an arc distance of 81.99 feet to a 1/2 inch iron rod found for corner;

THENCE North 54 deg. 00 min. 42 sec. West, a distance of 165.26 feet to a 1/2 inch yellow-capped iron rod set for corner in the Northeast line of said Viannah Drive and the Southeast line of Airport Road;

THENCE North 50 deg. 10 min. 47 sec. East, a distance of 67.29 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 43 deg. 26 min. 24 sec. East, a distance of 149.51 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 50 deg. 37 min. 01 sec. East, a distance of 89.37 feet to a 5/8 inch iron rod found for corner;

THENCE South 00 deg. 31 min. 13 sec. East, a distance of 340.30 feet to a 5/8 inch iron rod found for corner at the Northwest corner of said Lot 1;

THENCE South 56 deg. 35 min. 34 sec. West, a distance of 43.82 feet to the PLACE OF BEGINNING and containing 42,368 square feet or 0.97 of an acre of land.

EXHIBIT "B" – Survey Continued

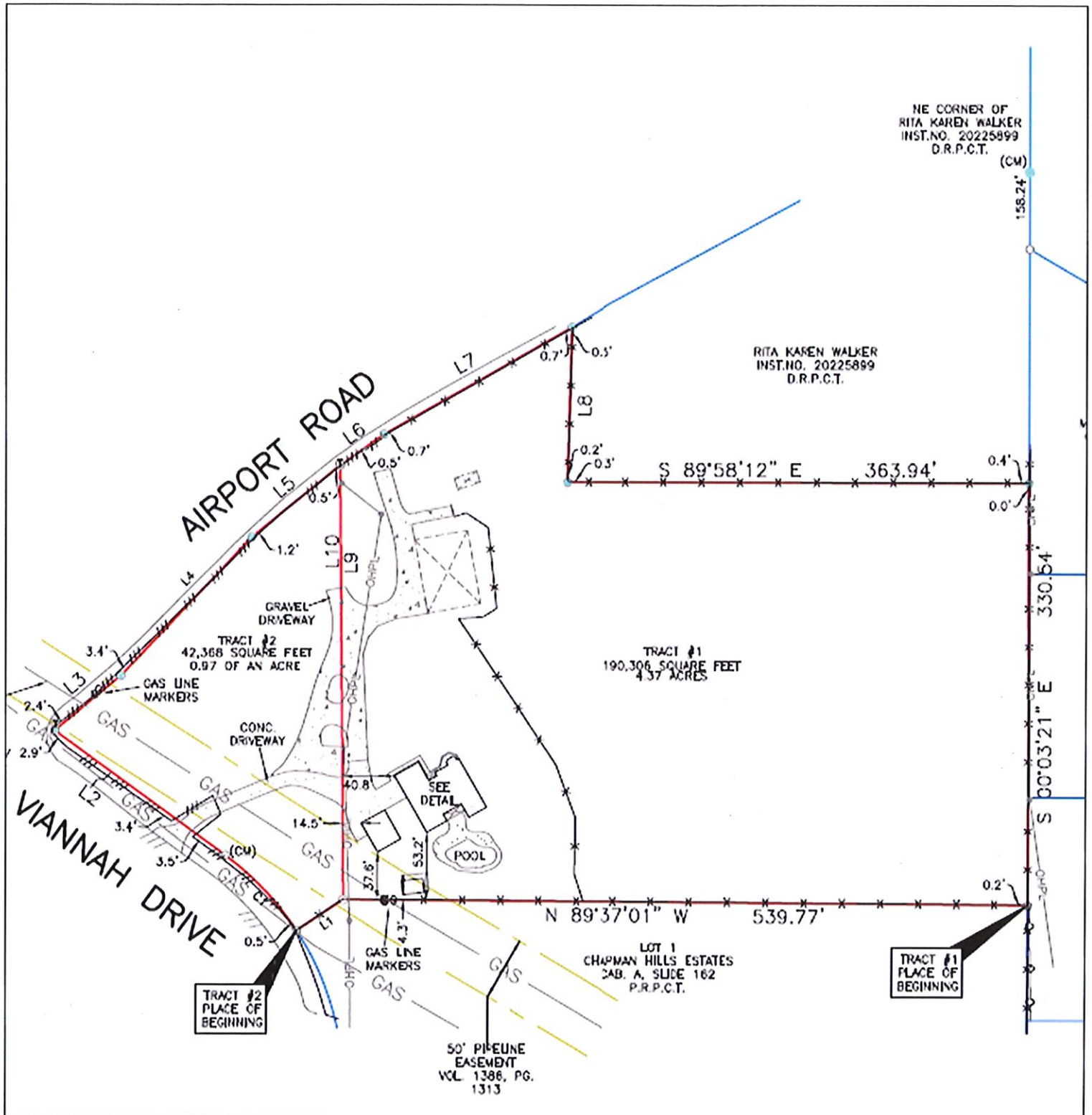


EXHIBIT "C" - Site Plan

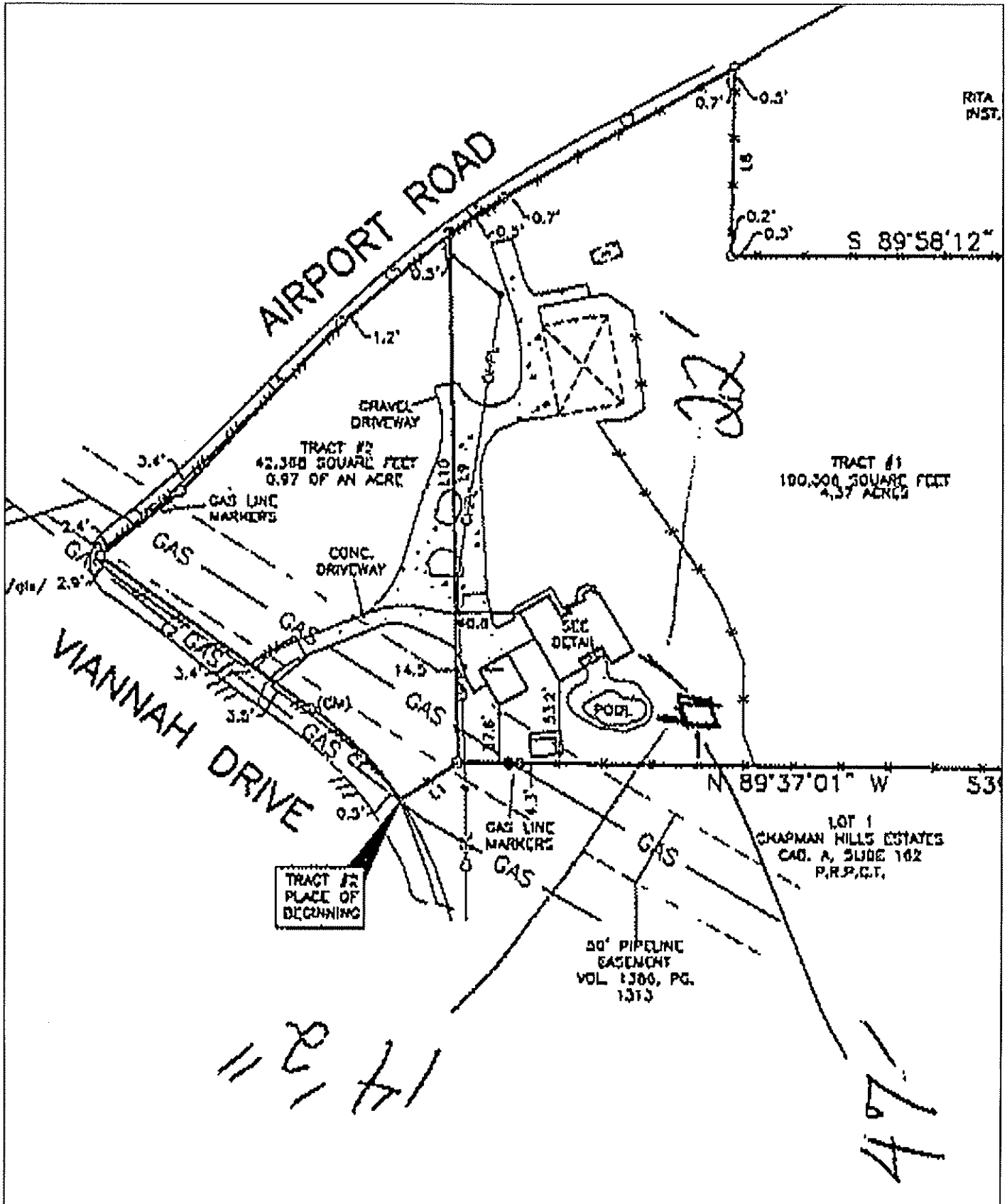


EXHIBIT "D" - Elevation

