

ORDINANCE NO. 240

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, BY APPROVING A SPECIAL USE PERMIT FOR THE CONSTRUCTION AND USE OF AN ACCESSORY DWELLING ON A 2.5 ACRE PARCEL AT 1228 REDBUD LANE; 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 12, 2025, and by the Town Council of the Town on June 19, 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 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 1228 Redbud Lane on, according to the tax records, an unplatted property of 2.5 acres out of Abst: 2038, Survey: NEWBY J H, Town of Annetta, Parker County, Texas 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 Accessory Dwelling may only be used by the Property owner, family member or non-paying guests of the Property owner.
2. The existing residential structure of approximately 3,364 sq. ft. of living area plus 1,082 sq. ft. of garage for a total of 4,446 sq. ft., excluding porches and patios, is designated as the primary structure (hereafter the "Primary Structure"). The square footage of the proposed accessory dwelling unit (hereafter the "Accessory Dwelling") shall not exceed 1761 sq ft of living area and 427 sq. ft. of garage for a total of 2,188 sq. ft. excluding porches and patios. This is a rather large accessory dwelling and will be 49.2% the size of the main structure, allowing the Accessory Dwelling to be considered accessory and less than 50% of the size of the Primary Structure.
3. 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 on the lot it is constructed. The Accessory Dwelling will be located and built as shown on the attached Exhibit "C," APPROVED SITE PLAN.
4. The Accessory Dwelling elevation as shown in the attached photo in Exhibit "D" is approved provided the color scheme and masonry shown matches or is similar to the main structure.
5. The Accessory Dwelling will be allowed to have a separate electric meter since it cannot be served by the main structure meter. An existing 2nd well may be used if approved.
6. The Accessory Dwelling may be constructed only with the issuance of a building permit in accordance with all Town of Annetta Building and other applicable Codes.
7. The driveway and parking area for the Accessory Dwelling shall be paved in accordance with Town ordinances.
8. The Accessory Dwelling may be sold only with the sale of the entire Property, including the Primary Structure. However, if the property is platted into two lots and meets the Town of Annetta zoning and platting requirements with a recorded plat, then the two separate lots may be sold separately.
9. The Accessory Dwelling, being approximately even with the Primary Structure rather than behind it, shall be screened by vegetation for Redbud Lane. If the existing vegetation is removed, then a six foot screening fence meeting the Town of Annetta requirements shall be constructed in lieu of the vegetation.

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.

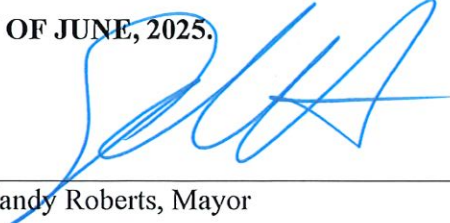
SECTION 9.

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 19TH DAY OF JUNE, 2025.



Sandy Roberts, Mayor

Attest:



Jamee Long
Town Secretary



EXHIBIT "A" – LEGAL DESCRIPTION

BEING 2.50 acres out of the J.H. Newby Survey, Abstract No. 2038, Parker County, Texas and being that certain tract conveyed to BRS Properties, L. P. by deed recorded in Clerk File Number 201321336, Parker County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch iron rod, set, on the East line of that certain tract conveyed to The Reyher Revocable Family Trust dated August 7th, 2019 by deed recorded in Clerk File Number 202129766, Parker County, Texas, said point being the Northwest corner of that certain tract conveyed to John F. Johnson and Christine A. Johnson by deed recorded in Volume 1315, Page 441 of the Real Records of Parker County, Texas, for the Southwest corner of this tract;

THENCE North, along and with the East line of said Reyher Revocable Trust tract, a distance of 225.15 feet to a ½ inch iron rod, set, on the South line of a 45.00 foot road easement being dedicated in Volume 1650, Page 677 of the Real Records of Parker County, Texas, for the Northwest corner of this tract;

THENCE N 71D 10' 17" E, along and with the South line of said road easement, a distance of 318.76 feet to a ½ inch iron rod, set, for an angle point of this tract;

THENCE N 85D 06' 58" E, along and with the South line of said road easement, a distance of 67.55 feet to a ½ inch iron rod, set, for the Northeast corner of this tract;

THENCE S 03D 19' 19" E, along and with the West line of said road easement, a distance of 334.68 feet to a ½ inch iron rod, set, on the North line of said Johnson tract, for the Southeast corner of this tract;

THENCE N 89D 57' 00" W, along and with the North line of said Johnson tract, a distance of 388.40 feet to the place of beginning and containing 2.50 acres.

EXHIBIT "B" - SURVEY

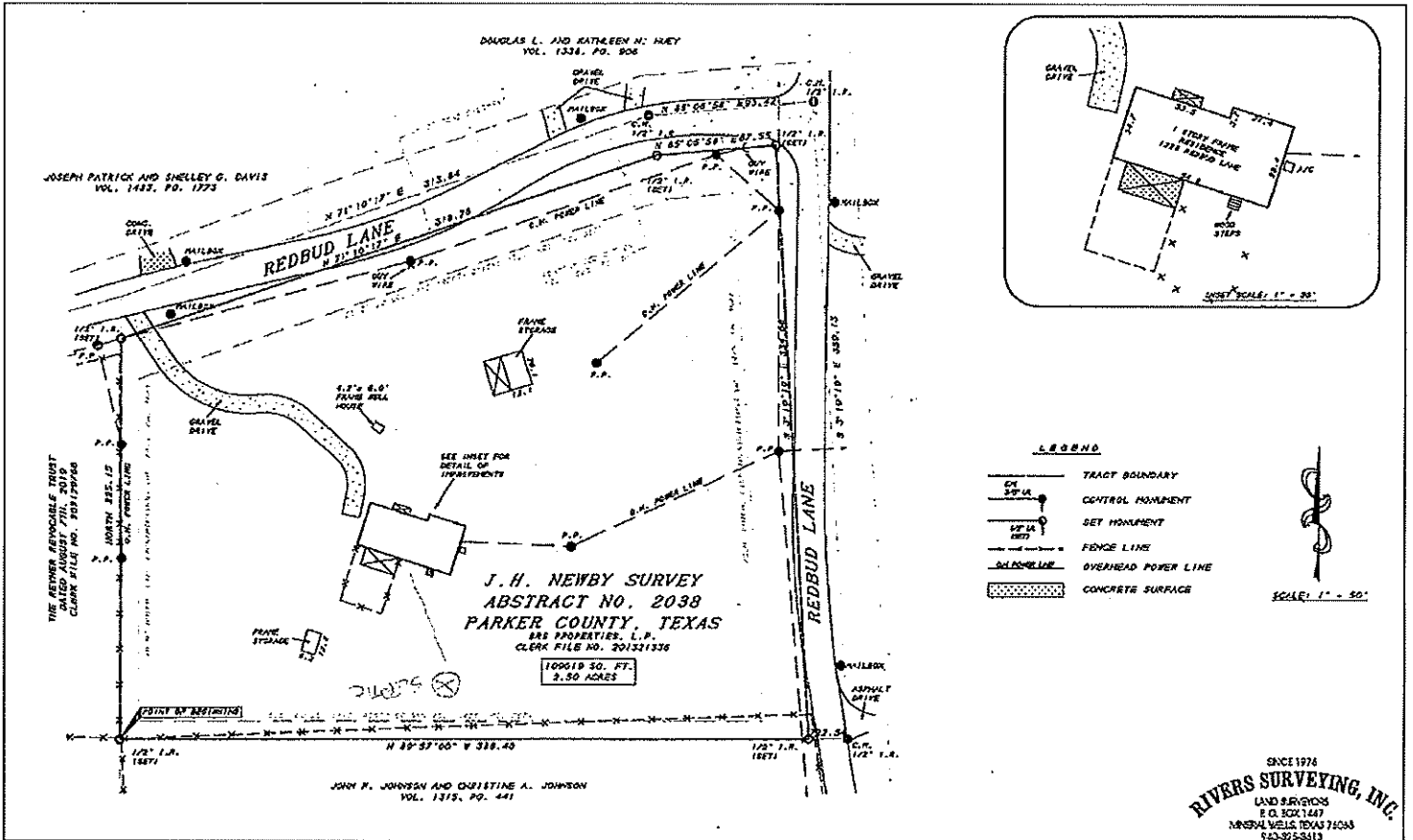


EXHIBIT "C" – APPROVED SITE PLAN

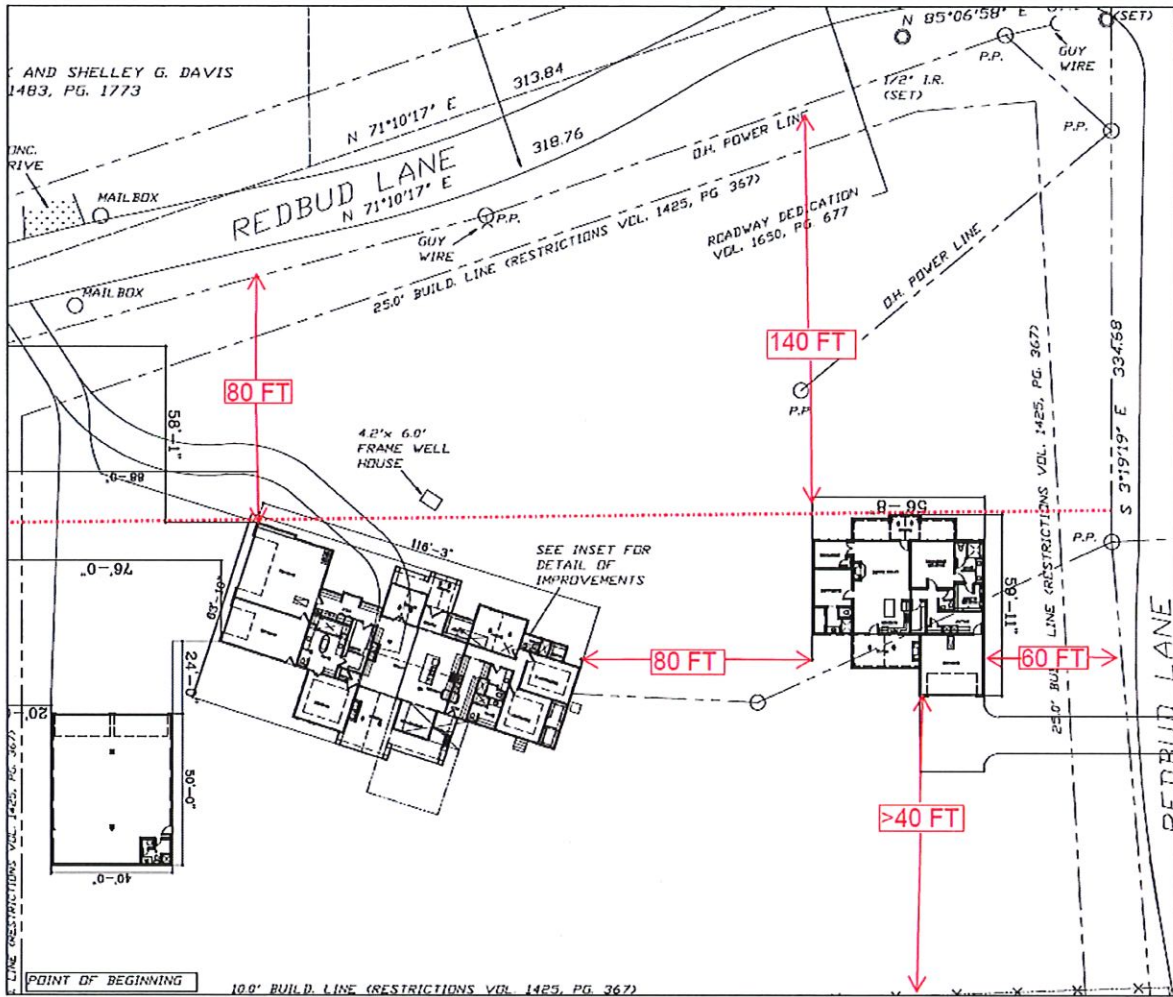
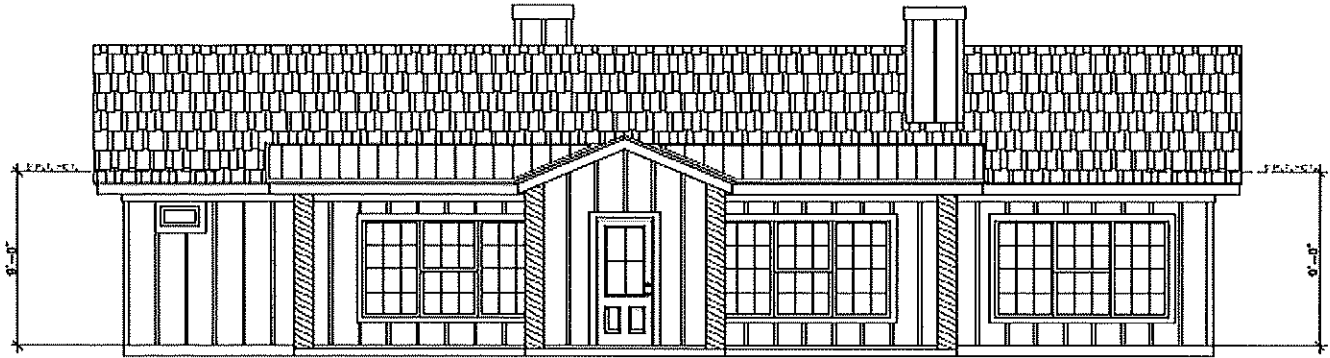
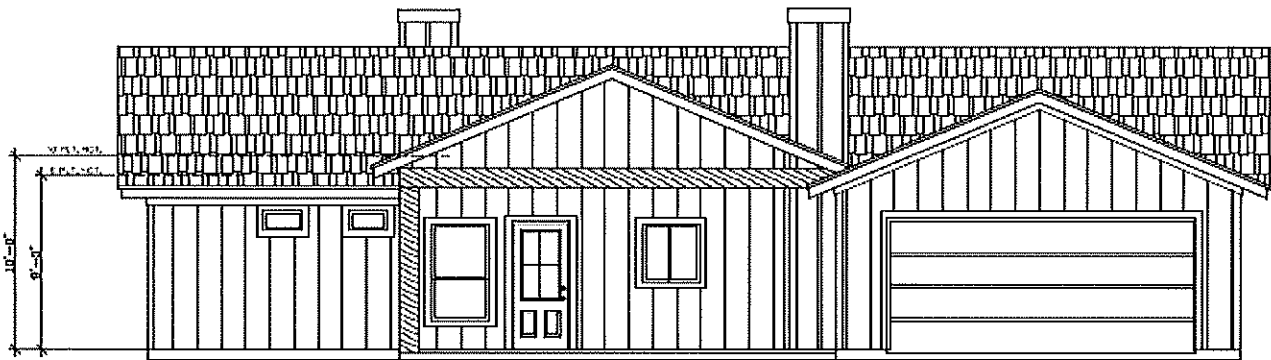


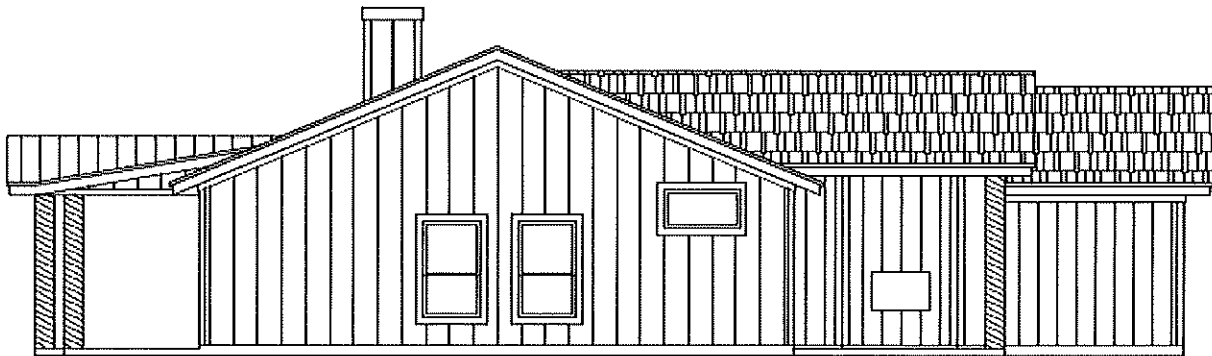
EXHIBIT "D" – ELEVATIONS



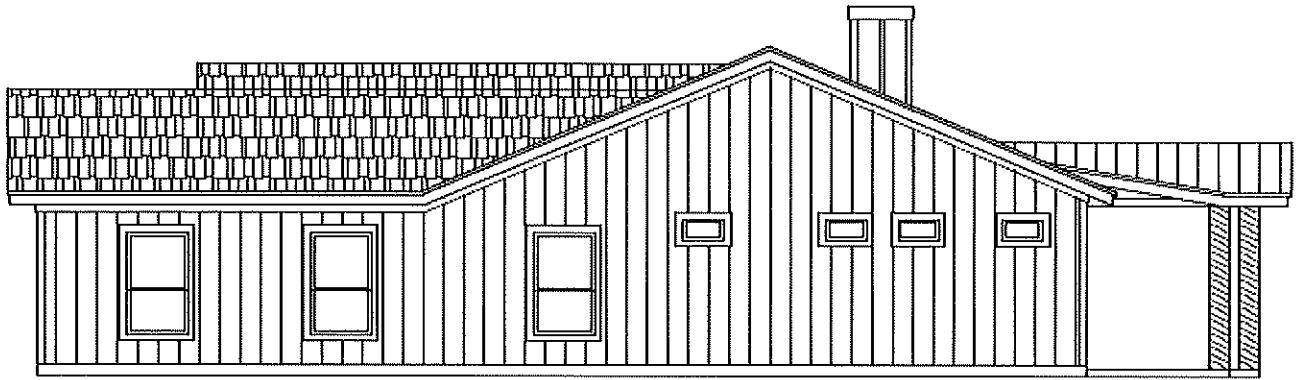
FRONT ELEVATION
SCALE: 1/8"=1'-0"



REAR ELEVATION
SCALE: 1/8"=1'-0"



LEFT ELEVATION
SCALE: 1/8"=1'-0"



RIGHT ELEVATION

SCALE 1/4" = 1'-0"