

Memorandum

Memorandum No: 23-138

Date: May 17, 2023
To: Honorable Mayor and City Council
From: Ryan Henderson, Interim City Manager
Re: Zoning Ordinance Updates



In March of 2022, the City Council approved a professional services agreement with Freese and Nichols, Inc. (F&N) to review and update the City of Anna planning and development regulations. City staff has been working with F&N to implement the City's comprehensive planning objectives and needs as identified by staff, Commissioners, Council members, developers, and neighbors.

At the Tuesday, June 27, 2023, City Council meeting there will be a joint workshop item with the Planning & Zoning Commission to discuss the proposed (DRAFT) changes to the City's zoning ordinance.

The F&N project team will give a presentation and highlight major improvements being proposed which include:

- Modernizing the format
- Improved graphics, hyperlinks, and flowcharts
- New zoning districts for Mixed-Density Residential, Downtown, Mixed-Use Developments
- Modernized definitions and land use tables
- New/improved use-specific standards
- Streamlined processes

Attached is a copy of the DRAFT Zoning Ordinance. City staff recommends the Commission and Council pay special attention to the following areas.

- a. Division 2: Zoning Districts
 - i. Mixed-Density Residential District
 - ii. Mixed-Use District
 - iii. Downtown District

- b. Division 3: Uses

- i. Use Tables that include Parking Standards and hyperlinks to Use-Specific Standards
 - ii. Accessory Uses and Structures - Outdoor Display/Outdoor Storage Regulations
- c. Division 4: Development Standards
 - i. Dimensional Regulations - Step Back Regulations
 - ii. Site Design Requirements - Multi-family Residential & Townhome Unit and Single or Duplex Unit Park Standards (Amenities)
- d. Division 5: Procedures
 - i. Table 37 Authority Table
 - ii. Flowchart Figures: Details Approval Process

The intent and goal of the joint workshop is to hear from the Council and Commission to provide any final feedback, changes, modifications prior to noticing the public hearings and bringing forward for adoption.

Attachments:

Exhibit 1 – DRAFT Zoning Ordinance

- c: Ross Altobelli, Director of Development Services
Greg Peters, Interim Assistant City Manager
Taylor Lough, Assistant City Manager
Management Team

City of Anna, Texas

Article 9.04
Zoning Ordinance

DRAFT: 5/8/2023

Article 9.04. Zoning Ordinance

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Division 1. General Provisions

Sec. 9.04.001. Title

This Article is referred to as the Anna Zoning Ordinance.

Sec. 9.04.002. Purpose

- (a) Generally. This Article implements the purposes established in Texas Local Government Code Sections 211.001 and 211.004:
- (1) Implements Anna’s Comprehensive Plan;
 - (2) Implements Anna’s Downtown Master Plan;
 - (3) Implements Anna’s Parks Master Plan;
 - (4) Promotes the public health, safety, morals, or general welfare;
 - (5) Protects and preserves places and areas of historical, cultural, or architectural importance and significance; and
 - (6) Provides for efficient and effective processing of zoning and land use applications.
- (b) Establishment. In interpreting and applying this Article, this Article establishes the minimum requirements to promote public safety, health, and general welfare.

Sec. 9.04.003. Authority

- (a) Texas State Law. The following chapters and sections of the laws of the State of Texas authorizing the exercise of authority in this Article:
- (1) Texas Local Government Code, including:
 - (A) Chapter 41 (Municipal Boundaries);
 - (B) Chapter 42 (Extraterritorial Jurisdiction of Municipalities)
 - (C) Chapter 43 (Municipal Annexation);
 - (D) Chapter 54 (Enforcement of Municipal Ordinance);
 - (E) Chapter 211 (Municipal Zoning Authority);
 - (F) Chapter 212 (Municipal Regulation of Subdivisions and Property Development);
 - (G) Chapter 213 (Municipal Comprehensive Plans);
 - (H) Chapter 214 (Municipal Regulation of Housing and Other Structures);
 - (I) Chapter 215 (Municipal Regulation of Businesses and Occupations);
 - (J) Chapter 216 (Regulation of Signs by Municipalities)
 - (K) Chapter 217 (Municipal Regulation of Nuisances and Disorderly Conduct); and
 - (L) Chapter 243 (Municipal and County Authority to Regulate Sexually Oriented Business).

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Division 1. General Provisions

- (2) Texas Government Code, including Chapters 311 (Code Construction Act) and 312 (Construction of Laws), to the extent applicable to this Article.
- (3) Texas Water Code, including the Flood Control and Insurance Act [(Secs. 16.311 through 16.324) (also see 44 C.F.R part 60 (Requirements for Flood Plain Management Regulations))].
- (b) Exercise of Powers. This Article is adopted in the exercise of the power granted by municipalities by these statutes and the City Charter of Anna.
- (c) Fees Established. City Council shall establish a schedule of fees as required to recoup costs related to the administration of this Article.

Sec. 9.04.004. Consistency with Comprehensive Plan

The City finds that this Article is consistent with its comprehensive plan. The comprehensive plan policies provide guidance in the evaluation of future decisions relevant to City planning.

Division 2. Zoning Districts

Sec. 9.04.005. Generally

- (a) The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this Division for the zoning district in which the building, structure, or land is located.
- (b) Sec. 9.04.041 establishes the rules for applying the dimensional standards in the zoning districts. These include height, lot area, density, and yard requirements. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district. Nothing in this Division authorizes encroachment within any easements or plat restrictions, unless otherwise specified.

Sec. 9.04.006. Districts Established

- (a) Generally. The City is geographically divided into the following base, overlay, and special zoning districts. The zoning districts are established according to Table 1: Zoning Equivalency.
 - (1) Base districts capture the major development categories, including residential and nonresidential uses and activities. Each base district includes permitted uses and dimensional standards.
 - (2) Overlay districts establish additional standards within a base district.
 - (3) Special districts also establish additional standards within a base district, but some standards may be unique to individual developments as determined through a site plan approval process.
- (b) Zoning Equivalency. See Table 1: Zoning Equivalency.

Table 1: Zoning Equivalency

Zoning Category	Page Number	Current Zoning District	Previous Zoning District
Agricultural	6	AG Agricultural 43,560 square feet min. lot size	AG Agricultural 43,560 square feet min. lot size
			SF-E Single-Family Residential Estate 43,560 square feet min. lot size
Residential	7	SF-20.0 Single-Family Residential 20,000 square feet min. lot size	SF-20.0 Single-Family Residential 20,000 square feet min. lot size
	8	SF-14.5 Single-Family Residential 14,500 square feet min. lot size	SF-14.5 Single-Family Residential 14,500 square feet min. lot size
	9	SF-12.0 Single-Family Residential 12,000 square feet min. lot size	SF-12.0 Single-Family Residential 12,000 square feet min. lot size
	10	SF-10.5 Single-Family Residential 10,500 square feet min. lot size	SF-10.5 Single-Family Residential 10,500 square feet min. lot size
	11	SF-8.4 Single-Family Residential 8,400 square feet min. lot size	SF-84 Single-Family Residential 8,400 square feet min. lot size

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Division 2. Zoning Districts

Zoning Category	Page Number	Current Zoning District	Previous Zoning District
	12	SF-7.2 Single-Family Residential 7,200 square feet min. lot size	SF-72 Single-Family Residential 7,200 square feet min. lot size
			SF-1 Single-Family Residential 7,200 square feet min. lot size
	13	SF-6.0 Single-Family Residential 6,000 square feet min. lot size	SF-60 Single-Family Residential 6,000 square feet min. lot size
			SF-2 Single-Family Residential 6,000 square feet min. lot size
	14	MD Mixed-Density Residential 4,500 square feet min. lot size	SF-Z Single-Family Residential Zero Lot Line 4,500 square feet min. lot size
			SF-TH Single-Family Townhouse 2,700 square feet min. lot size
			TF Two-Family Residential 7,200 square feet min. lot size
			MH-1 Manufactured Home 6,000 square feet min. lot size
			MH-2 Manufactured Home Park 5,000 square feet min. lot size
	15	MF Multi-Family Residential	MF-1 Multiple-Family Residential (Medium Density)
MF-2 Multiple-Family Residential (High Density)			
Commercial	17	C-1 Local Commercial	C-1 Restricted Commercial
			NC Neighborhood Business
	18	C-2 Regional Commercial	C-2 General Business
			C-3 Planned Center
			O-1 Office
	19	MU Mixed-Use	CBRD Central Business Redevelopment
	20	DT Downtown	

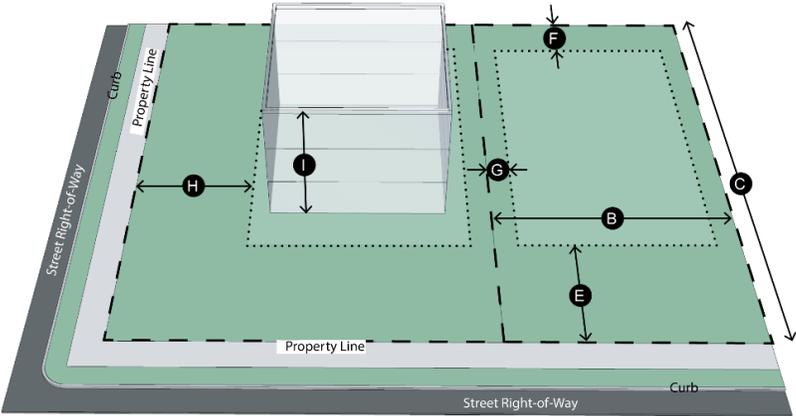
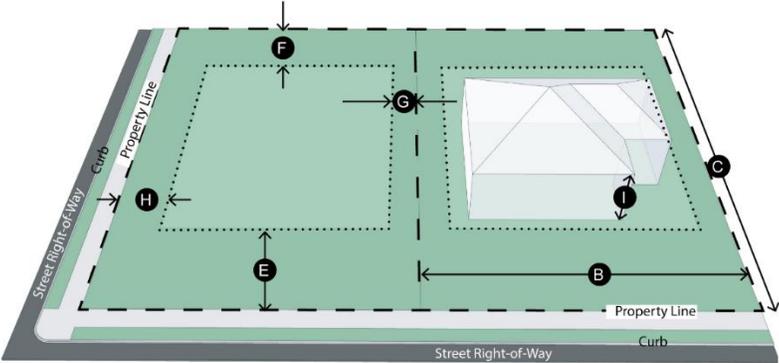
Zoning Category	Page Number	Current Zoning District	Previous Zoning District
Industrial	22	I-1 Light Industrial	I-1 Light Industrial
	23	I-2 Heavy Industrial	I-2 Heavy Industrial
Special	24	THOR Thoroughfare Overlay	THOR Thoroughfare Overlay
	24	PD Planned Development	PD Planned Development

Sec. 9.04.007. Zoning Map

The zoning districts and their boundaries are adopted and established as shown on the Zoning Map of the City of Anna, Texas. The Zoning Map includes all notations, references, data, district boundaries and other associated information, and is adopted as part of this Article. The Zoning Map, properly attested, is on file in the office of the City Secretary and displayed as a GIS layer on the City’s website. The Zoning Map may be amended as provided in Division 5 of this Article.

Sec. 9.04.008. Zoning District Dimensional Standards Graphics

Dimensional standards (e.g., setbacks, building height) are established within each zoning district, included in tables with letters that correspond to the following graphics.



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Division 2. Zoning Districts

Sec. 9.04.009. Agricultural (AG) District

- (a) Purpose. The Agricultural (AG) district provides, preserves, and maintains large tracts of undeveloped land for agricultural pursuits such as crop production and farming, ranching and raising livestock, wildlife management, and agrarian lifestyle practices. This district protects agricultural areas from encroachment of urban and suburban development. This district implements the character and intent of the Comprehensive Plan’s Ranching and Agriculture and Rural Living PlaceTypes.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Agricultural (AG) district shall follow the standards in Table 2: Agricultural (AG) District Dimensional Standards.

Table 2: Agricultural (AG) District Dimensional Standards

Agricultural (AG) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	43,560 square feet
B	Lot Width (min.)	100 feet
C	Lot Depth (min.)	150 feet
D	Lot Coverage (max.)	30%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	25 feet
G	Side Yard (min.)	15 feet
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations. The Agricultural (AG) district is the district to be assigned to newly annexed properties unless a different district is selected for initial zoning.

Sec. 9.04.010. Single-Family Residential (SF-20.0) District

- (a) Purpose. The Single-Family Residential (SF-20.0) district is designed to accommodate a single-family residential development lot design on roughly ½-acre lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Estate Residential PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Single-Family Residential (SF-20.0) district shall follow the standards in Table 3: Single-Family Residential (SF-20.0) District Dimensional Standards.

Table 3: Single-Family Residential (SF-20.0) District Dimensional Standards

Single-Family Residential (SF-20.0) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	20,000 square feet
B	Lot Width (min.)	100 feet
C	Lot Depth (min.)	150 feet
D	Lot Coverage (max.)	35%
Setback Requirements		
E	Front Yard (min.)	30 feet
F	Rear Yard (min.)	25 feet
G	Side Yard (min.)	10 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) The Single-Family Residential (SF-20.0) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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Division 2. Zoning Districts

Sec. 9.04.011. Single-Family Residential (SF-14.5) District

- (a) Purpose. The Single-Family Residential (SF-14.5) district is designed to accommodate a single-family residential development design on roughly 1/3-acre lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Suburban Living PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Single-Family Residential (SF-14.5) district shall follow the standards in Table 4: Single-Family Residential (SF-14.5) District Dimensional Standards.

Table 4: Single-Family Residential (SF-14.5) District Dimensional Standards

Single-Family Residential (SF-14.5) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	14,500 square feet
B	Lot Width (min.)	90 feet
C	Lot Depth (min.)	135 feet
D	Lot Coverage (max.)	35%
Setback Requirements		
E	Front Yard (min.)	30 feet
F	Rear Yard (min.)	25 feet
G	Side Yard (min.)	9 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) The Single-Family Residential (SF-14.5) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

Sec. 9.04.012. Single-Family Residential (SF-12.0) District

- (a) Purpose. The Single-Family Residential (SF-12.0) district is designed to accommodate single-family residential development on roughly ¼-acre lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Suburban Living PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Single-Family Residential (SF-12.0) district shall follow the standards in Table 5: Single-Family Residential (SF-12.0) District Dimensional Standards.

Table 5: Single-Family Residential (SF-12.0) District Dimensional Standards

Single-Family Residential (SF-12.0) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	12,000 square feet
B	Lot Width (min.)	80 feet
C	Lot Depth (min.)	120 feet
D	Lot Coverage (max.)	45%
Setback Requirements		
E	Front Yard (min.)	30 feet
F	Rear Yard (min.)	25 feet
G	Side Yard (min.)	8 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) The Single-Family Residential (SF-12.0) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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Division 2. Zoning Districts

Sec. 9.04.013. Single-Family Residential (SF-10.5) District

- (a) Purpose. The Single-Family Residential (SF-10.5) district is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Suburban Living PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in Single-Family Residential (SF-10.5) district shall follow the standards in Table 6: Single-Family Residential (SF-10.5) District Dimensional Standards.

Table 6: Single-Family Residential (SF-10.5) District Dimensional Standards

Single-Family Residential (SF-10.5) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,500 square feet
B	Lot Width (min.)	80 feet
C	Lot Depth (min.)	120 feet
D	Lot Coverage (max.)	40%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	25 feet
G	Side Yard (min.)	8 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards		

- (d) Special Regulations.
- (1) The Single-Family Residential (SF-10.5) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

Sec. 9.04.014. Single-Family Residential (SF-8.4) District

- (a) Purpose. The Single-Family Residential (SF-8.4) district is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Suburban Living PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Single-Family Residential (SF-8.4) district shall follow the standards in Table 7: Single-Family Residential (SF-8.4) District Dimensional Standards.

Table 7: Single-Family Residential (SF-8.4) District Dimensional Standards

Single-Family Residential (SF-8.4) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	8,400 square feet
B	Lot Width (min.)	70 feet
C	Lot Depth (min.)	120 feet
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	20 feet
F	Rear Yard (min.)	20 feet
G	Side Yard (min.)	7 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) The Single-Family Residential (SF-8.4) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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Division 2. Zoning Districts

Sec. 9.04.015. Single-Family Residential (SF-7.2) District

- (a) Purpose. The Single-Family Residential (SF-7.2) district is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Cluster Residential PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Single-Family Residential (SF-7.2) district shall follow the standards in Table 8: Single-Family Residential (SF-7.2) District Dimensional Standards.

Table 8: Single-Family Residential (SF-7.2) District Dimensional Standards

Single-Family Residential (SF-7.2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	7,200 square feet
B	Lot Width (min.)	60 feet
C	Lot Depth (min.)	120 feet
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	20 feet
F	Rear Yard (min.)	20 feet
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) The Single-Family Residential (SF-7.2) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

Sec. 9.04.016. Single-Family Residential (SF-6.0) District

- (a) Purpose. The Single-Family Residential (SF-6.0) district is designed to accommodate single-family residential development on relatively smaller lots. The district can be appropriately located in proximity to agricultural and single-family residential uses. This district implements the character and intent of the Comprehensive Plan’s Cluster Residential PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Single-Family Residential (SF-6.0) district shall follow the standards in Table 9: Single-Family Residential (SF-6.0) District Dimensional Standards.

Table 9: Single-Family Residential (SF-6.0) District Dimensional Standards

Single-Family Residential (SF-6.0) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	6,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	120 feet
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	20 feet
F	Rear Yard (min.)	20 feet
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	15 feet
Building Requirements		
I	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) The Single-Family Residential (SF-6.0) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (2) This distance shall be measured from the right-of-way center line to the residential property line.
 - (3) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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Sec. 9.04.017. Mixed-Density Residential (MD) District

- (a) Purpose. The Mixed-Density Residential (MD) district provides for medium-density residential development with a diversified range of housing choices. This district encourages a mix of single-family and two-family residential uses and incentivizes community amenities to form compact, accessible, and walkable neighborhoods. This district implements the character and intent of the Comprehensive Plan’s Cluster Residential and Urban Living PlaceTypes.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Mixed-Density Residential (MD) district shall follow the standards in Table 10: Mixed-Density Residential (MD) District Dimensional Standards.

Table 10: Mixed-Density Residential (MD) District Dimensional Standards

Mixed-Density Residential (MD) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	4,500 square feet
B	Lot Width (min.)	25 feet
C	Lot Depth (min.)	80 feet
D	Lot Coverage (max.)	60%
Setback Requirements		
E	Front Yard (min.)	10 feet
F	Rear Yard (min.)	10 feet
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	10 feet
I	Garage (min.)	20 feet
Building Requirements		
J	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards

- (d) Special Regulations.
 - (1) Minimum lot areas for attached single-family and two-family dwellings shall be 2,400 square feet per dwelling unit.
 - (2) Lot widths for a lot containing attached single-family and two-family dwellings shall be not less than 20 feet per ground floor unit plus side yard requirements.
 - (3) The Mixed-Density Residential (MD) district shall not be located within 1,200 feet of a designated Master Thoroughfare Plan highway.
 - (4) This distance shall be measured from the right-of-way center line to the residential property line.
 - (5) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

Sec. 9.04.018. Multi-Family Residential (MF) District

- (a) Purpose. The Multi-Family Residential (MF) district provides for high-density residential development, targeting well-designed multi-family uses serving as a transition between medium-density residential development and commercial nodes. This district encourages multi-family uses with site development characteristics that accommodate open space and access to light and air. This district implements the character and intent of the Comprehensive Plan’s Urban Living PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Multi-Family Residential (MF) district shall follow the standards in Table 11: Multi-Family Residential (MF) District Dimensional Standards.

Table 11: Multi-Family Residential (MF) District Dimensional Standards

Multi-Family Residential (MF) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	5,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	120 feet
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	20 feet
G	Side Yard (min.)	10 feet
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	70 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations.
 - (1) Minimum lot areas for attached single-family and two-family dwellings shall be 2,400 square feet per dwelling unit.
 - (2) Lot widths for a lot containing attached single-family and two-family dwellings shall be not less than 20 feet per ground floor unit plus side yard requirements.
 - (3) No lot containing multi-family dwelling units shall contain less than 10,000 square feet.
 - (4) No lot containing a Single-Unit or Duplex Unit Park shall contain less than 20,000 square feet.
 - (5) No building in a Single-Unit or Duplex Unit Park, attached single-family dwelling, two-family dwelling, or Townhome Unit shall exceed a height of 35 feet.
 - (6) Any building with multiple stories and greater than 35 feet tall shall comply with the regulations specified in Sec. 9.04.041(h).

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- (7) When a multi-family dwelling exceeds one story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each building shall have two points of entry or exit.
- (8) The maximum density for a multi-family dwelling is 25 units per acre.
- (9) The maximum density for a Townhome Unit or Single-Unit or Duplex Unit Park is 12 units per acre.
- (10) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

Sec. 9.04.019. Local Commercial (C-1) District

- (a) Purpose. The Local Commercial (C-1) district provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service businesses, public spaces, and limited, locally-scaled mixed-use establishments. This district offers a transition between neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this district is primarily pedestrian-scaled to help improve vehicular circulation and safely accommodate residents and pedestrians. This district implements the character and intent of the Comprehensive Plan’s Community Commercial PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Local Commercial (C-1) district shall follow the standards in Table 12: Local Commercial (C-1) District Dimensional Standards.

Table 12: Local Commercial (C-1) District Dimensional Standards

Local Commercial (C-1) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	7,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	100 feet
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	10 feet
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	25 feet
J	Building Size (max.)	15,000 square feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

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Sec. 9.04.020. Regional Commercial (C-2) District

- (a) Purpose. The Regional Commercial (C-2) district provides for medium to large-scale development of retail, service, entertainment, office, necessary for a regional market. This district primarily facilitates commercial development, like big box and anchor retailers and intensive shopping strip centers, that are automobile-oriented and generate high traffic counts. This district implements the character and intent of the Comprehensive Plan’s Regional Activity Center PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Regional Commercial (C-2) district shall follow the standards in Table 13: Regional Commercial (C-2) District Dimensional Standards.

Table 13: Regional Commercial (C-2) District Dimensional Standards

Regional Commercial (C-2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min.)	60 feet
C	Lot Depth (min.)	N/A
D	Lot Coverage (max.)	70%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	10 feet
G	Side Yard (min.)	5 feet
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	70 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards

- (d) Special Regulations. Any building with multiple stories and greater than 35 feet tall shall comply with the regulations specified in Sec. 9.04.041(h).

Sec. 9.04.021. Mixed-Use (MU) District

- (a) Purpose. The Mixed-Use (MU) district provides for development outside of Anna’s downtown that have identifiable centers and edges, a walkable development pattern, accessible community open spaces, and various commercial tenants. This district provides entertainment venues, commercial, residential, and office uses that harmoniously coexist in a higher density, pedestrian-oriented environment. This district implements the Comprehensive Plan’s Entertainment Center and Mixed-Use PlaceTypes.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Mixed-Use (MU) district shall follow the standards in Table 14: Mixed-Use (MU) District Dimensional Standards.

Table 14: Mixed-Use (MU) District Dimensional Standards

Mixed-Use (MU) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	25 feet
C	Lot Depth (min.)	N/A
D	Lot Coverage (min.)	35%
Build-to-Zone (BTZ) and Setback Requirements		
E	Front Yard BTZ	0 – 20 feet
F	Rear Yard Setback (min.)	5 feet
G	Side Yard Setback (min.)	5 feet
H	Corner Side Yard Setback (min.)	10 feet
Building Requirements		
I	Frontage Buildout (min.)	50%
J	Building Height (max.)	70 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards

- (d) Special Regulations.
 - (1) Single-Unit or Duplex Unit Park, Townhome Unit, and multi-family dwelling units are limited to no more than 50% of the development’s cumulative building square footage within the Mixed-Use (MU) district.
 - (2) Any building with multiple stories and greater than 35 feet tall shall comply with the regulations specified in Sec. 9.04.041(h).

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Sec. 9.04.022. Downtown (DT) District

- (a) Purpose. The purposes of the Downtown (DT) district are to:
- (1) Implement the Anna 2050 Downtown Master Plan adopted by City Council;
 - (2) Facilitate pedestrian-oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services;
 - (3) Promote an efficient, compact, and walkable development pattern;
 - (4) Encourage pedestrian activity while reducing the reliance on automobiles;
 - (5) Allow developers flexibility in land use and site design;
 - (6) Create an attractive and functional downtown as envisioned in the Anna 2050 Downtown Master Plan;
 - (7) Revitalize the historic downtown area while preserving Anna's history and heritage;
 - (8) Enhance the significance of the City's authentic core to residents, tourists and visitors and serve as a support and stimulus to business and industry; and
- (b) Applicability. The Downtown (DT) district is geographically divided into two zones. These zones are established in the Anna 2050 Downtown Master Plan and Table 15: Downtown (DT) District Dimensional Standards. All development shall comply with the regulations stated in this Section, unless specified otherwise.
- (c) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (d) Dimensional Standards. Development in the Downtown (DT) district shall follow the standards in Table 15: Downtown (DT) District Dimensional Standards.

Table 15: Downtown (DT) District Dimensional Standards

Downtown (DT) District Dimensional Standards			
		Zone	
		Core (CE)	Neighborhood (ND)
Build-to-Zone (BTZ) and Setback Requirements			
A	Front Yard Build-to-Zone (min. – max.)		
A.1	<i>Downtown Arterial Street</i>	0 – 10 feet	5 – 15 feet
A.2	<i>Downtown Type A Street</i>	0 – 15 feet	5 – 20 feet
A.3	<i>Downtown Type B Street</i>		
A.4	<i>Other Street</i>	5 – 25 feet	5 – 35 feet
B	Rear Yard Setback (min.)	N/A	5 feet
C	Side Yard Setback (min.)	N/A	5 feet
D	Corner Side Yard Setback (min.)	5 feet	5 feet
Building Requirements			
E	Frontage Buildout (min.)		
E.1	<i>Downtown Arterial Street</i>	80%	60%
E.2	<i>Downtown Type A Street</i>	60%	45%
E.3	<i>Downtown Type B Street</i>	40%	30%
E.4	<i>Other Street</i>	20%	10%
F	Building Height (max.)	42 feet	42 feet
AG	Encroachments		
G.1	<i>Downtown Arterial Street</i>	50% of the depth of the sidewalk or 8' (whichever is less)	35% of the depth of the sidewalk or 6' (whichever is less)
G.2	<i>Downtown Type A Street</i>	50% of the depth of the sidewalk or 6' (whichever is less)	25% of the depth of the sidewalk or 6' (whichever is less)
G.3	<i>Downtown Type B Street</i>		
G.4	<i>Other Street</i>	N/A	N/A
Additional Applicable Requirements within the Zoning Ordinance			
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

(e) Special Regulations.

- (1) Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per the standards if the vertical clearance is a minimum of 8' from the finished sidewalk elevation.
- (2) No encroachment shall be located over on-street parking, a street, or over a side or rear property line.
- (3) Any proposed development more than 42 feet in height shall require a specific use permit.

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Division 2. Zoning Districts

Sec. 9.04.023. Light Industrial (I-1) District

- (a) Purpose. The Light Industrial (I-1) district provides for manufacturing, jobbing commercial uses, wholesale businesses, material fabrication, research facilities, and general industrial uses that are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. This district provides a transition between heavy industrial uses and other less intensive commercial activity and residential uses. This district implements the character and intent of the Comprehensive Plan’s Employment Mix and Professional Campus PlaceTypes.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Light Industrial (I-1) district shall follow the standards in Table 16: Light Industrial (I-1) District Dimensional Standards.

Table 16: Light Industrial (I-1) District Dimensional Standards

Light Industrial (I-1) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	N/A
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	N/A
G	Side Yard (min.)	N/A
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	42 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping	Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards	

- (d) Special Regulations. Any proposed development more than 42 feet in height shall require a specific use permit.

Sec. 9.04.024. Heavy Industrial (I-2) District

- (a) Purpose. The Heavy Industrial (I-2) district provides areas for manufacturing, processing, assembling, storing, testing, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this district is sometimes incompatible with less intensive uses by reason of traffic, noise, vibration, dust, glare, or emissions, and are intrusive to commercial activity and residential areas. This district implements the character and intent of the Comprehensive Plan’s Manufacturing and Warehouse PlaceType.
- (b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.
- (c) Dimensional Standards. Development in the Heavy Industrial (I-2) district shall follow the standards in Table 17: Heavy Industrial (I-2) District Dimensional Standards.

Table 17: Heavy Industrial (I-2) District Dimensional Standards

Heavy Industrial (I-2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	N/A
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	N/A
G	Side Yard (min.)	N/A
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)	42 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards

- (d) Special Regulations. Any proposed development more than 42 feet in height shall require a specific use permit.

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Sec. 9.04.025. Thoroughfare Overlay (THOR) District

- (a) Purpose. The Thoroughfare Overlay (THOR) district accommodates for well-designed development along the City's major corridors by allowing design flexibility to enhance the development aesthetic.
- (b) Applicability. The regulation of this overlay district shall apply to new development and redevelopment located within the greater of a geographic buffer extending outward 500 feet perpendicularly from the right-of-way, or to the back of abutting adjacent lots, for those portions of the following scheduled thoroughfares located within the City limits.
 - (1) U.S. Highway 75.
 - (2) White Street (FM 455).
 - (3) Powell Parkway (SH 5).
 - (4) Sam Rayburn Memorial Highway (SH 121).
 - (5) Collin County Outer Loop.
- (c) Dimensional Standards.
 - (1) Building lots along a highway, as designated by the Master Thoroughfare Plan, shall be a minimum of one acre.
 - (2) The nonresidential minimum lot width is 100 feet.
 - (3) The nonresidential minimum front yard setback is 50 feet.

Sec. 9.04.026. Planned Development (PD) District

- (a) Purpose. The Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this Article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A Planned Development (PD) district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions that will allow development not otherwise permitted, procedures are established to prevent misuse of the increased flexibility.
- (b) Uses. Any use specified in a Planned Development (PD) district shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purposes of this Article.
- (c) Dimensional Standards. A Planned Development (PD) district requires a minimum of 5 contiguous acres.
- (d) Special Regulations.
 - (1) Development standards for each separate Planned Development (PD) district shall be established in the ordinance granting the Planned Development (PD) district and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
 - (2) In the Planned Development (PD) district, the particular district(s) to which uses specified in the Planned Development (PD) district are most similar shall be stated in the granting ordinance. All Planned Development (PD) district applications shall list all requested variances from the standard requirements

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established throughout this Zoning Ordinance. The applicant shall include justification associated with each requested variance. Applications without this list will be considered incomplete.

- (3) The ordinance granting a Planned Development (PD) district shall include a purpose and intent statement. with a specific list is required of variances in each district or districts and a general statement citing the reason for the Planned Development (PD) district request.
- (4) The Planned Development (PD) district shall conform to all other sections of the ordinance and this Article unless specifically exempted in the granting ordinance.
- (5) All development within a Planned Development (PD) district shall meet the site planning procedures in Sec. 9.04.052.

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Division 3. Uses

Division 3. Uses

Sec. 9.04.027. Generally

- (a) Purpose. Table 19: Use Table below lists the uses allowed within all zoning districts. All uses are defined in Sec. 9.04.082. Approval of a use listed in this article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Division 3 and approved under the appropriate process is prohibited.
- (b) Organization. The uses permitted in each of the zoning districts established in Table 19: Use Table are defined as follows:
- (1) Table Symbology. Table 19: Use Table is arranged according to the following symbols established in Table 18: Use Table Symbology.

Table 18: Use Table Symbology

Symbol	Meaning	Description
P	Permitted by Right	A "P" in a zoning district column indicates that a use is permitted by right, provided that it meets any applicable use-specific standards. These uses are subject to all other applicable regulations of this Article.
S	Specific Use Permit Required	An "S" in a zoning district column indicates that a use requires specific use review and approval by City Council.
	Not Allowed	A blank cell in a zoning district column indicates that a use is not permitted as a primary use or specific use in the zoning district.
--	Not Required	A "--" in a zoning district column indicates that a minimum parking ratio is not required for a particular use.

- (2) Standards Column. The "Standards" column provides a reference to associated standards for certain uses Permitted by Right and for Specific Uses. Where a blank space is in the column, there is no associated standard. Where there is information in the column, there are associated standards.
- (3) Unlisted Uses. If a proposed use is not specifically listed in Table 19: Use Table, the Director shall determine whether the use is permitted or not permitted. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in Table 19: Use Table.
- (A) In making this determination, the Director may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.
- (B) The Director may also refer to empirical studies or generally accepted planning or engineering sources (e.g., American Planning Association's publication, "A Planner's Dictionary") in making this determination.
- (C) Unauthorized if Prohibited.

- (i) If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, specific, or temporary use, then the use is a prohibited use.
- (ii) The Director's determination may be appealed pursuant to Sec. 9.04.050(m).

Sec. 9.04.028. Use Table

- (a) Applicability. This Division shall follow the requirements established in Table 19: Use Table.
- (b) Use-Specific Standards. Use-specific standards are established in Sec. 9.04.029, Sec. 9.04.030, Sec. 9.04.031, Sec. 9.04.032, Sec. 9.04.033, Sec. 9.04.034, Sec. 9.04.035, and Sec. 9.04.036.
- (c) Accessory Uses and Structures. Accessory Uses and Structures standards are established in Sec. 9.04.038.
- (d) Temporary Uses and Structures. Temporary Uses and Structures standards are established in Sec. 9.04.039.

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Division 3. Uses

Table 19: Use Table

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
														CE	ND				
Residential Uses																			
Industrialized Home (Modular Home)	P				P	P	P	P	P									Sec. 9.04.029(a)	2/DU
Live-Work Unit													P	P	P			Sec. 9.04.029(b)	1/DU
Manufactured Home	P				P	P	P	P	P										2/DU
Mobile Home	P																		2/DU
Multi-Family Dwelling										P				P				Sec. 9.04.029(c)	1 / 1 BRU; 2/2 & 3 BRU + 0.25/Unit for visitors (50% of required parking is covered, not including visitor parking)
Single-Family Dwelling, Attached									P	P				P					2/DU
Single-Family Dwelling, Detached	P	P	P	P	P	P	P	P	P										2/DU
Single-Unit or Duplex Unit Park										P			S					Sec. 9.04.029(d)	2/DU
Townhome Unit														S				Sec. 9.04.029(d)	2/DU
Two-Family Dwelling									P	P				P					2/DU
Lodging / Group Living																			
Bed and Breakfast Facility	S	S	S	S								P	P					Sec. 9.04.030(a)	1 + (0.75) bedrooms
Boarding/Rooming House										P		P						Sec. 9.04.030(b)	1 + (0.75) bedrooms
Dormitory										P									1 + (0.75) bedrooms
Hotel / Motel												S	P	S	S				1.25/ guestroom + 1/200 sf of restaurant, retail, conference, or office area
Recreational Vehicle Park	S																P		4/acre
Automotive																			
Auto Dealership													S					Sec. 9.04.031(a)	4/1,000 sf
Auto Dealership, Used													S					Sec. 9.04.031(b)	4/1,000 sf
Auto Parts Sales											S	P					P		3/1,000 sf

Article 9.04. Zoning Ordinance

Division 3. Uses

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
														CE	ND				
Auto Repair, Heavy																P	P	Sec. 9.04.031(c)	2/1,000 sf
Auto Repair, Light											S	S				P	P	Sec. 9.04.031(d)	2/1,000 sf
Auto Storage																P	P		1/1,000 sf
Car Wash											P	P				P		Sec. 9.04.031(e)	2/1,000 sf
Truck Sales																P	P		2.5/1,000 sf
Truck Stop and Repair																	P		2/1,000 sf
Commercial																			
Adult Entertainment Establishment																P	P	Sec. 9.04.032(a)	8/1,000 sf
Artist Studio											P	P	P	P	P				2/1,000 sf
Bar (75% sales from alcohol)											S	S	P	P	S				5/1,000 sf
Brewpub/Wine Bar												P	P	P		P		Sec. 9.04.032(b)	4/1,000 sf
Building, Materials, and Landscaping Store												P				P			3/1,000 sf
CBD Store											S	S							2.5/1,000 sf
Commercial Amusement, Indoor												P	P	S					5/1,000 sf
Commercial Amusement, Outdoor												P				P		Sec. 9.04.032(c)	35/acre
Convenience Store											P	P	P	P	P				4/1,000 sf
Convenience Store, Fuel Pumps											P	P	S	S		P		Sec. 9.04.032(d)	4/1,000 sf
Feed and Farm Supply	S											S				P			2.5/1,000 sf
Financial Institution											P	P	P	P	P				2.5/1,000 sf
Food Preparation and Sales											P	P	P	P	P				3/1,000 sf
Food Truck Park												S	S	S				Sec. 9.04.032(e)	2/Food Truck
Greenhouse or Nursery	P											P				P			8/acre
Grocery Store											P	P	P	P				Sec. 9.04.032(f)	4/1,000 sf
Heavy Equipment Sales and Rental																P	P		2/1,000 sf
Hookah Lounge											S	S							3/1,000 sf
Kennel											P	P			P	P		Sec. 9.04.032(g)	2.5/1,000 sf

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Division 3. Uses

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards		
														CE	ND						
Mixed-Use Development													P	P					Sec. 9.04.032(h)	2.5/1,000 sf	
Office											P	P	P	P	P					Sec. 9.04.032(i)	3/1,000 sf
Pawn Shop / Pay Day Loans												P				P				Sec. 9.04.032(j)	4/1,000 sf
Personal Services											P	P	P	P	P						3/1,000 sf
Portable Building Sales																S	P				1/1,000 sf
Postal Services											P	P		P	P	P					2.5/1,000 sf
Private Club												S	S	S						Sec. 9.04.032(k)	6/1,000 sf
Restaurant											P	P	P	P	P					Sec. 9.04.032(l)	Buildings ≤ 2,500 sf: 5/1,000 sf Buildings > 2,500 sf: 10/1,000 sf
Retail Store											P	P	P	P	P					Sec. 9.04.032(m)	4/1,000 sf
Radio/Television Studio												P									2/1,000 sf
Shopping Center											P	P	P								2.5/1,000 sf
Tasting Room												P	P	P		P					4/1,000 sf
Taxidermist												P				P					1.5/1,000 sf
Theater												P	P								5/1,000 sf
Veterinarian Facility											P	P				P				Sec. 9.04.032(n)	2.5/1,000 sf
Recreation																					
Amphitheater												S	S			P					20/acre
Athletic Field, Public	P	P	P	P	P	P	P	P	P	P											25/acre
Athletic Field, Private	S										S	S				P					25/acre
Community Center, Public		P	P	P	P	P	P	P	P	P			P	P	P						3/1,000 sf
Community Center, Private		P	P	P	P	P	P	P	P	P											2.5/1,000 sf
Country Club	P															P					2.5/hole + 1.5/1,000 sf
Golf Course	P															P				Sec. 9.04.033(a)	2/hole
Health Club											P	P	P	P							4/1,000 sf
Race Track	S																				25/acre
Sport Shooting Range	S															S					2/1,000 sf
Park	P	P	P	P	P	P	P	P	P	P	P		P	P	P						4/acre
Swimming Pool		P	P	P	P	P	P	P	P	P		P	P							Sec. 9.04.033(b)	5/pool

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Division 3. Uses

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
														CE	ND				
Public / Institutional																			
Cemetery	P	S	S								S	S				S		Sec. 9.04.034(a)	2/acre
Civic Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4/1,000 sf
Civic Club or Lodge											P	P	P	P					2/1,000 sf
College or University												S				S			2.5/1,000 sf
Correctional Facility	S															S			1.5/1,000 sf
Fairgrounds	S															P			30/acre
Public Library, Museum, or Art Gallery		S	S	S	S	S	S	S	S	S	P	P	P	P	P				2.5/1,000 sf
Religious Land Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			3/1,000 sf
School		P	P	P	P	P	P	P	P	P									2.5/1,000 sf
Technical School	S										S	P				P			4/1,000 sf
Industrial																			
Brewery/Distillery																P	P		2.5/1,000 sf
Commercial Cleaning Facility																P	P		1.5/1,000 sf
Commercial Kitchen												S				P			1.5/1,000 sf
Contractor's Shop and Storage Yard																P	P	Sec. 9.04.035(a)	1/1,000 sf
Industrial and Manufacturing, Heavy																	S		1/1,000 sf
Industrial and Manufacturing, Light																P	P		1.5/1,000 sf
Industrial Park																P			1.5/1,000 sf
Research and Development													S			P	P		1.5/1,000 sf
Salvage Yard																S	P		1/1,000 sf
Self-Storage (Mini-Warehouse)													S			P		Sec. 9.04.035(b)	1/30 storage units (at least 5 spaces required)
Warehouse, Distribution, and Wholesale																P	P		1/1,000 sf
Wholesale Showroom Facility												S				P			1/1,000 sf + 1/300 sf of office, sales, or display areas

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Division 3. Uses

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
														CE	ND				
Caretaking Services																			
Adult Day Services											P	P							2.5/1,000 sf
Assisted Living Facility									S	S	P	S							2.5/1,000 sf
Chemical Dependency Facility	S										P								2/1,000 sf
Child Care Facility, Children's Home									S	S	P	P							2/1,000 sf
Child Care Facility, Daycare										S	P	P	S	S	S			Sec. 9.04.036(a)	2.5/1,000 sf
Child Care Home (≤6 Children)	S	S	S	S	S	S	S												2/1,000 sf
Child Care Home (≥7 Children)	S	S																	2/1,000 sf
Clinic											P	P	S	S	S				3/1,000 sf
Community Home for Persons with Disabilities	S								S	S									2/1,000 sf
Funeral Services												P				P			2/1,000 sf
Halfway House	S							S	S										2/1,000 sf
Medical Care Facility											S	P							3.5/1,000 sf
Medical Office											S	P	P	S	P				4/1,000 sf
Transportation																			
Airport	S																		2/acre
Bus Terminal																P			--
Parking Facility													S	S	S				--
Railroad Station													S	S	S	S			--
Railroad Team Track and Right-of-Way																P			--
Transit Station													S	S	S	S			--
Truck or Motor Freight Terminal																P			--
Infrastructure																			
Electrical Substation	P	S	S	S	S	S	S	S	S	S						P			--
Gas Metering Station	P	S	S	S	S	S	S	S	S	S	S	S				S	P		--
Gas Metering Station with Odorizer	S	S	S	S	S	S	S	S	S	S	S	S				S	S		--

Article 9.04. Zoning Ordinance
Division 3. Uses

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
														CE	ND				
Governmental Service Yard	S	S	S	S	S	S	S	S	S	S	P	P				P	P		--
Power Plant																	S		--
Radio, TV or Microwave Operations, Amateur	S	S	S	S	S	S	S	S	S	S								Sec. 9.04.037(a)	--
Radio, TV or Microwave Operations, Commercial	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 9.04.037(b)	--
Recycling Facility																S	P		1/1,000 sf
Solid Waste Facility / Landfill																	S		1/1,000 sf
Solid Waste Transfer Station																S	P		1/1,000 sf
Telephone Exchange												P				P	P		--
Utility Shop																P			--
Agriculture																			
Agriculture	P																		--
Agritainment	S																		1.5/1,000 sf
Feedlot	P																		--
Stable, Commercial	P																		--
Accessory Uses																			
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.04.038	--
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P						P			Sec. 9.04.038(e)(1)	1/DU
Barndominium	P																		--
Carport	P																		--
Donation and Collection Bin											P	P	P		P	P		Sec. 9.04.038(e)(2)	--
Fuel Pump											P	P	P	P	P	P	P	Sec. 9.04.038(e)(3)	1/2 Pumps
Home Occupation	P	P	P	P	P	P	P	P	P						P			Sec. 9.04.038(e)(4)	1/DU
Garage	P	P	P	P	P	P	P	P	P	P					P				--
Outdoor Dining											P	P	P	P	P				1/200 sf
Outdoor Display	P											P	P	P	P	P		Sec. 9.04.038(e)(5)	--

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Division 3. Uses

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards	
														CE	ND					
Outdoor Storage	P											S					P	P	Sec. 9.04.038(e)(6)	--
Retail Ice and Dispensed Water Sales											P	P					P	P		--
Service Bay	P										P	P	P		P	P	P	P	Sec. 9.04.038(e)(7)	1/Bay
Stable, Private	P	P																		--
Swimming Pool, Private	P	P	P	P	P	P	P	P	P	P						P			Sec. 9.04.038(e)(8)	--
Wind Energy Conversion System	P	S	S	S	S	S	S	S	S	S	S	S					P	P	Sec. 9.04.038(e)(9)	--
Temporary Uses																				
Batching Plant	P	P	P	P	P	P	P	P	P	P	P	P					P	P		--
Construction Yard																	P			--
Field or Sales Office		P	P	P	P	P	P	P	P	P										--
Flea Market	P											P					P			15/acre
Itinerant Vendor	S										S	S	S	S	S	S			Sec. 9.04.039(d)(1)	--
Seasonal Roadside Stand	P																			1/stand

Sec. 9.04.029. Residential Use-Specific Standards

- (a) Industrialized Home (Modular Home).
 - (1) An Industrialized Home (Modular Home) meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
 - (2) An Industrialized Home (Modular Home) conforms to all applicable zoning regulations for its respective zoning district.
 - (3) An Industrialized Home (Modular Home) has a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the dwelling is proposed to be located, as determined by the most recent County certified tax appraisal roll.
 - (4) An Industrialized Home (Modular Home) has exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the dwelling is proposed to be located.
 - (5) An Industrialized Home (Modular Home) complies with municipal aesthetic standards, setbacks, subdivision control, landscaping, square footage, and other site requirements applicable to single-family dwellings.
 - (6) An Industrialized Home (Modular Home) is securely fixed to a permanent foundation.
 - (7) An Industrialized Home (Modular Home) is set on a solid slab structure and/or 18- to 20-inch runners.

(b) Live-Work Unit.

- (1) A Live-Work Unit shall comply with the regulations specified in Sec. 9.04.042.

(c) Multi-Family Dwelling.

- (1) Generally.
 - (A) Where a Multi-Family Dwelling is erected to create inner courts, the faces of all opposite walls in those courts shall be at least 30 feet apart and no balcony or canopy shall extend into that court area more than 5 feet.
 - (B) Each lot or parcel of land that is used for a Multi-Family Dwelling shall provide on the same lot or parcel of land usable open space, per Table 20: Multi-Family Dwelling Open Space below.

Table 20: Multi-Family Dwelling Open Space

Number of Bedrooms	Size
1 or less	600 square feet
Each additional bedroom over 1	300 square feet

- (C) A Multi-Family Dwelling shall comply with the additional regulations established in Sec. 9.04.042.

(d) Townhome Unit and Single-Unit or Duplex Unit Park.

- (1) All residential units within a Townhome Unit and Single-Unit or Duplex Unit Park are restricted to 35 feet in height.
- (2) Where the residential units within a Townhome Unit or Single-Unit or Duplex Unit Park are erected to create inner courts, the faces of all opposite walls in those courts shall be at least 30 feet apart and no balcony or canopy shall extend into that court area more than 5 feet.

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Division 3. Uses

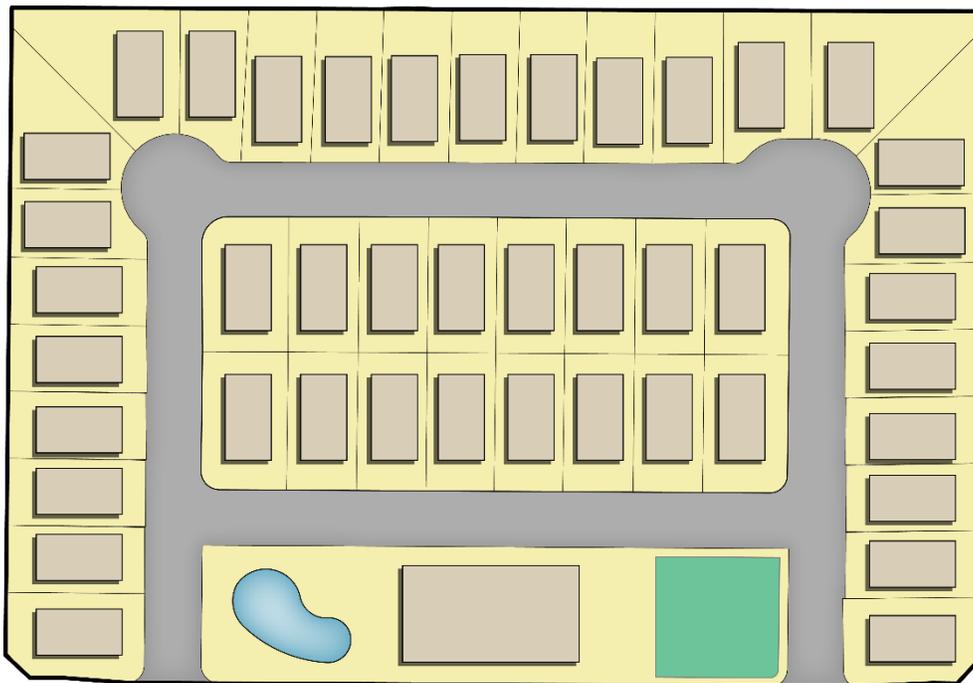
- (3) A Townhome Unit or Single-Unit or Duplex Unit Park shall provide on the required amount of usable open space, per Table 21: Townhome Unit or Single-Unit or Duplex Unit Park Open Space below.

Table 21: Townhome Unit or Single-Unit or Duplex Unit Park Open Space

Number of Bedrooms	Size
1 or less	600 square feet
Each additional bedroom over 1	300 square feet

- (4) Each detached residential dwelling unit shall have a 10-foot minimum separation from any other detached residential dwelling unit (refer to Figure 1: Townhome Unit or Single-Unit or Duplex Unit Park Layout Example).

Figure 1: Townhome Unit or Single-Unit or Duplex Unit Park Layout Example



Please Note: A Single-Family or Duplex Home Park is developed on one parcel or lot. The above example shows lines indicating rental spaces associated with dwelling.

- (5) A Single-Unit or Duplex Unit Park shall comply with the additional regulations established in Sec. 9.04.042.

Sec. 9.04.030. Lodging/Group Living Use-Specific Standards

- (a) Bed and Breakfast Facility.

- (1) A Bed and Breakfast Facility is owner-occupied and managed at all times.
- (2) The maximum number of rented bedrooms is five (5).
- (3) No cooking facilities are allowed in any of the bedrooms.
- (4) A Bed and Breakfast Facility shall meet all of the minimum requirements of the City-County Health Department and shall conform in all respects to the requirements of the fire code, building code, electrical code and plumbing code.
- (5) A Bed and Breakfast Facility is responsible for the collection of the City hotel/motel tax.

- (6) All City-County Health Officers, Building Inspectors, the Fire Marshal and their assistants and other code enforcement officials of the City shall have the right to go on any premises of a Bed and Breakfast Facility during normal business hours for the purpose of verifying compliance with this subsection and all other applicable ordinances of the City.
- (b) Boarding/Rooming House.
 - (1) No more than ten (10) occupants (including any resident staff and family) shall occupy any Boarding / Rooming House at one time.
 - (2) The maximum length of stay for any occupant is fourteen (14) consecutive days in any one calendar month.
 - (3) A Boarding/Rooming House shall not be located within one thousand (1,000) feet of any other Boarding / Rooming House.

Sec. 9.04.031. Automotive Use-Specific Standards

- (a) Auto Dealership.
 - (1) An Auto Dealership shall be located one hundred fifty (150) feet from any residential district.
 - (2) An Auto Dealership shall not be located within one hundred fifty (150) feet of any other Auto Dealership.
 - (3) No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, repair and service, and washing.
 - (4) Inventory spaces shall not count towards the minimum parking requirements.
- (b) Auto Dealership, Used.
 - (1) An Auto Dealership, Used shall be located one hundred fifty (150) feet from any residential district.
 - (2) An Auto Dealership, Used shall not be located within one hundred fifty (150) feet of any other Auto Dealership or Auto Dealership, Used.
 - (3) No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, repair and service, and washing.
 - (4) Inventory spaces shall not count towards the minimum parking requirements.
- (c) Auto Repair, Heavy.
 - (1) All Auto Repair, Heavy activities shall take place within an enclosed space.
 - (2) An Auto Repair, Heavy facility shall be located one hundred fifty (150) feet from any residential district or school use.
- (d) Auto Repair, Light.
 - (1) All Auto Repair, Light activities shall take place within an enclosed space.
 - (2) An Auto Repair, Light facility shall be located one hundred fifty (150) feet from any residential district or school use.
- (e) Car Wash.
 - (1) Local Commercial (C-1) District.
 - (A) A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.

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Division 3. Uses

- (B) A Car Wash shall be closed for business between the hours of 10:00 PM and 7:00 AM.
- (C) A Car Wash shall only be self-service.
- (D) All bays and overhead doors shall be oriented away from any residential district.
- (2) All Other Zoning Districts.
 - (A) A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.
 - (B) All bays and overhead doors shall be oriented away from any residential district.

Sec. 9.04.032. Commercial Use-Specific Standards

- (a) Adult Entertainment Establishment.
 - (1) An Adult Entertainment Establishment shall not be located within 1,000 feet of a:
 - (A) Public/Institutional Use,
 - (B) Child Care Facility,
 - (C) Residential Use, or
 - (D) Adult Entertainment Establishment.
 - (2) An Adult Entertainment Establishment shall comply with Article 5.07 of the Anna Code.
- (b) Brewpub/Wine Bar.
 - (1) Downtown (DT) District-Core (CE).
 - (A) The maximum size of a Brewpub is 10,000 square feet.
 - (B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
- (c) Commercial Amusement, Outdoor.
 - (1) A Commercial Amusement, Outdoor use shall not be located within three hundred (300) feet of any residential district.
- (d) Convenience Store, Fuel Pumps.
 - (1) Any pump island or other structure shall not be less than twenty (20) feet from adjacent property lines or street and highway right-of-way lines.
 - (2) Overhead canopies shall not be less than twenty (20) feet from any right-of-way line or property line.
- (e) Food Truck Park.
 - (1) All mobile vendors must have valid required health inspection permits.
 - (2) Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public per Sec. 9.04.046.
 - (3) Electrical, water, and wastewater connections shall be provided.
 - (4) Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking lots.

- (5) Food Truck Park sites shall be defined by curbs (i.e., continuous curb cuts are prohibited) to confine ingress and egress to defined access points to ensure the safety of pedestrians within the park.
 - (6) A barrier shall be located between any vehicular areas and the customer service areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material, or color; or similar treatments.
 - (7) Drive thrus are not permitted in conjunction with a Food Truck Park.
 - (8) Signage is allowed on the mobile vendor vehicle itself but no detached signage is allowed.
 - (9) A waste receptacle is required for every mobile vendor and waste shall be removed daily.
 - (10) Food Truck Park sites shall only operate on an approved surface per [Article 9.03 \(Design Standards\)](#).
- (f) Grocery Store.
- (1) Local Commercial (C-1) District, and Downtown (DT) District-Core (CE).
 - (A) The maximum size of a Grocery Store is 15,000 square feet.
 - (B) No drive thrus are allowed.
- (g) Kennel.
- (1) Local Commercial (C-1) District and Downtown (DT) District-Core (CE).
 - (A) A Kennel shall not be located within one hundred (100) feet of any residential district.
 - (B) No outside runs are allowed.
 - (2) All Other Zoning Districts.
 - (A) A Kennel shall not be located within two hundred fifty (250) feet of any residential district.
 - (B) Outside runs are allowed.
 - (C) Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
 - (D) At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.
- (h) Mixed-Use Development.
- (1) No more than 50% of the Mixed-Use Development cumulative building square footage shall consist of dwelling units.
 - (2) At least 25% of the Mixed-Use Development shall consist of retail, restaurant, or office uses.
 - (3) A Mixed-Use Development shall comply with the regulations established in Sec. 9.04.042.
- (i) Office.
- (1) Local Commercial (C-1) District, Mixed-Use (MU) District, Downtown (DT) District-Core (CE), and Downtown (DT) District-Neighborhood (ND).
 - (A) The maximum size of an Office is 10,000 square feet.
- (j) Pawn Shop / Pay Day Loans.
- (1) Regional Commercial (C-2) District.

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- (A) A Pawn Shop / Pay Day Loans shall not be located within one thousand (1,000) feet of any other Pawn Shop / Pay Day Loans.
 - (B) No outdoor display is allowed.
- (k) Private Club.
- (1) A Private Club shall not be located within three hundred (300) feet of any the following: religious land use, medical care facility, school, or public park.
 - (2) A Private Club for the on-premises sale or consumption of alcoholic beverages shall be located within an area containing at least two acres.
 - (3) Operational Regulations.
 - (A) Not less than 50% of the gross receipts of such establishment shall be derived from the sale of food consumed on the premises. Food service shall be available at any time alcoholic beverages are being served. The service of alcoholic beverages without food is prohibited in dining areas and is restricted to a bar or lounge area as described in this section. The holder of such permit shall provide audits at its expense as more fully set forth in this section.
 - (B) Such establishments shall contain a minimum of 100 dining seats, allowing a minimum of 12 square feet of dining area per dining chair. Calculation of the square feet of dining area shall exclude kitchen and storage areas, bar and lounge areas, and cashier and reception areas.
 - (C) Such establishments shall comply with all of the provisions of the Texas Alcoholic Beverage Code and receive a private club permit from the state within six months from the date of issuance of specific use permit by the City, each such limitation in time being subject to extension by the City Council.
 - (D) The City Council may revoke a specific use permit upon the finding that any of the operational requirements imposed at the time of granting the permit are not met or thereafter cease to exist. Said specific use permit shall be subject to review based on recommendation from the police department that the public safety has been or is being jeopardized. The City Manager and the Chief of Police are specifically authorized to receive, accept, and investigate complaints from any source.
 - (E) A private club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary use, e.g., the dining or reception area of a restaurant, hotel, or motel. Emergency exits directly to the outside are permitted.
 - (F) No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Texas Alcoholic Beverage Code and the City sign ordinance.

(4) Audit.

- (A) The permittee of each private club in the City that has been in operation for at least six months prior to a December 31st calendar year shall select and engage a certified public accounting firm to conduct an annual audit of the operations of such private club during such period. The year upon which such audit shall be conducted shall begin January 1, and end December 31. The purpose of this audit shall be to determine whether or not the permittee has complied with the gross receipt requirements of subsection (3) of this section. The audit shall clearly reflect:
 - (i) The total gross receipts of the permittee for the audit year from all operations on the premises for which the specific use permit for a private club is issued;
 - (ii) The percentage of such gross receipts derived from the sale of food; and
 - (iii) The percentage of such gross receipts derived from the sale of alcoholic beverages.
- (B) The audit shall indicate whether or not further inquiry should be made by the City into the permittee's operations to determine whether all other requirements for the operation of a private club were satisfied during the audit year.
- (C) The audit shall be completed and a copy furnished to the City Council through the City Manager's Office not later than April 1 of the year following the audit year. The audit shall be performed and a copy furnished to the City Manager at the sole expense of the permittee.
- (D) If not received by April 1, the City Council shall have the right to select and engage a certified public accounting firm to perform the audit described herein. The permittee shall reimburse the City for all expenses incurred in obtaining this audit.

(I) Restaurant.

(1) Local Commercial (C-1) District.

- (A) No drive thrus are allowed.
- (B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

(2) Regional Commercial (C-2) District.

- (A) Drive Thrus.
 - (i) Drive thrus are allowed.
 - (ii) Drive thru with individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened by a sound abatement system. The Planning and Zoning Commission may recommend and City Council require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of individual service speakers on residential districts.
 - (iii) A stacking space shall be an area on a site measuring 9 feet by 20 feet with direct forward access to a service window or station of a drive thru facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive thru facility. An escape lane may be part of a circulation aisle.

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- (iv) The minimum stacking space for the first vehicle stop shall be 100 feet and 40 feet thereafter for any other stops. An escape lane shall be provided parallel to the drive thru lane from the beginning of the drive thru lane to the pick-up window.
 - (B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
- (3) Downtown (DT) District-Core (CE) and Downtown (DT) District-Neighborhood (ND).
 - (A) No drive thrus are allowed.
 - (B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
- (m) Retail Store.
 - (1) Local Commercial (C-1) District, Downtown (DT) District-Core (CE), and Downtown (DT) District-Neighborhood (ND).
 - (A) No drive thrus are allowed.
- (n) Veterinarian Facility.
 - (1) Local Commercial (C-1) District.
 - (A) A Veterinarian Facility shall not be located within one hundred (100) feet of any residential district.
 - (B) No outside runs are allowed.
 - (2) All Other Zoning Districts.
 - (A) A Veterinarian Facility shall not be located within two hundred fifty (250) feet of any residential district.
 - (B) Outside runs are allowed.
 - (C) Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
 - (D) At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.

Sec. 9.04.033. Recreation Use-Specific Standards

- (a) Golf Course.
 - (1) The minimum size of a Golf Course is 20 acres.
 - (2) All exterior lighting for the purposes of illuminating the Golf Course or any accessory use shall terminate at 10:00 PM. Lighting for walls, security measures, sconces, and parking facilities are excluded from this requirement.
- (b) Swimming Pool.
 - (1) A Swimming Pool is not located in any required front or side yard abutting a street.
 - (2) A wall or fence, not less than six feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area.

- (3) All lighting of the Swimming Pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded, they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.
- (4) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.
- (5) Any swimming pool associated with a commercial or multi-family use or homeowners' association requires at least a 10 foot setback from any property line.

Sec. 9.04.034. Public/Institutional Use-Specific Standards

(a) Cemetery.

- (1) A Cemetery shall have a two (2) acre minimum property size.
- (2) No structure, excluding fences or walls, shall be located within fifty (50) feet from any residential use.
- (3) Graves and monuments shall set back at least twenty feet (20) from any property line.

Sec. 9.04.035. Industrial Use-Specific Standards

(a) Contractor's Shop and Storage Yard.

- (1) Outdoor display and storage of materials, goods, equipment, tools, and products are allowed and shall comply with the regulations established in Sec. 9.04.038(e)(5) and Sec. 9.04.038(e)(6).
- (2) A Contractor's Shop and Storage Yard shall comply with the regulations established in Sec. 9.04.046.

(b) Self-Storage (Mini-Warehouse).

(1) Access.

- (A) The Self-Storage (Mini-Warehouse) shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
- (B) A Self-Storage (Mini-Warehouse) shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.

(2) Storage.

- (A) A Self-Storage (Mini-Warehouse) unit shall not be used for the storage of explosives, ammunition, hazardous, or flammable materials.
- (B) Self-Storage (Mini-Warehouse) units shall be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.
- (C) No outdoor storage is permitted in the C-2 zoning district.
- (D) Outdoor storage may be allowed within I-1 zoning district in approved on-site areas for vehicles and recreational equipment if they are covered by an awning or canopy structure.

(3) Accessory Office.

- (A) The Self-Storage (Mini-Warehouse) may include an accessory on-site office.
- (B) An office shall not exceed more than three thousand (3,000) square feet.

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Sec. 9.04.036. Caretaking Use-Specific Standards

(a) Child Care Facility, Daycare.

- (1) No portion of a Child Care Facility, Daycare site shall be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- (2) A Child Care Facility, Daycare shall be located adjacent to a street having a pavement width of 40 feet or greater.
- (3) All Child Care Facility, Daycare shall comply with the following standards:
 - (A) All vehicular entrances and exits shall be clearly visible from the street.
 - (B) All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - (C) Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the facility. This requirement may be waived by the Planning and Zoning Commission if the Child Care Facility, Daycare is provided for less than four hours per day for an individual person.
 - (D) A maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the Child Care Facility, Daycare premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
 - (E) No Child Care Facility, Daycare shall be part of a one-family or two-family dwelling.

Sec. 9.04.037. Infrastructure Use-Specific Standards

(a) Radio, TV or Microwave Operations, Amateur.

- (1) Any Radio, TV or Microwave Operations, Amateur shall comply with (b), below.

(b) Radio, TV or Microwave Operations, Commercial.

- (1) Purpose. These regulations are adopted for the following purposes:
 - (A) To protect and provide for the public health, safety, and general welfare of the City.
 - (B) To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.
 - (C) To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.
 - (D) To encourage the users of support structures and antennas to site share where possible and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal.
 - (E) To protect and enhance the City's environmental and aesthetic quality.
 - (F) To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.
 - (G) To comply with applicable state and federal law.
- (2) Applicability.

- (A) This subsection applies to all commercial and amateur antenna installations located outside of City right-of-way, unless exempted by (C), below.
 - (B) Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Anna, and which comply with the requirements of (7), below, are subject to all applicable ordinances for such structures including, but not limited to (4), below.
 - (C) Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height.
 - (i) In any zoning district, antennas that are one meter (39 inches) or less in diameter.
 - (ii) In the nonresidential zoning districts, antennas that are 2 meters or less in diameter.
 - (iii) In any zoning district, antennas designed to receive television broadcasts.
 - (iv) In any zoning district, amateur radio antennas concealed behind, on, or within attics, eaves, gutters, or roofing.
 - (v) In any zoning district, amateur radio ground-mounted whips and wire antennas unless mounted on a pole or mast over 20 feet in height.
 - (D) An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.
- (3) Application Requirements.
- (A) Applications for commercial antennas and antenna support structures shall include the following:
 - (i) The distance between the proposed support structure and the nearest residential unit and/or residential zoning district boundary line.
 - (ii) An inventory or map of the applicant's existing support structures, antennas, or sites previously approved for such, either owned or leased, both within the city and within one mile of the city limits, including specific information about the location, height, and design of each support structure. The separation distance between the proposed support structure or antenna and these support structures shall also be noted.

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- (iii) Certification of the following:
 - a. That the applicant has sought and received all franchises or permits required by the city for the construction and operation of the communication system.
 - b. Identification of the backhaul provider and connectivity locations for the installation. Applicants must notify the City of any change in site sharing or backhaul providers within 30 days of the change.
 - c. Certification of the structural engineering information.
 - d. Certification of whether the installation is a network node.
 - e. A notarized statement from the applicant that the proposed support structure can accommodate the site sharing of additional antennas.
 - (iv) Information concerning the finished color, alternative design standards (if applicable), and method of fencing.
 - (v) The application may require a site plan and landscape plan in accordance with this ordinance. Platting of the property may be required in accordance with Article 9.02 (Subdivision Regulations).
 - (vi) The Director may establish procedures, forms, and standards with regards to application materials and information constituting a complete application for communications antenna, commercial and amateur.
- (B) All commercial signs, flags, lights and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures.
 - (C) All antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within 6 months or as required by the regulating authority.
 - (D) A permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulation, as stated in (2)(C), above. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association.
 - (E) All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the City of Anna's radio frequencies and public safety operations as required by the FCC.
 - (F) No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires, or ground equipment may be located within any required front, side, or rear yard setback.
 - (G) All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.
 - (H) All antennas and support structures must meet visibility requirements as defined in Sec. 9.04.041 and Sec. 9.04.046 even if a permit is not required.

- (I) Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure utilized, a fence, climbing guard, or other commercially available safety device. Climbing spikes must be removed after use.
- (J) Temporary antennas shall only be allowed in the following instances:
 - (i) In conjunction with a festival, carnival, or other activity requiring a Temporary Use Permit from the City.
 - (ii) In case of emergency as required by the City's Police or Fire Departments.
 - (iii) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than 7 days, then the provider must acquire a permit for the use.
- (4) General Requirements.
 - (A) Antennas and support structures may be considered either principal or accessory uses.
 - (B) Antenna installations shall comply with all other requirements of this article with the exception of those specified within this section.
 - (C) Commercial antennas and antenna support structures are permissible in all zoning districts when the following requirements are met:
 - (i) When totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.
 - (ii) A commercial antenna may be mounted on or incorporated into flagpoles.
 - (iii) Attached to a utility structure in any zoning district, except that if the communications antenna and antenna support structures exceed 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna cannot extend more than 15 feet above the utility structure.
 - (iv) Attached to an existing street light, park ballfield lights, and parking lot light standards, or the light standard in any zoning district may be replaced to accommodate the antennas. The height of the light standard may be increased no more than 15 feet, up to a maximum of 60 feet, to accommodate the antennas.
 - (v) In residential districts, only Omni, Yagi, network nodes, and small panel antennas not exceeding one foot in width by eight feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5".
 - (D) Commercial antennas and antenna support structures are permissible in nonresidential districts, when the following requirements are met:
 - (i) 60 feet or less in height is allowed by right.
 - (ii) Greater than 60 feet in height is allowed with approval of a specific use permit.
 - (iii) Must meet the applicable zoning district setback requirements.

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- (E) Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached dwelling purposes, unless the conditions of (2)(C) are met.
- (F) In addition to the allowances for commercial antennas and antenna support structures, network nodes are permissible in all zoning districts when the following requirements are met:
 - (i) Network nodes are allowed by right if the support structure on which antenna facilities are mounted is no more than 10 percent taller than other adjacent structures, or the support structure on which antenna facilities are mounted is not extended to a height more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.
 - (ii) Network nodes may be attached to a utility structure as described above if the antenna does not extend more than 10 percent above the preexisting height of the utility structure.
 - (iii) Network nodes may be attached to the light standard if the antenna is no more than 10 percent taller than other adjacent structures or the equipment is not extended to a height of more than 10 percent above its preexisting height as a result of the new antenna facilities.
 - (iv) No single antenna may be larger than three cubic feet.
 - (v) Overhead facilities and overhead transport facilities cannot be installed overhead on private property if the property is adjacent to a park or is adjacent to a street or thoroughfare that is classified Class E+ or smaller. All transport facilities must be underground per Article 9.02 (Subdivision Regulations).
- (G) Setback, Separation, and Screening of Ground Equipment Requirements.
 - (i) The height of a support structure is limited to 200 feet in the industrial zoning districts and is limited to 120 feet in all other nonresidential zoning districts, except that for network nodes, the structure on which the antenna facilities are mounted cannot be more than 10 percent taller than other adjacent structures or the structure on which antenna facilities are mounted cannot extend to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.
 - (ii) Support structures, except for network node poles, must be set back a minimum of 125% of the support structure height from public rights-of-way.
 - (iii) Equipment buildings must comply with the screening requirements specified in (6), below, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.
 - (iv) Support structures, guy wires, and accessory buildings must satisfy the minimum zoning district setbacks requirements. Where the district does not specify a minimum front yard setback, the front yard setback must be 50 feet; where the district does not specify a minimum side yard setback, the side yard setback must be 10 feet; where the district does not specify a minimum rear yard setback, the rear yard setback must be 10 feet.
 - (v) The following separation distances between support structures must be maintained:

Table 22: Separation Distances

	Lattice	Guyed	Monopole 75 feet in Height or Greater	Monopole Less than 75 feet in Height	Network Node
Lattice	5,000	5,000	1,500	750	150
Guyed	5,000	5,000	1,500	750	150
Monopole 75 feet in Height or Greater	1,500	1,500	1,500	750	150
Monopole Less than 75 feet in Height	750	750	750	750	150
Network Node	150	150	150	150	150

(vi) Alternative or stealth designs as defined by this ordinance are exempt from the above spacing requirements.

(vii) No commercial antenna support structure, other than a network node 60 feet or greater in height, shall be closer to any residential district boundary line than a distance equal to the sum of the required setback specified for the zoning district in which such structure is located, plus 25 feet, plus twice the height of the portion of the structure above 25 feet, or 125% of the height of the support structure, whichever is greater. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line. Setbacks from residentially zoned property do not apply to antennas, other than a network node, less than 60 feet in height or those attached to existing utility structures exceeding 60 feet in height, or to antennas placed wholly within a building or attached to a building; however, the building itself must meet all applicable setback requirements.

(H) A commercial antenna mounted on a roof or existing structure, other than a support structure, shall extend no more than 10 feet above the highest point of the structure.

(5) Site Sharing. Site sharing shall be accomplished as follows:

(A) All new support structures over 60 feet in height must be constructed to support antennas for at least 2 carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided.

(B) A support structure which is modified or reconstructed to accommodate site sharing shall be of the same type or design as the existing structure and is subject to the following regulations:

(i) The support structure may be modified or rebuilt to a height not to exceed 30 feet over the support structure’s existing height, with a maximum height of 120 feet. If a specific use permit issued for the support structure stipulated a maximum height, the support structure may not be modified unless the specific use permit is amended.

(ii) Distance separation from other support structures and residential zoning district boundaries are based on the original support structure and are not increased.

(iii) The support structure may be moved on the same property within 50 feet of its existing location but may not be moved closer to residentially zoned property. The new location must be within the boundaries of the specific use permit.

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- (iv) The original support structure must be removed from the property within 90 days of the completion of the new support structure.
- (C) Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.
- (6) Support Buildings and Equipment Storage. In order to minimize the effect on property values and to maintain the aesthetics of the area, support buildings and equipment storage areas or buildings must meet the following requirement:
 - (A) When mounted on rooftops, they must be screened by a parapet wall or other mechanical unit screening. Existing mechanical unit screening may be utilized if it provides screening in accordance with Sec. 9.04.046.
 - (B) When ground mounted, they must comply with the following:
 - (i) Meet all applicable front, side, and rear yard setback requirements.
 - (ii) Be of a neutral color compatible with surrounding structures.
 - (iii) Be screened by an evergreen landscape screen with an initial planting size of 5 gallons and 4 feet in height, with an ultimate height of 6 feet or a solid masonry fence 6 feet in height. Landscaping must be irrigated and maintained in a living, growing condition. Wooden fences are prohibited and wrought iron or chain link may only be used in conjunction with a landscape screen.
- (7) Antennas on City-Owned Property. Antennas owned by other than governmental entities may be located on property owned by the City of Anna under the following conditions:
 - (A) Antennas and support structures located within City right-of-way must comply with the City of Anna Subdivision Regulations, design manuals, and other ordinances.
 - (B) The antennas and support structures outside of the right-of-way may only be attached to an existing improvement or replace an existing improvement and must follow the requirements of (2)(C).
 - (C) Authorization for use of City property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized City representative and adopted in conformance with all applicable City regulations and guidelines for the property prior to submission of an application for review under this Section.
- (8) Aesthetic, Stealth, and Alternative Design Requirements. In order to preserve property values and to maintain the aesthetics of the area, all antennas and antenna support structures must meet the following requirements:
 - (A) Support structures must have a galvanized steel finish or be painted a neutral color, unless other designs and colors are required by the Federal Aviation Administration for safety purposes.
 - (B) Antennas and supporting equipment installed on an existing structure other than a support structure must be of a neutral color that is compatible with the color of the supporting structure.
 - (C) Alternative or stealth designs, including flag poles, windmills, trees, clock towers, bell steeples, or other architectural elements, are encouraged for all antenna support structures, antennas, and supporting equipment.
- (9) Amateur Radio Antennas and Support Structures
 - (A) Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator are allowed in any district. A building permit is required for antenna support structures of 20 feet or more in height.

- (B) No amateur antenna support structure or antenna may be greater than 50 feet in height. However, the height of such antenna support structure or antenna may be increased up to 75 feet with the installation of a telescopic or crank-up support structure. Upon the issuance of a specific use permit, an amateur antenna support structure or antenna may be constructed to exceed these height limits.
- (C) Amateur antenna support structures, antenna, or support wires must be located behind the face of the main building. No amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback. For an amateur antenna support structure or antenna in excess of 35 feet, the setback from side setback lines must be increased one foot for every foot the height exceeds 35 feet.
- (D) The bottom section of an antenna support structure may not exceed 48 inches in width. An antenna support structure having a bottom section with a width exceeding 30 inches but not greater than 48 inches must be of a tapered design.
- (E) Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit. Excluded from this provision are monopoles 4 inches or less in diameter used exclusively to support wire antennas as referenced in (2)(C)(v).
- (F) Amateur radio antennas, antenna support structures, bases, masts, and poles in existence or for which a permit was issued prior to the effective date of this ordinance shall be considered legal nonconforming uses subject to the provisions specified in Division 6.
- (G) All specific use permits issued for amateur radio antennas or antenna support structures shall be conditioned that the permittee complies with this Article, as amended and all other applicable City ordinances. The City may also provide other conditions and restrictions which City Council determines, at the time of granting the specific use permit, are necessary to protect and provide for the health, safety, and general welfare of the community. After a public hearing and an opportunity for the permittee to be heard, City Council may cancel, revoke, or suspend a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of the granting of the permit are not met or thereafter cease to exist.

(10) Appeals

- (A) An applicant may appeal a decision of the Director for an antenna installation that does not require a specific use permit, other than a network node installation, to the Planning and Zoning Commission by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of the decision. The Planning and Zoning Commission may approve, conditionally approve, table, or deny an appeal. Decisions of the Planning and Zoning Commission may be appealed to City Council in accordance with Sec. 9.04.050(m).
- (B) Any applicant may appeal a decision of the Director to the City Manager for a network node installation if the applicant believes that the denial of a permit materially inhibits the provision of service, in violation of Sections 253 or 332 of the Telecommunication Act of 1996. The City Manager may adopt rules regulating the process and requirements for appeals. The City Manager must issue a decision within ten (10) business days of receipt of the written appeal. Decisions of the City Manager are final. Failure to render a decision constitutes a denial.
- (C) Any entity that desires to erect or utilize telecommunications facilities that would be limited by the provisions of this ordinance may petition the Planning and Zoning Commission to modify the ordinance. In determining the need to initiate an amendment to the ordinance, the Commission shall

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consider the extent to which strict application of these regulations would prohibit or have the effect of prohibiting communications services.

Sec. 9.04.038. Accessory Uses and Structures

- (a) Purpose. This section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards established in this section. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, buildings, and activities typically associated with the use, unless specifically prohibited in this section.
- (b) Approval Procedure.
- (1) Any of the accessory uses identified in this section may be allowed as accessory to an authorized principal use provided that:
 - (A) The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and
 - (B) The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this subsection.
 - (2) Simultaneously with a Principal Use. Accessory uses or buildings may be reviewed as part of review of an associated principal use. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with an approved Specific Use Permit.
 - (3) Subsequent to a Principal Use.
 - (A) Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.
 - (B) In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with the provisions in Division 5.
- (c) Interpretation of Unidentified Accessory Uses. The Director shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:
- (1) The definition of "accessory use" in Division 10, and the general accessory use standards and limitations established in this Section;
 - (2) The purpose and intent of the base districts in which the accessory use is located;
 - (3) Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
 - (4) The compatibility of the accessory use with other principal and accessory uses permitted in the district.
- (d) General Standards for All Accessory Uses. All accessory uses and buildings shall be subject to the general standards in this section, as well as any applicable supplemental standards in Subsection (e) and all standards applicable to the associated principal use as set forth in Division 3.
- (1) Size. All accessory uses shall:
 - (A) Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
 - (B) Not violate the bulk, density, parking, landscaping, or open space standards of this Article when taken together with the principal use or structure.

- (C) The floor area of any detached accessory building shall not exceed 50% of the floor area of the principal structure. The total combined floor area of all buildings shall not exceed the maximum lot coverage for the zoning district in which it is located. The Director may authorize a building to exceed this percentage if the building is used as a guest house, or is used for animal production or crop production associated with an agricultural use.
- (2) Function. All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.
- (3) Timing. Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.
- (4) Height. Accessory buildings shall be limited to a maximum height of eighteen (18) feet unless exempted from the height requirements in this Zoning Ordinance.
- (5) Location.
 - (A) Accessory uses or buildings shall be located on the same lot as the principal use or building.
 - (B) Accessory buildings shall not be located within platted or recorded easements.
 - (C) Accessory buildings shall be set back at least five (5) feet from any side and ten (10) feet from any rear lot line.
 - (D) The Director may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park.
- (e) Supplemental Standards for Accessory Use Standards.
 - (1) Accessory Dwelling Unit.
 - (A) A Detached Accessory Dwelling Unit shall only be located in the rear of a lot.
 - (B) An Accessory Dwelling Unit must comply with the required setbacks of the zoning district in which the unit is located.
 - (C) An Accessory Dwelling Unit must comply with the zoning district's height requirements. An Accessory Dwelling Unit must not exceed the height of the primary dwelling.
 - (D) An Accessory Dwelling Unit must be at least five hundred (500) gross square feet in area.
 - (E) An Accessory Dwelling Unit must not exceed one thousand (1,000) gross square feet in area.
 - (F) An Accessory Dwelling Unit must connect utilities to those of the primary dwelling.
 - (G) The property owner must occupy the principal dwelling or Accessory Dwelling Unit as the owner's permanent residence.
 - (2) Donation and Collection Bin.
 - (A) A Donation and Collection Bin shall meet all required zoning district setbacks.
 - (B) A Donation and Collection Bin may be located in parking spaces as long as the required parking minimums are met.
 - (C) The maximum size for a Donation and Collection Bin is 40 square feet.
 - (D) The maximum height for a Donation and Collection Bin is 5 feet.

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- (3) Fuel Pumps.
 - (A) Any fuel pumps shall not be located within 150 feet of a residential district.
- (4) Home Occupation.
 - (A) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft, or economic enterprise.
 - (B) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the residential dwelling.
 - (C) Not more than one non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the building in which the home occupation is being conducted.
 - (D) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
 - (E) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
 - (F) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
 - (G) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
 - (H) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
 - (I) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.
- (5) Outdoor Display.
 - (A) Outdoor Display shall be designated on an approved site plan.
 - (B) Outdoor Display is limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.
 - (C) Outdoor Display shall be placed within 10 feet of the front facade of the primary building and shall not exceed 4 feet in height.
 - (D) Temporary storage of merchandise for display and sale placed on a sidewalk or other pedestrian area must maintain a 6-foot wide pedestrian path through and adjacent to the Outdoor Display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, easements, maneuvering aisles, customer pick-up lanes, and loading zones.
- (6) Outdoor Storage.
 - (A) Outdoor Storage shall be designated on an approved site plan.
 - (B) Outdoor Storage shall not be placed:

- (i) Within any required setbacks,
 - (ii) Within parking spaces, fire lanes, easements, maneuvering aisles, or loading areas,
 - (iii) On the roof of any structure,
 - (iv) To exceed the required screening height
 - (v) At the front of any primary building.
- (C) Outdoor Storage is limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.
- (D) Outdoor Storage shall comply with Sec. 9.04.046.
- (E) Outdoor Storage items shall be stored on a paved surface, and associated access and maneuvering drives shall be constructed of a paved surface, except for in the AG, I-1, and I-2 zoning districts where items, may be placed on a gravel surface or similar permeable surface.
- (7) Service Bays.
- (A) All service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.
- (B) Service bays shall orient away from street frontage.
- (8) Swimming Pool, Private.
- (A) A swimming pool is no closer than four feet from any property line.
- (9) Wind Energy Conversion Systems.
- (A) Purpose. In order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems for the production of electricity for use on a lot.
- (B) Standards. All wind energy conversion systems are subject to and must comply with the following provisions:
- (i) Setbacks. Minimum setbacks for wind turbines shall be:
 - a. A minimum of 1.1 times the total extended height of the wind turbine – as measured from average ground level of the lot to the uppermost part of the wind turbine – from the project property lines.
 - b. Guy wire anchors may not extend closer than 10 feet from any property line.
 - (ii) Number per lot or parcel. A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.
 - (iii) Height. Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems – as measured from average ground level of the lot to the uppermost part of the wind turbine – is 35 feet on parcels less than 5 acres in size and 70 feet on parcels 5 acres or greater. If roof mounted, the extended height shall not exceed 10 feet above the roof ridge and in no case be higher than 35 feet.
 - (iv) Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the

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lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

- (v) Access. All tower-mounted wind energy conversion systems must comply with the following provisions:
 - a. The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and
 - b. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
- (vi) Rotor safety. All wind turbines shall comply with the following rotor safety requirements.
 - a. Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation.
 - b. The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be 10 feet as measured at the lowest point of the arc of the blades.
 - c. All blades of a wind turbine are required to be within a shroud.
- (vii) Noise. All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.
 - a. No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of 35 decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one acre; or, a maximum of 50 decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
 - b. Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the building official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, approved by the building official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the building official will allow operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by building official, after a period established by the building official.

- (viii) Aesthetics and Maintenance.
 - a. Appearance. Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the building official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted, using an approved color, within the period established by the building official, the owner shall remove the affected wind energy conversion system(s).
 - b. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
 - c. Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.
- (ix) Signs. Only one sign is allowed on the wind turbine and it shall not exceed one square foot in size.
- (x) Compliance with FAA regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.
- (xi) Certified Safe. A Texas professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.
- (C) Repair and Removal of Wind Turbines.
 - (i) Any wind turbine found to be unsafe by the building official or fire department shall immediately cease operation upon notification by the building official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Wind turbines that are not operated for a continuous period of 12 months shall be removed by the owner of the wind turbine.
 - (ii) When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.
- (D) Mounting of Wind Turbines. Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is the acceptable system for the support structures.
- (E) Compliance with Regulations.
 - (i) All wind energy conversion systems shall comply with applicable fire codes and building codes.
 - (ii) All standards and regulations under this subsection and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

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Sec. 9.04.039. Temporary Uses and Structures

- (a) Purpose. This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period.
- (b) Approval Procedure. Any use listed in this section may be permitted as a temporary use provided:
 - (1) Where indicated in Table 19: Use Table; and
 - (2) The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.
- (c) General Standards for all Temporary Uses. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Article:
 - (1) The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
 - (2) The temporary use shall comply with all applicable general and specific regulations of this Section, unless otherwise expressly stated.
 - (3) Permanent alterations to the site are prohibited.
 - (4) All temporary signs associated with the temporary use or structure shall be properly permitted and removed as required by the Anna Sign Code.
 - (5) Temporary permits for construction yards, field offices, and batching plants and specific use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed 18 months. Temporary permits for Itinerant Vendors and Seasonal Roadside Stands shall be issued for a period of time not to exceed 3 months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.
 - (6) The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
 - (7) The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.
 - (8) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
 - (9) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
 - (10) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Director or Fire Marshal, including fire rating.

(11) Off-street parking shall be adequate to accommodate the proposed temporary use.

(d) Supplemental Standards for Temporary Uses.

(1) Itinerant Vendors.

(A) Itinerant Vendors shall comply with the regulations established in Article 5.06 (Itinerant Vendors).

Division 4. Development Standards

Sec. 9.04.040. Purpose

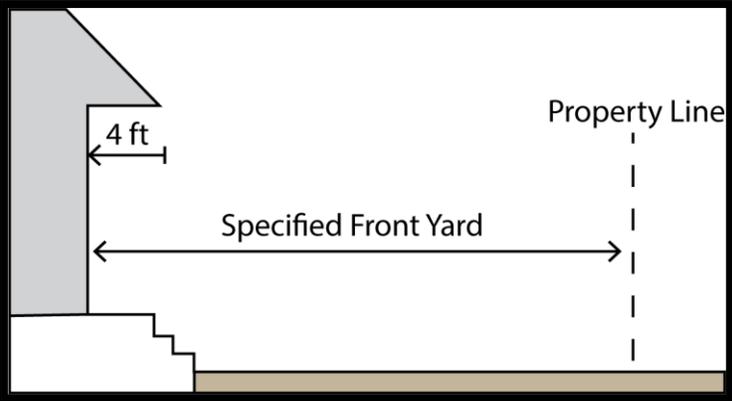
- (a) Purpose. This Division establishes uniform standards for the development and improvement of property throughout Anna to ensure quality development that is consistent with the Comprehensive Plan.
- (b) Organization. This Division is organized into nine (9) subsequent sections for each development standard. This Division regulates:
 - (1) Dimensional Regulations (Sec. 9.04.041)
 - (2) Site Design Requirements (Sec. 9.04.042)
 - (3) Parking (Sec. 9.04.043)
 - (4) Loading (Sec. 9.04.044)
 - (5) Landscaping (Sec. 9.04.045)
 - (6) Screening and Fencing (Sec. 9.04.046)
 - (7) Outdoor Lighting (Sec. 9.04.047)
 - (8) Trash (Sec. 9.04.048)
 - (9) Performance Standards (Sec. 9.04.049)

Sec. 9.04.041. Dimensional Regulations

- (a) Purpose. The purpose of this Section is to establish the general rules and exceptions for required lots, yards, setbacks, height, and stepback requirements.
- (b) Applicability. This Section applies to any lot, yard, setback, height, or stepback required by this Zoning Ordinance.
- (c) Number of Buildings per Lot.
 - (1) Single-Family Detached and Attached and Two-Family Uses. Only one primary building for single-family or two-family uses with permitted accessory buildings is allowed on a lot or platted tract.
 - (2) Townhome Unit, Multi-Family, Single-Unit or Duplex Unit Park, and Nonresidential Uses. Where a lot is used for townhome units, multi-family, nonresidential uses, or combination of those uses, more than one primary building may be located upon the lot, but only when conforming to all the open space, parking, and density requirements applicable to the uses and districts.
- (d) Lot Area and Dimensions.
 - (1) No lot shall be created or reduced in area, width, or depth below the minimum requirements established in Division 2.
 - (2) A lot that was legally created prior to the adoption of this Zoning Ordinance may be redeveloped, but any deviations from the dimensional standards other than minimum lot area shall require a Variance.
- (e) Yard Regulations.
 - (1) Front Yard Regulations.

- (A) A front yard is a yard across the full width of the lot extending from the front line of the primary building to the front property line.
- (B) The front yard shall be open and unobstructed from a point 40 inches above the general ground level of the graded lot to the sky. Eaves and roof extensions or a porch may project into the required front yard for a distance not to exceed 4 feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 40 inches above the average grade of the yard. See Figure 2: Front Yard Regulations.

Figure 2: Front Yard Regulations



- (C) Where a building line has been established by an approved plat that deviates from the setback that is prescribed by this Zoning Ordinance, the required front yard shall comply with the building line established by that plat.
- (2) Side Yard Regulations.
- (A) A side yard is a yard between the primary building and the adjacent side property line, and extending entirely from a front yard to the rear yard.
 - (B) On a corner lot, the street where the building’s primary entrance is located, or designated to be located, is the front yard. Any streets perpendicular to the building’s primary entrance are corner side yards.
 - (C) Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features projecting not to exceed 12 inches into the required side yard and roof eaves projecting not to exceed 4 feet into the required side yard. A fence (in accordance with Sec. 9.04.046(d)) may be constructed on the property line adjacent to a side yard.
 - (D) Mechanical equipment such as air-conditioning compressors, swimming pool pumps and filters, and similar devices may be installed in the side yard at a maximum height of 60 inches above the ground level of the graded lot to the sky.
 - (E) Where a side property line divides a nonresidential district from a residential district, a minimum 10-foot side yard is required for the nonresidential lot side adjacent to that residential district.

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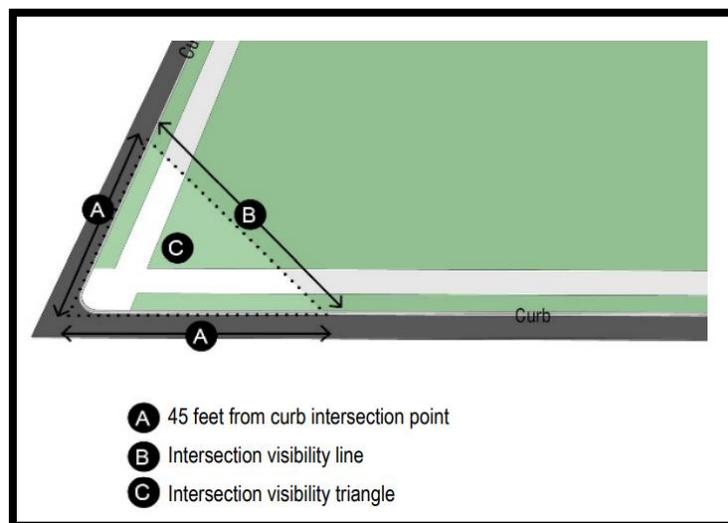
(3) Rear Yard Regulations.

- (A) A rear yard is a yard between the rear property line and the rear line of the primary building and the side property lines.
- (B) Every part of a required rear yard shall be open and unobstructed to the sky from a point 40 inches above the ground level of the graded lot, except for permitted accessory buildings and the ordinary projections of window sills, belt courses, cornices, roof overhangs, and other architectural features projecting not to exceed 4 feet into the required rear yard. A fence (in accordance with Sec. 9.04.046(d) Fencing Standards.) may be constructed on the property line adjacent to a rear yard.

(f) Intersection Visibility Triangle.

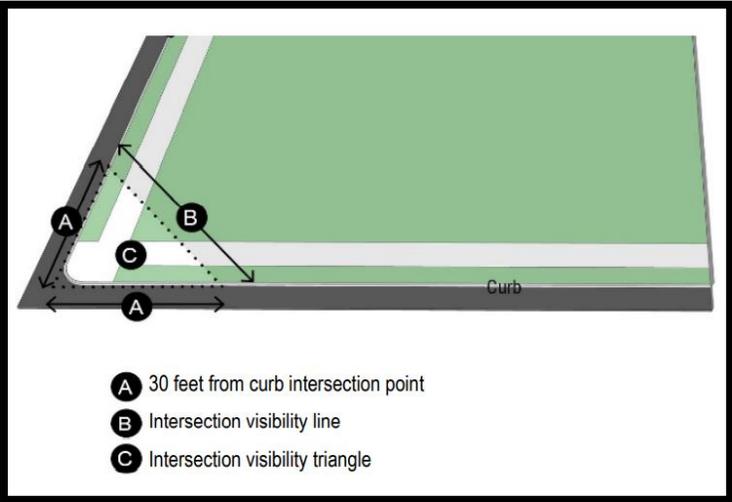
- (1) These provisions apply to all new development or proposed expansions into the intersection visibility triangle. However, these provisions do not apply to, or otherwise interfere with the: placement and maintenance of traffic-control devices under governmental authority and control and public utilities; existing screening and fencing requirements; and existing and future City, state and federal regulations.
- (2) Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the Intersection Visibility Triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.
- (3) At intersections where arterials and collectors intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection forty-five (45) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure 3: 45' Intersection Point.

Figure 3: 45' Intersection Point



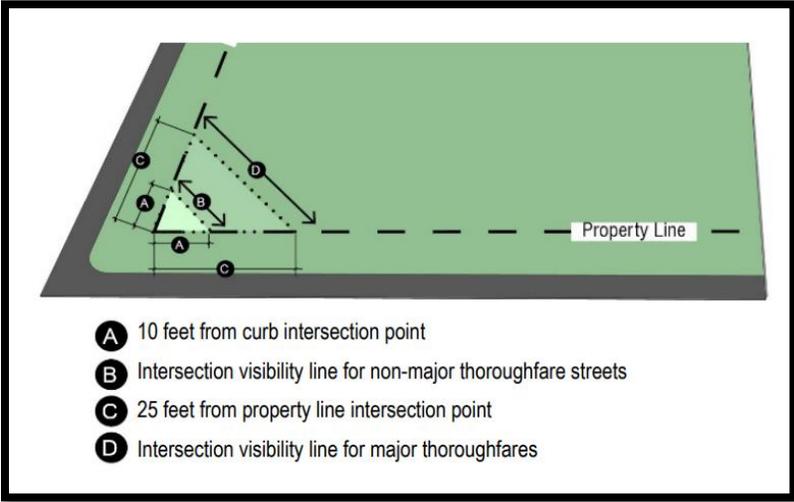
- (4) At all intersections where local streets intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection thirty (30) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure 4: 30' Intersection Point.

Figure 4: 30' Intersection Point



- (5) If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on arterials and collectors and ten (10) feet on local streets, and connecting these points with an imaginary line, creating a triangle. See Figure 5: No Curbs Intersection Point.

Figure 5: No Curbs Intersection Point



- (6) At intersections where streets do not intersect at or near right angles, the Director shall have the authority to increase the minimum sight distances required above as they deem necessary to provide safety for both vehicular and pedestrian traffic.

(g) Height Regulations.

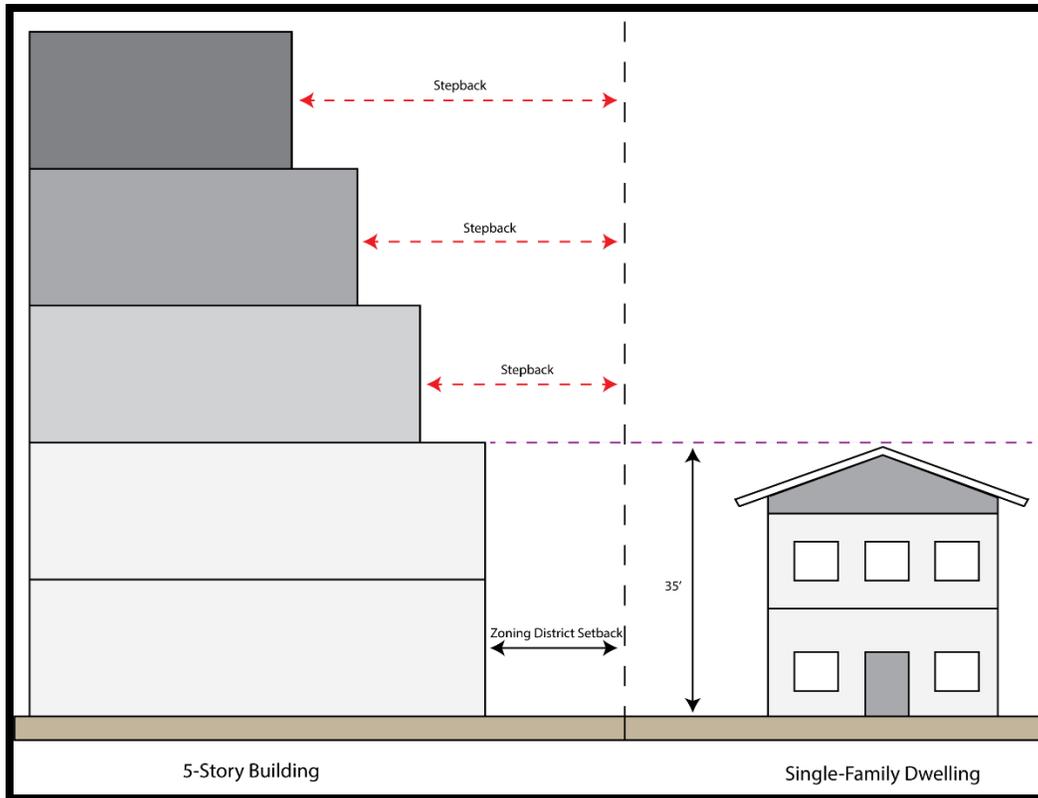
- (1) A building or structure shall meet the requirements established in the Height definition (see Figure 18: Height Measurement).
- (2) Church steeples, domes, spires, cooling towers, roof gables, chimneys, vent stacks, and athletic field equipment and fencing are exempt from maximum height provisions.

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(h) Stepback Regulations.

- (1) Stepback regulations apply to all new building construction and all additions with multiple stories and a height greater than 35 feet located adjacent to residential zoning districts and existing single-family uses but do not apply when an improved public street or railroad right-of-way separates the new building construction from the existing residential zoning district or single-family residential use.
- (2) A 25-foot stepback applies for each additional story after the second story exceeding 35 feet in height (See Figure 6: Stepback Exhibit).

Figure 6: Stepback Exhibit



- (3) Stepback regulations do not apply to the Downtown (DT) District to any nonresidential use and residential zoning district or use when separated by a public street.

Sec. 9.04.042. Site Design Requirements

- (a) Purpose. The purpose of this Section is to establish minimum standards for the appearance of development and corresponding site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the City.
- (b) Applicability. This section applies to all single-family, two-family, multi-family, mixed-use, and nonresidential developments for new construction. All development shall comply with the requirements established by the Anna Fire Marshal.
- (c) Single-Family and Two-Family Residential Standards.
 - (1) Building Articulation. At least four facade articulation techniques are required on each single-family or two-family dwelling to add variety and interest to a building. The following features are acceptable techniques of exterior articulation.
 - (A) One of the following:
 - A base course or plinth course;
 - Banding, moldings, or stringcourses;
 - Quoins;
 - Oriels;
 - Cornices;
 - Arches;
 - Balconies;
 - Brackets;
 - Shutters;
 - Keystones;
 - Dormers; or
 - Louvers as part of the exterior wall construction. (Quoins and banding shall wrap around the corners of the structure for at least two feet.)
 - (B) Horizontal banding continuing the length of the wall that faces a street, or other similar highly visible areas.
 - (C) Front porch of at least 50 square feet.
 - (D) The installation of at least two (2) coach lights.
 - (E) Other techniques for building articulation can be substituted if approved by the Director.
 - (2) Roof Treatment. Except for porch roofs and shed roofs, pitched roofs shall have a minimum slope of 6" x 12" (six inches vertical rise for every 12 inches horizontal run) and shall have an overhang at least 1' (one foot) beyond the building wall. Porch roofs and shed roofs must have a minimum pitch of 4" x 12".
 - (3) Fenestration. Windowless exterior elevations that face a public right-of-way or other similar highly visible areas are prohibited. On two-story structures, windows are required on the first and second story facing a public right-of-way.
 - (4) Garages. On front entry garages, the face of a garage shall not:
 - (A) Extend more than ten feet beyond the remainder of the front elevation of the primary living area of a dwelling; or
 - (B) Be over 60% of the total frontage width of a dwelling. Porches or columns are not considered part of the front elevation of the primary living area.

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- (5) House Repetition.
 - (A) Within residential developments, single-family and two-family dwellings with substantially identical exterior elevations can only repeat every four (4) lots when fronting the same right-of-way including both sides of the street.
 - (B) Homes side by side or across the street within one house (directly across the street or “caddy corner” across the street) shall not have substantially identical exterior elevations.
- (d) Multi-Family Residential Standards.
 - (1) Building Articulation.
 - (A) Horizontal wall planes longer than 40 feet in length shall be segmented into smaller sections by a structural or ornamental minor facade offset (recess or projection) of a minimum 4 feet deep and 8 feet wide.
 - (B) The height of those offsets is equal to the building's height at the location of the offset.
 - (2) Roof Treatment.
 - (A) Pitched or flat roofs are permitted.
 - (B) A parapet wall is allowed if constructed to prevent flat roof visibility.
 - (3) Fenestration.
 - (A) Any glass with a visible light reflectance rating of 25% or greater is prohibited.
 - (4) Elements. A multi-family development is required to provide at least two of the following elements:
 - (A) At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation;
 - (B) All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
 - (C) All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;
 - (D) Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the facade is complete.
 - (E) Other similar architectural features as approved by the Director.

(5) Amenities.

(A) A multi-family development shall provide the required amount of amenities prescribed in Table 23: Required Amenities.

Table 23: Required Amenities

Number of Units	Required Amenities
1 – 10	None
11 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4
301 +	5

(B) The amenities below may be used to fulfill the requirements of Table 23: Required Amenities. Each amenity counts as one required amenity towards the requirements in Table 23: Required Amenities. However, multiples of the same amenity do not count towards the requirements in Table 23: Required Amenities.

- (i) Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
- (ii) Jacuzzi or hot tub area (minimum 50 square foot area);
- (iii) At least four barbeque grills with shaded seating areas;
- (iv) Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;
- (v) Child play lot (minimum 3,000 square foot area);
- (vi) A splash pad (water play amenity for children) that is a minimum of 1,000 square feet in area;
- (vii) A dog park that is at least 5,000 square feet in area that:
 - a. Is enclosed by a minimum five-foot tall vinyl coated chain link fence;
 - b. Uses grass, wood chips, or a combination of the two as surface materials; and
 - c. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.
- (viii) Regulation size volleyball, basketball, tennis, or other similarly related playing court.
- (ix) Golf putting green (minimum 1,000 square feet);
- (x) Fitness center/weight room (minimum 500 square feet);
- (xi) Business center (minimum 500 square feet);
- (xii) Media room (minimum 500 square feet).

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(e) Townhome Unit and Single-Unit or Duplex Unit Park Standards.

(1) Building Articulation. At least two facade articulation techniques are required on each detached or attached residential dwelling unit to add variety and interest to a building. The following features are acceptable techniques of exterior articulation.

(A) One of the following:

- A base course or plinth course;
- Banding, moldings, or stringcourses;
- Quoins;
- Oriels;
- Cornices;
- Arches;
- Balconies;
- Brackets;
- Shutters;
- Keystones;
- Dormers; or
- Louvers as part of the exterior wall construction. (Quoins and banding shall wrap around the corners of the structure for at least two feet.)

(B) Horizontal banding continuing the length of the wall that faces a street, or other similar highly visible areas.

(C) Front porch of at least 50 square feet.

(D) The installation of at least two (2) coach lights.

(E) Other techniques for building articulation can be substituted if approved by the Director.

(2) Roof Treatment. Except for porch roofs and shed roofs, pitched roofs shall have a minimum slope of 6" x 12" (six inches vertical rise for every 12 inches horizontal run) and shall have an overhang at least 1' (one foot) beyond the building wall. Porch roofs and shed roofs must have a minimum pitch of 4" x 12".

(3) Fenestration. Windowless exterior elevations that face a public right-of-way or other similar highly visible areas are prohibited. On two-story structures, windows are required on the first and second stories facing a public right-of-way.

(4) Garages. On front entry garages, the face of a garage shall not:

- (A) Extend more than ten feet beyond the remainder of the front elevation of the primary living area of a detached residential dwelling unit; or
- (B) Consider porches or columns part of the front elevation of the primary living area.

(5) Unit Repetition.

- (A) Dwelling units with substantially identical exterior elevations can only repeat every four (4) units when fronting the same right-of-way, fire lane, or easement, including both sides of that right-of-way, fire lane, or easement.
- (B) Dwelling units side by side or across each other within one unit (directly across or "caddy corner") shall not have substantially identical exterior elevations.

(6) Amenities.

(A) A Townhome Unit or Single-Unit or Duplex Unit Park shall provide the required amount of amenities prescribed in Table 24: Required Amenities.

Table 24: Required Amenities

Number of Detached Residential Dwelling Units	Required Amenities
1 – 10	None
11 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4
301 +	5

(B) The amenities below may be used to fulfill the requirements of Table 24: Required Amenities. Each amenity counts as one required amenity towards the requirements in Table 24: Required Amenities. However, multiples of the same amenity do not count towards the requirements in Table 24: Required Amenities.

- (i) Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
- (ii) Jacuzzi or hot tub area (minimum 50 square foot area);
- (iii) At least four barbeque grills with shaded seating areas;
- (iv) Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;
- (v) Child play lot (minimum 3,000 square foot area);
- (vi) A splash pad (water play amenity for children) that is a minimum of 1,000 square feet in area;
- (vii) A dog park that is at least 5,000 square feet in area that:
 - a. Is enclosed by a minimum five-foot tall vinyl coated chain link fence;
 - b. Uses grass, wood chips, or a combination of the two as surface materials; and
 - c. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.
- (viii) Regulation size volleyball, basketball, tennis, or other similarly related playing court.
- (ix) Golf putting green (minimum 1,000 square feet);
- (x) Fitness center/weight room (minimum 500 square feet);
- (xi) Business center (minimum 500 square feet);
- (xii) Media room (minimum 500 square feet).

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(f) Nonresidential Standards.

(1) Building Articulation.

- (A) All buildings shall utilize facade offsets and appropriate fenestration to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
- (B) Elevations that are 50 feet or longer in horizontal length require at least two offsets (projection or recess) from the primary facade plane of at least 18 inches deep and 4 feet wide.
- (C) The height of those offsets is equal to the building's height at the location of the offset.

(2) Roof Treatment.

- (A) Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, changes in height, changes in roof form, type or planes that typically correspond to offsets in the building's facade, or other appropriate architectural elements.
- (B) Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.

(3) Fenestration.

- (A) The use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions and other elements is required.
- (B) Any glass with a visible light reflectance rating of 25% or greater is prohibited.

(4) Elements. All buildings or developments shall be required to provide at least two of the following elements:

- (A) The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy or similar feature that serves the same purpose. The covering shall be at least three feet in depth when measured from the face of the adjoining facade.
- (B) All building elevations shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.
- (C) All building elevations shall feature at least three distinct roof lines.
- (D) All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.

(g) Mixed-Use Standards.

(1) Building Articulation.

- (A) All buildings shall utilize facade offsets and appropriate fenestration to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
- (B) Elevations that are 50 feet or longer in horizontal length require at least two offsets (projection or recess) from the primary facade plane of at least 18 inches deep and 4 feet wide.
- (C) The height of those offsets is equal to the building's height at the location of the offset.
- (D) Columns and piers shall be spaced no farther apart than the height of the column or pier.

- (2) Roof Treatment.
 - (A) Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, changes in height, changes in roof form, type or planes that typically correspond to offsets in the building's facade, or other appropriate architectural elements.
 - (B) Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.
 - (C) Mansard roofs are prohibited.
- (3) Fenestration.
 - (A) The use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions and other elements is required.
 - (B) Any glass with a visible light reflectance rating of 25% or greater is prohibited.
- (4) Ground Floor.
 - (A) The ground or first floor of a mixed-use development is reserved for commercial uses, like retail, office, and restaurant uses.
 - (B) For those mixed-use developments incorporating live work units, the first floor may be shared with residential and commercial uses.
 - (C) Ground floor shall have a minimum ceiling height of 14 feet.
- (5) Elements. All buildings or developments shall be required to provide at least two of the following elements:
 - (A) The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy or similar feature that serves the same purpose. The covering shall be at least three feet in depth when measured from the face of the adjoining facade.
 - (B) All building elevations shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.
 - (C) All building elevations shall feature at least three distinct roof lines.
 - (D) All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.
 - (E) Other similar architectural features as approved by the Director.
- (6) Amenities.
 - (A) A mixed-use development shall provide a minimum of two amenities.
 - (B) The amenities below may be used to fulfill the requirements. Each amenity counts as one required amenity towards the requirements; however, multiples of the same amenity do not count towards the requirements.
 - (i) Swimming pool (minimum 850 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
 - (ii) Jacuzzi or hot tub area (minimum 50 square foot area);
 - (iii) At least two barbeque grills with shaded seating areas;
 - (iv) Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;

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- (v) A dog park that is at least 5,000 square feet in area that:
 - a. Is enclosed by a minimum five-foot tall vinyl coated chain link fence;
 - b. Uses grass, wood chips, or a combination of the two as surface materials; and
 - c. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.
- (vi) Fitness center/weight room (minimum 500 square feet);
- (vii) Business center (minimum 500 square feet);
- (viii) Media room (minimum 500 square feet).

Sec. 9.04.043. Parking

(a) Purpose. The purposes of this Section are to:

- (1) Ensure that adequate off-street parking is provided for new land uses and changes in use;
- (2) Minimize the negative environmental and development design impacts that can result from excessive parking, driveways, and drive aisles within parking areas;
- (3) Establish standards and regulations for safe and well-designed parking and vehicle circulation areas that minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;
- (4) To regulate residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City;
- (5) Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations;
- (6) Ensure compliance with provisions of the Americans with Disabilities Act (ADA);
- (7) Minimize the visual impact of off-street parking areas; and
- (8) Ensure that adequate off-street bicycle parking facilities are provided in walkable areas and promote parking that offers safe and attractive pedestrian routes.

(b) Applicability.

- (1) Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use, must meet this section's parking requirements. These developments require permanent parking and off-street loading. Parking spaces may be provided in a garage or surfaced open area.
- (2) When a change in intensity of use of any building or structure would increase the required parking by more than five (5) spaces or ten (10%) percent, whichever is greater, through an addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking is provided in accordance with this section unless an adjustment is permitted in (g) below. If less than five (5) spaces or ten (10%) percent, whichever is greater, are required by a change or series of changes in use, the Director may waive up to the incremental required number of parking spaces after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the Comprehensive Plan.

(c) Compliance Required.

- (1) Off-Street Parking and Loading Review. Each application for a site plan, building permit, or certificate of occupancy shall include information as to the location and dimensions of parking space, and the means of ingress and egress to those spaces. This information is in sufficient detail to determine the requirements of this Zoning Ordinance are met and shall contain necessary information required by applicable provisions of this Zoning Ordinance.
- (2) ADA Compliance. All ADA parking spaces, and related ADA accessibility features are required to be installed in accordance with the current edition of the ADA Standards for Accessible Design (the "ADA Standards") as published by the Department of Justice. Where discrepancies exist between this Zoning Ordinance and the ADA Standards, the ADA Standards shall apply. All required parking shall meet the ADA Standards.
- (3) Parking Reduction Procedures. No existing or proposed parking shall be reduced or eliminated unless otherwise specified. Reductions in parking spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

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- (d) Off-Street Parking Requirements. Minimum off-street parking shall follow the requirements established in Table 19: Use Table.
- (e) Metrics and Interpretations for Computation.
 - (1) Square Footage (Floor Area). The total or gross building square footage.
 - (2) Fraction of a Space. When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction is interpreted as one (1) whole parking or loading space.
 - (3) Parking Specific Variables.
 - (A) Square Footage.
 - (i) Example: 1/1,000 sf
 - (ii) Interpretation: 1 parking space for each 1,000 square feet of the building's floor area
 - (B) Dwelling Unit.
 - (i) Example: 1/DU
 - (ii) Interpretation: 1 parking space for each dwelling unit
 - (C) Bedroom(s)/Guestroom(s).
 - (i) Example: 1 + (0.75) bedrooms
 - (ii) Interpretation: 1 parking space plus the number of parking spaces from calculating 0.75 times all bedrooms.
 - (D) Bedroom Unit.
 - (i) Example: 1.5/1 BRU
 - (ii) Interpretation: 1.5 parking spaces for a single bedroom apartment unit
 - (E) Acres.
 - (i) Example: 1/5 acres
 - (ii) Interpretation: 1 parking space for every 5 acres
- (f) Additional Rules for Computing Parking Requirements.
 - (1) Uses Not Listed. The Director shall have the authority to determine the required parking and loading facilities for uses not specifically listed in the tables established in this section. This determination by the Director is in writing and is appealable to the City Council.
 - (2) Cumulative Parking. In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development except as provided in Joint Parking Facilities. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segment.
 - (3) Accessory Uses. Areas accessory to the principal use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise.
 - (4) Alterations, Expansions, and Changes in Use. For alterations, expansions, or changes in uses, prior to a certificate of occupancy, the Director shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building and the adequacy of the parking provided.

(g) Adjustments and Reductions to Parking Requirements.

(1) Generally.

- (A) In specific instances established below, a reduction in required parking spaces may be approved by the Director or City Council. Applications for a reduction shall include the following information:
 - (i) A parking study that substantiates the need for a reduced number of spaces, and
 - (ii) A plan showing how the parking spaces are provided on the site.
- (B) Multiple parking adjustments and reductions may be used.
- (C) The maximum required parking reduction shall not total to more than 35% unless specifically authorized in this Section.

(2) Adjustments and Reductions by the Director.

- (A) Joint Parking Facilities. With approval of a site plan, off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, subject to the following provisions below.
 - (i) A legally sufficient written agreement assuring the perpetual joint usage of the common parking for the combination of uses or buildings is properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and filed with and made part of the application for a Building Permit.
 - (ii) Up to 60% of the parking spaces required for a theater or other place of evening entertainment, or for a religious facility, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning & Zoning Commission. Such approval may be rescinded by the City Council.
 - (iii) Additional parking shall be obtained by the owners in the event that the City Council determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare.
- (B) Captive Market. Parking requirements for retail and restaurant uses may be reduced up to 25% where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of five hundred (500) feet.
- (C) Availability of Public Parking. Parking requirements may be reduced by 20% if a property has available to it a sufficient supply of existing underutilized public parking spaces in both off-street public parking lots or on-street public parking spaces. Parking must be within a maximum walking distance of five hundred (500) feet from the proposed use.
- (D) Mixed-Use (MU) District Parking. Any new development in the Mixed-Use (MU) District may apply a 15% reduction to the required parking ratio established in Table 19: Use Table for that particular use.
- (E) Downtown (DT) District Parking. Any new development in the Downtown (DT) District may apply a 25% reduction to the required parking ratio established in Table 19: Use Table for that particular use.
- (F) Required parking for a restaurant with drive thru service and no dine-in seating and carryout orders may be reduced as long as three parking spaces or more parking spaces are provided.

(3) Adjustments and Reductions by the City Council.

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- (A) The City Council may reduce the parking requirements in Sec. 9.04.043(g)(2)(C) by 35%.
 - (B) The City Council may reduce parking if the applicant can clearly demonstrate that the required parking provisions creates unnecessary hardship due to the particular nature or conditions of the proposed use.
- (h) Design.
- (1) All required parking spaces shall be located on the premises of the use to which that requirement applies or within an off-street space distance no more than 500 feet from the premises.
 - (2) The surface of parking spaces and aisles, truck standing spaces, and access driveways shall be treated, prepared, and maintained for adequate drainage and the elimination of dust, dirt, and mud.
 - (3) The minimum parking space, drive aisle dimensions, and any other associated standards shall meet the requirements and specifications established in [Article 9.03 \(Design Standards\)](#).
- (i) Residential Off-Street Parking.
- (1) No person shall park any automobile, bus, truck, motorcycle, or any vehicle on any portion of a front yard or side yard of any area that is zoned SF-20.0, SF-14.5, SF-12.0, SF-10.5, SF-8.4, SF-7.2, SF-6.0, MD, MF, unless that area is a:
 - (A) Hard-surfaced driveway or parking area;
 - (B) Gravel driveway bordered by cement curbing or similar permanent border;
 - (C) Required driveway that provides access to a garage, carport, or off-street parking area required by this Section; and
 - (D) Side yard that is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence.
 - (2) All residential driveways and any other associated standards shall meet the requirements and specifications established in [Article 9.03 \(Design Standards\)](#).
- (j) Parking and Storage for Major Recreational Equipment and Vehicles.
- (1) No Major Recreational Equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, on a driveway, or in a required side or rear yard; provided, however, that such equipment may be parked anywhere on a residential premises no more than 24 hours during loading or unloading.
 - (2) No Major Recreational Equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed 14 consecutive calendar days within a 30-day period.

Sec. 9.04.044. Loading

- (a) Purpose. The purposes of this Section are to:
 - (1) Ensure that adequate loading facilities are provided for new land uses;
 - (2) Establish standards and regulations for safe and well-designed loading and unloading to minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;
 - (3) Minimize the impact of improperly planned loading areas.
- (b) Applicability.
 - (1) Generally. Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use must meet this section’s requirements unless specifically exempted.
 - (2) Exemptions. These requirements do not apply to residential, accessory, and temporary uses.
- (c) Generally. The required number of off-street loading spaces are determined by gross floor area. Outdoor storage, sales, or display areas must be added to the gross floor area if these areas contain materials that are received or distributed by trucks (Display areas for an Auto Dealership are excluded from this calculation). If a development has more than two uses, the off-street loading space requirement is the highest number of spaces required by any one use. Required loading spaces follow the standards prescribed in Table 25: Required Loading.

Table 25: Required Loading

Building Square Footage	Loading Spaces Required
0 – 10,000	0
10,001 – 50,000	1
50,001 – 100,000	2
100,001 – 200,000	3
Each additional 100,000	1 additional

- (d) Standards.
 - (1) Location. A loading space:
 - (A) Must be located within the same development as the building or use served;
 - (B) Is prohibited from projecting into a sidewalk, street, or public right-of-way, including any maneuvering area;
 - (C) Is prohibited from being located between the front building line and the lot line;
 - (D) Must be placed to the rear or side of buildings in visually unobtrusive locations;
 - (E) Must be set back a minimum distance of 100 feet from any adjacent residential zoning district or use;
 - (F) Must be set back a minimum distance of 50 feet from any public street or front property line; and
 - (G) Must be oriented away from the street frontage.
 - (2) Dimensions. The minimum loading space size is 35 feet in length, 12 feet in width, and 15 feet in height.
 - (3) Maneuvering. The size of delivery vehicles intending to serve the site determine maneuvering area size. Each maneuvering area for loading spaces must not conflict with parking spaces or with the maneuvering areas for spaces. A maneuvering area must be located on-site and be a minimum of 40 feet for spaces serving delivery vehicles.

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- (4) Design. Each loading space must minimize conflicts with other vehicular, bicycle, and pedestrian traffic.
 - (A) Loading facilities must maintain a 50-foot minimum distance from any residential property unless completely enclosed by building walls, a uniformly solid wall, or a combination of the two.
 - (B) Landscaping and Screening and Fencing prescribed in Sec. 9.04.045 and Sec. 9.04.046 apply to loading facilities and shall prevent direct views of the loading facilities and their driveways from adjacent properties and public right-of-way.
 - (C) Loading docks for any use adjacent to a residential use or district shall be designed and constructed to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.
- (e) Loading and Unloading of Children. To ensure the safety of children entering and exiting day care centers or other places where loading and unloading to automobiles and/or buses occurs, the following regulations shall apply.
 - (1) Designated loading/unloading spaces. Schools, day care centers, and similar child training and care establishments shall provide loading and unloading parking spaces as close to the front door of the establishment as is practical. These spaces shall be located on an internal drive that does not block the fire lane or other businesses' vehicular movement and shall be stained, painted or stamped so that the area is easily identified.
 - (2) Drop-off lane. Kindergartens, elementary schools, day schools, and similar child training and care facilities shall provide a separate, concrete-paved loading and unloading lane area adjacent to an entrance that allows drivers to approach the entrance and, without exiting the vehicle, the staff will assist in loading and unloading of the children in and out of the vehicle. This drop-off lane shall be one-way and with sufficient stopping points to allow a minimum of two cars to unload simultaneously. In addition, the drop-off lane shall be constructed to allow vehicles to exit the lane without impeding the movement of other vehicles using other drive aisles or causing a safety hazard with parents and/or children entering or exiting the building.

Sec. 9.04.045. Landscaping

- (a) Purpose. The purpose of this section is to preserve the City's unique character and integrate and enhance new development by promoting landscape design that:
- (1) Reinforces the identity of the community;
 - (2) Appropriately situates new buildings in the landscape;
 - (3) Provides adequate vegetation for screening and buffering between land uses;
 - (4) Provides tree canopies to reduce urban heat island effect;
 - (5) Preserves existing trees and establishes procedures for replacing removed trees;
 - (6) Balances water demand and use;
 - (7) Identifies climate-appropriate landscape material; and
 - (8) Protects Anna's natural resources.
- (b) Applicability. This section applies to:
- (1) All nonresidential, multi-family, and mixed-use developments for new construction unless otherwise specified;
 - (2) Residential development in certain instances as specified and provided in this Section;
 - (3) Any existing nonresidential, multi-family, or mixed-use development that is altered by increasing the floor area by 30% or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions;
 - (4) Any change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet this Section's requirements. If the standards cannot be met, then a variance may be requested.
- (c) Landscape Plan Required.
- (1) A landscape plan is required and shall be shown as part of the site plan.
 - (2) No permits shall be issued for building, paving, grading, or construction until a landscape plan is approved. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
 - (3) In any case in which a certificate of occupancy is sought at a season of the year in which the Director determines that it would be impractical to plant trees, shrubs, or grass, or to lay turf, a temporary certificate of occupancy may be issued if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this section and the temporary certificate of occupancy shall be revoked.
- (d) General Landscape Standards. The following criteria and standards shall apply to landscape materials and installation:
- (1) Required landscaped open areas shall be completely covered with living plant material unless using approved xeriscape planting materials. All required landscaped open areas using xeriscape planting materials shall provide 50% of living plant material. Nonliving landscaping materials such as wood chips and gravel may be used only under trees, shrubs, and other plants.

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- (2) Plant materials shall conform to the standards of the approved plant list for the City (see approved plant list). Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (3) Required plant materials are classified as:
 - (A) Canopy trees,
 - (B) Ornamental trees,
 - (C) Shrubs,
 - (D) Hedges,
 - (E) Vines, and
 - (F) Grasses and Ground Covers.
- (4) Required plant materials shall follow the requirements established in Table 26: Planting Requirements.

Table 26: Planting Requirements

Plant Material Type	Maturity Crown Spread	Minimum Requirements at Time of Planting	
		Caliper at DBH	Height
Canopy Tree	25 ft	3 inches	7 ft
Ornamental Tree*	15 ft	1 inch	5 ft
Shrubs**	N/A	N/A	2 ft
Notes	* Ornamental trees having a minimum mature crown of less than 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown width. **Shrubs shall be planted no further apart than three feet on center.		

- (5) Hedges, where installed for buffering purposes required by this Section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three feet high within two years after the time of planting.
- (6) Landscaping, except required grass and low ground cover, shall not be located closer than 3 feet from the edge of any parking space.
- (7) Evergreen vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screening devices, or walls to meet landscape screening and buffering requirements.
- (8) Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six-month period of time from planting and shall be re-established, if necessary, to ensure grass coverage of all areas.
- (9) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- (10) All required landscaped areas shall be provided with an automatic underground irrigation system and shall design irrigation systems and watering schedules that supply the appropriate amount of water without overwatering. This does not apply for required landscaping for residential development. That irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code.

- (11) Earthen berms may be planted, and when installed shall follow the requirements below.
 - (A) Earthen berms shall have side slopes not to exceed 3:1 (three feet of horizontal distance for each one foot of height).
 - (B) Earthen berms shall contain necessary drainage provisions, as may be required by the City Engineer.
 - (C) Earthen berm plantings shall consist of consisting of newly planted evergreen and deciduous trees and shrubs native to the region.
 - (D) Evergreen and deciduous trees shall be a minimum of two-inch caliper measured at DBH and a minimum of six (6) feet in height at time of planting.
 - (E) Required deciduous and evergreen shrubs shall be a minimum of three (3) feet at time of planting.
- (12) No tree shall be planted closer than four feet to a right-of-way line nor closer than eight feet to a public utility line (water or sewer), unless no other alternative is available. Further, a landscaping area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.
- (13) No tree that has a mature height of 25 feet or greater shall be planted within 25 feet (measured horizontally) from the nearest existing or proposed overhead utility line (see Appendix 1 and Appendix 2 of Article 9.07 Tree Preservation for height references).
- (e) Xeriscaping Standards. To promote prudent use of the City's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure the viability of required plantings during periods of drought, required landscaping shall comply, where feasible, with the following requirements designed to reduce water usage.
 - (1) Required plant materials shall be selected from those identified as xeriscape plants on the approved plant list.
 - (2) Where specific conditions reduce the likelihood that any of plant materials will survive, other plants on the list may be substituted at the Director's discretion.
 - (3) Other plants not on the list may be substituted at the Director's discretion. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.
 - (4) For maximum reduction in water usage, xeriscape plants shall not be interspersed in plant massings with plants requiring higher water usage.
- (f) Minimum Landscaping Requirements.
 - (1) General.
 - (A) All existing trees that are to be considered for credit shall be provided with a permeable surface within a minimum five-foot radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum two and one-half foot radius from the trunk of the tree.
 - (B) Canopy trees, as specified on the approved plant list, shall account for at least 50% of the required total trees on a site.
 - (C) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with this Zoning Ordinance. Shared drives shall be allowed through perimeter landscape areas.

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(D) All trees planted to satisfy the tree standards must meet the requirements established in Table 26: Planting Requirements.

(2) Parking Lots.

(A) Landscape areas within parking lots shall be at least 180 square feet in size with the approximate dimensions of 10 feet wide by 18 feet deep.

(B) Landscape areas shall be located to define parking areas and assist in clarifying appropriate circulation patterns.

(C) A landscape island shall be located at the terminus of each parking row, and shall contain at least one canopy tree.

(D) All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

(E) At least 75% of the frontage of parking lots adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, an earthen berm of a minimum height of three feet, a low masonry wall of a height of three feet, or a combination of the above with a combined height of three feet. A wall used for parking lot screening shall be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall.

(3) Nonresidential, Mixed-Use, and Multi-Family Development.

(A) At least 15% of the street yard shall be permanent landscape area. This requirement is reduced to 10% for properties in the Downtown (DT) District.

(B) When located at the intersection of two dedicated public streets (rights-of-way), a 600 square foot landscape area shall be provided at the intersection corner, which can be counted toward the 15% street yard requirement.

(C) A minimum of 10% of the entire site shall be devoted to living landscape, which shall include grass, ground cover, plants, shrubs, or trees.

(i) No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet in width.

(D) An applicant shall be required to plant one canopy tree per 40 linear feet, or portion thereof, of street frontage within the required landscape buffer.

(i) Trees may be grouped or clustered to facilitate site design. In no instance shall canopy trees be planted within 30 linear feet of each other.

(ii) These trees must be within the street yard except when the property is restricted by easements.

(iii) When the street yard is restricted by easements any combination of the following may be permitted:

a. The required canopy trees may be substituted with two ornamental trees for every one canopy tree required within the street yard;

b. Up to 50% of the required canopy trees may be placed in the internal landscape.

(E) In the Downtown (DT) District, the required tree planting standard shall be 5 canopy trees or 10 ornamental trees for every acre of development for lots greater than one acre.

- (F) Internal landscape areas shall:
 - (i) Equal a total of at least eight square feet per parking space;
 - (ii) Have at least one tree within a landscaped area within 65 feet of every parking space;
 - (iii) Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces. These required trees shall be provided within the internal landscape area. These requirements shall not apply to multi-level parking structures or Downtown (DT) District properties.
- (G) Whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet wide shall be maintained between the edge of the parking area and the adjacent property line. This landscape area shall be grassed and may provide approved ornamental trees or shrubs.
- (H) Whenever a nonresidential use, mobile home use, or multi-family use is adjacent to a property used or zoned for single-family or duplex residential use, the more intensive land use shall provide a landscaped area of at least 10 feet in width along the common property line planted with one canopy tree for each 40 linear feet or portion thereof of adjacent exposure.
- (I) All nonresidential properties shall provide trees at a ratio of 10 trees per acre (43,560 sq. ft.) or one tree per 4,356 sq. ft. of the gross lot area. At the discretion of the City, and at the request of the property owner, the ten trees per acre requirement may be satisfied by planting trees elsewhere in the City at the direction and discretion of the Director.

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(4) Residential Development.

(A) Generally.

- (i) Applicants are required to plant the amount established in Table 27: Residential Planting Requirements per lot prior to obtaining a certificate of occupancy.
- (ii) Existing quality trees of at least three-inch caliper size located on the lot shall count to meet this standard if appropriate tree protection measures have been followed.

(B) Requirements.

- (i) Trees selected from the canopy tree list in this Section shall be planted on all single-family and two-family lots.
- (ii) At least one of the trees must be placed in the front yard of the lot.
- (iii) For all residential properties, common area and open space lots, applicants are required to plant one canopy tree per 40 linear feet of street frontage. Trees may be grouped or clustered to facilitate site design.
- (iv) The following minimum standards apply as established in Table 27: Residential Planting Requirements. An applicant shall choose one of three planting options. An applicant may plant the required canopy trees, ornamental trees, or combination of canopy and ornamental trees specified in Table 27: Residential Planting Requirements.

Table 27: Residential Planting Requirements

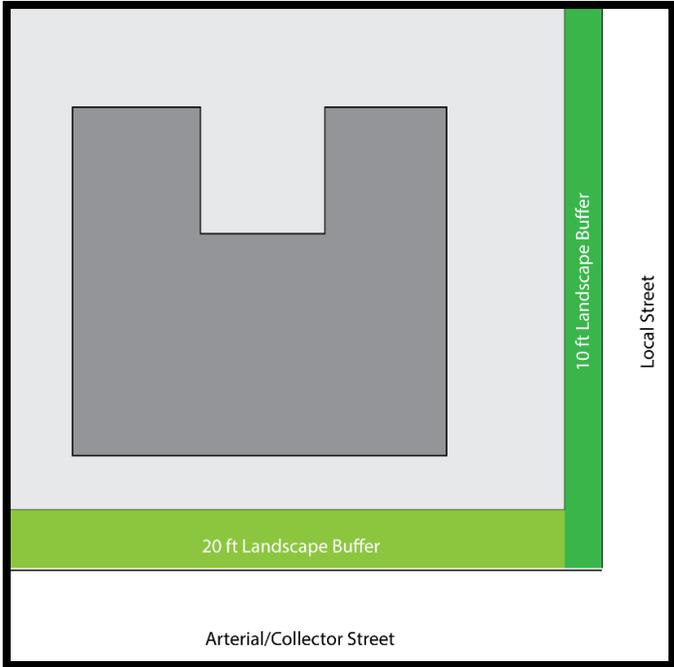
Trees → Zoning District ↓	Canopy	Ornamental	Combination (Canopy/Ornamental)
Single-Family Residential (SF-20.0) District	3	5	2/3
Single-Family Residential (SF-14.5) District			
Single-Family Residential (SF-12.0) District			
Single-Family Residential (SF-10.5) District	2	4	1/3
Single-Family Residential (SF-8.4) District			
Single-Family Residential (SF-7.2) District			
Single-Family Residential (SF-6.0) District	1	3	½
Mixed-Density Residential (MD) District	1	2	1/1

NOTE: All required trees will be planted prior to issuance of the certificate of occupancy on the dwelling. The City does not regulate required plantings on individually platted single-family residential lots after issuance of a certificate of occupancy.

(g) Landscape Buffers.

- (1) Landscape Buffers on Local Streets. For all nonresidential, mixed-use, and multi-family developments, a minimum 10-foot landscape buffer adjacent to the right-of-way of any local street or any other unclassified street is required (see Figure 7: Landscape). If the lot is a corner lot, all frontages shall be required to observe the 10-foot buffer. Slight modifications may be allowed to the minimum 10-foot landscape buffer in unusual circumstances, as approved on the site plan.

Figure 7: Landscape Buffers



- (2) Landscape Buffers on Arterials and Collectors. For nonresidential, mixed-use, and multi-family developments, a minimum 20-foot landscape buffer adjacent to the right-of-way of any arterial or collector is required (see Figure 7: Landscape). If the lot is a corner lot, all frontages shall be required to observe the 20-foot buffer.
- (3) For all residential development, a minimum 20-foot landscape buffer shall be required adjacent to all sides of arterials and collectors.
- (4) Modifications. If unique circumstances exist that prevent strict adherence to the requirements of (1) and (2) above, the Planning and Zoning Commission may consider granting a modification during the preliminary site plan or site plan approval process to reduce the minimum 20-foot landscape buffer to a minimum of 10 feet, provided that site design considerations have been incorporated to mitigate the impact of the modification. Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A financial hardship shall not be considered a basis for the granting of a modification.

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(h) Tree Preservation.

- (1) All tree preservation shall comply with the regulations of this subsection (h) in addition to the requirements established in [Article 9.07](#).
- (2) Any trees preserved on a site meeting these specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to Table 28: Tree Preservation Credits, depending on the applicant’s preference to accept or decline the credit. For purposes of this section, caliper measurement shall be taken at DBH above the ground, and shall be rounded to the nearest whole number.

Table 28: Tree Preservation Credits

Caliper of Existing Tree	Credit Against Tree Requirement
6” to 8”	2 trees
9” to 15”	3 trees
16” to 30”	4 trees
31” to 46”	5 trees
47” or more	8 trees

- (3) Existing trees may receive credit if they are not on the City’s approved plant material list but approved by the Director; however, trees must be located within the landscape area to which credit is applied.
- (4) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The species, size, and exact location shall be shown on the final landscape plan.
- (5) During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The applicant shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.
- (6) During the construction stage of development, the applicant shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the applicant allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(i) Sight Distance and Visibility.

- (1) Rigid compliance with these landscaping requirements shall not cause visibility obstructions and blind corners at intersections as established in Sec. 9.04.041(f).
- (2) If visibility obstructions are apparent in the proposed landscape plan as established in Sec. 9.04.041(f), the Director, may modify those landscaping requirements to eliminate the conflict.

(j) Maintenance.

- (1) The owner(s) and/or their agent(s), if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:
 - (A) Mowing (of grass of six inches or higher);
 - (B) Edging;

- (C) Pruning;
 - (D) Fertilizing;
 - (E) Watering;
 - (F) Weeding; and
 - (G) Other activities common to maintenance of landscaping.
- (2) Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
 - (3) Plant materials used to meet minimum landscaping provisions that die or are removed shall be replaced with plant material of similar variety and size within 90 days.
 - (4) If any tree was preserved and used as a credit toward landscaping requirements was later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of three inches measured 24 inches above the ground.
 - (5) A time extension may be granted by the Director if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or their agent.
 - (6) Failure to maintain any landscape area in compliance with this section is considered a violation of this article and may be subject to penalties prescribed for violation of this Zoning Ordinance.
- (k) Approved Plant Materials. The allowed plant materials are established in a checklist at the Development Services Department and is maintained by the Director.
 - (l) Prohibited Plant Materials. The prohibited plant materials are established in a checklist at the Development Services Department and is maintained by the Director.

Sec. 9.04.046. Screening and Fencing

- (a) Purpose. The purposes of this section are to:
 - (1) Minimize conflicts between potentially incompatible land uses and development on abutting property;
 - (2) Ensure that screening devices and fences are attractive and in character with the neighborhood;
 - (3) Maintain fences by recognizing their use to create privacy; and
 - (4) Distinguish screening devices and fences from each other by clearly defining the two terms and applying specific standards to each term.
- (b) Applicability. This section applies to all development within the City's corporate limits. This section does not apply to residential development unless otherwise specified.
- (c) Screening Device Standards.
 - (1) Generally.
 - (A) All required screening devices must be equally finished on both sides.
 - (B) All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified below, but need not be of the same material as the main fence or wall.
 - (C) Where a screening device is constructed, placed or planted on uneven terrain, there shall be no gap under the device, and the device must be composed of the same material throughout.

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- (D) No screening device comprised of brick, masonry, concrete, or solid metal shall be erected or placed that would interfere with the installation or maintenance of any public utility line, service, or drainage way within a dedicated easement unless approved by the City Engineer.
 - (E) No screening device shall conflict with the sight visibility requirements of Sec. 9.04.041(f).
 - (F) Any required screening device provided by a more intensive use abutting a residential use or district shall be permanently and adequately maintained by the more intensive use’s property owner.
 - (G) If there is an existing screening device or fence along a residential property line and a nonresidential use is proposed, the required screening device shall be a living plant screen that complies with the requirements established in Sec. 9.04.045 and is deemed acceptable by the Director. However, this requirement may be exempted if a 5-foot minimum space between two screening devices and fences are provided for maintenance access. The intent of these requirements are to eliminate screening situations where two screening walls or fences abut each other.
 - (H) Prior to the issuance of an occupancy permit, all approved screening devices must be in place.
 - (I) All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Director for failure to adequately maintain such screening device.
- (2) Exceptions. Required screening devices are not required if:
- (A) An approved screening device already exists along the property line.
 - (B) The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project and a tree survey indicates that a majority of the trees in the wooded area on the subject property are found to be "quality trees," as defined in the checklist at the Development Services Department; or
 - (C) The portion of the subject property to be screened is adjacent to a floodplain containing existing trees that provide natural screening.
- (3) Design Requirements. A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:
- (A) Height. The minimum and maximum screening device height follow the requirements established in Table 29: Required Screening Height.

Table 29: Required Screening Height

Screening	Minimum Height	Maximum Height
Garbage, Trash, or Refuse Container	7 ft	10 ft
Outdoor Storage	8 ft	10 ft
Multi-family	6 ft	8 ft
Industrial	8 ft	10 ft
Other Required Screening	6 ft	8 ft

- (B) Materials. The materials shall consist of one or more of the following unless specified elsewhere in this Zoning Ordinance (See Figure 8: Allowed Screening Devices):
 - (i) Brick masonry, stone masonry, concrete block, or other architectural masonry finish; or

- (ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a solid screening effect; or
- (iii) Living plant screens (Evergreen shrubs with a minimum of three feet in height at the time of planting) that will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project. A living plant screen shall comply with the requirements established in Sec. 9.04.045; or
- (iv) Alternate equivalent screening that provides an exceptional screening aesthetic, meets sound structural practices and engineering design criteria, meeting the intent and function of this Section at the discretion of the Director and City Engineer.

Figure 8: Allowed Screening Devices



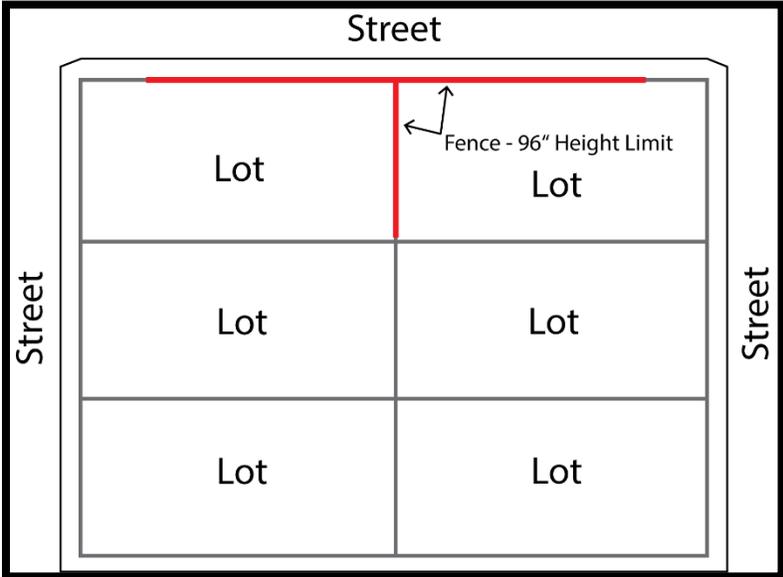
- (4) Locational Requirements. The following locational requirements apply:
- (A) All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets and any residential properties. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening device or visual barrier.
 - (B) Garbage, trash, or refuse containers shall meet the requirements established in Sec. 9.04.048.
 - (C) All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.
 - (D) Display of new vehicles, or used vehicles not defined as junked vehicles under the ordinances of the city or laws of the State of Texas need not be screened if they are, in the opinion of the chief building official, maintained in a neat and orderly manner.
 - (E) Ground mechanical and heating and air conditioning equipment in nonresidential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property.

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- (F) Roof-mounted mechanical units shall be screened from view at a point of 5.5 feet above the property line with a parapet wall, mansard roof, or alternative architectural element. The height of the screening element shall be equal to or greater than the height of the mechanical unit provided that the element shall not extend more than 5 feet above the roof on a one or 2 story building or more than 13 feet above the roof on a building of 3 or more stories. A mechanical unit which is taller than the maximum permitted height of the screening feature shall be set back from the screen 5 feet plus 2 feet for each foot it exceeds the height of the screen. Screening for mechanical units shall apply to new building construction only.
 - (G) At automotive uses, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.
 - (H) A screening device meeting the standards established in Table 29: Required Screening Height shall be constructed on nonresidential property adjacent to the common side or rear property line.
 - (I) Nonresidential uses in a residential district shall be screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of that nonresidential use. These screening requirements are not required for public schools, parks, or religious land uses, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling.
 - (J) Off-street loading areas of any nonresidential use shall be screened from view of any residential dwelling or lot or of any other adjacent public land use.
 - (K) Where a multi-family use abuts a single-family or two-family use or district, the side and rear property lines of that multi-family use shall be screened from view of adjacent dwelling(s).
 - (L) No screening device or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the Board of Adjustment through a variance request.
 - (M) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting that residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet.
 - (N) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet.
- (d) Fencing Standards.
- (1) Generally.
 - (A) Solid fences shall not be allowed in the required front yard in any district, except for the Mixed-Density Residential (MD) and Multi-Family Residential (MF) districts. In these instances, a 20-foot minimum setback shall be required for fencing along the right-of-way frontage.
 - (B) No fence shall exceed three feet in height in the required front yard in any residential district.
 - (C) No fence shall be allowed in the required right-of-way.
 - (D) No fence shall conflict with the sight visibility requirements of Sec. 9.04.041(f).
 - (E) Every fenced enclosure constructed under the provisions of this section shall have at least one gate in its perimeter.

- (F) Chain link fencing is only allowed on single-family residential lots and industrial sites.
 - (G) All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. The Director may order the repair or removal of a fence if it is more than 5% damaged or leaning 10 degrees from vertical. Fences shall be repaired in compliance with the provisions of this section.
- (2) Corner Lots.
- (A) On all corner lots in residential districts that have opposing rear lot lines, fences may be constructed not to exceed 96 inches in height along the side and rear yard lines, as indicated in Figure 9: 96 Inch Height Limit.

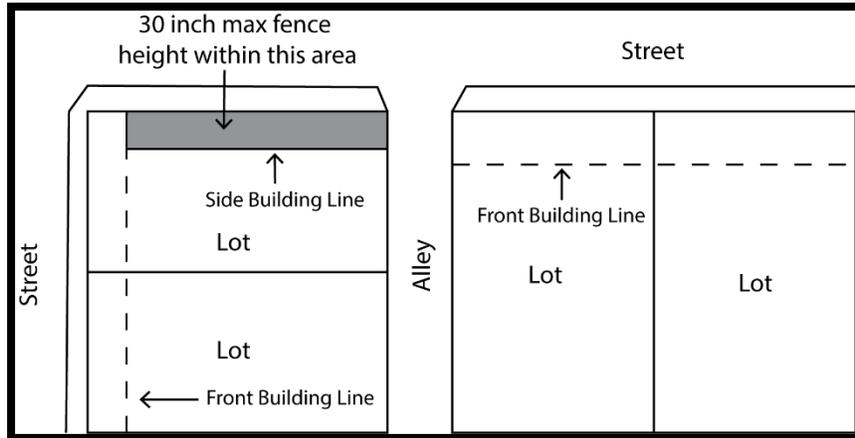
Figure 9: 96 Inch Height Limit



- (B) On all residential district corner lots where the rear lot line is opposed to a side lot line across an alley from that side lot line, no fence exceeding 30 inches in height shall be constructed upon or within the side yard which is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in Figure 10: Fence near Alley.

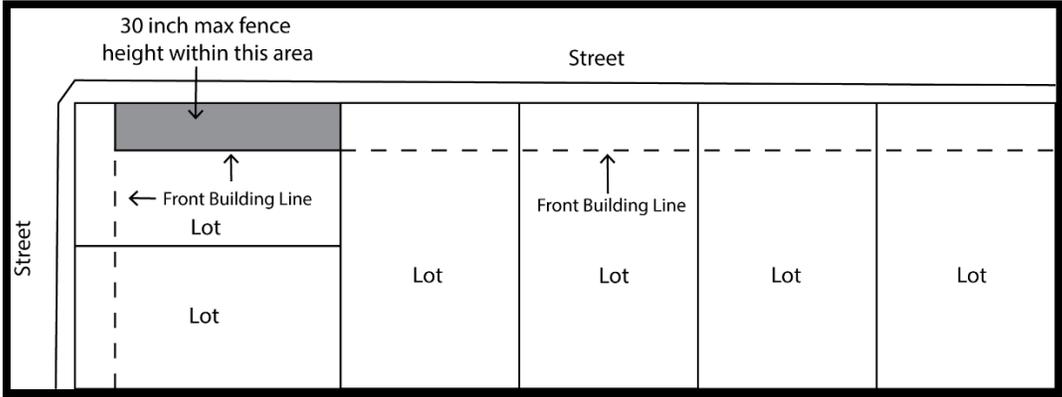
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Figure 10: Fence near Alley



(C) On all residential district corner lots that are key lots, the corner lot shall have a front building line on both streets, unless that key lot is separated from other lots by a dedicated street or alley. Where the lot lines are opposed to a side lot line of an adjoining lot, no fence exceeding 30 inches in height shall be constructed between the front building lines and the side yard line of the abutting lot, as indicated in Figure 11: Fence at Corner (Key Lot).

Figure 11: Fence at Corner (Key Lot)



(3) Design Requirements.

(A) Height. The minimum fence height is 6’ from average lot grade with a maximum height of 8’.

(B) Construction.

- (i) Treated lumber attached with galvanized screws to 2-3/8” diameter galvanized poles installed in an 8” diameter holes no less than 2-1/2 feet deep in 2’ of premixed concrete.
- (ii) All posts shall have caps.
- (iii) Brick, stone, masonry, vinyl materials or a combination with masonry columns every 8 feet. All columns shall be at least 18 inches wide and must be the vertical length of the fence.
- (iv) Vinyl materials cannot be used in multi-family areas.
- (v) No thin-wall masonry walls are allowed unless constructed with brick, stone or other approved masonry units and supported by angle iron with masonry columns on piers.
- (vi) All thin-wall plans shall be sealed by a professional engineer and approved by the City. A “thin wall” is defined as any wall 6” or less in width.
- (vii) At the minimum, wrought iron fences shall have:
 - a. 2” by 2” by 3/16” square steel tube posts with cast iron pyramid finial “C-1” secured with stainless steel set screws.
 - b. Steel tube posts spaced no more than 8 feet from another post.
 - c. 5/8” solid square pickets spaced 3” to 10” apart.
 - d. A 3/4” by 3/4” by 1/8” channel horizontal rail near the upper half of the fence.

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- (4) Security Fencing.
 - (A) Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.
 - (B) In residential areas, barbed wire, razor wire, electrified fencing or other hazardous material are not allowed in the construction of fencing.
 - (C) No fence that conducts an electrical current is allowed in any district or for any use except for those uses in an agricultural zoning district or correctional facility.
 - (D) Barbed wire strands may be placed on top of permitted fences and screening devices in any district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than 12 feet nor the bottom strand lower than eight feet from the adjacent grade line.
 - (E) Barbed wire may be placed on gate arms, fences, and screening devices in industrial zoning districts.

Sec. 9.04.047. Outdoor Lighting

- (a) Purpose. The purposes of this Section are to:
 - (1) Define practical and effective measures by which the obtrusive aspects of excessive and careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property; and
 - (2) To curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient sources, and decreasing the waste of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.
- (b) Applicability.
 - (1) Generally. For all proposed new construction or additions to existing facilities, all new outdoor lighting fixtures shall meet the requirements of this section.
 - (2) Additions. Additions shall require the submission of a complete inventory and site plan detailing any proposed new outdoor lighting. New lighting on the site shall meet the requirements of this Section regarding shielding and lamp type.
- (c) Compliance. All outdoor luminaires devices shall be installed in conformance with the provisions of this Section, the building code, the electrical code, and the sign code of the City as applicable and under appropriate permit and inspection.
- (d) Roadways. Lighting for roadways shall utilize only cutoff light fixtures.
- (e) Lighting Zones Established. Lighting standards are regulated by zones. These zones are established in Table 30: Lighting Zones.

Table 30: Lighting Zones

Lighting Zone	Zoning Districts
E1	AG
E2	SF-20.0
	SF-14.5
	SF-12.0
	SF-10.5
	SF-8.4
	SF-7.2
	SF-6.0
E3	MD
E4	MF
E4	C-1
	C-2
	MU
	DT
	I-1
	I-2

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(f) Lighting Classification.

Outdoor lighting is classified according to use as follows:

- (1) Class 1 (Color Rendition). All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Recognized Class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; assembly areas such as concert or theater amphitheaters.
 - (2) Class 2 (General Illumination). All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.
 - (3) Class 3 (Decorative). Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.
- (g) Shielding Standards. All nonexempt outdoor lighting fixtures shall have shielding as shown in Table 31: Shielding Standards.

Table 31: Shielding Standards

Use Class and Lamp Type		E1	E2	E3	E4
<i>Nonresidential Uses</i>					
Class 1 Lighting (Color Rendition)	Initial Output ≥ 1800 lumens	F	F	F	F
	Initial Output < 1800 lumens ⁽²⁾	F	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾
Class 2 Lighting (General Illumination)	Initial Output ≥ 1800 lumens	F	F	F	F
	Initial Output < 1800 lumens ⁽²⁾	F	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾
Class 3 Lighting (Decorative) ⁽³⁾	Initial Output ≥ 1800 lumens	X	F	F	F
	Initial Output < 1800 lumens ⁽²⁾	F	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾
<i>Residential Uses</i>					
All classes ⁽⁴⁾	Initial Output ≥ 1800 lumens	F	F	F	F
	Initial Output < 1800 lumens ⁽²⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾
Key	<p>A = All types of fixtures allowed; shielding not required but highly recommended, except that any spot or flood light shall be aimed not higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway. F = Only fully shielded fixtures allowed. X = Not allowed. ⁽¹⁾ Flood or spot lamps shall be aimed no higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway. Exception: Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all lighting zones for 90 calendar days. ⁽²⁾ See exception for seasonal decorations. ⁽³⁾ All class 3 lighting shall terminate between 11:00 p.m. (or when the business closes, whichever is later) and sunrise. ⁽⁴⁾ Residential refers to single-family attached or detached uses located in any of the zoning districts. Multi-family residential uses, or apartments, must use standards for Class 1, 2 and 3 lighting.</p>				

(h) Total Outdoor Light Output Standards. Total outdoor light output shall not exceed the limits in Table 32: Lumens Caps. Seasonal decorations, permitted between November 15th and January 15th, are not counted toward these limits. (The values in this table are the maximum permitted levels and not intended as design standards; design standards shall be the lowest levels that meet the requirements of the task.)

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Table 32: Lumens Caps

Lumens Caps – Initial Lamp Lumens per Net Acre	Type	E1	E2 ⁽⁴⁾	E3 ⁽⁴⁾	E4
Nonresidential Uses ⁽¹⁾	Total (full cutoff + unshielded)	125,000	50,000	200,000	1,000,000
	Unshielded only	2,000	4,000	4,000	40,000
Residential Uses ⁽²⁾ ⁽³⁾	Total (full cutoff + unshielded)	10,000	10,000	10,000	20,000
	Unshielded only	1,000	1,000	5,000	5,000
Key	⁽¹⁾ This refers to all commercial and industrial uses and includes multi-family or apartment uses. ⁽²⁾ This refers to all single-family attached or detached uses. ⁽³⁾ In lighting zones E1 – E4, each residential single-family attached or detached dwelling, , or two-family dwelling is allowed up to 5,500 total lumens, or the amount indicated in this table based on the parcel’s acreage, whichever is larger. Each is also allowed a maximum of 5,500 lumens of unshielded (“A”) lighting, provided Table 31: Shielding Standards allows the lamp’s type with “A” shielding. All residential spot or flood lamps permitted are to be aimed no higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway. ⁽⁴⁾ Schools located in zones E2 and E3 may petition the Director for an increase in the lumens-per-acre cap to the level permitted in zone E4. The Director may allow an increase when the school submits an engineered design supporting the need of such increase.				

- (i) Effective Shielding Standard. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described in the definition herein for full cutoff fixtures.
- (j) Light Trespass Standard.
 - (1) Beyond the shielding requirements, all light fixtures shall be located, aimed, or shielded to minimize stray light trespassing across residential property boundaries.
 - (2) Any lamp installed on a residential property in zone E1 and visible from any other residential property shall be shielded such that it is not directly visible from that property.
 - (3) Luminaires, spot lamps, or spotlights that are aimed, directed, or focused to cause direct light to be directed toward residential buildings or adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on streets or roadways, shall be redirected or their light output controlled as necessary to eliminate such conditions.
- (k) Special Uses.
 - (1) Recreational Facilities.
 - (A) Lighting for outdoor athletic fields, courts, tracks, or similar recreational facilities in lighting zones E1, E2, E3, and E4, shall be considered class 1 (color rendition), and shall be exempt from the lumens-per-acre limits of (h) above.
 - (B) Shielding. In lighting zones E1, E2, E3, and E4, full cutoff lighting is required for any recreation or public/institutional use. Recreational uses, such as football fields, soccer fields, golf courses, and baseball diamonds designed for class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels as defined by the IESNA Lighting Handbook and IESNA RP-6 Sports and Recreational Area Lighting) or designed for class I and II levels of play (typically college, semi-professional, professional or national levels as defined by the IESNA

Lighting Handbook and IESNA RP-6 Sports and Recreational Area Lighting) shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where full cutoff fixtures are not utilized, acceptable luminaires shall include those that:

- (i) Are provided with internal and/or external glare control louvers and installed to minimize uplight and off-site light trespass; and
 - (ii) Are installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
- (C) Illuminance. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
- (D) Off-site Light Trespass. The installation shall also limit off-site spill (outside the parcel containing the recreational facility) to the maximum extent possible consistent with the illumination constraints of the design. For class III and IV levels of play, a design standard of one lux (0.1 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required. For class I and II levels of play, a design goal of one and one-half lux (0.15 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.
- (E) Engineering Design. Every such lighting system shall be designed by a registered professional engineer.
- (F) Curfew. All events shall be scheduled so as to complete all activity before the curfew listed in Table 33: Lighting Zone Curfew. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew.

Table 33: Lighting Zone Curfew

Lighting Zone			
E1	E2	E3	E4
8 p.m.	9 p.m.	10 p.m.	11 p.m.

- (2) Outdoor Display Lots.
- (A) Lighting for display lots shall be considered class 1 (color rendition), and shall be allowed a lumens-per-acre cap of two million.
 - (B) Shielding. All display lot lighting shall utilize full cutoff luminaires installed in a fashion that maintains the full cutoff characteristics.
 - (C) Illuminance. Lighting for display lots shall be considered class 1 (color rendition).
 - (D) Off-site Light Trespass. The display lot shall limit off-site light trespass (outside the parcel containing the display lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.
 - (E) Engineering Design. Every display lot lighting system shall be designed by a registered professional engineer.
 - (F) Curfew. Display lot lighting exceeding the lumens-per-acre cap shall be turned off at the curfew listed herein or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot

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after this time shall be considered class 2 lighting and shall conform to all restrictions of this section applicable for class 2 lighting, including the lumens-per-acre caps in (h) above.

- (3) Gas Station Canopies.
 - (A) Lighting Class. Lighting for service station canopies shall be considered class 2 lighting (general illumination).
 - (B) Shielding. All luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff and utilize flat lenses.
 - (C) Total Under-canopy Output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy in Lighting Zone E4, and shall not exceed 20 lumens per square foot in Lighting Zone E3. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.
 - (D) Lumen Output. The lumen output of lamps mounted on or within the lower surface of a canopy is included toward the lumen caps in (h) above according to the method defined in (h) above. Other lighting located under a canopy but not mounted on or within the lower surface is included toward the lumen caps in (h) above at full initial output.
 - (E) Off-site Light Trespass. The service station canopy lot shall limit off-site light trespass (outside the parcel containing the service station lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.
- (4) Other Lighting on Parcels with Special Uses. On a property with special uses as listed above, all lighting not directly associated with the special use areas above shall conform to the lighting standards described in this section, including but not limited to the lamp type and shielding requirements of (i) above and the lumens-per-acre limits of (h) above. The net acreage for the determination of compliance with (h) above shall not include the area of the athletic field or outdoor display lot, as defined in (g) above; the area of any service station canopy shall be included in the net acreage.
- (l) Prohibitions.
 - (1) Installation of nonconforming fixtures and lamps. The installation of any outdoor lighting fixture or lamp for new construction, additions, or replacement fixtures to existing facilities not in compliance with this section is prohibited.
 - (2) Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited unless installed for temporary use with prior approval of the Director under (m) below. Authorization for such temporary use shall be for no more than three days per 365-day period for any one applicant or property and shall additionally be subject to any necessary state and federal approvals.
 - (3) Searchlights. The operation of searchlights for nongovernmental purposes is prohibited, unless installed for temporary use with prior approval of the Director under (m) below. Authorization for such temporary use shall be for no more than three days per 365-day period for any one applicant or property and shall additionally be subject to any necessary state and federal approvals.
 - (4) Existing Lighting causing Light Trespass onto Residential Property.

- (A) If, after complaint and investigation, the Director finds that an existing light fixture directs light toward residential buildings, the Director shall give written notice of that violation to the owner and to the occupant of the premises demanding that the violation be abated within 90 days of the date of written notice.
- (B) Light trespass onto residential property from existing lighting shall be remedied by redirecting the light fixture, installing a shield, or by controlling the light output as necessary.
- (C) Light levels shall not exceed a maximum of 0.25 footcandles (2.5 lux) at the property line of any residential property at a vertical point five feet above grade.
- (D) Light trespass measurements shall be made at the property line of the residential site, with the meter held normal to a line between any offending light source(s) and the light meter. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public right-of-way or at any other location on an adjacent property.
- (E) Measurement shall be made using a commercial cosine and color-corrected meter having an accuracy tolerance of plus or minus 5% or better at one lux (0.1 footcandle). The meter shall have been calibrated within two years of the date of measurement by the manufacturer or by a certified illumination laboratory.
- (F) Measurements shall be taken using a 4.5" long, 1.75" +/- 0.25" diameter thin wall black tube baffle atop the meter's photoelectric cell aperture to prevent any stray light from other sources from affecting the measurement.

(m) Temporary Exemptions.

- (1) Temporary Exemption Requests. A temporary exemption request shall be subject to the approval of the Director. A request shall contain the following information:
 - (A) Specific ordinance exemption(s) requested;
 - (B) Duration of requested exemption(s);
 - (C) Proposed location on premises of the proposed light fixture(s);
 - (D) Purpose of proposed lighting;
 - (E) Information for each luminaire and lamp combination as required in (n) below;
 - (F) Previous temporary exemptions, if any, and addresses of premises thereunder; and
 - (G) Any other data and information as may be required by the Director.
- (2) Approval – Limitation. The director shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than 30 days from the date of issuance of the approval. The approval shall be renewable upon further written request for a maximum of one additional 30-day period. The director is not authorized to grant more than one temporary permit and one renewal for a 30-day period for the same property within one calendar year.
- (3) Disapproval – Appeal. If the request for temporary exemption or its extension is disapproved, the applicant shall have the appeal rights provided in Sec. 9.04.050(m).

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(n) Other Exemptions.

(1) Nonconformance.

(A) Bottom-mounted or unshielded on-premises or off-premises sign lighting shall comply with the shielding standards.

(B) Post top antique or acorn style luminaires that cannot achieve full cutoff may be used if they achieve cutoff.

(i) There shall be no change in use or lamp type, change or replacement of ballast or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this section.

(ii) All existing outdoor lighting fixtures shall comply with the shielding standards of (g) above.

(2) Flag Illumination. Illumination of city, county, state or U.S. flags with spotlights or flood lamps is exempt from all the requirements of this section.

(3) State and Federal Facilities. Compliance with the intent of this section by facilities that are owned, operated and maintained by the state or federal government is encouraged but not required.

(4) Emergency Lighting. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this section for as long as the emergency exists.

(5) Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of (g) above, though such lighting shall conform to all other provisions of this section.

(6) Fossil fuel lights. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this section.

(o) Appeals.

(1) Historic Properties. Properties designated as federal, state, or local historic landmarks or that are within a federal, state, or local historic district shall be exempt from this section if there is a finding of an adverse impact to any significant historical, cultural, or archaeological element of the property as determined in writing by the City historic landmark commission or by the Texas historic preservation officer whenever the City historic landmark commission is without jurisdiction to require review of proposed work.

(2) Appeals. Any person aggrieved by any decision of the Director made in administration or enforcement of this Section has the right of appeal to the Board of Adjustment.

Sec. 9.04.048. Trash

- (a) Purpose. The purpose of this Section is to provide adequate provisions for on-site waste disposal and collection while promoting sightly development.
- (b) Applicability. This Section applies to all nonresidential development within Anna's corporate limits. This Section does not apply to residential development unless otherwise specified.
- (c) Standards.
 - (1) Generally.
 - (A) Garbage, trash, or refuse containers require enclosures and shall meet the requirements established in Sec. 9.04.046(c).
 - (B) Two enclosures are required on every lot. This requirement shall be met by either a double enclosure or two single enclosures on every lot.
 - (C) All enclosures are fully screened on all sides.
 - (D) Enclosure materials shall be masonry or concrete block and the same color as the exterior walls of the main structure.
 - (E) A solid metal gate is required, and when open is not allowed to encroach within any fire lane.
 - (F) No solid metal gate shall exceed 8 feet in height.
 - (G) Enclosures shall also be complemented by a living plant screen as established in Sec. 9.04.046(c)(3).
 - (H) Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available.
 - (I) Gates shall remain closed except when in use for access.
 - (J) All required garbage, trash, or refuse containers shall comply with CARDS design requirements established at the CARDS website (see website [link](#)). If CARDS is no longer the City's approved provider, then all required garbage, trash, or refuse containers shall comply with the design requirements of the City's newly contracted provider.
 - (K) Within the DT District, City contractor approved rolling carts (CARDS carts, etc.) may be used to meet this Section's requirements.
 - (2) Design. Garbage, trash, or refuse containers shall comply with the design specifications below.
 - (A) Trash compactor enclosures and all other enclosure types shall comply wifications (see website https://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw.html).
 - (B) All enclosure types shall provide a minimum of 40 feet of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent straight backing from being provided, the Texas Commission on Environmental Quality Office of Waste shall have the authority to approve angled or alternative backing movements.
 - (C) All enclosure types shall provide a 24-foot vertical clear zone, unless otherwise approved by the Texas Commission on Environmental Quality Office of Waste's specifications.

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- (3) Shared Garbage, Trash, or Refuse Containers.
 - (A) Within the DT District, any nonresidential use, except for automotive and industrial uses, may share a garbage, trash, or refuse container with another nonresidential use by providing a shared garbage, trash, or refuse container agreement to the Director.
 - (B) The garbage, trash, or refuse container agreement shall be filed with the Collin County Clerk.
 - (C) A garbage, trash, or refuse container agreement shall be approved by the Director before filing with the County.
 - (D) The garbage, trash, or refuse container agreement shall include:
 - (i) All parties involved, including the property owners or agents and site owners or agents;
 - (ii) Duration and time of use; and
 - (iii) An exhibit indicating the:
 - a. Location of the garbage, trash, or refuse container on a site plan; and
 - b. Distance of the garbage, trash, or refuse container to the use, building, or site.

Sec. 9.04.049. Performance Standards

- (a) Purpose. The purpose of this Section is to establish regulations that protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, and glare in the vicinity of those sites.
- (b) Applicability. In all zoning districts, any permitted use shall conform in operation, location, and construction to the performance standards established in this Section.
- (c) Standards.
 - (1) Noise.
 - (A) Generally.
 - (i) It shall be unlawful for any person to willfully make, cause to be made, or continue any unreasonable noise within the City.
 - (ii) Any unreasonable noise that is plainly audible as indicated below shall be considered prima-facie evidence of a violation of this Section.
 - a. At the property line of a property;
 - b. Within 25 feet of the noise source when the noise source is within a vehicle or on the public right-of-way; or
 - c. Through the common wall in a building.
 - (B) Exemptions.
 - (i) Activities directly connected with the abatement of an emergency, including construction activities and authorized emergency vehicles when such vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law or when responding to, but not returning from a fire, are excluded from the provisions of this Section.
 - (ii) Bells and chimes, or any device for the production or reproduction of the sound of bells or chimes from any religious land use, school, or clock, operated between the hours of 7:00 a.m. and 10:00 p.m. are excluded from the provisions of this Section.
 - (iii) Firework displays, which otherwise comply with the Anna Code, are excluded from the provisions of this Section.
 - (iv) Activated burglar alarms, which otherwise comply with the Anna Code, are excluded from the provisions of this Section.

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(C) Sound Levels.

- (i) Sound pressure levels shall be measured at the approximate location of the property line, at a height of at least four feet above the immediate surrounding grade, on a sound level meter of standard design and operated on the A network.
- (ii) The maximum permissible sound pressure levels of any continuous source of sound is given in Table 34: Sound Pressure Level Limits. Sound pressure levels exceeding these limits are considered an unreasonable noise and are prohibited.

Table 34: Sound Pressure Level Limits

Zoning District	dB(A) during the Day (7 am to 7 pm)	dB(A) during the Night (7 pm to 7 am)
All Residential Districts	55	50
Nonresidential Districts (except Industrial)	60	55
Industrial Districts	80	75

- (2) Vibration. No operation or use shall at any time create earth borne vibrations that when measured at the bounding property line of the source operation exceed the limits of displacement established in Table 35: Vibration Displacement Limits.

Table 35: Vibration Displacement Limits

Frequency Cycles per Second	Displacement in Inches
0 – 10	0.0010
10 – 20	0.0008
20 – 30	0.0005
30 – 40	0.0004
40+	0.0003

- (3) Smoke and Particulate Matter. No operation or use shall cause, create, or allow the emission for more than 3 minutes in any one hour of air contaminants that at the emission point or within the bounds of the property are:
 - (A) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Circular 7118.
 - (B) Of such opacity as to obscure an observer’s view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in (A) above, except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building that prevents their escape into the atmosphere, this standard and the standard in (A) above shall not apply.
 - (C) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.
 - (D) The open storage and open processing operations, including onsite transportation movements that are the source of wind or airborne dust or other particulate matter; or that involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting all be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding 4 grains per 1,000 cubic feet of air.

- (4) Odorous Matter.
 - (A) No use shall be located or operated that involves the emission of odorous matter that exceeds the odor threshold at the bounding property line or any point beyond the tract on which the emitting use is located.
 - (B) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise, or where the operator or owner of an odor-emitting use may disagree with the enforcing officer, or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials (A.S.T.M.D.) 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.
- (5) Fire or Explosive Hazard Material.
 - (A) No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted except that chlorates, nitrates, per chlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the Fire Department.
 - (B) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Fire Department.
- (6) Toxic and Noxious Matter. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed 10% of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.
- (7) Water and Waste Pollution.
 - (A) No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.
 - (B) No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City ordinances.

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Sec. 9.04.050. General Procedures

(a) Purpose. The purposes of this division are to:

- (1) Establish the appropriate workflows associated with each land development process, and
- (2) Ensure that processes comply with state law, and
- (3) Assign decision-making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants, and
- (4) For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.

(b) General Procedural Requirements.

- (1) Applicability. This Section establishes rules and procedures for specific land use decisions under the jurisdiction of the City Council, Planning and Zoning Commission, Board of Adjustment, and City Staff (where applicable), and administrative decisions.
- (2) Procedures. This Section sets up rules for procedures, such as notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description per Table 36: Procedural Components.

Table 36: Procedural Components

Component	Meaning
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how the City determines that the application has sufficient information to be processed.
Notice and Hearings	This describes the type of notice, how it is provided, and the conditions of any applicable required public hearings.
Decision	This states who approves the application and the type of proceeding that leads to the decision.
Standards	These are any standards that apply to the application. All applications are subject to this Zoning Ordinance.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be resubmitted for the property.
Appeals	This provides a way to review an application that is denied or that has conditions that the applicant disagrees with.
Scope of Approval	This indicates what activity the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal decision of approval is maintained.

- (3) Authority Table. Table 37: Authority Table summarizes the major review procedures for land use applications and development activity in the City's corporate limits and who acts on those applications. Not all procedures addressed in this article are summarized in this table (see subsequent sections of this Division for additional details on each procedure).

Table 37: Authority Table

Application Type	Notice				Authority			
	Publication	Mail	Website	Signs	Director	PZ Commission	City Council	Board of Adjustment
Rezoning	Y	Y	N	Y	R	R	D	-
Specific Use Permit	Y	Y	N	Y	R	R	D	-
Text Amendment	Y	Y	-	-	R	R	D	-
Concept Plan*	N	N	N	N	R	D	A	-
Preliminary Site Plan**	N	N	N	N	R	D	A	-
Site Plan	N	N	N	N	D	A	-	-
Variance	N	N	N	N	R	-	-	D
Interpretation	N	N	N	N	D	-	-	A
Key	Y = Yes N = No R = Review and Recommend D = Decision (a decision includes the review of the application) A = Appeal Decision							
Notes	* = Any Concept Plan associated with a rezoning or specific use permit request requires a recommendation from Planning and Zoning Commission followed by an approval from City Council. ** = Any Preliminary Site Plan associated with a rezoning or specific use permit request requires a recommendation from Planning and Zoning Commission followed by an approval from City Council.							

(c) Pre-Application.

- (1) Applicability. These requirements apply to any application if the applicant elects to request a Pre-Application Meeting with the City.
- (2) Initiation. Before filing an application subject to this section, the applicant shall request a meeting with the Staff Committee concerning the plans and data as specified in this Zoning Ordinance.
- (3) Staff Committee. The purpose of the Staff Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the City Manager concerning planning and development issues.
 - (A) The Staff Committee is composed of the following departments, members, or their representatives:
 - (i) The Director
 - (ii) The City Engineer
 - (iii) The City Building Official
 - (iv) The City Fire Marshal
 - (B) The Staff Committee may request the assistance of other staff members and agency representatives.
- (4) Scheduling. Any applicants wishing to discuss a development proposal with the Staff Committee shall advise the Director at least seven (7) calendar days prior to the meeting.
- (5) Pre-Application Meeting (PAM).
 - (A) The Pre-Application Meeting shall include the following:
 - (i) A discussion of the general project consistency with this Zoning Ordinance and the Comprehensive Plan,

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- (ii) A discussion of technical studies, plans and other information deemed relevant to the specific application request, and
 - (iii) Discussion of the anticipated level of citizen interest.
 - (B) The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.
 - (C) The Director will provide information and comments at the Pre-Application Meeting, but will not take formal action on the application. In addition to provision of verbal information, the Director may provide a Pre-Application Meeting checklist.
 - (D) The applicant's and Staff Committee's comments are for purposes of information, but are not binding on either the City or the applicant.
- (6) Documentation.
 - (A) During the meeting, the Director may review and complete an informational checklist, based on the scope of the application.
 - (B) The Director will record in writing and provide the applicant any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by City staff.
- (d) Submitting Applications.
 - (1) General Requirements.
 - (A) Applications filed under this Zoning Ordinance must include the information required in any applicable checklist.
 - (B) The City Council may establish fees for all applications required in this Zoning Ordinance by resolution.
 - (2) Completeness Review.
 - (A) The Director will not process incomplete applications.
 - (B) An application is not complete until all required items are submitted (see the application's checklist).
 - (C) When applications are filed, the Director will review them for completeness.
 - (D) The time period to process an application does not commence until the Director determines that the application is properly submitted and the applicant has corrected any deficiencies in the application.
 - (E) Review for completeness of application forms is solely to determine whether information required for submission with the application is sufficient to allow further processing.
 - (F) The Director will determine whether the application is complete and will transmit the determination to the Applicant. If the Director determines that the application is not complete, the Director will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application. The Director and the decision-making body are not obligated to further review the application until the required information is corrected. For applications subject to Sec. 9.04.051 and Sec. 9.04.052, the application is not considered filed and is denied.
 - (G) The Director or the approving authority may provide submission deadlines for materials required in support of any application provided for in any checklist. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approving authority.

(e) Noticing.

(1) Generally.

- (A) This Zoning Ordinance, in conjunction with those regulations set by State law, establishes various requirements for public notice.
- (B) Noticing shall meet the minimum requirements established in Texas Local Government Code § 211.007(c), including the 200-foot notification and 20% protest requirements.
- (C) Table 38: Notice Type, along with (2) below, describes the various types of notice and their contents. More specific notice requirements may be prescribed in each procedural section.

Table 38: Notice Type

Notice Type	Description
Publication	The Director will publish in an official newspaper or a newspaper of general circulation in the City.
Mail	The Director will mail the notices. Notice is served by its deposit in the City, properly addressed with postage paid, in the United States mail. Regular mail is sufficient, unless certified mail is required by a specific process or state law
Electronic	1. The City may communicate with the applicant or persons requesting notice by electronic transmission. 2. Electronic transmission may include email, or communication through social media or online notification procedures established by the Director.

(2) Required Information. Notice shall include the following information, unless the process includes a different requirement:

- (A) A synopsis of the proposed ordinance or application,
- (B) Time, date, and place of the public hearing or meeting;
- (C) The type of land use or development decision that is being considered;
- (D) If a public hearing is required, a statement that at the time and place of the hearing all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance or application;
- (E) A point of contact within Development Services; and
- (F) Development Services’ website address (URL).

(3) Notice Sign Posting.

- (A) One sign of at least four square feet shall be posted on the property to be rezoned.
- (B) This sign(s) shall, if possible, be located adjacent to streets.
- (C) This sign(s) shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first.
- (D) The sign shall contain a notice of a zoning change and the telephone number of the public office from whom dates of public hearings may be obtained.

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- (E) The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.
- (4) Failure to Provide Notice. The failure to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this Zoning Ordinance, and no person may challenge an action for lack of notice where the City has complied with the applicable State law governing notice.
- (f) Staff Review.
 - (1) Review by Other Departments and Agencies. The staff may forward copies of the application to various local, state and/or federal agencies and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.
 - (2) Staff Review. The staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other agencies or departments, as described in (1) above. After reviewing the information, staff shall prepare a report summarizing the information for the reviewing bodies and providing a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.
 - (3) Staff Report. If an individual section of this Division (and where permitted by state law) delegate to staff the authority to approve, approve with conditions, or deny an application, the staff report may include a written decision to that effect.
- (g) Decision-Making and Public Hearings.
 - (1) Purpose. The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.
 - (2) Rules of Procedure. The City Council and Planning and Zoning Commission may adopt rules of procedure for public hearings.
 - (3) Action. Reviewing bodies shall hold regularly scheduled public hearings to receive and review public input on items required by this Zoning Ordinance. Decisions and recommendations should be rendered in a timely manner, based upon the specific requirements of these regulations and following:
 - (A) Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines and policies;
 - (B) Recommendations of staff and recommending bodies;
 - (C) Input of reviewing agencies and departments;
 - (D) Public comment and testimony received at the hearing; and
 - (E) Effects of the proposal on the neighborhood, area, and community-at-large.
 - (4) Authority to Condition Development Approvals.
 - (A) After review of the application, other pertinent information or documents, and any evidence made part of the public record, the recommending and decision-making bodies may impose conditions that are reasonably necessary to assure compliance with applicable general or specific standards expressed in these regulations.
 - (B) The Director shall include a copy of the conditions with the record of decision.

- (C) The applicant shall be notified of any conditions imposed on the application.
- (h) Tabling.
- (1) Purpose. This section allows for the tabling of applications as needed to collect additional information, or to engage in further review.
 - (2) Applicant Request. An applicant may request to table any application in writing for a future meeting date.
 - (3) Director Request. The Director may request to table any application for further review and consideration. In that case, the Director shall provide notice and explanation to the applicant in writing before the meeting at which the application is scheduled for hearing. Notice of the tabling will be given at the beginning of the scheduled meeting.
- (i) Application Withdrawal.
- (1) Generally. An application may be withdrawn at any time prior to formal consideration by the reviewing body.
 - (2) Fees. Withdrawal of an application after the determination of completeness results in the forfeiture of fees.
 - (3) No Public Hearing Required. If no public hearing is required, the applicant should give notice of the withdrawal to the Director at the earliest possible time. This allows the Director to notify other applicants of an agenda change.
 - (4) Public Hearing Required. If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to opening of the hearing. Once the public hearing is opened, the reviewing body shall decide whether to approve the request and may instead act on the application.
- (j) Scope of Approval.
- (1) Generally. The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application.
 - (2) Amendments. The reviewing body may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may not permit a greater amount of development, a more intensive use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.
- (k) Protest Against Change. In case of a protest against a change signed by the owners of 20% or more either of the land included in the proposed change, or of the land within 200 feet of the subject property, excluding any intervening public street, an amendment shall not become effective unless by a favorable vote of $\frac{3}{4}$ of all the members of the City Council present and qualified to vote.

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(l) Post-Decision Proceedings.

(1) Minor Revisions.

- (A) The Director may approve minor revisions to the terms of an application approval. "Minor revisions" are those that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.
- (B) Minor revisions must be authorized in writing.
- (C) Minor revisions are subject to appeal to the Planning and Zoning Commission. On appeal, no further action will be taken to process the application, and/or issued permits are stayed pending the Planning and Zoning Commission's determination.

(2) Major Revisions.

- (A) A major revision is any revisions that the Director determines is not a minor revision.
- (B) A major revision is approved by the original decision-maker and is required in accordance with the procedures established for original consideration of the application.
- (C) In making a determination, the Director may seek a recommendation from any recommending body involved in the original application process.

(m) Appeals.

- (1) Generally. A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

(2) Appeals to the City Council.

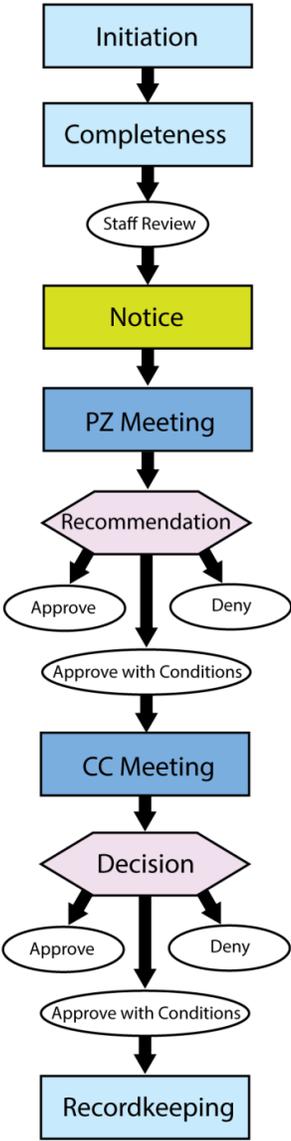
- (A) Appeals may be taken to and before the City Council by any person aggrieved, or by any officer, department, board, or bureau in the City for any previous decision not made.
- (B) An appeal shall be made by submitting to the city secretary a notice of appeal and specifying the appeal's grounds.
- (C) The office or department from which the appeal is taken shall transmit to the City Council all of the papers constituting the record from which the action appealed was taken.
- (D) An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the City Council that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.
- (E) The City Council shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of that hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which an appeal is desired, and to all other persons deemed by the board to be affected by the appeal. These owners and persons shall be determined according to the current tax rolls of the City.

Sec. 9.04.051. Entitlement and Ordinance Procedures

(a) Rezoning.

- (1) Applicability. This section applies to the change in the zoning classification of individual properties.
- (2) Initiation. A rezoning may be initiated by:
 - (A) City Council;
 - (B) The Planning and Zoning Commission; or
 - (C) Request by owner or agent of owner of property to be changed.
- (3) Completeness. See Sec. 9.04.050(d)(2).
- (4) Notice and Hearing(s).
 - (A) Noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.
 - (B) Two public hearings are required and shall comply with Sec. 9.04.050(g).
- (5) Decision.
 - (A) Director Review. The Director shall review the rezoning and may provide a recommendation to the Planning and Zoning Commission to:
 - (i) Approve the rezoning, or
 - (ii) Deny the rezoning.
 - (B) Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall conduct a public hearing on the rezoning. The Planning and Zoning Commission shall submit its recommendation to the City Council:
 - (i) To approve the rezoning, or
 - (ii) To deny the rezoning, or
 - (iii) To approve the rezoning with conditions.
 - (C) City Council. The City Council shall consider the rezoning at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Council shall, by ordinance:
 - (i) Approve the rezoning, or
 - (ii) Deny the rezoning, or
 - (iii) Approve the rezoning with conditions.
- (6) Standards. In its review of an application for rezoning, the City Council shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning and Zoning Commission finds that a rezoning is inconsistent with the land use element of the comprehensive plan, the application shall not be considered until a recommendation regarding a comprehensive plan amendment for the proposed zoning amendment is forwarded to the City Council, either prior to or concurrently with the proposed zoning amendment.

Figure 12: Rezoning Flowchart



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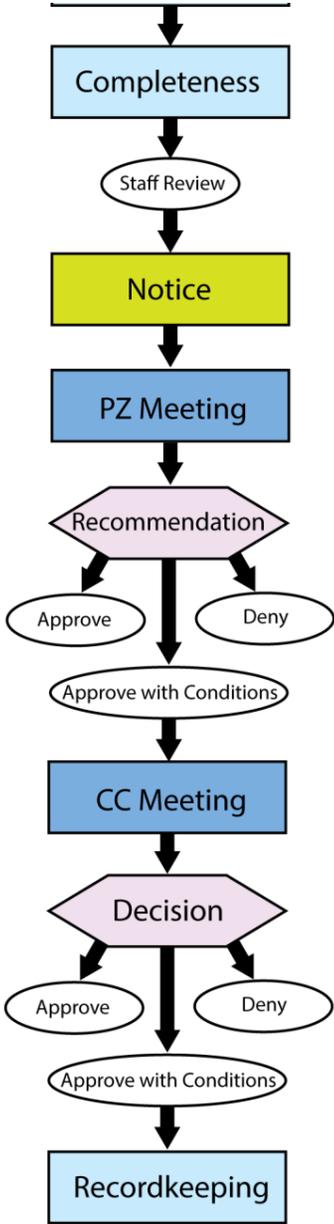
- (A) Consistency. The City Council does not redetermine the City's policy of comprehensive zoning. The City's zoning map shall not be altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.
 - (B) Adverse Impacts on Neighboring Lands. The City Council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Council finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings that promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.
 - (C) Suitability as Presently Zoned. The City Council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.
 - (D) Health, Safety, and Welfare. The rezoning must bear a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.
 - (E) Public Policy. A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, recreational activity, or mixed-use development which functionally relates to the surrounding neighborhoods.
 - (F) Size of Tract. The City Council shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify a rezoning.
 - (G) Other Factors. The City Council may consider any other factors relevant to a rezoning application under Texas law.
- (7) Subsequent Applications.
- (A) This subsection applies if:
 - (i) The applicant withdraws an application after notice of hearing is published, or
 - (ii) The City Council denies a zoning or rezoning application.
 - (B) If the above requirements apply, the applicant shall not submit a rezoning application for the same zoning district request on the same property for at least six (6) months.
 - (C) The above waiting period begins with the date of the City Council's denial of the prior application.
- (8) Appeals. Not applicable.
- (9) Scope of Approval. The approval of a rezoning does not authorize the development of land. A rezoning allows the applicant to apply for a building permit or concept plan, in the case of uses permitted as of right, or a specific use permit, in the case of uses designated as special uses within the applicable zoning district.
- (10) Recordkeeping. If the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The

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Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

- (b) Specific Use Permit.
 - (1) Applicability. This section applies to any application for approval of a use designated as a specific use in Table 19: Use Table.
 - (2) Initiation. A specific use permit may be initiated by the owner or agent of the owner of the property.
 - (3) Completeness. See Sec. 9.04.050(d)(2).
 - (4) Notice and Hearing(s).
 - (A) Noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.
 - (B) Two public hearings are required and shall comply with Sec. 9.04.050(g).
 - (5) Decision.
 - (A) Generally. All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.
 - (B) Director Review. The Director shall review the specific use permit and shall provide a recommendation to the Planning and Zoning Commission to:
 - (i) Approve the specific use permit, or
 - (ii) Deny the specific use permit, or
 - (iii) Approve the specific use permit with conditions.
 - (C) Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall conduct a public hearing on the specific use permit. The Planning and Zoning Commission shall submit its recommendation to the City Council:
 - (i) To approve the specific use permit, or
 - (ii) To deny the specific use permit, or
 - (iii) To approve the specific use permit with conditions.
 - (D) City Council Decision. The City Council shall consider the specific use permit at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Council shall by ordinance:
 - (i) Approve the specific use permit, or
 - (ii) Deny the specific use permit, or
 - (iii) Approve the specific use permit with conditions.

Figure 13: Specific Use Permit Flowchart



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- (6) Standards. The City Council will approve a specific use permit only if the applicant demonstrates that:
 - (A) The proposed specific use shall comply with all regulations of the applicable zoning district, the provisions of Division 2, any applicable use regulations of Division 3, and any applicable development standards of Division 4 of this Zoning Ordinance.
 - (B) The proposed specific use permit does not have a probable effect on the adjacent property and the community welfare with appropriate regard to the health, safety and welfare of the general public.
 - (C) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
 - (D) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
 - (E) The public interest and welfare supporting the proposed specific use authorization shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
- (7) Subsequent Applications.
 - (A) This subsection applies if:
 - (i) The applicant withdraws an application after notice of hearing is published, or
 - (ii) The City Council denies a specific use permit application.
 - (B) If the above requirements apply, the applicant shall not submit a specific use permit application for the same specific use permit request on the same property for at least six (6) months.
 - (C) The above waiting period begins with the date of the City Council's denial of the prior application.
- (8) Appeals. Not applicable.
- (9) Scope of Approval.
 - (A) Generally. The approval of a specific use permit does not authorize the development of land. A specific use permit allows the applicant the right to apply for a building permit, plat, and/or site plan.
 - (B) Violations. Any specific use permit is in violation of this Zoning Ordinance and shall be suspended or revoked if:
 - (i) A court having jurisdiction or a jury find the holder of the specific use permit guilty of a violation or if a holder of a specific use permit pleads guilty of violating.
 - (ii) Any requirement or term or condition of the specific use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the specific use permit as approved by the City Council.
 - (iii) The activity authorized by the specific use permit commences prior to the institution of all conditions imposed by the specific use permit.
 - (iv) The use for which the specific use permit was authorized does not commence within 6 months of the effective date of the specific use permit. The Director may grant an extension of up to 6 months for good cause shown, upon petition of the specific use permit holder.
 - (v) The use for which the specific use permit is authorized is discontinued for 6 consecutive months.

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(C) Notification. If the use discontinues or fails to commence as stipulated in this Zoning Ordinance, the Director will issue written notification to the property owner. Ten (10) days after issuance of this notice, the Director shall issue the permit holder written notification of the specific use permit's official revocation and removal from the Zoning Map.

(10) Recordkeeping.

- (A) The specific use permit shall contain a narrative description if the specific use permit is only associated with a portion of a tract of land to be reclassified or reference to an accompanying plat if the specific use permit is associated with the entire tract of land.
- (B) A certified copy of all ordinances authorizing a specific use permit pursuant to this section shall be recorded by and at the expense of the applicant in the name of the property owner as grantor in the Collin County Clerk.

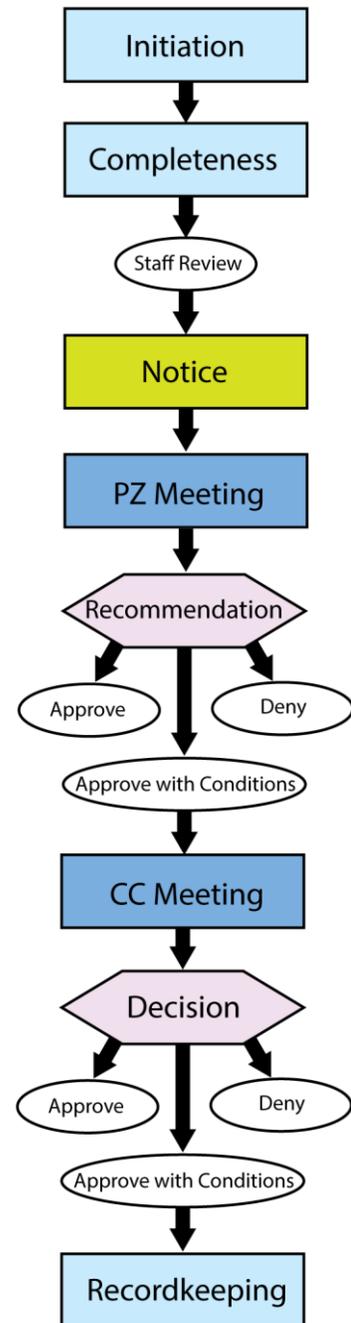
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(c) Zoning Ordinance Text Amendment.

- (1) **Applicability.** This section applies to any action of the City Council to amend or change the regulations of this Zoning Ordinance. This includes the regulations, restrictions and boundaries or classification of property contained within this Zoning Ordinance or a change to the Zoning Map initiated by the City Council.
- (2) **Initiation.** A text amendment may be initiated by:
 - (A) City Council;
 - (B) City staff;
 - (C) The Planning and Zoning Commission; or
 - (D) Application of any resident, property owner, or business owner within the City.
- (3) **Completeness.** See Sec. 9.04.050(d)(2).
- (4) **Notice and Hearing(s).**
 - (A) Noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.
 - (B) Two public hearings are required and shall comply with Sec. 9.04.050(g).
- (5) **Decision.**
 - (A) **Generally.** All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.
 - (B) **Planning and Zoning Commission Recommendation.** The Planning and Zoning Commission shall conduct a public hearing on the text amendment. The Planning and Zoning Commission shall submit its recommendation to the City Council:
 - (i) To approve the text amendment,
 - (ii) To deny the text amendment, or
 - (iii) To approve the text amendment with revisions.
 - (C) **City Council Decision.** The City Council shall consider the text amendment at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Council shall by ordinance:
 - (i) Adopt the text amendment,
 - (ii) Deny the text amendment,
 - (iii) Approve the text amendment with revisions, or
 - (iv) Remand the text amendment to the Planning and Zoning Commission.
- (6) **Standards.** A text amendment is a legislative decision that is subject to the City Council's discretion. The City Council may approve the text amendment if it:

Figure 14: Zoning Ordinance Text Amendment



- (A) Is consistent with the comprehensive plan, and
- (B) Promotes the public health, safety and general welfare.
- (7) Subsequent Applications. Not applicable.
- (8) Appeals. Not applicable.
- (9) Scope of Approval. The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions that are consistent with its standards and requirements.
- (10) Recordkeeping. The text amendment involving this Zoning Ordinance shall be codified and published as part of the Anna Code of Ordinances by the City Secretary.

Sec. 9.04.052. Site Planning Procedures

(a) Generally.

(1) Overview.

- (A) This section establishes a site plan review process for land development. The process involves a series of three plans, progressing from a general evaluation of a site and development concept to approval of a detailed development plan.
- (B) The first plan in the series is a concept plan. This plan establishes a general schematic for site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development.
- (C) The second plan in the series is a preliminary site plan. This plan presents more detailed information on building layout, parking, drives, landscaping, screening, and other site improvements. Preliminary site plan approval assures the applicant that the general layout is acceptable prior to proceeding with detailed engineering and design.
- (D) Site plan approval is the final step in the process. A site plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development. Site plan approval is required prior to the release of engineering plans and building permits.
- (E) Concept plans, preliminary site plans, and/or site plans that are submitted as a part of a rezoning or specific use permit request require review and approval by the Planning and Zoning Commission and City Council.
- (F) Concept plans, preliminary site plans, and/or site plans that contain land uses that are in conformance with existing zoning require review and approval by the Planning and Zoning Commission.
- (G) Site plans may be approved by City staff provided that they conform to preliminary plans for the development approved by either the Planning and Zoning Commission or City Council.

(2) Purpose. The purpose of this process is to:

- (A) Ensure compliance with adopted City development regulations and other applicable regulations for which the City has enforcement responsibility.
- (B) Promote safe, efficient, and harmonious use of land through application of City-adopted design standards and guidelines.
- (C) Promote stormwater quality planning into the site planning process.

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- (D) Protect and enhance the City's environmental and aesthetic quality.
 - (E) Ensure adequate public facilities to serve development.
 - (F) Prevent or mitigate adverse development impacts, including overcrowding and congestion.
 - (G) Aid evaluation and coordination of land subdivision.
- (3) Applicability. The site plan review process shall apply to:
- (A) Development within an area zoned planned development. (See Sec. 9.04.026)
 - (B) Nonresidential development.
 - (C) Multi-family residential development.
 - (D) Two-family dwelling and single-family dwelling, attached residential use developments and any mixed single-family dwelling, detached residential development that contains single-family dwelling, attached residential dwellings.
 - (E) Manufactured home parks.
 - (F) Parking lot development, reconstruction, or restriping of more than 20 spaces.
 - (G) Single-Family or Duplex Home Parks.
- (4) Exemptions. The following types of development are exempted from the requirements of this section.
- (A) Detached single-family residential dwellings.
 - (B) Agricultural buildings.
 - (C) Temporary uses and structures permitted under Sec. 9.04.039.
- (5) Submitting Applications.
- (A) Before preparing a concept plan, preliminary site plan, or site plan, the applicant shall meet with the City as required in Sec. 9.04.050(c). The purpose of the meeting is to review potential site design before formal submittal. A pre-application meeting (PAM) checklist can be obtained from the City Planning & Development webpage.
 - (B) Applications for approval of plans required by this Article must be submitted to the Director. A calendar of official submittal dates for items requiring Planning and Zoning Commission and City Council approval shall be published by the City 30 days prior to the beginning of each year. All applications received on a date other than an official submittal date shall be scheduled for consideration on the next official submittal date. An application or plan is considered filed on the date the applicant delivers the application or plan to the Development Services Department or deposits the application or plan with the United States Postal Service by certified mail addressed to the Development Services Department. Complete applications requiring Planning and Zoning Commission and City Council approval shall be placed on the meeting agenda of the Planning and Zoning Commission no later than 28 days following the official date of submittal. Items authorized for staff approval only may be submitted at any time during normal office hours. Complete applications authorized for staff approval shall be acted upon by the Director within 30 days (see Sec. 9.04.052(h)).
- (6) Fees, Forms, and Procedures.
- (A) Fees shall be established in accordance with Sec. 9.04.003(c).

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- (B) The Director may establish procedures, forms, and standards with regard to the content, format, graphics and number of copies of information constituting an application for concept plans, preliminary site plans, and site plans for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.
- (C) All site planning checklists of items to be included can be obtained from the City.

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(b) Concept Plan.

(1) Generally. A concept plan is the initial plan required in the site plan review process. This plan is a general site assessment and development concept. A concept plan defines a basic schematic design for development. The purpose of a concept plan is to:

- (A) Evaluate the site's natural condition, including vegetation, topography, drainage, surface, and subsurface factors affecting the site's development.
- (B) Determine building sites and the use, intensity, bulk, and height of structures to be constructed.
- (C) Locate public streets and rights-of-way, and determine points of ingress and egress between the development and public streets, including median breaks and turn lanes.
- (D) Determine primary routes of vehicular circulation and parking areas internal to the development.
- (E) Delineate development phasing.
- (F) Other purposes related to the establishment of a planned development district. (See Sec. 9.04.026)

(2) Applicability.

(A) Properties within a Planned Development.

- (i) Except as provided below, a concept plan is required for all development within an area zoned planned development.
- (ii) The concept plan must include all property contained within a planned development district.

(B) Properties Outside a Planned Development.

- (i) For property outside of a planned development district, the plan must include all contiguous property of common ownership unless the site is an approved platted lot.
- (ii) A preliminary site plan may be submitted in lieu of a concept plan (see Sec. 9.04.052(c)).

(3) Application Procedure and Requirements.

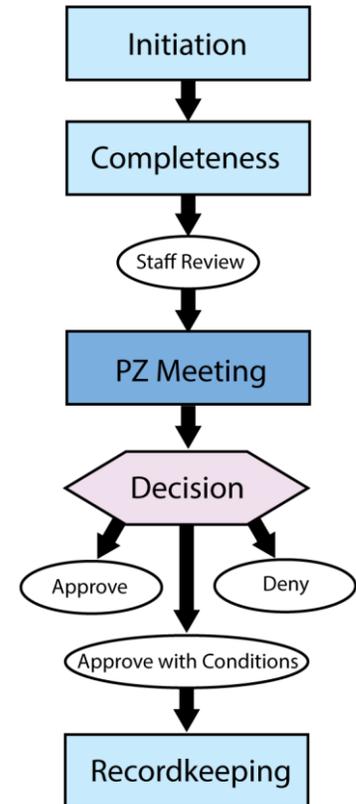
(A) Pre-Application. Before preparing a concept plan, the applicant shall meet with the City as required in Sec. 9.04.050(c).

(B) Submitting Applications. The property owner or listed project representative shall file an application for the approval of a concept plan as required in Sec. 9.04.050(d).

(C) Standards of Approval.

- (i) The Planning & Zoning Commission and City Council may approve, conditionally approve, table, or deny a concept plan based on the plan's:

Figure 15: Concept Plan Flowchart



- a. Compliance with the Comprehensive Plan.
 - b. Compliance with the Zoning Ordinance and other applicable Planning and Development Regulations.
 - c. Impact on the site's natural resources and effect on adjacent area, property, and land use.
- (ii) Concept plans that are submitted as a part of a rezoning or specific use permit request require City Council approval.
- (D) Effect. Approval of a concept plan by either the Planning and Zoning Commission or City Council constitutes authorization by the City for the property owner to submit an application for approval of a preliminary site plan subject to compliance with any condition attached to the approval of the concept plan. As long as the concept plan remains valid, the location of streets, drives, median breaks, and curb cuts shall remain fixed and any subsequently prepared plan for an adjacent property or property located on the opposite face of a public street abutting the site shall coordinate its circulation system to the earlier approved, valid concept plan. Except when authorized, a concept plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply. Where approved, valid concept plans delineate areas as separate phases of development, each phase may be independently planned and developed provided that it is in accordance with the concept plan and other applicable regulations.
- (E) Lapse. Concept plan approval shall expire 2 years following the date of its original approval.

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(c) Preliminary Site Plan.

(1) Generally. A preliminary site plan is the second plan in the site plan approval process. The purpose of the plan is to:

- (A) Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
- (B) Determine the placement, configuration, coverage, size, and height of buildings.
- (C) Determine the design of public street improvements and rights-of-way, the design and location of drives, aisles, and parking.
- (D) Determine location and preliminary design of open space, landscaping, walls, screens, and amenities.
- (E) Determine the preliminary design of drainage facilities and utilities.

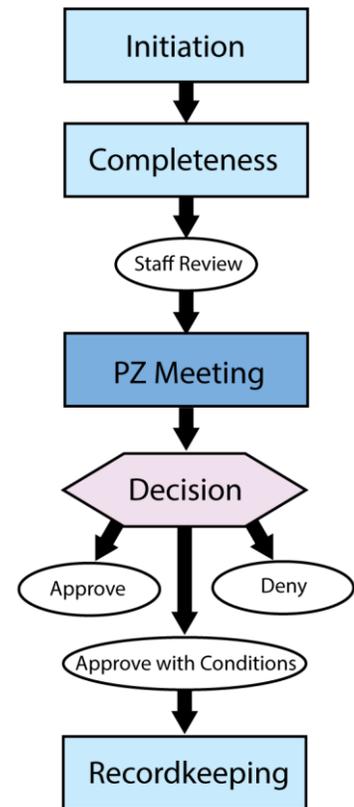
(2) Applicability.

- (A) Generally. Except as provided in Sec. 9.04.052(d)(2), an approved, valid preliminary site plan shall be required prior to the consideration of a site plan.
- (B) Properties within Planned Development. The preliminary site plan must include all property contained within a planned development district, except as permitted as a freestanding phase of development shown on an approved, valid concept plan.
- (C) Properties Outside a Planned Development. For property outside of a planned development district, the plan must include all contiguous property of common ownership unless the site is an approved platted lot or as permitted as a freestanding phase of development shown on an approved, valid concept plan.

(3) Application Procedures and Requirements.

- (A) Pre-Application. Before preparing a preliminary site plan, the applicant shall meet with the City as required in Sec. 9.04.050(c).
- (B) Standards of Approval.
 - (i) The Planning and Zoning Commission and City Council may approve, conditionally approve, table, or deny a preliminary site plan based on:

Figure 16: Preliminary Site Plan Flowchart



- a. Conformance with the Comprehensive Plan.
 - b. Compliance with the Zoning Ordinance and other applicable Planning and Development Regulations and previously approved, valid plans for the property.
 - c. Compliance with previously approved, valid site-specific stormwater quality plan.
 - d. Impact on the site's natural resources and effect on adjacent and area property and land use.
 - e. Safety and efficiency of vehicular and pedestrian circulation, traffic control, and congestion mitigation.
 - f. Safety and convenience of off-street parking and loading facilities.
 - g. Access for firefighting and emergency equipment to buildings.
 - h. Use of landscaping and screening to shield lights, noise, movement, or activities from adjacent properties and to complement the design and location of buildings and parking.
 - i. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (ii) Preliminary site plans that are submitted as a part of a rezoning or specific use permit request require City Council approval.
- (C) Effect. Approval of a preliminary site plan by the Planning and Zoning Commission or City Council shall constitute authorization by the City for the owner to submit an application for final site plan approval for development of the entire site or a portion thereof provided that the site plan conforms to the preliminary site plan and any conditions attached to its approval. As long as the preliminary site plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts, and parking shall remain fixed except as to permit minor adjustments resulting from subsequent engineering improvements or to prevent a condition affecting public health or safety which was not known at the time of approval. Except where authorized by ordinance, a preliminary site plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.
- (D) Lapse. The approval of a preliminary site plan shall be effective for a period of 2 years from the date that the preliminary site plan is approved by the Planning and Zoning Commission or City Council, at the end of which time the applicant must have submitted and received approval of a site plan. If a site plan is not approved within 2 years, the preliminary site plan approval is null and void. If site plan approval is only for a portion of the property, the approval of the preliminary site plan for the remaining property shall be null and void. The applicant shall be required to submit a new preliminary site plan for review and approval subject to the then existing regulations.

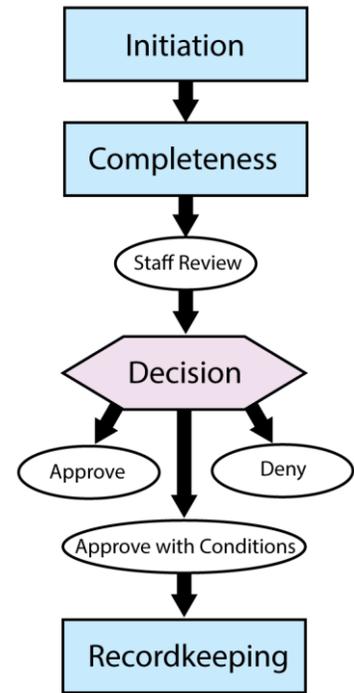
Article 9.04. Zoning Ordinance

Division 5. Procedures

(d) Site Plan.

- (1) Generally. A site plan is the final plan required in the site plan approval process. The site plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:
 - (A) Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
 - (B) Coordinate and document the design of public and private improvements to be constructed.
 - (C) Coordinate the subdivision of land, including the granting of easements, development agreements, and provision of surety.
- (2) Applicability. An approved, valid site plan shall be required prior to the approval of any construction plan and permit for all development specified in Sec. 9.04.052(a)(3). An approved, valid preliminary site plan is required prior to the consideration of a site plan except as provided below:
 - (A) Development of a single building not exceeding 5,000 square feet.
 - (B) Development of a single building on one lot not exceeding 1 acre (net) and where the lot is not being subdivided from a larger property.
 - (C) Development of parking or outside storage areas.
 - (D) Development of utilities and non-occupied structures.
 - (E) Development of outdoor recreation structures and amenities.
- (3) Application Procedures and Requirements.
 - (A) Pre-Application. Before preparing a site plan, the applicant shall meet with the City as required in Sec. 9.04.050(c).
 - (B) Additional Requirements. In addition to meeting the requirements for site plan approval, the following approvals may be necessary prior to authorization for development (if applicable to the project):
 - (i) Preliminary or final plat or replat;
 - (ii) Engineering plans;
 - (iii) Stormwater quality plan;
 - (iv) Traffic Impact Analysis;
 - (v) Landscape and irrigation plans;
 - (vi) Tree preservation plan;
 - (vii) Other approvals as required by ordinance.
 - (C) Standards of Approval.
 - (i) Director Approval.

Figure 17: Site Plan Flowchart



- a. Where application for site plan approval is made for development defined on an approved, valid preliminary site plan, the Director may approve, conditionally approve, or deny the application based upon the criteria listed in subsection (iii) below.
 - b. The applicant may appeal the Director's decision to the City Council by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of their action.
- (ii) Planning and Zoning Commission Approval.
- a. The Planning and Zoning Commission shall consider all applications for site plan approval for development not requiring a preliminary site plan, or the proposed site plan constitutes a major amendment to an approved, valid preliminary site plan.
 - b. The Planning and Zoning Commission may approve, conditionally approve, table, or deny a site plan based upon the criteria listed in subsection (iii) below:
- (iii) Approval Criteria.
- a. Conformance with the Comprehensive Plan.
 - b. Compliance with the Zoning Ordinance and other applicable Planning and Development Regulations and previously approved, valid plans for the property.
 - c. Compliance with previously approved, valid site-specific stormwater quality plan.
 - d. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - e. The width, grade, and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
 - f. The use of landscaping and screening:
 - 1. To provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.
 - 2. To complement the design and location of buildings and be integrated into the overall site design.
 - g. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - h. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
 - i. Protection and conservation of water courses and areas subject to flooding.
 - j. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.
- (D) Effect. Approval of a site plan is the City's authorization to apply for approval of building permits and to receive approval of engineering plans. So long as the site plan remains valid, the City shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping, or screening. Site plan approval is separate and distinct from other permits and approvals as may be required by the City and other regulatory agencies. Approval of a site plan shall not affect other applicable regulations concerning development and land use. Except where authorized by ordinance, a site plan may not be used to approve a variance to development

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regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

- (E) Lapse. The approval of a site plan shall be effective for a period of 2 years from the date of approval by the Planning and Zoning Commission, Director, or City Council, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the site plan approval is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the site plan for the remaining property and/or improvements shall be null and void. The applicant shall be required to submit a new site plan for review and approval subject to the then existing regulations. Site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications, and redevelopment shall be permitted in accordance with Sec. 9.04.052(d).
- (e) Amendments.
 - (1) Generally.
 - (A) At any time following the approval of a concept plan, preliminary site plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment.
 - (B) Amendments shall be classified as major and minor.
 - (C) Any concept plan, preliminary site plan, or site plan shall be in substantial conformance with the previously approved plan.
 - (2) Minor Amendments.
 - (A) Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, moving nonresidential uses within the same use category to adjacent blocks, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan.
 - (B) The Director may approve or disapprove a minor amendment.
 - (C) Disapproval may be appealed to the Planning and Zoning Commission.
 - (3) Major Amendments.
 - (A) Amendments to previously approved stormwater quality areas, and increases in building height and/or building proximity to an adjacent offsite residential use are considered major amendments.
 - (B) Major amendments may be considered by the Planning and Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of that plan.
 - (f) Extension and Reinstatement Procedure.
 - (1) Sixty (60) days prior to or following the lapse of approval for a concept plan, preliminary site plan, or site plan as provided in these regulations, the property owner may petition the Planning and Zoning Commission to extend or reinstate the approval. Such petition shall be considered at a public meeting of the Planning and Zoning Commission.
 - (2) In determining whether to grant such request, the Planning and Zoning Commission shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted regulations shall apply to the plan. The

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Planning and Zoning Commission shall extend or reinstate the plan, or deny the request, in which instance the property owner must submit a new application for approval.

- (3) The Planning and Zoning Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning and Zoning Commission may also specify a shorter time for lapse of the extended or reinstated plan than is applicable to original approvals.
- (g) Revocation of Approval. The Planning and Zoning Commission may revoke approval of a concept plan, preliminary site plan, or site plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information which affects a significant health or safety interest.
- (h) Additional Development and Redevelopment.
 - (1) Following the completion of improvements shown on an approved site plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised site plan.
 - (2) Minor expansions and redevelopment may be approved by the Director under the terms of Sec. 9.04.052(e).
 - (3) All other expansions or redevelopment shall require submittal of a revised site plan and the approval of the Planning and Zoning Commission under the requirements and procedures then in effect.

Article 9.04. Zoning Ordinance

Division 5. Procedures

Sec. 9.04.053. Relief Procedures

(a) Variances.

- (1) Applicability. The Board of Adjustment may authorize, in specific cases due to hardship, a variance from the terms of this Zoning Ordinance. [Reference: Texas Local Government Code § 211.009(a)(3)]
- (2) Initiation. An application for a zoning variance shall be filed with the Director.
- (3) Completeness. See Sec. 9.04.050(d)(2).
- (4) Notice and Hearing(s).
 - (A) Generally, noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.
 - (B) Additionally, noticing shall follow the requirements below.
 - (i) Mail notices of a public hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby, such owners and persons being determined according to the current tax rolls of the City.
 - (ii) Depositing of this written notice in the mail shall be deemed sufficient compliance.
- (5) Decision.
 - (A) The Board of Adjustment shall conduct a public hearing on the variance and shall render its decision after the hearing is closed.
 - (B) The Board of Adjustment may, in whole or in part:
 - (i) Approve the variance, or
 - (ii) Deny the variance, or
 - (iii) Approve the variance with conditions.
 - (C) The concurring vote of 4 members of the board is necessary to authorize a variance.
- (6) Approval Criteria. The Board of Adjustment shall not approve a variance unless it finds that:
 - (A) The variance is not contrary to the public interest, and
 - (B) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and
 - (C) The spirit of the varied provision is observed and substantial justice is done.
- (7) Subsequent Applications. If the variance request is denied, the applicant shall not submit a variance request of similarity on the same property for at least twelve (12) months.
- (8) Appeals. A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.
- (9) Scope of Approval. After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.
- (10) Recordkeeping. The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

- (b) Interpretation.
 - (1) Applicability. The Director has the authority to make written interpretations concerning the text of this Zoning Ordinance and the zoning map.
 - (2) Initiation. A request for interpretation shall be submitted to the Director on a form established by the Director and made available to the public.
 - (3) Completeness. See Sec. 9.04.050(d)(2).
 - (4) Notice and Hearing(s). Not applicable.
 - (5) Decision. The Director may, at their discretion, take any of the following actions:
 - (A) Review and evaluate the request;
 - (B) Consult with other staff as necessary;
 - (C) Render an opinion; and
 - (D) Provide the interpretation to the applicant in writing by regular mail.
 - (6) Standards. The Director shall consider this Zoning Ordinance, the zoning map, the comprehensive plan, and any other relevant information.
 - (7) Subsequent Applications. Not applicable.
 - (8) Appeals. See Sec. 9.04.050(m).
 - (9) Scope of Approval. An interpretation does not authorize the development or use of property. After an interpretation is issued, the applicant or any other person may file an application to develop or use property pursuant to this Zoning Ordinance, and the decision-maker shall take the interpretation into consideration.
 - (10) Recordkeeping. The Director shall maintain an official record of interpretations that shall be available for public inspection during normal business hours.

Article 9.04. Zoning Ordinance

Division 6. Nonconformities

Division 6. Nonconformities

Sec. 9.04.054. Purpose

This Division governs uses, buildings, structures, lots, and other situations that came into existence legally prior to the effective date of this Zoning Ordinance or the effective date of future amendments to this Zoning Ordinance, but do not comply with or conform to one or more requirements of this Zoning Ordinance. All such situations are collectively referred to as “nonconformities”.

Sec. 9.04.055. General Policy

While existing legal nonconformities may continue, this Division is designed to curtail substantial investment in nonconformities to bring about their eventual improvement or elimination to preserve the integrity of this Zoning Ordinance and the character of Anna. Any existing legal nonconformity or site condition that becomes nonconforming because of any subsequent rezoning or amendment to this text of this Zoning Ordinance may be continued or maintained only pursuant to this Division. Also, this Division intends to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and establish requirements.

Sec. 9.04.056. Applicability

- (a) This Division applies to any nonconformity. A “nonconformity” means any of the following on the effective date:
 - (1) Nonconforming use (Sec. 9.04.058),
 - (2) Nonconforming structure (Sec. 9.04.059),
 - (3) Nonconforming lot (Sec. 9.04.060), or
 - (4) Nonconforming site features (Sec. 9.04.061).
- (b) For purpose of this Division, the “effective date” means the effective date of this Zoning Ordinance or any amendment to this Zoning Ordinance that creates a nonconformity.

Sec. 9.04.057. Generally

- (a) Continuation of Nonconformities. Except provided below, the lawful use of a building or structure existing at the time of the adoption of this Zoning Ordinance may continue, even if the existing use, building, or structure does not conform to the provisions of this Zoning Ordinance for the district where it is located.
- (b) Removal of Building or Structure. If a nonconforming use, building, or structure is removed from a lot, the nonconformity terminates. Any use, building, or structure established or constructed after that time shall comply with the provisions of this Zoning Ordinance in effect at that time.
- (c) Replacing Damaged Buildings or Structures.
 - (1) If a nonconforming building or structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the Zoning Ordinance.
 - (2) In the case of partial destruction of a nonconforming building or structure not exceeding 75% of its reasonable value, reconstruction will be permitted by size and function, and cannot be expanded.

- (3) A nonconforming building or structure or group of nonconforming buildings or structures that is damaged by fire, flood, explosion, earthquake, war, or riot, may be reconstructed or replaced subject to this Division and erected as before if:
 - (A) The application for a permit is submitted within 12 months of the disaster,
 - (B) The restored or reconstructed building or structure does not exceed the square footage of the area as it existed before the disaster, and
 - (C) The building or structure meets the Anna Building Code.
- (d) Public Services. Pursuant to Texas Local Government Code § 211.013(b), this Division does not require the removal or destruction of property that exists as of the effective date that is actually and necessarily used in a public service business. A “public service business” means a public utility or a business of like character.
- (e) Annexation. The use of land after the City annexes territory is subject to Texas Local Government Code § 43.002.
- (f) Applications. The City will not process applications if there is a nonconformity, unless:
 - (1) The application brings the property into conformity with this Zoning Ordinance; or
 - (2) The application is otherwise permitted by this Zoning Ordinance.

Sec. 9.04.058. Nonconforming Use

- (a) Applicability. This section applies to any “nonconforming use,” defined as a use that lawfully occupies a building or land on the effective date and that:
 - (1) Is no longer permitted in the applicable zoning district, or
 - (2) Would require a specific use permit in the applicable zoning district.
- (b) Generally. No existing building, structure, or premises devoted to a use not permitted by this Zoning Ordinance shall be enlarged or structurally altered unless required by law or court order, except as provided below.
- (c) Discontinuance of Use. A building, structure, lot, or parcel where a nonconforming use is discontinued for at least one year, regardless of the intent of the owner or occupant of the premises, may not be occupied by a nonconforming use after that time.
- (d) Change in Nonconforming Uses.
 - (1) A nonconforming use may change to a conforming use. After a nonconforming use changes to a conforming use, it may not change back to a nonconforming use.
 - (2) A nonconforming use conducted in a structure may change to another use within the same definition if it is not relocated or expanded.
 - (3) A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not change to any other nonconforming use.
 - (4) A nonconforming use of any classification shall not be added where there is already an existing nonconforming use.

Article 9.04. Zoning Ordinance

Division 6. Nonconformities

- (e) Expansion or Enlargement of Nonconforming Uses. A nonconforming use may be extended only within the premises on which the nonconforming use was located on the effective date. "Premises" means the building in which the use is occurring and the accessory buildings, appurtenances, driveways, parking, and loading spaces.

Sec. 9.04.059. Nonconforming Structures

- (a) Applicability. This section applies to any "nonconforming structure." A "nonconforming structure" means a building or structure that:
 - (1) Lawfully exists on the effective date of this Zoning Ordinance or any amendment to this Zoning Ordinance that would cause the building or structure not to comply with this Zoning Ordinance, and
 - (2) Does not conform to all of the regulations of the zoning district in which it is located.
- (b) Continuance of Nonconforming Structures. Except as provided below, any nonconforming structure may be occupied and operated if maintained in a state of good repair.
- (c) Expansion.
 - (1) A nonconforming structure on a lot may expand one time by as much as 25% of the building's square footage if:
 - (A) The expansion does not encroach into required setbacks,
 - (B) Paved parking, sidewalks, and landscaping, as required by this Zoning Ordinance, are provided, and
 - (C) The nonconforming building or structure is screened and buffered from adjacent uses and zones as determined by Sec. 9.04.045.
 - (2) The expansion is allowed only if authorized by the Director.
 - (3) The expansion shall conform to all zoning district and development standards of this Zoning Ordinance and shall not create a new nonconformity.

Sec. 9.04.060. Nonconforming Lots

- (a) Applicability. This section applies to any nonconforming lot. A "nonconforming lot" is a lot of record that, on the effective date of this Zoning Ordinance or any ordinance that establishes a minimum or maximum lot area, frontage, or lot width, is:
 - (1) Not in compliance with the minimum or maximum lot area, frontage, or lot width, and
 - (2) Lawfully existing and of record, and
 - (3) Held in separate and different ownership from any lot immediately adjoining and having continuous frontage.
- (b) New Construction. In all districts, a nonconforming lot may be used as the building site for any use permitted in that district. No newly created or platted lot shall result in a nonconforming lot.

Sec. 9.04.061. Nonconforming Site Features

- (a) Applicability. This section applies to any nonconforming site features.
 - (1) A "Nonconforming Site Feature" is a situation that occurs when, on the effective date:
 - (A) An existing site feature on a lot (including but not limited to parking areas, sidewalks, and landscaping) that was in compliance with the standards at the time of its establishment but that no longer conforms to the applicable regulations of this Zoning Ordinance, or
 - (B) The lot does not include site features required by this Zoning Ordinance for any existing use, building, or structure on the lot.
- (b) Generally. On lots with nonconforming site improvements, each section in Division 4 establishes when compliance is required, unless:
 - (1) The nonconforming site improvements are brought into complete conformity with the regulations applicable to the use, building, structure, or zoning district, or
 - (2) The activity is authorized by the Planning and Zoning Commission.
- (c) Nonconforming Site Approval. When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site improvement, the Planning and Zoning Commission may approve a site plan (see Division 5) allowing the addition, repairs, or renovation if:
 - (1) Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements are not reasonably possible; and
 - (2) The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety; and
 - (3) If needed, the owner commits to other site design measures to reduce negative impacts associated with the nonconformity or to accomplish the purpose of the required site improvement.

Article 9.04. Zoning Ordinance

Division 7. Enforcement

Division 7. Enforcement

Sec. 9.04.062. Generally

- (a) This Division establishes procedures the City uses to ensure compliance with the provisions of this Zoning Ordinance and obtain corrections for violations. It also institutes the remedies and penalties that apply to Zoning Ordinance violations.
- (b) For any violation not encompassed by this Division, the Director may issue a citation in Municipal Court stating the alleged violation, the date of the violation, and the section of the Zoning Ordinance violated. Each day during which any violation of this Division occurs or continues is a separate offense and upon conviction is punishable as provided in this Division.

Sec. 9.04.063. Violations

Any of the following violates this Zoning Ordinance and is subject to the remedies and penalties provided for in this Division.

- (a) Buildings or Structures. To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this Zoning Ordinance or a condition of approval.
- (b) Use of Land. To use any land or premises in a manner inconsistent with the requirements of this Zoning Ordinance or a condition of approval.
- (c) Establish Use or Structure Without Permit or Approval. To establish or place any use or structure upon land that is subject to this Zoning Ordinance without all of the approvals required by this Zoning Ordinance.
- (d) Development or Subdivision Without Permit or Approval. To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Zoning Ordinance without all of the approvals required by this Zoning Ordinance.
- (e) Development, Subdivision, or Use Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.
- (f) Development, Subdivision, or Use Inconsistent with Conditions of Approval. To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
- (g) Development or Subdivision Inconsistent with this Zoning Ordinance. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, or other regulation of this Zoning Ordinance.
- (h) Making Lots or Setbacks Nonconforming. To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than prescribed by this Zoning Ordinance.
- (i) Increasing Intensity or Density of Use. To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Zoning Ordinance.
- (j) Removing or Defacing Required Notice. To remove, deface, obscure, or otherwise interfere with any notice required by this Zoning Ordinance.
- (k) Generally. Any other action, or failure to act, that does not comply with a requirement of this Zoning Ordinance or a lawful condition of approval.

Sec. 9.04.064. Responsible Persons

- (a) Any person who violates this Zoning Ordinance is subject to the remedies and penalties expressed in this Division.
- (b) If a person causing a zoning violation is a renter, lessor, or contractor, the Director may notify the owner and the renter, lessor, and/or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the zoning violation and the owner is ultimately responsible to ensure that the violations are corrected.

Sec. 9.04.065. Enforcement Responsibility

The Director holds primary responsibility for enforcing all provisions of this Zoning Ordinance. Other City officials, designated by the City Manager, share responsibility for enforcing provisions of this Zoning Ordinance.

Sec. 9.04.066. Enforcement Procedures

- (a) Remedies and Enforcement Powers. The City has the following remedies and enforcement powers.
- (b) Generally. If Sec. 9.04.063 applies, the City may institute any appropriate action or proceedings:
 - (1) To prevent any unlawful erection, maintenance, or use,
 - (2) To restrain, correct, or abate the violation,
 - (3) To prevent the occupancy of a building, structure, or land, or
 - (4) To prevent any illegal act, conduct, business or use in or about the premises.
- (c) Notice of Violation.
 - (1) When any building or use is erected, constructed, built, reconstructed, altered, or maintained in violation of this Zoning Ordinance, the property owner, other responsible party, property owner, lessee, management, or tenant shall be served with a written notice that states the violation and requires compliance with this Zoning Ordinance no more than ten (10) days from service.
 - (2) The notice may be served in person or by depositing the same as certified in the United States Postal Service addressed to the property owner at the owner's address (i.e., as shown on the most current tax roll of the City), or the tenant (i.e., as shown on the utility billing records of the city). If the City mails the notice to the property owner and the U.S. Postal Office returns it as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered delivered.
- (d) Withhold Permit.
 - (1) The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of a Zoning Ordinance provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
 - (2) The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a Zoning Ordinance provision or a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.

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- (e) Permits Approved with Conditions. Instead of withholding or denying a permit or other authorization, the City may grant authorization subject to a corrected violation condition.
- (f) Revoke Permits. Any development permit or other form of authorization required in this Zoning Ordinance may be revoked, including revocation of a certificate of occupancy.
- (g) Stop Work. With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of Zoning Ordinance provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes.
- (h) Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any violation of this Zoning Ordinance or of a permit, certificate, or other form of authorization granted.
- (i) Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.
- (j) Civil Action and Administrative Adjudication. The City may enforce the provisions of this Zoning Ordinance through civil action.
 - (1) Civil action, as per state law; and
 - (2) Administrative adjudication under Municipal Court Chapter, Article IX, as amended, and Texas Local Government Code Chapter 54, Subchapter C, as amended.
- (k) Withhold Public Services
 - (1) The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.
 - (2) Unless a plan, plat, or replat is approved in the manner and by the authorities provided for in this Zoning Ordinance, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled, or distributed by the City for the use of the owners or purchasers of the plat or plan.
- (l) Other Remedies. The City may have other remedies provided by law for zoning, subdivision, or related Zoning Ordinance provision violations.
- (m) Other Powers. In addition to the enforcement powers specified in this Division, the City may exercise any and all enforcement powers granted by law.
- (n) Continuation. Nothing in this Zoning Ordinance prohibits the continuation of previous enforcement actions undertaken by the City by previous and valid ordinances and laws.

Sec. 9.04.067. Cumulative Remedies

The remedies and enforcement powers established in this Division are cumulative, and the City may exercise them in any order or combination at any time.

Sec. 9.04.068. Penalties

Any person or corporation who violates any of the Zoning Ordinance provisions or fails to comply with any of the requirements, or who builds or alters any building or use in violation of any detailed statement or plan submitted and approved, is guilty of a misdemeanor punishable under this section.

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Division 7. Enforcement

- (a) The owner or owners or tenant of any building or premises or part, where anything in violation of this Zoning Ordinance exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any Zoning Ordinance violation are guilty of a separate offense punishable under this section.
- (b) A person who violates any provision of this Division by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.
- (c) If the definition of an offense under this Division does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a \$500 maximum fine). Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, this offense is punishable by a \$2,000 maximum fine.
- (d) If the definition of an offense under this Division prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense is punishable by a \$2,000 maximum fine.

Division 8. Decision-Making Bodies

Sec. 9.04.069. Generally

This Division introduces and establishes decision-making bodies, describes their composition, and summarizes their authority.

Sec. 9.04.070. Development Services Department

The Development Services Department serves as an administrative and staff decision-making body responsible to the Mayor, City Manager, City Council, Planning and Zoning Commission, and Board of Adjustment. The Development Services Department and the Director have authority for processing proposals to change the text and map of this title and for processing zoning and special permit applications, site planning applications, and Board of Adjustment applications.

Sec. 9.04.071. City Council

The City Council serves as a decision-making body responsible to the Mayor, City Manager, and the City's residents. The City Council is established in Article 4.03 of the City Charter and shall follow those regulations, as applicable.

Sec. 9.04.072. Director

- (a) Appointment. See Article 4.05 of the City Charter.
- (b) Powers and Duties. The Director has the following duties and responsibilities:
 - (1) To advise the City Manager on any matter affecting the physical development of the City.
 - (2) To formulate and recommend to the City Manager a comprehensive plan and modifications.
 - (3) To review and make recommendations regarding proposed City Council action implementing the comprehensive plan.
 - (4) To participate in capital program preparations and revisions.
 - (5) To advise the Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.
 - (6) To keep the official zoning map current and the copies, by entering any changes that the City Council may order by amendments to the Zoning Ordinance and Map.
 - (7) To investigate complaints about violations of this Zoning Ordinance.
 - (8) To provide written notification to the person responsible for zoning violation(s), ordering the necessary action to correct violations, and order:
 - (A) Discontinuance of illegal uses of land, buildings, or structures.
 - (B) Removal of illegal buildings or structures or illegal additions or structural additions.
 - (C) Discontinuance of any illegal work.
 - (9) To provide any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violation(s).

Sec. 9.04.073. Planning and Zoning Commission

- (a) Creation. There is hereby created a Planning and Zoning Commission that shall be organized, appointed, and function as follows:
- (1) The Planning and Zoning Commission shall consist of seven members who are residents of the City, each to be appointed by the City Council for a staggered term of two years and removable without cause by an affirmative vote of majority of the full membership of the City Council.
 - (2) Vacancies shall be filled by the City Council for the unexpired term of any member whose place becomes vacant for any cause.
 - (3) A chairperson, vice chairperson, and secretary shall be selected in accordance with the City's home-rule charter.
 - (4) The terms of four members shall expire in May of each odd-numbered year and the terms of three of the members shall expire in May of each even-numbered year.
 - (5) Planning and Zoning Commission members may be appointed to succeed themselves but no member may serve on the Planning and Zoning Commission for more than three consecutive terms, exclusive of any unexpired term to which the member may have been appointed to fill a vacancy on the Planning and Zoning Commission.
 - (6) Newly appointed members shall be installed at the first regular Planning and Zoning Commission meeting after their appointment.
- (b) Organization.
- (1) The Planning and Zoning Commission shall hold an organizational meeting in July of each year or as soon thereafter as is practical.
 - (2) The Planning and Zoning Commission shall meet regularly and shall designate the time and place of its meetings.
 - (3) The Planning and Zoning Commission shall adopt its own rules of procedure, subject to City Council approval, and keep a record of its proceedings consistent with the provisions of this Zoning Ordinance and the requirements of law.
- (c) Powers and Duties. The Planning and Zoning Commission is charged with the duty and invested with the authority to:
- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.
 - (2) Recommend to the City Council approval or disapproval of proposed changes in the zoning plan.
 - (3) Formulate and recommend to the City Council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
 - (4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Chapters 211 and 213, Texas Local Government Code, as amended, authorizing municipalities to pass zoning regulations; all powers granted under those statutes are specifically adopted and made a part of this Zoning Ordinance.

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- (5) Exercise all the powers of a commission as to recommendations to the City Council relating to approval or disapproval of plans, plats, amending plats, or replats set out in Chapter 212, Texas Local Government Code, as amended.
 - (6) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.
 - (7) Study and recommend the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
 - (8) Study and recommend the design or alteration and on the location or relocation of works that are City property or may become City property.
 - (9) Initiate, in the name of the City, for consideration at public hearing all proposals:
 - (A) For the opening, vacating, or closing of public rights-of-way, parks, or other public places; or closing of public rights-of-way, parks, or other public places; or
 - (B) For the change of zoning district boundaries on an area-wide basis, no fee shall be required for the filing of any such proposal in the name of the City.
 - (10) Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the City.
 - (11) Submit each May a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of commission officers.
- (d) Meeting and Quorum.
- (1) A quorum for the conduct of business shall consist of four members of the Planning and Zoning Commission.
 - (2) The members of the Planning and Zoning Commission shall regularly attend meetings and public hearings of the Planning and Zoning Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

Sec. 9.04.074. Board of Adjustment

- (a) Creation. There is hereby created a Board of Adjustment that shall be organized, appointed, and function as follows:
- (1) The Board of Adjustment shall consist of five members who are residents of the City or its extraterritorial jurisdiction, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing.
 - (2) Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made.
 - (3) The City Council may appoint two alternate members who shall serve in the absence of one or more of the regular members when requested to do so by the chairperson or City Manager, as the case may be.
 - (4) The terms of three members shall expire in May of each odd-numbered year, and the terms of two of the members shall expire in May of each even-numbered year.
 - (5) Board of Adjustment members may be appointed to succeed themselves.

- (6) Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years.
- (7) Newly appointed Board of Adjustment members shall be installed at the first meeting after their appointment.
- (b) Organization.
 - (1) The Board of Adjustment shall hold an organizational meeting in June of each year.
 - (2) The Board of Adjustment shall meet regularly and shall designate the time and place of its meetings.
 - (3) The Board of Adjustment shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this Zoning Ordinance and the requirements of law.
- (c) Powers and Duties Pursuant to Texas Local Government Code § 211.009.
 - (1) Appeals based on error. The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official of the City in the enforcement of this Zoning Ordinance.
 - (2) Limitation on reapplications. When the Board of Adjustment has denied a proposal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of denial. Applications which have been withdrawn at or before the Board of Adjustment meeting may be resubmitted at any time for hearing before the Board of Adjustment.
 - (3) Vote of four members required. The concurring vote of four members of the Board of Adjustment is necessary to:
 - (A) Reverse an order, requirement, decision, or determination of an administrative official;
 - (B) Decide in favor of an applicant on a matter on which the Board of Adjustment is required to pass; or
 - (C) Authorize a variation from the terms of a zoning ordinance.
- (d) Decision on Appeals. The Board of Adjustment shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.
- (e) Variances. The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance will result in unnecessary hardship and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done, including the following:
 - (1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
 - (2) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this article relating to the construction or alterations of buildings or structures will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Zoning Ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will

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alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this article and at the same time, the surrounding property will be properly protected.

- (3) The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision, or determination made by the building inspector in the enforcement of this Zoning Ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:
 - (A) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
 - (B) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (C) To grant a permit for the extension of a use, height, or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this article.
 - (D) To permit the reconstruction of a nonconforming building that has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 90% of its fair market value, where the Board of Adjustment finds some compelling necessity requiring a continuance of the nonconforming use.
 - (E) To waive or reduce the parking and loading requirements in any of the districts, when:
 - (i) The character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or
 - (ii) Such regulations would impose an unreasonable hardship upon the use of the lot.
 - (F) The Board of Adjustment shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- (f) Special Exceptions. The Board of Adjustment may hear and decide special exceptions to the terms of this Zoning Ordinance when the regulations require the Board of Adjustment to do so. Special exceptions shall follow the requirements in Sec. 9.04.053.
- (g) Changes.
 - (1) The Board of Adjustment shall have no authority to change any provisions of this Zoning Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board of Adjustment may not change the district designation of any land either to a more or less restrictive zone.
 - (2) It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the building official and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

Division 9. Legal Provisions

Sec. 9.04.075. Relationship

- (a) Generally. See Texas Local Government Code § 211.013 (Conflict with Other Laws). Except as provided in the above-referenced statute, if any provision of this Zoning Ordinance conflicts with state or federal law, state or federal law controls.
- (b) Interpretation.
 - (1) Specific provisions control over general provisions.
 - (2) If a conflict exists between different provisions of this Zoning Ordinance, the most restrictive standard applies.
 - (3) If there are multiple interpretations of this Zoning Ordinance because the meaning of a provision is unclear, these restrictive interpretation applies.
 - (4) Any reference to a number in this Zoning Ordinance includes a fraction of that number, unless otherwise provided.
 - (5) Any reference to a building, structure, tract, block, or lot includes any portion or portions of those features, unless otherwise indicated.
- (c) Plat Restrictions.
 - (1) Nothing in this Zoning Ordinance invalidates any approved plat restriction, nor any provision of adopted building codes.
 - (2) Building setback lines included in an approved and recorded subdivision plat control over general setback provisions required under the zoning provisions of this Zoning Ordinance.
- (d) Building Code Requirements.
 - (1) No building setback shall be less than that specified for the type of construction proposed by adopted building codes.
 - (2) The Board of Adjustment has no authority to reduce any building setback required under adopted building codes.

Sec. 9.04.076. Private Restrictions

This Zoning Ordinance does not abrogate any deed restriction, covenant, easement, or any other private agreement or restriction on the use of land. However, if the provisions of this Zoning Ordinance are more restrictive or impose higher standards than any private restriction, the requirements of this Zoning Ordinance control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Zoning Ordinance, the private restrictions control if properly enforced by a person having the legal right to enforce those restrictions. The City does not enforce private restrictions.

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Division 9. Legal Provisions

Sec. 9.04.077. Severability

If any division, section, paragraph, subdivision, clause, phrase, or provision of this Zoning Ordinance is, for any reason, adjudged invalid or held to be unconstitutional, the invalidity or unconstitutionality of that particular division, section, paragraph, subdivision, clause, phrase, or provision so declared does not affect the validity or constitutionality of the remaining provisions of this Zoning Ordinance, but the same, and each of them, remain in full force and effect.

Sec. 9.04.078. Repeal of Existing Ordinances

- (a) Any ordinance inconsistent with the terms and provisions of this Zoning Ordinance is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this Zoning Ordinance is cumulative of other ordinances regulating the same subject matter.
- (b) Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation, or safety of persons or property enacted by the City. If any restriction, prohibition, or provision of this Zoning Ordinance conflict with those provisions or any laws of the State of Texas, or with regulations of State or Federal regulatory bodies having jurisdiction:
 - (1) If the provision of this Zoning Ordinance is not preempted, the more restrictive restriction, regulation, prohibition, or provision applies, or
 - (2) If the state or federal law preempts a provision of this Zoning Ordinance, the state or federal law applies.

Sec. 9.04.079. Effective Date

This Zoning Ordinance takes effect upon the adoption of the ordinance from which it is derived by the City Council. The provisions of this Zoning Ordinance supersede all other development regulations governing the development of land within the City. All development applications and proposals filed on or after the effective date of the ordinance from which this Zoning Ordinance is derived, whether for new developments or for add-ons or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures established in this Zoning Ordinance.

Division 10. Definitions

Sec. 9.04.080. Generally

- (a) Usage and Interpretation Rules. For the purpose of this Zoning Ordinance, certain terms or words are interpreted or defined as follows:
- (1) Words used in the present tense include the future tense;
 - (2) The singular includes the plural;
 - (3) The word “person” includes a corporation, trust, individual, and/or group of individuals;
 - (4) The term “shall” is always mandatory; and
 - (5) The term “may” is discretionary.
 - (6) A reference to an official includes a designee of that official.
 - (7) When the calculation of a number for a required standard results in a fraction, that fraction is rounded up to the next whole number.
- (b) Words and Terms Not Expressly Defined. Words and terms not expressly defined in this Division are to be construed according to the normally accepted meaning of those words or terms. Where no definition appears, then according to their customary usage in the practice of planning and engineering, as determined by the Director.

Sec. 9.04.081. Land Use Terms

The following terms are the land use types that correspond to Table 19: Use Table in Division 3.

- (a) Residential Uses
- (1) Industrialized Home (Modular Home)
Per the Texas Occupations Code Chapter 1202.002:
 - (A) Industrialized housing is a residential structure that is:
 - (i) Designed for the occupancy of one family;
 - (ii) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - (iii) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
 - (B) Industrialized housing includes the structure’s plumbing, heating, air conditioning, and electrical systems.
 - (C) Industrialized housing does not include:
 - (i) A residential structure that exceeds four stories or 60 feet in height;
 - (ii) Housing constructed of a sectional or panelized system that does not use a modular component;
or

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Division 10. Definitions

- (iii) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

(2) Live-Work Unit

A live-work unit is a Dwelling Unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. The residential unit is occupied by the business owner or manager.

(3) Manufactured Home

A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All references in this article to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified. This use does not include mobile homes.

(4) Mobile Home

A structure constructed before June 15, 1976, transportable in one or more sections that, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be used as dwelling units within the corporate limits of the City.

(5) Multi-Family Dwelling

A dwelling contained in a structure also containing other dwellings in which each unit is attached to another at one or more party walls and at either the floor or the ceiling. This includes apartments and manor-style apartments. This does not include single-family attached dwellings or duplexes.

(6) Single-Family Dwelling, Attached

A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another, in which each dwelling is located on a separate platted lot.

(7) Single-Unit or Duplex Unit Park

A parcel of land or lot under one ownership that has been planned and improved for the placement of multiple detached residential dwelling units that house one or two families for lease or rent.

(8) Single-Family Dwelling, Detached

A single-family dwelling (a building designed exclusively for occupancy by one (1) family) that is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation. Each dwelling is located on a separate platted lot.

(9) Townhome Unit

A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another, in which each dwelling is located on a parcel of land or lot under one ownership.

(10) Two-Family Dwelling (Duplex)

A building designed for occupancy by two individuals or families living independently of each other within separate units that have a common wall and are under one roof in which each dwelling is located on a separate platted lot. This use is also known as a duplex.

(b) Lodging/Group Living Uses

(1) Bed and Breakfast Facility

An owner-occupied property, other than a hotel or multiple-family dwelling that offers lodging for paying guests and that serves meals to these guests and that contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms.

(2) Boarding/Rooming House

A building, other than a hotel or multiple-family dwelling, where lodging or meals is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

(3) Dormitory

A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

(4) Hotel / Motel

A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and that is open to transient or permanent guests, or both. This use may include restaurants, club rooms, banquet halls, ballrooms, and meeting rooms as accessory uses. A hotel/motel only provides temporary lodging, and does not include multi-family or attached dwelling or any other form of permanent residence. Guests are prohibited from using a guest room or suite as a primary permanent residence.

(5) Recreational Vehicle Park

Any tract of land under single ownership, where accommodation is provided for a recreational vehicle use.

(c) Automotive Uses

(1) Auto Dealership

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of new or preowned automobiles, motorcycles, ATVs, recreational vehicles, light trucks, and trailers, to be displayed and sold on the premises, and where minor repair work and maintenance is done for those vehicles. This use does not allow for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

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(2) Auto Dealership, Used

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of used automobiles, motorcycles, ATVs, recreational vehicles, light trucks, and trailers, to be displayed and sold on the premises, and where minor repair work and maintenance is done for those vehicles. This use does not allow for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

(3) Auto Parts Sales

The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

(4) Auto Repair, Heavy

An establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, short term storage of automobiles not in operating condition, outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

(5) Auto Repair, Light

Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles.

(6) Auto Storage

The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

(7) Car Wash

A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to a gas station or other primary use.

(8) Truck Sales

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles, to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises. This use also includes the rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

(9) Truck Stop and Repair

Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and that includes facilities for dispensing fuels and other petroleum products directly into motor vehicles. Such premises may include the incidental sale of accessories or equipment for heavy load vehicles and similar commercial vehicles, overnight lodging accommodations, and/or restaurant facilities.

(d) Commercial Uses

(1) Adult Entertainment Establishment

Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of “specified anatomical areas” or “specified sexual activities,” as defined in this article. Such uses shall include but not be limited to the following:

- (A) Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified anatomical areas” or “specified sexual activities” as defined in this section.
- (B) Adult Bookstore - A commercial establishment that has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:
 - (i) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, video tapes, or other video reproductions, slides, or other visual representations that depict or describe “specified anatomical areas” or “specified sexual activities,” as defined in this section; or
 - (ii) Instruments, devices or paraphernalia that depict “specified anatomical areas” or “specified sexual activities,” or are designed for use in connection with “specified sexual activities.”
- (C) Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - (i) Person or persons who appear in a state of nudity; or
 - (ii) Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” including topless or bottomless dancers, exotic dancers, or strippers; or
 - (iii) Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations that are characterized by the depiction of “specified anatomical areas” or “specified sexual activities” as defined in this section.
- (D) Adult Motion Picture Theater - A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes or tapes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section.
- (E) Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section.
- (F) Sexually Oriented Business – An adult entertainment establishment
- (G) Nude Modeling Studio - Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

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(H) Massage Parlor - Any place where, for any form of consideration, massage, alcohol rubs, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any "specified sexual activity," or where any person providing such treatment, manipulation, or service related thereto exposes any "specified anatomical area."

(2) Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

(3) Bar (75% sales from alcohol)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premise sale of alcoholic beverages. All Bars shall meet the spacing requirements prescribed by the TABC.

(4) Brewpub/Wine Bar

A restaurant or other facility that manufactures alcoholic beverages including but not limited to beer, wine or liquor for either on-premises or off-premises retail and wholesale and consumption in quantities not considered industrial or large-scale production as determined by the City Manager or designee. The business must hold one of the following licenses or permits from the Texas Alcoholic Beverage Commission: Winery Permit (G) or Brewpub License (BP). All Brewpub/Wine Bars shall meet the spacing requirements prescribed by the TABC.

(5) Building, Materials, and Landscaping Store

The sale of new building and landscaping materials and supplies with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are either oriented to a retail customer or contractor or wholesale customer. Outdoor storage and retail sales are incidental.

(6) CBD Store

A retail store where consumers can purchase Cannabidiol (CBD) oil.

(7) Commercial Amusement, Indoor

A place where entertainment activities occur completely within an enclosed structure for a fee, including but not limited to bowling alleys, arcades, skating rinks, escape rooms, pool halls, video and pinball parlors.

(8) Commercial Amusement, Outdoor

A place where entertainment activities occur outdoors for a fee, including but not limited to miniature golf, batting cages, water slides, driving ranges, and go-cart tracks.

(9) Convenience Store

A retail store that sells everyday goods and services that may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

(10) Convenience Store, Fuel Pumps

A retail store that sells everyday goods and services that may include without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries. This use includes the sales of fuel for automobile refueling.

(11) Feed and Farm Supply

An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

(12) Financial Institution

An establishment where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below. Alternative financial services like cash advances are listed under "Pawn Shop / Pay Day Loans," below.

(13) Food Preparation and Sales

A place for preparing, cooking, baking, and selling of products on the premises.

(14) Food Truck Park

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. This use may include any necessary electrical outlets, seating/dining areas, restroom facilities, and trash receptacles needed for the food trucks daily operations.

(15) Greenhouse or Nursery

A facility, structure, or area, often artificially heated and/or cooled, used as a location for cultivating plants that are used by the grower and not sold as a commercial activity. This use also includes where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting and like instances.

(16) Grocery Store

A store primarily engaged in retailing a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry.

(17) Heavy Equipment Sales and Rental

The sales and maintenance of heavy machinery. This includes establishments primarily engaged in sales, renting, or servicing machinery and equipment for use in business, agricultural, or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. "Heavy machinery" includes office equipment, machinery tools, construction equipment, farm implements, excavation equipment, or transportation equipment.

(18) Hookah Lounge

An establishment that sells products and devices primarily for the purpose of smoking or vaping in various forms. These establishments sometime provide a contained area with a separate ventilation system for the purpose of smoking within the associated structure.

(19) Kennel

A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, or training or selling of animals is conducted as business.

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(20) Mixed-Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form. A mixed-use development may include a mixed-use building. A mixed-use building is a building with any of the following floor space configurations:

- (A) Any general retail, office, or restaurant use on the ground floor, and residential dwelling units above the ground floor or behind the non-residential floor area. The floor space above the ground floor may be occupied by nonresidential floor area in addition to dwelling units.

(21) Office

An office for professionals, such as lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

(22) Pawn Shop / Pay Day Loans

An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker). This includes short-term cash loan businesses (also known as payday loans) most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account.

(23) Personal Services

Shops and establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty salons, massage spas, barber shops, employment service, or mailing or copy shops.

(24) Portable Building Sales

An establishment that displays and sells structures that are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

(25) Postal Services

Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services. This includes those establishments that reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

(26) Private Club

An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. All Private Clubs shall meet the spacing requirements prescribed by the TABC.

(27) Restaurant

An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises.

(28) Retail Store

A shop or store that, as its primary business, sells merchandise to the public. Examples include drugstores and discount department stores, and stores that sell apparel, home improvement/furnishings, toys, electronics, or sporting goods.

(29) Radio/Television Studio

A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(30) Shopping Center

A group of primarily retail and service commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

(31) Tasting Room

A retail establishment associated with a brewery, brewpub, distillery, or winery for the sale of beer, wine, or liquors. All Tasting Rooms shall meet the spacing requirements prescribed by the TABC.

(32) Taxidermist

A facility engaged in the preserving of an animal's body via mounting or stuffing for the purpose of display or study.

(33) Theater

A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(34) Veterinarian Facility

Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. This use includes any necessary overnight care, medical treatment, and monitoring services for any boarded animal.

(e) Recreation Uses

(1) Amphitheater

An open area with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons.

(2) Athletic Field, Public

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium that may be lit for nighttime play. This use does not include professional sporting stadiums.

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(3) Athletic Field, Private

An athletic field or stadium owned and operated by a private agency or corporation for paying patrons including a baseball field, golf course, arena, football field or stadium that may be lit for nighttime play. This use includes those uses associated with professional sporting stadiums, arenas, and venues.

(4) Community Center, Public

A building or buildings dedicated to social and/or recreational activities, serving the City or a neighborhood and owned and operated by the City or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the City.

(5) Community Center, Private

A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development that is operated by an association or incorporated group for their use and benefit; not to be a commercial, for-profit business.

(6) Country Club

Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as a private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

(7) Golf Course

An area with improved with trees, greens, fairways, hazards for the sport of golf, and that may include clubhouses.

(8) Health Club

An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, access-only recreation buildings.

(9) Race Track

A facility used for the racing of motor-driven vehicles and/or animals.

(10) Sport Shooting Range

A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

(11) Park

An open recreation facility or park owned and operated by a public agency and available to the general public. A park may be privately owned.

(12) Swimming Pool

A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

(f) Public/Institutional Uses

(1) Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

(2) Civic Center

A building or complex of buildings that houses municipal offices and services and that may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

(3) Civic Club or Lodge

A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding religious land uses.

(4) College or University

An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

(5) Correctional Facility

A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

(6) Fairgrounds

An area or space either outside or within a building for the display of topic-specific goods or information. This use includes outdoor fairs, exhibitions, rodeos, and circuses.

(7) Public Library, Museum, or Art Gallery

An institution for the collection, display, and distribution of objects of art, science, or library sciences and that are sponsored by a public or quasi-public agency that is open to the general public.

(8) Religious Land Use

A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

(9) School

A public or private educational facility offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the schools of Texas.

(10) Technical School

A nonacademic establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as

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automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

(g) Industrial Uses

(1) Brewery/Distillery

The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution. All Breweries/Distilleries shall meet the spacing requirements prescribed by the TABC.

(2) Commercial Cleaning Facility

An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents.

(3) Commercial Kitchen

A place for preparing, cooking or baking of products primarily intended for off-premises distribution.

(4) Contractor's Shop and Storage Yard

The offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. This use includes storage yards (for equipment, materials [including sand, road-building aggregate or lumber], supplies and/or vehicles owned or rented by the establishment), roofing and sheet metal, fabrication of cabinetry and related millwork and carpentry, elevator maintenance and service, and Venetian blind and metal awning fabrication and cleaning. Incidental sales of materials are included within this definition.

(5) Industrial and Manufacturing, Heavy

The manufacturing, processing, and storing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

(6) Industrial and Manufacturing, Light

Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including

printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. "A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

(7) Industrial Park

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(8) Research and Development

A facility (such as a laboratory) for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development, and training.

(9) Salvage Yard

Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise. This use also includes areas in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles.

(10) Self-Storage (Mini-Warehouse)

A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

(11) Warehouse, Distribution, and Wholesale

A facility or area for the storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include:

(A) Carting,

(B) Cold storage,

(C) Distribution facilities (as defined below),

- (i) A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

(D) Dry goods wholesale,

(E) Express crating,

(F) Hauling,

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- (G) Feed locker plants,
- (H) Fulfillment centers that combine storage with call centers,
- (I) Hardware storage,
- (J) Merchant wholesalers (such as restaurant supply sales),
- (K) Warehouse or produce/fruit/food storage and wholesale structures,
- (L) Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.

(12) Wholesale Showroom Facility

An establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall maintain a minimum of 75% of its total floor area devoted to storage and warehousing not accessible to the public.

(h) Caretaking Uses

(1) Adult Day Services

A facility that offers services and activities to senior citizens, including but not limited to counseling, assistance with daily tasks, exercise, transportation, and social activities. Such facilities do not include overnight stays.

(2) Assisted Living Facility

Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

- (A) Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
- (B) Provides:
 - (i) Personal care services; or
 - (ii) Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
- (C) May provide assistance with or supervision of the administration of medication; and
- (D) May provide skilled nursing services for the following limited purposes:
 - (i) Coordination of resident care with outside home and community support services agencies and other health care professionals;
 - (ii) Provision or delegation of personal care services and medication administration as described by this subdivision;
 - (iii) Assessment of residents to determine the care required; and
 - (iv) For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

(3) Chemical Dependency Facility

Per the Texas Health & Safety Code, Section 464.001:

(A) "Chemical dependency" means:

- (i) Abuse of alcohol or a controlled substance;
- (ii) Psychological or physical dependence on alcohol or a controlled substance; or
- (iii) Addiction to alcohol or a controlled substance.

(B) "Facility" means:

- (i) A public or private hospital;
- (ii) A detoxification facility;
- (iii) A primary care facility;
- (iv) An intensive care facility;
- (v) A long-term care facility;
- (vi) An outpatient care facility;
- (vii) A community mental health center;
- (viii) A health maintenance organization;
- (ix) A recovery center;
- (x) A halfway house;
- (xi) An ambulatory care facility; or
- (xii) Any other facility that offers or purports to offer treatment.

(4) Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

(5) Child Care Facility, Daycare

An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

(6) Child Care Home (≤6 Children)

A private residence where state-licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

(7) Child Care Home (≥7 Children)

A private residence where state-licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

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(8) Clinic

A public or private, profit or nonprofit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service. This use includes physician and dental offices.

(9) Community Home for Persons with Disabilities

A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (A) An orthopedic, visual, speech, or hearing impairment;
- (B) Alzheimer's disease;
- (C) Pre-senile dementia;
- (D) Cerebral palsy;
- (E) Epilepsy;
- (F) Muscular dystrophy;
- (G) Multiple sclerosis;
- (H) Cancer;
- (I) Heart disease;
- (J) Diabetes;
- (K) Autism; or
- (L) Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential."

(10) Funeral Services

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbaria.

(11) Halfway House

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

(12) Medical Care Facility

A facility, whether or not licensed or required to be licensed by the State of Texas, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental facility, outpatient

surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Texas accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

(13) Medical Office

An office or suite where licensed medical and dental professionals conduct outpatient services. No overnight patients shall be kept on the premises.

(i) Transportation Uses

(1) Airport

A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

(2) Bus Terminal

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

(3) Parking Facility

An area for parking light or heavy load vehicles.

(4) Railroad Station

Any premises for the transient parking of trains and the loading and unloading of passengers.

(5) Railroad Team Track and Right-of-Way

A facility/place for the loading and unloading of materials on trains.

(6) Transit Station

An area or Facility where people wait for transportation services.

(7) Truck or Motor Freight Terminal

A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

(j) Infrastructure Uses

(1) Electrical Substation

A subsidiary station in which electric current is transformed.

(2) Gas Metering Station

A facility at which natural gas flows are regulated and recorded.

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(3) Gas Metering Station with Odorizer

A facility at which natural gas flows are regulated and recorded which may use a device to odorize gas at the facility.

(4) Governmental Service Yard

An area for the servicing and storage of vehicles or other property of a governmental agency.

(5) Power Plant

An industrial facility using solar, wind, water, electric, or other sources to generate electric power.

(6) Radio, TV or Microwave Operations, Amateur

The transmission and retransmission of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

(7) Radio, TV or Microwave Operations, Commercial

The transmission and retransmission, of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

(8) Recycling Facility

A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

(9) Solid Waste Facility / Landfill

A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.

(10) Solid Waste Transfer Station

A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

(11) Telephone Exchange

A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

(12) Utility Shop

The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

(k) Agriculture Uses

(1) Agriculture

The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, hatcheries, and any

and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

(2) Agritainment

Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, and petting zoos).

(3) Feedlot

An area or facility primarily engaged in feeding animals. These animals are kept for the products they produce or for eventual sale.

(4) Stable, Commercial

A structure housing horses that are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity. Accessory uses are permitted and include but are not limited to offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the stable use.

(I) Accessory Uses

(1) Accessory Building

An accessory building or use is one that:

- (A) Is subordinate to and serves a principal building or principal use; and
- (B) Is subordinate in area, extent, or purpose to the principal building or principal use served; and
- (C) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and
- (D) Is located on the same building lot as the principal use served. If connected to the principal building, an open-air structure with three or less walls is not considered a building addition of the main building.

(2) Accessory Dwelling Unit

An additional dwelling unit integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. This use also includes similar uses like servant's quarters and guard residences.

(3) Barndominium

An accessory structure that includes living space and barn space on an agricultural property. Barns detached from the living space operating as a separate structure are not included in this definition.

(4) Carport

A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

(5) Donation and Collection Bin

An accessory structure where clothes, goods, products, and other items are placed for donation and are subsequently delivered to a charitable organization for public consumption.

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(6) Fuel Pump

A stand-alone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.

(7) Home Occupation

An occupation, profession, domestic craft, or economic enterprise that is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the conditions established in Division 3.

(8) Garage

A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

(9) Outdoor Dining

An outdoor accessory space reserved for customers at a restaurant which may be uncovered or covered by a canopy, awning, or similar design feature.

(10) Outdoor Display

The outside arrangement of goods, materials, products, or other equipment on a lot for consumer sales.

(11) Outdoor Storage

The outside keeping of goods, materials, products, containers, or other equipment on a lot.

(12) Retail Ice and Dispensed Water Sales

Establishment offering automated retail sale of bagged or bulk ice, and dispensed water through a coin-operated machine enclosed in a masonry structure; ice is frozen and bagged on-site.

(13) Service Bay

An opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.

(14) Stable, Private

An accessory use designated for quartering horses on private property.

(15) Swimming Pool, Private

A swimming pool on private property for the use of the property owner, including family and guests.

(16) Wind Energy Conversion System

A wind-driven turbine (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel. These systems are considered accessory uses in all zoning districts.

(m) Temporary Uses

(1) Batching Plant

A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.

(2) Construction Yard

A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as field office.

(3) Field or Sales Office

A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for “temporary buildings” shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the City Council. Upon due notice and hearing by and before the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

(4) Flea Market

A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term “flea market” shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

(5) Itinerant Vendor

Any person, whether principal or agent, who engages in a temporary or transient business, either in one locality or in traveling from place to place, selling goods, wares, merchandise, and/or services and who, for the purpose of carrying on such business, hires, leases or occupies land for the exhibition and sale of such goods, wares, merchandise, and/or services.

(6) Seasonal Roadside Stand

Any structure or land used by the property owner, their family, or tenants to sell agricultural or horticultural produce, livestock, or merchandise principally produced on that farm, that is clearly an accessory use of the premises and does not change its character. This may also include the sale of produce grown on other farms and accessory products.

Sec. 9.04.082. Key Terms

(a) A Terms

(1) Administrative Official

The officer or other designated authority charged with the administration and enforcement of this Zoning Ordinance, or their duly authorized representative.

(2) Alley

A public minor way, which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

(3) Amenity

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Specific items for multi-family development that provide opportunities for resident's to participate in on-site leisure or recreational activities.

(4) Anna Code

The Anna City Code of Ordinances.

(5) Applicant

See Property Owner or Developer.

(6) Application

A written request for an approval required by this Zoning Ordinance.

(7) Average Maintained Horizontal Illuminance

The density of light flux in an outdoor area or areas calculated:

(A) On a horizontal plane at ground level;

(B) As an average flux density over the surface of the outdoor area or areas; and

(C) Applying a light loss factor calculated by methods prescribed by the lighting handbook of the Illuminating Engineering Society or any successor publication; with calculations made by, or on the basis of lighting plans other information provided by, manufacturers or suppliers of outdoor light fixtures and made in a manner consistent with the lighting handbook of the Illuminating Engineering Society or any successor publication.

(8) Awning

A roof-like cover that can be removed that projects from the wall of a building.

(b) B Terms

(1) Balcony

An elevated platform projecting from the wall of a building and enclosed by a railing or parapet.

(2) Block

That property abutting on one side of the street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

(3) Board of Adjustment

The City of Anna's appointed Board of Adjustment.

(4) Building

Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

(5) Building Line

A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

(6) Building Permit

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action complies with the Anna code.

(c) C Terms

(1) Caliper

The diameter of the trunk of a tree measured from breast height. This measurement is typically taken between four (4) to six (6) feet above ground level.

(2) Canopy

See Awning.

(3) Canopy Tree

A large tree that reaches a 25-foot minimum crown spread at maturity.

(4) Carport

A structure which is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles; utility room may be included.

(5) Certificate of Occupancy

An official certificate issued by the building inspector which indicates conformance with or approved conditional waiver from the zoning regulations and authorized legal use of the premises for which it is issued.

(6) City

The City of Anna, Texas unless otherwise expressly stated.

(7) City Council

The duly elected governing body of the City of Anna, Texas.

(8) City Engineer

A licensed professional engineer, or firm of licensed professional consulting engineers, that has been specifically employed by the City to assist in engineering-related matters. The City Manager may assign the duties of the City Engineer to another City official whether or not licensed as a professional engineer.

(9) City Manager

The person holding the position of the city's chief executive officer (e.g., city manager), as appointed by the city council.

(10) Class 1 Lighting

All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Recognized class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; assembly areas such as concert or theater amphitheaters.

(11) Class 2 Lighting

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All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

(12) Class 3 Lighting

Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

(13) Comprehensive Plan

The long-range planning and development policy of the city and adjoining areas as adopted by the city council, including all its revisions and plan elements (including, but not limited to, the future land use plan, thoroughfare plan, parks master plan, etc.). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements. The comprehensive plan is titled the Anna 2050 Comprehensive Plan.

(14) Contiguous

Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

(15) Corner Lot

A lot that has more than one intersecting street frontages (with the exception of alleys)

(16) Corner Side Yard

The yard abutting a street on a corner lot perpendicular to where the primary building entrance is to be located.

(17) Cornices

The uppermost member of a classical entablature, consisting typically of a cymatium, corona, and bed molding.

(18) County

The department, offices, and services of Collin County, Texas.

(19) County Clerk

The person holding the office of County Clerk where they are responsible for local elections and maintaining public records. This term shall also include any designee of the County Clerk.

(20) Covered Parking

Any type of structure that provides cover over the length of a vehicle and shall be at least 10 feet wide and 20 feet deep. This includes carports, car garages, and any other structure that may cover a vehicle.

(21) Crown Spread

The average horizontal width of the tree's crown taken from dripline to dripline.

(22) Cul-de-sac

A street having only one outlet to another street, and that terminates on the opposite end by a vehicular turnaround or “bulb.” The length of a cul-de-sac is to be measured from the intersection centerpoint of the adjoining through street to the midpoint of the cul-de-sac bulb.

(23) Cutoff Light Fixture

A luminaire light distribution where no more than 25 candela per 1,000 lamp lumens is emitted above the horizontal.

(d) D Terms

(1) DBH

The abbreviation for diameter at breast height that measures the caliper of a tree.

(2) Decision-Making Body

The person or body responsible for acting on a development application.

(3) Density

The ratio of dwelling units per gross acre of platted area being developed.

(4) Developer

The owner of land proposed to be developed as a residential or nonresidential subdivision, or the owner’s authorized representative. The developer may as be referred to as an applicant.

(5) Development

Any activity that requires the submission of a subdivision plat or the securing of a building permit.

(6) Directly Visible

Allowing a direct line-of-sight to the light source or lamp.

(7) Director

A person hired or designated by the city manager to supervise or oversee the City’s Development Services Department, and to exercise the authority of the Director. This includes the Director’s designee.

(8) Dormer

An opening in a sloping roof, the framing of which projects out to form a vertical wall suitable for windows or other openings.

(9) Downspout

A pipe for carrying rainwater down from the roof’s horizontal gutters.

(10) Downtown Arterial

A street classification identified in the Anna Master Thoroughfare Plan intended to primarily serve Downtown Anna. This street classification is reserved for State Highway 5/Powell Parkway.

(11) Downtown Type A Street

A street classification identified in the Anna Downtown Plan intended to primarily serve the Downtown Anna area.

(12) Downtown Type B Street

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A street classification identified in the Anna Downtown Plan intended to primarily serve the Downtown Anna area.

(13) Downtown Type C Street

A street classification identified in the Anna Downtown Plan intended to primarily serve the Downtown Anna area.

(14) Downtown Type D Street

A street classification identified in the Anna Downtown Plan intended to primarily serve the Downtown Anna area.

(15) Dwelling Unit

A room or a group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

(e) E Terms

(1) Easement

Any area within, on, over, and/or under real property in which the City (and/or another entity, such as a franchised utility) has an interest involving a right of use of the property and/or right to exclude uses of the property—such as requiring removal of all or any part of any buildings, fences, trees, shrubs, or other improvements or uses that interfere with the lawful purpose of the holder of the easement—including but not limited to those required for provision of sidewalks, utility services, or access to property or equipment owned and/or maintained by the City.

(2) Elevation

See Façade.

(3) Extraterritorial Jurisdiction (ETJ)

The area of land lying outside and adjacent to the corporate limits of the City over which the City has legal control as set forth in chapter 42 of the Texas Local Government Code.

(f) F Terms

(1) Façade

The exterior of a building.

(2) Family

One or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.

(3) Fence

A permanent barrier that is not a screening device, but offers privacy between uses. Fences are typically located on residential lots and are wood constructed. All fences shall comply with the requirements established in Sec. 9.04.046(d).

(4) Fenestration

The design, proportioning, and disposition of windows and other exterior openings of a building.

(5) Flat Roof

A roof laid horizontally at an angle of less than 10 degrees.

(6) Flood Lamp

A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

(7) Floodplain

The land adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater. Any land covered by the water of a 100-year frequency storm is considered in the floodplain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the City.

(8) Floodway

Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the 100-year floodplain. A river, channel or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway will include the stream channel and that portion of the adjacent land areas required to pass the base flood (100-year flood) discharge without cumulatively increasing the water surface elevation at any point more than one foot above that of the pre-floodway condition, including those designated on the flood insurance rate map.

(9) Footcandle

One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 10 (10.76) lux.

(10) Front Yard

A yard across the full width of the lot extending from the front line of the primary building to the front property line.

(11) Frontage

All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Where a lot abuts more than one street, the planning and zoning commission shall determine the frontage for purposes of this article.

(12) Frontage Buildout

The required location where a building, or portion of a building must front.

(13) Full Cutoff Light Fixture

A luminaire with light distribution such that no light is emitted above the horizontal.

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(g) G Terms

(1) Gable Roof

A roof with two slopes – front and rear– joining at a single ridge line parallel to the entrance façade.

(2) Gambrel Roof

A ridged roof with two slopes at each side, the lower slopes being steeper than the upper slopes.

(3) Garbage, trash, or refuse container

A container used for, but not limited to, receiving garbage that is designed and intended to be lifted by forks or other device mounted on a vehicle and the contents emptied into that part of the vehicle designed to received same.

(4) Glare

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

(5) Grade

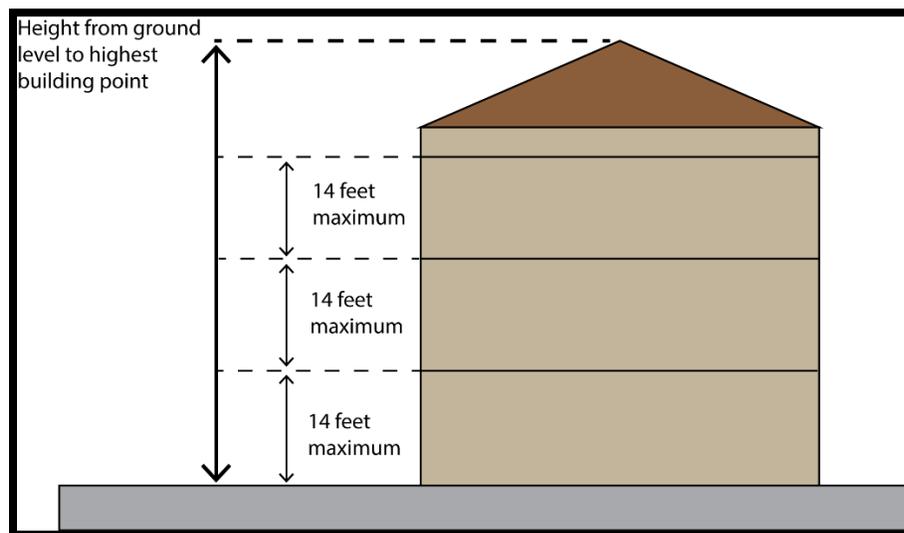
When used as a reference point in measuring height of a building the “grade” shall be the average elevation of the finished ground at the exterior walls of the primary building.

(h) H Terms

(1) Height

The vertical distance from the average ground level abutting a building or structure to either the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not regulated in feet, is regulated by stories. A story is equal to fourteen (14) feet measured vertically for purposes of measuring structures (see Figure 18: Height Measurement).

Figure 18: Height Measurement



(2) Highway

A street classification identified in the Anna Master Thoroughfare Plan reserved for streets that have consistent speeds of 55 mph or more and have, or are planned to have, frontage streets for access.

(3) Hip Roof

A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining two sides are triangular, and thus meet the ridge at its end-point.

(4) Homeowners Association

A formal nonprofit organization operating under recorded land agreements through which:

- (A) Each lot and/or property owner in a specific area is automatically a member; and
- (B) Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- (C) The charge if unpaid, becomes a lien against the nonpaying member's property.

This term is synonymous with Property Owners Association.

(i) I Terms

(1) IESNA

The acronym for the Illuminating Engineering Society of North America (IESNA).

(2) Illuminance

The amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

(3) Installed

The attachment, or assembly fixed in place, connected to a power source, of any outdoor light fixture.

(4) Internal Landscape Area

The remaining property exclusive of the street yard and required landscape buffers.

(5) Intersection Visibility Triangle

The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection.

(j) J Terms

(1) Junk

Those materials and products of older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or associated parts; iron; steel; or other old or scrap materials.

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(k) K terms

(1) Key Lot

An interior lot, one side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

(l) L Terms

(1) Landscape Plan

An independent plan that is a part of the site plan process that shows a site's required landscaping.

(2) Light Trespass

Light falling where it is not wanted or needed, typically across property boundaries.

(3) Lighting Zones

The four lighting zones are based on the zoning districts or overlays established by the zoning ordinance. Guidelines used to guide the delineation of the lighting zones are:

(4) Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

(5) Local Street

A street classification identified in the Anna Master Thoroughfare Plan intended to provide users with a high amount of access. All streets that are not identified in the Anna 2045 Master Thoroughfare Plan are considered Local Streets. A Local Street typically has a design of 31 feet of pavement width that allows one lane in each direction and parking on both sides of the street.

(6) Lot

A divided or undivided tract or parcel of land having frontage on a public or private street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record at the County.

(7) Lot Coverage

The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

(8) Lot Depth

The distance between the front lot line and the rear lot line.

(9) Lot of Record

A lot, which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Collin County, or a parcel of land, the deed for which was recorded in the office of the county clerk, Collin County, prior to January 1, 1986. A lot of record is an official lot having less area, width, or depth than the requirements of this Zoning Ordinance prior its adoption.

(10) Lot Width

The distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

(11) Louver

A window blind or shutter with horizontal slats angled to let in light and air, but keep out the rain, direct sunshine, and noise.

(12) Lumen

A unit of luminous flux; used to measure the amount of light emitted by lamps.

(13) Luminaire

The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture (see under this section, "Outdoor light output, total"), lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

(14) Luminous Tube

A glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gases), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A neon tube does not include common fluorescent tubes.

(15) Lux

A unit of illuminance equal to one lumen per square meter. One lux equals approximately 0.1 (0.093) footcandles.

(m) M Terms

(1) Major Arterial

A street classification identified in the Anna Master Thoroughfare Plan intended to provide mobility to nearby areas outside the city while also providing access to major developments. The typical cross section is a six-lane divided design within 120 feet of total right-of-way (ROW) width.

(2) Major Collector

A street classification identified in the Anna Master Thoroughfare Plan intended to connect neighborhoods to each other with a high amount of access, but a low amount of mobility compared to arterials or highways. A Major Collector typically has no dwellings fronting on it, and are designed within 80 feet of ROW with a higher travel speed than a Minor Collector.

(3) Major Recreational Equipment

Includes boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings including motor homes, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

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(4) Major Revisions/Amendments

Any revision(s) that the Director determines is not a minor revision. A major revision constitutes a new application submittal.

(5) Mansard Roof

A roof with two slopes on each side, with the lower slope being nearly vertical and the upper slope nearly horizontal.

(6) Mayor

The elected person who is the presiding officer of all Council meetings, is the official head of the City government, and is entitled to vote on all items before the City Council, except as otherwise restricted by the Anna Charter.

(7) Mechanical Equipment

Equipment such as air-conditioning compressors, swimming pool pumps and filters, and similar devices that are intended to provide a performative function for a use, building, or structure.

(8) Minor Arterial

A street classification identified in the Anna Master Thoroughfare Plan intended to provide connections between major developments and neighborhoods and are best suited for roads with moderate speeds. The typical cross section is a 4-lane divided design within 90 feet of total ROW width.

(9) Minor Collector

A street classification identified in the Anna Master Thoroughfare Plan intended to connect neighborhoods to each other with a high amount of access, but a low amount of mobility compared to arterials or highways. A Minor Collector typically provides mobility within a neighborhood but does not have houses fronting them, and are designed as a 3-lane undivided roadway within 60 feet of ROW with a lower travel speed than a Major Collector.

(10) Minor Revisions/Amendments

Those revisions that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.

(11) Molding

A decorative strip of wood used for architectural purposes.

(12) Multi-class Lighting

Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for class 1, 2 and 3 lighting.

(n) N Terms

(1) Net Acreage

The total area of the development project.

(2) Network Node

A type of telecommunications facility, also known as small wireless facility.

(3) Nonconforming Lot

A lot that does not conform to the regulations of this Zoning Ordinance, but that was lawfully established under the regulations in force at the time the lot was established and has been in regular use since that time.

(4) Nonconforming Site Feature

A site plan feature, such as landscaping, parking, setbacks, etc., that does not conform to the regulations of this Zoning Ordinance, but that was lawfully established under the regulations in force at the time the site plan was approved and has been in regular use since that time.

(5) Nonconforming Structure

A building or structure, or portion thereof, that does not conform to the regulations of this Zoning Ordinance, but that was lawfully constructed under the regulations in force at the time of construction.

(6) Nonconforming Use

A use that does not conform to the use regulations of this Zoning Ordinance, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

(7) Nonconformity

The collective term for all nonconforming situations.

(o) O Terms

(1) Offset

A specified projection or recession that runs vertically along the entirety of a building wall.

(2) Opaque

That a material does not transmit light from an internal illumination source.

(3) Oriel

A bay window supported from below by corbels or brackets.

(4) Ornamental Tree

A small tree that reaches a 15-foot minimum crown spread at maturity.

(5) Outdoor Light Fixture

An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- (A) Parking lot lighting;
- (B) Roadway lighting;
- (C) Buildings and structures;
- (D) Recreational areas;
- (E) Landscape lighting;

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- (F) Billboards and other signs (advertising or other);
- (G) Product display area lighting;
- (H) Building or structure decoration; and
- (I) Building overhangs and open canopies.

(6) Outdoor Light Output, Total

The initial total amount of light, measured in lumens, from all lamps used in outdoor light fixtures. The term includes all lights and luminous tubing used for class 1, class 2, class 3 and multi-class lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be considered. For determining compliance, total outdoor light output standards, the light emitted from lamps in outdoor light fixtures is to be included in the total output as follows:

- (A) Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in subsections (2), (3) and (4) of this definition, are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps;
- (B) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least five feet but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated initial lumen output;
- (C) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least 10 feet but less than 30 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated initial lumen output; and
- (D) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located 30 or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output. Such lamps must however conform to the lamp source and shielding requirements of subsection (g) of this section.

(7) Outside Runs

Those associated animal facilities that are fenced in and designated as an area where animals run, play, and exercise.

(p) P Terms

(1) PAM

The abbreviation for a Pre-Application Meeting which is optional for an application submittal.

(2) Parapet

A low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.

(3) Parking Space

A permanently surfaced area either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

(4) Permeable Surface

A surface which does not impede the absorption of water.

(5) Person

An individual, company, joint stock company, firm, proprietorship, business, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, co-partnership, association, and any other legal entity or their legal representatives, agents or assigns. Notwithstanding any other provision of the code, each and every code provision—including but not limited to every prohibition, requirement, and penalty—applies to both natural persons and corporations, partnerships, and all other legal entities or organizations.

(6) Pitched Roof

A roof that has a slope.

(7) Planned Development

(A) Land under unified control, including developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and buildings; for principal and accessory structures and uses substantially related to the character of the district; according to comprehensive and detailed plans which include not only streets, utilities, and lots or building sites, but also site plans, floor plans, and elevations of all buildings as intended be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense.

(B) A concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the district and areas without the district.

(8) Planning and Development Regulations

Chapter/Article 9 on the Anna Code of Ordinances.

(9) Planning and Zoning Commission

The City of Anna’s appointed Planning and Zoning Commission.

(10) Planning Department

The City’s department, and related employees, that have been specifically created and maintained by the City to assist in planning and zoning related matters. This term shall also apply to any official city employee in the Planning Department, including any practicing, professional land planner, administrative support, and/or firm of professional land planners.

(11) Plat

A preliminary plat of a subdivision, a final plat of a subdivision, a development plat, or an amending plat or replat, as determined by the context.

(12) Plinth

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The usually square slab beneath the base of a column, pier, or pedestal. Also, a continuous, usually projecting course of stones forming the base or foundation of a wall.

(13) Porte-cochere

A permanent structure that is structurally and aesthetically integrated into a residence, and that is erected over a driveway to allow for the parking of vehicles. Such structure is open on two (2) sides and provides covered, direct access to a primary or secondary entrance to the structure.

(14) Primary Building

A building in which is conducted the principal use of the lot on which it is situated.

(15) Private Street

A classification of streets which are owned and maintained by a homeowners' association or property owner's association, and which are not dedicated to the public.

(16) Property Owner

Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these subdivision regulations. In any event, the term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer, of land sought to be subdivided.

(17) Public Hearing

A meeting held by the Planning and Zoning Commission, Board of Adjustment, or City Council where action is conducted on an application after public commentary is heard.

(18) Public Improvements

Facilities, infrastructure and other appurtenances, typically owned and maintained by the city (but not necessarily located upon city-owned property or right-of-way). Public improvements can be located upon public property or upon private property in a public easement. Public improvements serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and protect the general health, safety, welfare and convenience of the city's citizens, including efficiency in traffic circulation and access for emergency services. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the city would normally require of a development but which will be owned and maintained by an entity such as a homeowners' association, as in the case of private streets.

(19) Public View

A view from any public or city right-of-way or access easement.

(q) Q Terms

(1) Quoin

An external solid angle of a wall, or one of the stones forming such an angle, usually differentiated from the adjoining surfaces by material, texture, color, size, or projection.

(r) R Terms

(1) Rear Yard

A yard between the rear property line and the rear line of the primary building and the side property lines.

(2) Recreational Vehicle

A vehicular, portable structure that can be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight feet in width and not exceeding 22 feet in length.

(3) Residential District

Those zoning district where residential uses are the primary uses. Residential Districts are those designated as SF-20.0, SF-14.5, SF-20.0, SF-12.0, SF-10.5, SF-8.4, SF-7.2, SF-6.0, MD, and MF, unless specified otherwise.

(4) Rezoning

An amendment to the Official Zoning Map to effect a change in the nature, density, or intensity of uses and development characteristics allowed on a property.

(5) Right-of-Way

A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; street improvements; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.

(6) Roof

The external upper covering of a building, including the frame for supporting the roofing.

(7) Roof Line

The height that is defined by the intersection of the roof of the building and the wall of the building; except, for mansard-type roofs, the roof line means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four feet in height may be considered as the roof line.

(s) S Terms

(1) Screening Device

A barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from the ground level. All screening devices shall comply with the requirements established in Sec. 9.04.046(c).

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(2) Searchlight

A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimballed mount to allow the assembly to be easily redirected. Searchlights include such lights that are used commonly to sweep the sky for advertisement purposes.

(3) Setback

A line, generally parallel with and measured from the property line, defining the limits of a yard in which no building, other than accessory buildings nor structure may be located above ground, except as may be provided in this Zoning Ordinance. See definition of "Yard".

(4) Shielding

When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

(5) Shutters

Pairs of solid or slatted window coverings, traditionally hinged to the exterior of a building to either side of a window, used to block light or wind from the interior of a building.

(6) Side Yard

A yard between the primary building and the adjacent side property line, and extending entirely from a front yard to the rear yard.

(7) Site Plan

A detailed, scaled drawing of all surface improvements, structures, uses, and utilities proposed for development associated with this Zoning Ordinance.

(8) Specific Use Permit

A permit granted on a discretionary and conditional basis by the City Council, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Specific Use Permit are in addition to and supplement Zoning Ordinance requirements.

(9) Specified Anatomical Area

Less than opaquely covered human genitals, pubic region, or pubic hair; or less than opaquely covered perineum, buttock, or anus; or less than opaquely covered female breast below a point immediately above the top or the areola.

(10) Specified Sexual Activities

Human genitals in a discernible state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

(11) Spot Lamp

A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Spot lamps are those lamps so designated by the manufacturers.

(12) Spot Light

A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

(13) Staff Committee

The committee responsible for providing commentary and insight at Pre-Application Meetings.

(14) Stealth Design

Any telecommunication facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like another object, such as a light pole, clock towers, bell steeples, or a tree.

(15) Stepback

A line, generally parallel with and measured from the property line, in which a structure's third or greater story is set back.

(16) Story

That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

(17) Street

That part of a right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land and other streets and may include additional facilities for transportation of persons, utilities, drainage and other street improvements. Streets may be of the following categories:

(18) Street Yard

The area between the front property line and the minimum front setback line.

(19) Street, Downtown Arterial

See Downtown Arterial.

(20) Street, Downtown Type A

See Downtown Type A Street.

(21) Street, Downtown Type B

See Downtown Type B Street.

(22) Street, Downtown Type C

See Downtown Type C Street.

(23) Street, Downtown Type D

See Downtown Type D Street.

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(24) Street, Highway

See Highway.

(25) Street, Local

See Local Street.

(26) Street, Major Arterial

See Major Arterial.

(27) Street, Major Collector

See Major Collector.

(28) Street, Minor Arterial

See Minor Arterial.

(29) Street, Minor Collector

See Minor Collector.

(30) Stringcourse

A horizontal course of brick or stone flush with or projecting beyond the face of a building, often molded to mark a division in the wall.

(31) Structural Alteration

Any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

(32) Subdivision

A division or re-division of any tract of land situated within the city's corporate limits or its extraterritorial jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. "Subdivision" includes re-subdivisions of land or lots which are part of a previously recorded subdivision.

(33) Submittal

See Application.

(34) Submittal Date

The date when forms, fees, plans, information and copies have been submitted to the City (or other employee authorized to receive applications) for the purposes of meeting requirements for a development application.

(t) T Terms

(1) TCEQ

The Texas Commission on Environmental Quality or any successor agency of the State of Texas.

(2) Temporary Lighting

Lighting which does not conform to the provisions of this section and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses that by their nature are of limited duration, for example, holiday decorations, civic events, or construction projects.

(3) Tenant

A distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

(u) U Terms

(1) Uplighting

Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

(2) Use

The purpose for which land or a building or structure thereon is designed, arranged intended or maintained or for which it is or may be used or occupied. This definition does not alter or affect the definition of nonconforming use.

(v) V Terms

(1) Variance

An adjustment in application of the specific regulations of the zoning regulations to a particular parcel of property which, because of special conditions or circumstances, peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

(2) Vehicle

Any automobile, truck, camper, van, trailer, or any device capable of transporting persons or property and shall be considered a "vehicle" in both moving and stationary modes, irrespective of condition.

(3) Visible Light Reflectance

The amount of light reflected away by a glass window's film.

(w) W Terms (Reserved)

(x) X Terms

(1) Xeriscape

A type of landscaping design that uses a combination of native plants and grasses, approved hardscapes and drought tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

(y) Y Terms

(1) Yard

The open area between building setback lines and lot lines.

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(z) Z Terms

(1) Zoning District

A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the city's zoning ordinance, as amended.

(2) Zoning Map

The official map of Anna upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance, which may also be cited as the Official Zoning Map.

(3) Zoning Ordinance

The City of Anna's zoning regulations as codified in article 9.04 of the Anna Code as amended as well as zoning ordinances not codified in this code that zone or rezone particular tracts of property.