AGENDA

City Council Meeting

Tuesday, January 26, 2021 @ 6:30 PM

Anna ISD Board Room
201 E. 7th Street, Anna, Texas

The City Council of the City of Anna will meet at 6:30 PM, on January 26, 2021, at the Anna ISD Board Room, Located at 201 E. 7th Street, to consider the following items.

Welcome to the City Council meeting. Please sign the Sign-In-Sheet as a record of attendance. If you wish to speak on an open-session agenda item, please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.

1. **Call to Order, Roll Call and Establishment of Quorum.**
2. **Invocation and Pledge of Allegiance.**
3. **Neighbor Comments.**
   At this time, any person may address the City Council regarding an item on this meeting agenda that is not scheduled for public hearing and any item that is not on this meeting agenda. The public will be permitted to offer public comments electronically, as provided by the agenda and as permitted by the presiding officer during the meeting. We are encouraging neighbors, who wish to speak, to complete a Speaker Registration Form and submit to City Secretary Carrie Land (cland@annatexas.gov) by 5:00 PM so it may be read into the record. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

4. **Reports.**
   Receive reports from Staff or the City Council about items of community interest. *Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

5. **Work Session.**

   a. Bond Program Information (Economic Development Manager Taylor Lough)

6. **Consent Items.**

   These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

   a. Approve Council Meeting Minutes for December 15, 2020, January 12, 2021 Joint Meeting and January 12, 2021. (City Secretary Carrie Land)

   b. Review minutes of the December 3, 2020 Joint Community Development and Economic Development Corporation meeting. (Director of Economic Development Joey Grisham)

   c. Approve a Resolution approving a Chapter 380 Grant Agreement with First Texas Homes, Inc. (Economic Development Director Joey Grisham)

   d. Approve a Resolution approving a Chapter 380 Grant Agreement with Riverside (East) Homebuilders, LTD. (Economic Development Director Joey Grisham)

   e. Approve a Resolution approving the annual renewal for Fire Dispatch Services. (Chief Ray Isom)

   f. Approve a Resolution approving a zoning amendment initiation by City Council for Planned Development No. 08-2002 (PD # 08-2002). The initiation would allow for a public hearing to be called to consider an amendment to the Permitted Uses element within the existing planned development. The public hearings would be March 01, 2021 for the Planning and Zoning Commission and March 23, 2021 for the City Council. (Director of Development Services Ross Altobelli)

   g. Approve a Resolution regarding The Woods at Lindsey Place, Preliminary Plat. (Director of Development Services Ross Altobelli)

   h. Approve a Resolution approving an Interlocal Agreement with the City of Van Alstyne to acquire a portion of their Take or Pay Water Purchase for the water year 2019-2020 and authorize the City Manager to sign the agreement. (Finance Director Alan Guard)

   i. Approve a Resolution approving a contract with GCEC for Internet Upgrades. (IT Manager Kevin Johnson)

7. **Items For Individual Consideration.**

   a. Conduct a public hearing/Consider/Discuss/Action on an Ordinance approving amendments to Article 9.02 Subdivision Regulations, Article 9.04 Zoning Ordinance, and Article 9.05 Signs of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances in order to amend various sections in order to improve staff efficiency, modernize language, and provide general clean-up of regulations. (Director of Development Services Ross Altobelli)

   b. Consider a Resolution awarding the Foster Crossing Roadway Improvement Project to Reliable Paving, Incorporated, in an amount not to exceed $795,769.04. (Director of Public Works Greg Peters, P.E.)

c. Consider/Discuss/Action on appointment of the 2021 Boards and Commissions Interview Committee. (City Secretary Carrie Land)

d. Consider/Discuss/Action on EDC/CDC Appointments. (City Manager Jim Proce)

e. Approve an Ordinance Amending the FY2020 - 2021 Budget to add 4.5 FTEs and funding for a Fire Apparatus to the General Fund and unfreeze 2.0 FTEs in the Utility Fund. (City Manager Jim Proce)

8. **Closed Session (Exceptions).**

Under Tex. Gov'T Code Chapter 551, The City Council May Enter Into Closed Session To Discuss Any Items Listed Or Referenced On This Agenda Under The Following Exceptions:

a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Charter provisions; personnel policies; Council procedures; City ordinances.

b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).

c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087). Proposed developments.

d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). Boards and Commissions

The Council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

10. **Adjourn.**

This is to certify that I, Carrie L. Land, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m. on January 22, 2021.

_____

Carrie L. Land, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

Item No. 5.a.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact:

AGENDA ITEM:
Bond Program Information (Economic Development Manager Taylor Lough)

SUMMARY:
Staff will review the Bond Election process, draft ordinance calling a May 2021 Bond Election, most recent financial projection scenarios, and a draft voter guide and frequently asked questions.

The State of Texas Election Code requires all polling places, dates, and times be included in the ordinance calling the election. As this information has not yet been finalized by Collin County, staff recommends the City Council review the draft ordinance in work session and take action at the next meeting on Tuesday, February 9th.

FINANCIAL IMPACT:
To be determined by City Council recommendation, growth, and future economic factors.

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 2: Anna - Great Place to Live

Goal 3: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Staff seeks Council recommendation on funding amount for Council action on February 9.

ATTACHMENTS:
1. Redline Ordinance Calling a Bond Election Since Last Meeting
2. Ordinance Calling a Bond Election

3. Anna TX Bond Election Scenarios 1.20.2021 (Scenario 1)
4. Anna TX Bond Election Scenarios 1.20.2021 (Scenario 2)
5. Voter Guide and FAQ

APPROVALS:

Taylor Lough, Economic Development Administrator Created/Initiated - 1/22/2021

ORDINANCE NO. ____-2021

ORDINANCE CALLING A BOND ELECTION

THE STATE OF TEXAS	§
COLLIN COUNTY	§
CITY OF ANNA	§

WHEREAS, the City Council of the City of Anna, Texas (the "City") deems it advisable to call the bond election hereinafter ordered (the "Election"); and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place, and purpose of the meeting was given, all as required by the Texas Government Code, Chapter 551.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Findings. The statements contained in the preamble of this Ordinance are true and correct and adopted as findings of fact and operative provisions hereof.

Section 2. Election Ordered; Polling Places. The Election shall be held in the City between the hours of 7:00 a.m. and 7:00 p.m. on May 1, 2021 ("Election Day"), at the respective polling places designated by Collin County in the Election Contract (defined below) as set forth in **Exhibit A** below, which exhibit shall be modified to include additional or different Election Day polling places required to conform to the Election Contract and the Code.

Section 3. Early Voting. Early voting shall be conducted by personal appearance at the locations set forth in **Exhibit B** below and during the period early voting is required or permitted by law, being April 19, 2021, through April 27, 2021, which exhibit shall be modified to include additional or different early voting polling places, dates and times required to conform to the Election Contract and the Code.

Any voter who is entitled to vote an early ballot by personal appearance may do so at any Early Voting Polling Place listed in **Exhibit B** below. Applications for early voting by mail shall be sent to Bruce Sherbet, Elections Administrator, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069. The Early Voting Clerk for the special election shall be Bruce Sherbet, Elections Administrator. Applications for voting by mail for all residents of the City shall ~~submitted by personal delivery~~delivered not later than April ~~__, 2021, or shall be mailed to the address below and received (not postmarked) by April __,~~20, 2021.

Section 4. Election Officials. The election shall be administered by the Collin County Elections Administration pursuant to the Contract for Joint Election Services between the City and Collin County Elections Administration (the "Election Contract"). The City Manager is hereby authorized and directed to enter into such Election Contract with Collin County Elections Administration and to execute such Election ~~Contract~~Agreement on behalf of the City. The persons to serve as officers to conduct said election and an early ballot board to process early voting results shall be appointed pursuant to the Contract.

Section 5. Qualified Voters. All qualified electors of and residing in the City, shall be entitled to vote at the election.

Section 6. Propositions. At the Election the following PROPOSITIONS shall be submitted in accordance with law:

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION A

Shall the City Council of the City of Anna, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of $~~7,600,000~~ 8,000,000 for the purpose of constructing and acquiring a fire station and related improvements and equipment, with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such price or prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION B

Shall the City Council of the City of Anna, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of $22,~~150~~000,000 for the purpose of acquiring, designing, construction and equipping a community library~~, including~~ that includes multipurpose meeting spaces and classrooms~~ and library facilities~~, with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such price or prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION C

Shall the City Council of the City of Anna, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of [$~~19,750,000~~ 20,000,000 / $28,000,000] for the purpose of acquiring, designing, constructing, and equipping parks and recreation facilities, including without limitation land acquisition, feasibility studies, park improvements, recreation ~~center,~~and sports ~~complex, equipment~~facilities, and trails, with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such price or prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

Section 7. Ballots. The official ballots for the Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION A

FOR	_____	) THE ISSUANCE OF $~~7,600,000~~ 8,000,000 OF BONDS BY THE CITY OF ANNA, TEXAS FOR A FIRE STATION~~.~~ AND EQUIPMENT. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____	

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION B

FOR	_____	~~)~~ THE ISSUANCE OF $22,~~150~~000,000 OF BONDS BY THE CITY OF ANNA, TEXAS FOR ~~COMMUNITY~~A COMMUNITY LIBRARY. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____	

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION C

FOR	_____	THE ISSUANCE OF $~~19,750~~20,000,000 / $28,000,000 OF BONDS BY THE CITY OF ANNA, TEXAS FOR PARKS AND RECREATION IMPROVEMENTS. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____	

Section 8. Compliance with State and Federal Law. In all respects, the Election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act ("HAVA") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City hereby finds that the voting system to be used by the Collin County Elections Administration in administering the Election is such a system, and orders that such voting equipment or other equipment certified by the Texas Secretary of State shall be used by the City in its elections.

Section 9. Debt Obligations. The following information is provided in accordance with the provisions of Section 3.009(b), Texas Election Code.

(a) The proposition language that will appear on the ballot is set forth in Section 7 hereof.

(b) The purpose for which the bonds are to be authorized is set forth in Section 6 hereof.

(c) The principal amount of the debt obligations to be authorized is $_____.

(d) If the bonds are approved by the voters, the City Council will be authorized to levy annual ad valorem taxes, on all taxable property in the City, sufficient, within the limits prescribed by law, to pay the principal of and interest on the bonds.

(e) Based upon the bond market conditions at the date of adoption of this Ordinance, the maximum interest rate for any series of the bonds is estimated to be _____%. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the

expected bond ratings of the proposed bonds and notes. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds or notes, or any series thereof, may be sold.

(f) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed the maximum number of years authorized by law.

(g) The aggregate amount of the outstanding principal of the City's debt obligations as of the date of this Ordinance is ~~$_____.~~$47,927,000.

(h) The aggregate amount of the outstanding interest of the City's debt obligations as of the beginning as of the date of this Ordinance is ~~$_____.~~$26,404,380.

(i) The ad valorem debt service tax rate for the City as of the date of this Ordinance is $0.115947 per $100 of taxable assessed valuation.

EXHIBIT A

ELECTION DAY POLLING PLACES

[Voters may vote at the following locations within the City and at any of the additional listed Election Day Vote Centers open under full contract services with the Collin County Elections Administration.]

Polling Place	**Address**	**City**
Aldridge Elementary School	720 Pleasant Valley	Richardson
Allen ISD Service Center	1451 N. Watters	Allen
Allen Municipal Courts Facility	301 Century Parkway	Allen
Armstrong Middle School	3805 Timberline	Plano
Benton Staley Middle School	6927 Stadium Drive	Frisco
Blue Ridge ISD Administration Building	318 West School Street	Blue Ridge
Bowman Middle School	2501 Jupiter Road	Plano
Carpenter Middle School	3905 Rainier Road	Plano
Carpenter Park Recreation Center	6701 Coit Road	Plano
Celina ISD Administration Building	205 S. Colorado	Celina
Christ the Servant Lutheran Church	821 S. Greenville Ave.	Allen
Christ United Methodist Church	3101 Coit Road	Plano
Clark High School - Plano	523 Spring Creek	Plano
Collin College Central Park Campus	2200 University	McKinney
Collin College - Higher Education Center	3452 Spur 399	McKinney
Collin College Preston Ridge Campus	9700 Wade Blvd.	Frisco
Collin College Spring Creek Campus	2800 Spring Creek Parkway	Plano
Collin County Elections Office	2010 Redbud Blvd, Ste. 102	McKinney
Community ISD Technology and Conference Center	611 FM 1138	Nevada
Davis Library	7501 Independence Parkway	Plano
Dowell Middle School	301 Ridge Road	McKinney
Dr. Pepper Star Center - Champions Café	6993 Stars Ave.	McKinney
Eldorado Country Club	2604 Country Club Drive	McKinney
Fairview Town Hall	372 Town Place	Fairview
First Baptist Church - Branch	7011 FM 546	Princeton
First Baptist Church Farmersville - Youth Building	201 Farmersville Pkwy.	Farmersville
First Baptist Church - Josephine	300 S. Main Street	Josephine
Ford Middle School	630 Park Place Drive	Allen
Fowler Middle School	3801 McDermott Road	Plano
Frisco Fire Station #5	14300 Eldorado Parkway	Frisco
Frisco Senior Center	6670 Moore Street	Frisco
Gay Library	6861 W. Eldorado Parkway	McKinney
George Bush Elementary School	2000 Eagle Aerie Lane	Wylie

Haggar Elementary School	17820 Campbell Road	Dallas
Harrington Library	1501 18th Street	Plano
Heritage High School	14040 Eldorado Pkwy.	Frisco
Hunt Middle School	4900 Legendary Drive	Frisco
Islamic Association of Collin County	6401 Independence Pkwy.	Plano
John Q. Hammons Center-Courtyard Marriott	210 East Stacy Road	Allen
Lavon City Hall	120 School Road	Lavon
Liberty High School	15250 Rolater Road	Frisco
Lovejoy ISD Administration Bldg.	259 Country Club	Allen
Lowry Crossing City Hall	1405 S. Bridgefarmer Road	Lowry Crossing
Lucas Community Center	665 Country Club Road	Lucas
McKinney Fire Station #7	861 Independence Pkwy.	McKinney
McKinney Senior Recreation Center	1400 S. College	McKinney
Melissa City Hall	3411 Barker Ave.	Melissa
Methodist Richardson Medical Center	2831 E. President George Bush Hwy	Richardson
Miller Elementary School	5651 Coventry Dr.	Richardson
Mitchell Elementary School	4223 Briargrove	Dallas
Murphy Community Center	205 N. Murphy Road	Murphy
Old Settlers Recreation Center	1201 E. Louisiana	McKinney
Parker City Hall	5700 E. Parker Road	Parker
Parr Library	6200 Windhaven Pkwy.	Plano
Plano ISD Administration Center	2700 W. 15th Street	Plano
Plano Senior Center	401 W. 16th Street	Plano
Princeton City Hall	123 W. Princeton Drive	Princeton
Prosper ISD Administration Bldg.	605 E. Seventh Street	Prosper
Renner-Frankford Library	6400 Frankford Road	Dallas
Royse City ISD Mike McKinney Maintenance Facility	1420 FM 1777	Royse City
Seis Lagos Community Services Assoc.	222 Seis Lago Trail	Wylie
Shepton High School	5505 Plano Pkwy.	Plano
Shiloh Missionary Baptist Church	1310 Avenue "I"	Plano
Smith Library	300 Country Club	Wylie
Stonebridge United Methodist Church	1800 S. Stonebridge Drive	McKinney
Suncreek United Methodist Church	1517 W. McDermott Drive	Allen
Texas Star Bank	402 W. White Street	Anna
Tom Muehlenbeck Recreation Center	5801 W. Parker Road	Plano
Toyota Stadium	9200 World Cup Way	Frisco
Weston Community Center	117 Main Street	Weston
Whitt Elementary School	7520 Woodcreek Way	Sachse
Woodcreek Church	3400 E. Renner Road	Richardson
Wylie ISD Educational Service Center	951 S. Ballard	Wyle

EXHIBIT B

EARLY VOTING POLLING PLACES, DATES AND TIMES

[Voters may vote at the following locations within the County and at any of the additional Early Voting locations within the County which are open under full contract services with the Collin County Elections Administration.]

April 19 – 23	Monday - Friday	8:00 a.m. - 5:00 p.m.
April 24	Saturday	~~7~~8:00 a.m. - ~~7~~5:00 p.m.
~~April 35~~	~~Sunday~~	~~1:00 p.m. - 6:00 p.m.~~
April 26 – ~~30~~27	Monday - Friday	7:00 a.m. - 7:00 p.m.

Polling Place	**Address**	**Street**
Collin County Elections **(Main Early Voting Location)**	2010 Redbud Blvd. St 102	McKinney
Allen ISD Service Center	1451 N. Watters	Allen
Allen Municipal Courts Facility	301 Century Pkwy.	Allen
Carpenter Park Recreation Center	6701 Coit Road	Plano
Celina ISD Administration Building	205 S. Colorado	Celina
Christ United Methodist Church	3101 Coit Road	Plano
Collin College - Central Park Campus	2200 W. University Drive	McKinney
Collin College – Higher Education Center	3452 Spur 399	McKinney
Collin College - Preston Ridge Campus	9700 Wade Blvd.	Frisco
Collin College - Spring Creek Campus	2800 E. Spring Creek Pkwy.	Plano
Davis Library	7501 Independence	Plano
Frisco Fire Station #5	14300 Eldorado Pkwy	Frisco
Frisco Senior Center	6670 Moore Street	Frisco
Gay Library	6861 W. Eldorado	McKinney
Haggard Library	2501 Coit Road	Plano
Harrington Library	1501 18th Street	Plano
Lavon City Hall	120 School Road	Lavon
Lovejoy ISD Administration Bldg.	259 Country Club	Allen
McKinney Fire Station #7	861 S. Independence Pkwy.	McKinney
Melissa City Hall	3411 Barker Ave.	Melissa
Methodist Richardson Medical Center	2831 E. President George Bush Hwy	Richardson
Murphy Community Center	205 North Murphy Road	Murphy
Old Settlers Recreation Center	1201 E. Louisiana	McKinney
Parker City Hall	5700 E. Parker Road	Parker
Parr Library	6200 Windhaven Pkwy.	Plano
Plano ISD Administration Center	2700 W. 15th Street	Plano
Princeton City Hall	123 W. Princeton Drive	Princeton
Prosper Municipal Chambers	108 W. Broadway	Prosper
Renner-Frankford Library	6400 Frankford	Dallas
Smith Library	300 Country Club	Wylie
Texas Star Bank	402 W. White	Anna
Wylie ISD Educational Service Center	951 S. Ballard	Wylie

Important Note: *Eligible* Collin County registered voters (with an effective date of registration on or before May 1, 2021) may vote at any of the above early voting locations.

ORDINANCE NO. ____-2021

ORDINANCE CALLING A BOND ELECTION

THE STATE OF TEXAS	§
COLLIN COUNTY	§
CITY OF ANNA	§

WHEREAS, the City Council of the City of Anna, Texas (the "City") deems it advisable to call the bond election hereinafter ordered (the "Election"); and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place, and purpose of the meeting was given, all as required by the Texas Government Code, Chapter 551.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Findings. The statements contained in the preamble of this Ordinance are true and correct and adopted as findings of fact and operative provisions hereof.

Section 2. Election Ordered; Polling Places. The Election shall be held in the City between the hours of 7:00 a.m. and 7:00 p.m. on May 1, 2021 ("Election Day"), at the respective polling places designated by Collin County in the Election Contract (defined below) as set forth in **Exhibit A** below, which exhibit shall be modified to include additional or different Election Day polling places required to conform to the Election Contract and the Code.

Section 3. Early Voting. Early voting shall be conducted by personal appearance at the locations set forth in **Exhibit B** below and during the period early voting is required or permitted by law, being April 19, 2021, through April 27, 2021, which exhibit shall be modified to include additional or different early voting polling places, dates and times required to conform to the Election Contract and the Code.

Any voter who is entitled to vote an early ballot by personal appearance may do so at any Early Voting Polling Place listed in **Exhibit B** below. Applications for early voting by mail shall be sent to Bruce Sherbet, Elections Administrator, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069. The Early Voting Clerk for the special election shall be Bruce Sherbet, Elections Administrator. Applications for voting by mail for all residents of the City shall delivered not later than April 20, 2021.

Section 4. Election Officials. The election shall be administered by the Collin County Elections Administration pursuant to the Contract for Joint Election Services between the City and Collin County Elections Administration (the "Election Contract"). The City Manager is hereby authorized and directed to enter into such Election Contract with Collin County Elections Administration and to execute such Election Agreement on behalf of the City. The persons to serve as officers to conduct said election and an early ballot board to process early voting results shall be appointed pursuant to the Contract.

Section 5. Qualified Voters. All qualified electors of and residing in the City, shall be entitled to vote at the election.

Section 6. Propositions. At the Election the following PROPOSITIONS shall be submitted in accordance with law:

CITY OF ANNA, TEXAS SPECIAL ELECTION

CITY OF ANNA, TEXAS PROPOSITION A

Shall the City Council of the City of Anna, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of $8,000,000 for the purpose of constructing and acquiring a fire station and related improvements and equipment, with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such price or prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION B

Shall the City Council of the City of Anna, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of $22,000,000 for the purpose of acquiring, designing, construction and equipping a community library that includes multipurpose meeting spaces and classrooms, with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such price or prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION C

Shall the City Council of the City of Anna, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of [$20,000,000/$28,000,000] for the purpose of acquiring, designing, constructing, and equipping parks and recreation facilities, including without limitation land acquisition, feasibility studies, park improvements, recreation and sports facilities, and trails, with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such price or prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

Section 7. Ballots. The official ballots for the Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION A

FOR	_____	) THE ISSUANCE OF $8,000,000 OF BONDS BY THE CITY OF ANNA, TEXAS FOR A FIRE STATION AND EQUIPMENT. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____	

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION B

FOR	_____	) THE ISSUANCE OF $22,000,000 OF BONDS BY THE CITY OF ANNA, TEXAS FOR A COMMUNITY LIBRARY. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____	

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION C

FOR	_____	) THE ISSUANCE OF [$20,000,000/$28,000,000] OF BONDS BY THE CITY OF ANNA, TEXAS FOR PARKS AND RECREATION IMPROVEMENTS. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____	

Section 8. Compliance with State and Federal Law. In all respects, the Election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act ("HAVA") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City hereby finds that the voting system to be used by the Collin County Elections Administration in administering the Election is such a system, and orders that such voting equipment or other equipment certified by the Texas Secretary of State shall be used by the City in its elections.

Section 9. Debt Obligations. The following information is provided in accordance with the provisions of Section 3.009(b), Texas Election Code.

(a) The proposition language that will appear on the ballot is set forth in Section 7 hereof.

(b) The purpose for which the bonds are to be authorized is set forth in Section 6 hereof.

(c) The principal amount of the debt obligations to be authorized is $_____.

(d) If the bonds are approved by the voters, the City Council will be authorized to levy annual ad valorem taxes, on all taxable property in the City, sufficient, within the limits prescribed by law, to pay the principal of and interest on the bonds.

(e) Based upon the bond market conditions at the date of adoption of this Ordinance, the maximum interest rate for any series of the bonds is estimated to be _____%. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds and notes. Such estimated maximum interest rate is

provided as a matter of information, but is not a limitation on the interest rate at which the bonds or notes, or any series thereof, may be sold.

(f) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed the maximum number of years authorized by law.

(g) The aggregate amount of the outstanding principal of the City's debt obligations as of the date of this Ordinance is $47,927,000.

(h) The aggregate amount of the outstanding interest of the City's debt obligations as of the beginning as of the date of this Ordinance is $26,404,380.

(i) The ad valorem debt service tax rate for the City as of the date of this Ordinance is $0.115947 per $100 of taxable assessed valuation.

EXHIBIT A

ELECTION DAY POLLING PLACES

[Voters may vote at the following locations within the City and at any of the additional listed Election Day Vote Centers open under full contract services with the Collin County Elections Administration.]

Polling Place	**Address**	**City**
Aldridge Elementary School	720 Pleasant Valley	Richardson
Allen ISD Service Center	1451 N. Watters	Allen
Allen Municipal Courts Facility	301 Century Parkway	Allen
Armstrong Middle School	3805 Timberline	Plano
Benton Staley Middle School	6927 Stadium Drive	Frisco
Blue Ridge ISD Administration Building	318 West School Street	Blue Ridge
Bowman Middle School	2501 Jupiter Road	Plano
Carpenter Middle School	3905 Rainier Road	Plano
Carpenter Park Recreation Center	6701 Coit Road	Plano
Celina ISD Administration Building	205 S. Colorado	Celina
Christ the Servant Lutheran Church	821 S. Greenville Ave.	Allen
Christ United Methodist Church	3101 Coit Road	Plano
Clark High School - Plano	523 Spring Creek	Plano
Collin College Central Park Campus	2200 University	McKinney
Collin College - Higher Education Center	3452 Spur 399	McKinney
Collin College Preston Ridge Campus	9700 Wade Blvd.	Frisco
Collin College Spring Creek Campus	2800 Spring Creek Parkway	Plano
Collin County Elections Office	2010 Redbud Blvd, Ste. 102	McKinney
Community ISD Technology and Conference Center	611 FM 1138	Nevada
Davis Library	7501 Independence Parkway	Plano
Dowell Middle School	301 Ridge Road	McKinney
Dr. Pepper Star Center - Champions Café	6993 Stars Ave.	McKinney
Eldorado Country Club	2604 Country Club Drive	McKinney
Fairview Town Hall	372 Town Place	Fairview
First Baptist Church - Branch	7011 FM 546	Princeton
First Baptist Church Farmersville - Youth Building	201 Farmersville Pkwy.	Farmersville
First Baptist Church - Josephine	300 S. Main Street	Josephine
Ford Middle School	630 Park Place Drive	Allen
Fowler Middle School	3801 McDermott Road	Plano
Frisco Fire Station #5	14300 Eldorado Parkway	Frisco
Frisco Senior Center	6670 Moore Street	Frisco
Gay Library	6861 W. Eldorado Parkway	McKinney
George Bush Elementary School	2000 Eagle Aerie Lane	Wylie

Haggar Elementary School	17820 Campbell Road	Dallas
Harrington Library	1501 18th Street	Plano
Heritage High School	14040 Eldorado Pkwy.	Frisco
Hunt Middle School	4900 Legendary Drive	Frisco
Islamic Association of Collin County	6401 Independence Pkwy.	Plano
John Q. Hammons Center-Courtyard Marriott	210 East Stacy Road	Allen
Lavon City Hall	120 School Road	Lavon
Liberty High School	15250 Rolater Road	Frisco
Lovejoy ISD Administration Bldg.	259 Country Club	Allen
Lowry Crossing City Hall	1405 S. Bridgefarmer Road	Lowry Crossing
Lucas Community Center	665 Country Club Road	Lucas
McKinney Fire Station #7	861 Independence Pkwy.	McKinney
McKinney Senior Recreation Center	1400 S. College	McKinney
Melissa City Hall	3411 Barker Ave.	Melissa
Methodist Richardson Medical Center	2831 E. President George Bush Hwy	Richardson
Miller Elementary School	5651 Coventry Dr.	Richardson
Mitchell Elementary School	4223 Briargrove	Dallas
Murphy Community Center	205 N. Murphy Road	Murphy
Old Settlers Recreation Center	1201 E. Louisiana	McKinney
Parker City Hall	5700 E. Parker Road	Parker
Parr Library	6200 Windhaven Pkwy.	Plano
Plano ISD Administration Center	2700 W. 15th Street	Plano
Plano Senior Center	401 W. 16th Street	Plano
Princeton City Hall	123 W. Princeton Drive	Princeton
Prosper ISD Administration Bldg.	605 E. Seventh Street	Prosper
Renner-Frankford Library	6400 Frankford Road	Dallas
Royse City ISD Mike McKinney Maintenance Facility	1420 FM 1777	Royse City
Seis Lagos Community Services Assoc.	222 Seis Lago Trail	Wylie
Shepton High School	5505 Plano Pkwy.	Plano
Shiloh Missionary Baptist Church	1310 Avenue "I"	Plano
Smith Library	300 Country Club	Wylie
Stonebridge United Methodist Church	1800 S. Stonebridge Drive	McKinney
Suncreek United Methodist Church	1517 W. McDermott Drive	Allen
Texas Star Bank	402 W. White Street	Anna
Tom Muehlenbeck Recreation Center	5801 W. Parker Road	Plano
Toyota Stadium	9200 World Cup Way	Frisco
Weston Community Center	117 Main Street	Weston
Whitt Elementary School	7520 Woodcreek Way	Sachse
Woodcreek Church	3400 E. Renner Road	Richardson
Wylie ISD Educational Service Center	951 S. Ballard	Wyle

EXHIBIT B

EARLY VOTING POLLING PLACES, DATES AND TIMES

[Voters may vote at the following locations within the County and at any of the additional Early Voting locations within the County which are open under full contract services with the Collin County Elections Administration.]

April 19 – 23	Monday - Friday	8:00 a.m. - 5:00 p.m.
April 24	Saturday	8:00 a.m. - 5:00 p.m.
April 26 – 27	Monday - Friday	7:00 a.m. - 7:00 p.m.

Polling Place	**Address**	**Street**
Collin County Elections **(Main Early Voting Location)**	2010 Redbud Blvd. St 102	McKinney
Allen ISD Service Center	1451 N. Watters	Allen
Allen Municipal Courts Facility	301 Century Pkwy.	Allen
Carpenter Park Recreation Center	6701 Coit Road	Plano
Celina ISD Administration Building	205 S. Colorado	Celina
Christ United Methodist Church	3101 Coit Road	Plano
Collin College - Central Park Campus	2200 W. University Drive	McKinney
Collin College – Higher Education Center	3452 Spur 399	McKinney
Collin College - Preston Ridge Campus	9700 Wade Blvd.	Frisco
Collin College - Spring Creek Campus	2800 E. Spring Creek Pkwy.	Plano
Davis Library	7501 Independence	Plano
Frisco Fire Station #5	14300 Eldorado Pkwy	Frisco
Frisco Senior Center	6670 Moore Street	Frisco
Gay Library	6861 W. Eldorado	McKinney
Haggard Library	2501 Coit Road	Plano
Harrington Library	1501 18th Street	Plano
Lavon City Hall	120 School Road	Lavon
Lovejoy ISD Administration Bldg.	259 Country Club	Allen
McKinney Fire Station #7	861 S. Independence Pkwy.	McKinney
Melissa City Hall	3411 Barker Ave.	Melissa
Methodist Richardson Medical Center	2831 E. President George Bush Hwy	Richardson
Murphy Community Center	205 North Murphy Road	Murphy
Old Settlers Recreation Center	1201 E. Louisiana	McKinney
Parker City Hall	5700 E. Parker Road	Parker
Parr Library	6200 Windhaven Pkwy.	Plano
Plano ISD Administration Center	2700 W. 15th Street	Plano
Princeton City Hall	123 W. Princeton Drive	Princeton
Prosper Municipal Chambers	108 W. Broadway	Prosper
Renner-Frankford Library	6400 Frankford	Dallas
Smith Library	300 Country Club	Wylie
Texas Star Bank	402 W. White	Anna
Wylie ISD Educational Service Center	951 S. Ballard	Wylie

Important Note: *Eligible* Collin County registered voters (with an effective date of registration on or before May 1, 2021) may vote at any of the above early voting locations.

City of Anna, Texas

Net Project Funds = $50,000,000

Bond Election Analysis - 25 Year Amortization (Wrap Debt Service)

Preliminary Bond Election Analysis

Proposed Projects	Project Funds Needed	Bonds Required[1]	Tax Rate Impact	Annual Tax Impact on an Avg. Home[2]	Monthly Tax Impact on an Avg. Home[2]
Public Safety	$8,000,000	$8,195,000	$0.0071	$16.32	$1.36
Community Library	$22,000,000	$22,375,000	$0.0194	$44.56	$3.71
Parks and Recreation	$20,000,000	$20,340,000	$0.0168	$38.65	$3.22
TOTAL	**$50,000,000**	**$50,910,000**	**$0.0433**	**$99.54**	**$8.29**

Notes:

(1) Based on total Net Project Funds of $50,000,000 issued in 2 Phases (Fiscal Years 2021, 2022 & 2024)

(2) The 2020 Estimated Average Home Market Value in Anna according to Collin Central Appraisal District is $230,000.

City of Anna, Texas

Bond Election Analysis - 25 Year Amortization (Wrap Debt Service)

Net Project Funds = $50,000,000 (Funded in Fiscal Years 2021, 2022 & 2024)

Preliminary; For Purposes of Discussion Only

A	B	C	D	E	F	G	H	I	J	K
			Project Funds = Fiscal Year =	**$8,000,000 FY 2021**	**$22,000,000 FY 2022**	**$20,000,000 FY 2024**				
Fiscal Year Ending 9/30	Estimated Growth Factor[1]	Taxable Assessed Valuation[2]	Net Tax-Supported General Obligation Debt Service[3]	***GO Bonds Series, 2021*** *All-in True Interest = 2.61%* [4] ***Total D/S***	***GO Bonds Series, 2022*** *All-in True Interest = 2.87%* [5] ***Total D/S***	***GO Bonds Series, 2024*** *All-in True Interest = 3.14%* [6] ***Total D/S***	**Less: I&S Debt Service Funds on Hand**[7]	**NET NEW Tax-Supported General Obligation Debt Service**	**Required Debt Service (I&S) Tax Rate**[8]	***Projected* Debt Service (I&S) Tax Rate Impact**
2021		$ 1,470,079,895	$ 1,814,663	$ -	$ -	$ -	$ -	$ 1,814,663	$ 0.1159	$ -
2022	11.95%	1,645,780,694	1,817,864	183,919	-	-	133,000	1,868,783	0.1159	-
2023	10.78%	1,823,238,501	1,818,339	183,919	591,766	-	50,745	2,543,278	0.1423	0.0265
2024	9.83%	2,002,470,886	1,822,862	377,846	591,766	-	-	2,792,474	0.1423	-
2025	9.04%	2,183,495,595	1,820,606	395,484	591,766	596,665	-	3,404,520	0.1591	0.0168
2026	8.37%	2,366,330,551	1,819,823	472,247	755,569	641,318	-	3,688,956	0.1591	-
2027	7.80%	2,550,993,856	1,820,385	473,095	986,233	700,132	-	3,979,844	0.1592	-
2028	3.50%	2,640,278,641	1,820,375	473,419	1,108,535	718,229	-	4,120,558	0.1593	-
2029	3.50%	2,732,688,394	1,823,200	473,221	1,168,367	800,256	-	4,265,043	0.1593	-
2030	3.50%	2,828,332,487	2,213,900	477,469	889,441	821,030	-	4,401,839	0.1588	-
2031	3.50%	2,927,324,125	2,212,025	476,195	1,030,988	831,065	-	4,550,273	0.1586	-
2032	3.50%	3,029,780,469	2,208,600	479,427	1,158,877	875,025	-	4,721,929	0.1590	-
2033	3.50%	3,135,822,785	2,209,000	477,136	1,179,206	1,026,138	-	4,891,479	0.1592	-
2034	3.50%	3,245,576,583	2,212,300	474,429	1,321,444	1,074,141	-	5,082,314	0.1598	-
2035	3.50%	3,359,171,763	2,213,400	476,378	1,463,982	1,070,751	-	5,224,511	0.1587	-
2036	3.50%	3,476,742,775	2,212,300	477,953	1,646,294	1,061,585	-	5,398,131	0.1584	-
2037	3.50%	3,598,428,772	2,209,000	479,146	1,654,951	1,244,093	-	5,587,189	0.1584	-
2038	3.50%	3,724,373,779	2,208,400	475,010	1,657,138	1,351,680	-	5,692,227	0.1560	-
2039	3.50%	3,854,726,861	1,911,400	475,538	1,657,892	1,657,323	-	5,702,152	0.1509	-
2040	3.50%	3,989,642,301	1,913,100	475,662	1,657,184	1,657,256	-	5,703,201	0.1459	-
2041	3.50%	4,129,279,782	1,912,600	475,148	1,654,987	1,655,679	-	5,698,414	0.1408	-
2042	3.50%	4,273,804,574	1,914,800	479,001	1,655,426	1,657,491	-	5,706,718	0.1363	-
2043	3.50%	4,423,387,734	1,914,600	477,520	1,653,670	1,657,587	-	5,703,377	0.1316	-
2044	3.50%	4,578,206,305	1,912,000	475,772	1,655,673	1,660,091	-	5,703,536	0.1271	-
2045	3.50%	4,738,443,526	1,911,900	478,690	1,656,362	1,660,157	-	5,707,109	0.1229	-
2046	3.50%	4,904,289,049	1,914,100	476,275	1,655,737	1,658,795	-	5,704,907	0.1187	-
2047	3.50%	5,075,939,166	1,913,500	-	1,653,798	1,656,008	-	5,223,306	0.1050	-
2048	3.50%	5,253,597,037	1,915,000	-	-	1,656,714	-	3,571,714	0.0694	-
2049	3.50%	5,437,472,933	-	-	-	1,655,836	-	1,655,836	0.0311	-
			$ 55,410,042	$ 11,139,890	$ 32,697,048	$ 31,045,041	$ 183,745	$ 130,108,275		$ 0.0433

(1) Growth assumptions as provided by City Staff.
(2) Assumes 700 new homes per year through CY 2025 (FY 2027 impact) at $230,000 per home plus 1% valuation growth for prior year property. 3.5% growth from FY 2028 through FY 2048 as provided by City Staff.
(3) Includes $2,500 budgeted paying agent fees per year.
(4) Assumes "AA" Rated Non Bank Qualified Interest Rates plus 0.75% as of January 8, 2021. **Subject to Change at Anytime.**
(5) Assumes "AA" Rated Non Bank Qualified Interest Rates plus 1.00% as of January 8, 2021. **Subject to Change at Anytime.**
(6) Assumes "AA" Rated Non Bank Qualified Interest Rates plus 1.25% as of January 8, 2021. **Subject to Change at Anytime.**
(7) Assumes use of $183,745 Debt Service Fund Balance as presented in the City's Adopted FY 2020-2021 Budget.
(8) FY 2021 is actual. Subsequent Debt Service (I&S) Tax Rates calculated assuming 98% collections.

City of Anna, Texas

Net Project Funds = $58,000,000

Bond Election Analysis - 25 Year Amortization (Wrap Debt Service)

Preliminary Bond Election Analysis

Proposed Projects	Project Funds Needed	Bonds Required[1]	Tax Rate Impact	Annual Tax Impact on an Avg. Home[2]	Monthly Tax Impact on an Avg. Home[2]
Public Safety	$8,000,000	$8,195,000	$0.0071	$16.43	$1.37
Community Library	$22,000,000	$22,375,000	$0.0195	$44.87	$3.74
Parks and Recreation	$28,000,000	$28,435,000	$0.0165	$37.98	$3.16
TOTAL	**$58,000,000**	**$59,005,000**	**$0.0432**	**$99.28**	**$8.27**

Notes:

(1) Based on total Net Project Funds of $58,000,000 issued in 2 Phases (Fiscal Years 2021, 2022 & 2025)

(2) The 2020 Estimated Average Home Market Value in Anna according to Collin Central Appraisal District is $230,000.

City of Anna, Texas

Preliminary; For Purposes of Discussion Only

Bond Election Analysis - 25 Year Amortization (Wrap Debt Service)

Net Project Funds = $58,000,000 (Funded in Fiscal Years 2021, 2022 & 2025)

A	B	C	D	E	F	G	H	I	J	K
			Project Funds =	**$8,000,000**	**$22,000,000**	**$28,000,000**				
			Fiscal Year =	**FY 2021**	**FY 2022**	**FY 2025**				
Fiscal Year Ending 9/30	Estimated Growth Factor[1]	Taxable Assessed Valuation[2]	Net Tax-Supported General Obligation Debt Service[3]	***GO Bonds Series, 2021*** *All-in True Interest = 2.78%* [4] ***Total D/S***	***GO Bonds Series, 2022*** *All-in True Interest = 2.80%* [5] ***Total D/S***	***GO Bonds Series, 2024*** *All-in True Interest = 3.16%* [6] ***Total D/S***	**Less: I&S Debt Service Funds on Hand[7]**	**NET NEW Tax-Supported General Obligation Debt Service**	**Required Debt Service (I&S) Tax Rate[8]**	***Projected*** **Debt Service (I&S) Tax Rate Impact**
2021		$ 1,470,079,895	$ 1,814,663	$ -	$ -	$ -	$ -	$ 1,814,663	$ 0.1159	$ -
2022	11.95%	1,645,780,694	1,817,864	197,306	-	-	135,000	1,880,170	0.1166	-
2023	10.78%	1,823,238,501	1,818,339	197,306	592,206	-	48,745	2,559,106	0.1432	0.0267
2024	9.83%	2,002,470,886	1,822,862	376,316	592,206	-	-	2,791,384	0.1422	-
2025	9.04%	2,183,495,595	1,820,606	195,326	1,039,169	-	-	3,055,101	0.1428	-
2026	8.37%	2,366,330,551	1,819,823	374,138	650,660	849,209	-	3,693,829	0.1593	0.0165
2027	7.80%	2,550,993,856	1,820,385	376,590	887,794	903,786	-	3,988,555	0.1595	-
2028	3.50%	2,640,278,641	1,820,375	378,692	1,031,487	902,922	-	4,133,476	0.1597	-
2029	3.50%	2,732,688,394	1,823,200	375,481	1,092,665	981,335	-	4,272,680	0.1595	-
2030	3.50%	2,828,332,487	2,213,900	381,919	815,194	1,018,595	-	4,429,607	0.1598	-
2031	3.50%	2,927,324,125	2,212,025	382,979	958,298	1,035,081	-	4,588,382	0.1599	-
2032	3.50%	3,029,780,469	2,208,600	383,724	1,087,833	1,065,723	-	4,745,879	0.1598	-
2033	3.50%	3,135,822,785	2,209,000	384,132	1,109,887	1,204,047	-	4,907,066	0.1597	-
2034	3.50%	3,245,576,583	2,212,300	389,181	1,253,933	1,229,910	-	5,085,323	0.1599	-
2035	3.50%	3,359,171,763	2,213,400	388,948	1,398,345	1,259,386	-	5,260,078	0.1598	-
2036	3.50%	3,476,742,775	2,212,300	393,448	1,582,569	1,252,846	-	5,441,162	0.1597	-
2037	3.50%	3,598,428,772	2,209,000	397,616	1,667,190	1,319,655	-	5,593,460	0.1586	-
2038	3.50%	3,724,373,779	2,208,400	500,224	1,669,377	1,457,788	-	5,835,788	0.1599	-
2039	3.50%	3,854,726,861	1,911,400	501,244	1,670,131	1,911,700	-	5,994,474	0.1587	-
2040	3.50%	3,989,642,301	1,913,100	501,868	1,674,355	2,095,326	-	6,184,648	0.1582	-
2041	3.50%	4,129,279,782	1,912,600	501,873	1,676,951	2,350,944	-	6,442,368	0.1592	-
2042	3.50%	4,273,804,574	1,914,800	501,327	1,677,106	2,528,215	-	6,621,447	0.1581	-
2043	3.50%	4,423,387,734	1,914,600	885,307	1,615,934	2,471,383	-	6,887,223	0.1589	-
2044	3.50%	4,578,206,305	1,912,000	972,478	1,772,134	2,472,877	-	7,129,489	0.1589	-
2045	3.50%	4,738,443,526	1,911,900	967,914	1,774,684	2,470,645	-	7,125,143	0.1534	-
2046	3.50%	4,904,289,049	1,914,100	967,749	1,770,847	2,469,946	-	7,122,643	0.1482	-
2047	3.50%	5,075,939,166	1,913,500	-	1,775,550	2,472,108	-	6,161,158	0.1239	-
2048	3.50%	5,253,597,037	1,915,000	-	-	2,905,077	-	4,820,077	0.0936	-
2049	3.50%	5,437,472,933	-	-	-	2,893,774	-	2,893,774	0.0543	-
2050	3.50%	5,627,784,486	-	-	-	2,885,014	-	2,885,014	0.0523	-
			$ 55,410,042	$ 11,873,080	$ 32,836,504	$ 44,407,286	$ 183,745	$ 144,343,165		$ 0.0432

(1) Growth assumptions as provided by City Staff.
(2) Assumes 700 new homes per year through CY 2025 (FY 2027 impact) at $230,000 per home plus 1% valuation growth for prior year property. 3.5% growth from FY 2028 through FY 2048 as provided by City Staff.
(3) Includes $2,500 budgeted paying agent fees per year.
(4) Assumes "AA" Rated Non Bank Qualified Interest Rates plus 0.75% as of January 8, 2021. Subject to Change at Anytime.
(5) Assumes "AA" Rated Non Bank Qualified Interest Rates plus 1.00% as of January 8, 2021. Subject to Change at Anytime.
(6) Assumes "AA" Rated Non Bank Qualified Interest Rates plus 1.25% as of January 8, 2021. Subject to Change at Anytime.
(7) Assumes use of $183,745 Debt Service Fund Balance as presented in the City's Adopted FY 2020-2021 Budget.
(8) FY 2021 is actual. Subsequent Debt Service (I&S) Tax Rates calculated assuming 98% collections.

On May 1, 2021 Anna voters will decide if the City should issue $50/$58 million in bonds to finance the design and construction of a second fire station, library, and future recreational and sports facilities. The proposed bond program includes three separate propositions for voter consideration:

Proposition A – Public Safety

Anna has grown more than 1,125% over the past 20 years. The City of Anna has called a bond election for a second fire station and ladder truck (quint/aerial apparatus) to improve operational efficiency for the next 40 years.

The proposed Fire Station #2 is planned to be located west of US-75 and north of FM-455 within the Villages of Hurricane Creek development. The site was provided by the developer to the City of Anna for this use.

A study completed for the Anna Fire Department by UT Dallas in May 2019 recommended establishing a ladder truck (quint/aerial apparatus). A ladder truck would allow:

- Access to elevated structures
- Access to vehicles and people needing assistance up or down an embankment
- Access to areas that cannot support ground ladders
- Overhead access to rail cars and semi-trucks
- Rescuing persons in high places such as bucket trucks, power lifts, trees, etc.
- Elevating a master stream of water or large volume nozzle

Sample Ballot Language:

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION A

FOR	_____)	THE ISSUANCE OF $8,000,000 OF BONDS BY THE CITY OF ANNA, TEXAS FOR A FIRE STATION AND EQUIPTMENT. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.
AGAINST	_____)	

DRAFT

Proposition B – Community Library

The City of Anna has called a bond election for the development of a public library and community center. This $22 million proposition includes the design and construction of a Library with multipurpose recreation, meeting, and classroom space. The facility will be designed with public input and seek to implement complementary objectives within the Parks and Recreation Master Plan. The facility would be located on the Northeast corner of the municipal campus complex on State Highway 5 / North Powell Parkway.

Sample Ballot Language:

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION B

FOR	_____	) THE ISSUANCE OF $22,000,000 OF BONDS BY THE CITY OF) ANNA, TEXAS FOR A COMMUNITY LIBRARY. TAXES) SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON) THE BONDS WILL BE IMPOSED.
AGAINST	_____	

Proposition C – Parks, Trails, Recreation and Sports

This $20/28 million proposition includes funding to implement the recommendations from the City of Anna Parks and Recreation Master Plan. A sample of capital improvements included in the Master Plan recommendations are:

- Planning, design, and property acquisition for an indoor recreation facility
- Planning and design for an outdoor fields to support neighbors who want to play sports closer to home
- Planning and design for additional trail connections to make important linkages to destinations throughout the City
- Amenities for currently undeveloped parks to provide neighbors access to recreation close to home
- Planning, design, and construction of a new community skate park
- Enhancements to existing facilities and sports fields

Sample Ballot Language:

CITY OF ANNA, TEXAS SPECIAL ELECTION
CITY OF ANNA, TEXAS PROPOSITION C

FOR	_____	) THE ISSUANCE OF $20,000,000 / $28,000,000 OF BONDS BY THE) CITY OF ANNA, TEXAS FOR PARKS AND RECREATION) IMPROVEMENTS. TAXES SUFFICIENT TO PAY THE) PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE) IMPOSED.
AGAINST	_____	

DRAFT

Frequently Asked Questions

Q: What is a general obligation bond?

A general obligation bond is a form of borrowing that provides government entities with funds to finance large capital improvements. It is not uncommon for cities to borrow money to pay for the construction of roads, water lines, sewer lines, city buildings, parks, recreation facilities, and other capital infrastructure. This debt can be compared to a home mortgage that is repaid over time. Much like families who borrow money for big ticket items like their home, cities typically limit borrowing to the purchase of assets with a useful life of 20 or more years.

Issuing bonds allows cities to move forward with capital improvements now and spreads the cost over several years to allow for future taxpayers (who will enjoy the benefit of the new roadway or facility) to help pay for the asset.

The city's credit ratings (Aa3 from Moody's and AA- from Fitch) allow the city to pay lower interest rates on bonds. The bonds are repaid with property taxes and require voter approval.

This process is similar as Anna ISD's $155 million bond that neighbors passed in May 2016 for future facilities.

Q: When would these projects be completed?

Should voters approve the propositions above the following timeline is proposed, but may change based on future economic conditions, feasibility, and community priorities:

Proposition	**Year 1 – 2021**	**Year 2 – 2022**	**Year 3 – 2023**	**Year 4 – 2024**	**Year 5 - 2025**
A – Public Safety	Design	Construction	•	•	•
B – Community Library	Public Input & Design	Construction	•	•	•
C – Parks, Trails, Recreation and Sports	Feasibility Study & Public Input	Public Input	Property Acquisition	Facility Design	Facility Construction

Q: What is the tax rate impact?

If all three propositions are approved, the average property owner with a $230,000 home within the City of Anna may see their property taxes increase $8.29 / $8.27 per month or $99.54 / $99.28 per year.

Q: When will these facilities be completed?

Voter approval of a bond proposition only authorizes the funding for the project(s). Before construction, the City must take steps to plan, gather public input, design, and bid a project. The process from planning to construction may take several months.

DRAFT

Q: Since we have the internet, aren't Libraries obsolete?

The design of a community library in Anna will include public input so that space is allocated for program space for classes, programs, technology equipment as well as physical materials. Services such as 3D printing, youth robotics and computer coding, ESL and GED classes, small business and non-profit resources and support, early literacy and school readiness programs for children and families, homework help, online safety and security, access to computers and wi-fi, partnering teens with seniors to learn how to use mobile devices, and more may be included in a community library.

Q: Where can I get more information or updates on future bond projects if the proposition(s) is approved?

Questions and comments may be sent to bond2021@annatexas.gov More information on the election and future projects are also posted on the City of Anna's website at https://www.annatexas.gov/1192/Bond-2021

Important Dates

- Last Day to Register to Vote — Thursday, April 1, 2021
- First Day of Early Voting by Personal Appearance — Monday, April 19, 2021
- Last Day to Apply for Ballot by Mail (Received, not Postmarked) — Tuesday, April 20, 2021
- Last Day of Early Voting by Personal Appearance — Tuesday, April 27, 2021
- Last Day to Receive Ballot by Mail — Saturday, May 1, 2021
- Election Day — Saturday, May 1, 2021

DRAFT

Item No. 6.a.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact:

AGENDA ITEM:
Approve Council Meeting Minutes for December 15, 2020, January 12, 2021 Joint Meeting and January 12, 2021. (City Secretary Carrie Land)

SUMMARY:

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATION:

ATTACHMENTS:
1. CCmin20201215 Draft.pdf
2. CCmin20210112 JWS Draft
3. CCmin20210112 Draft

APPROVALS:
Carrie Land, City Secretary Created/Initiated - 1/21/2021

Regular City Council Meeting
Meeting Minutes

Tuesday, December 15, 2020 @ 5:00 PM

Anna City Hall, Council Chambers
111 N. Powell Parkway, Anna, Texas 75409

The City Council of the City of Anna met at 5:00 PM, on December 15, 2020, at the Anna City Hall, Located at 111 North Powell Parkway (Hwy 5), to consider the following items.

1. **Call to Order, Roll Call and Establishment of Quorum.**

Mayor Pro Tem Lee Miller opened the meeting at 5:00 PM.

Council Member Miller, Vollmer, and Ussery were present.

2. **Neighbor Comments.**

No Comments.

3. **Items For Individual Consideration.**

a. Consider/Discuss/Action on an Ordinance Canvassing the December 8, 2020 Runoff Election results. (City Secretary Carrie Land)

MOTION: Council Member Miller moved to approve. Council Member Vollmer seconded. Motion carried 3-0.

4. **Adjourn.**

Deputy Mayor Pro Tem Miller adjourned the meeting at 5:05 PM.

Approved on January 26, 2021.

_____
Mayor Nate Pike

ATTEST:

City Secretary Carrie L. Land

SPECIAL JOINT MEETING
of the City Council,
Planning & Zoning Commission,
Parks Advisory Board, EDC/CDC,
and Comprehensive Plan Advisory Task Force

Meeting Minutes

Tuesday, January 12, 2021 @ 5:00 PM

Sue E. Rattan Elementary School
1221 S. Ferguson Pkwy., Anna, Texas 75409

The City Council of the City of Anna met at 5:00 PM, on January 12, 2021, at the Anna City Hall, Located at 1221 S. Ferguson Pkwy., to consider the following items.

1. **Call to Order, Roll Call and Establishment of Quorum.**

   Mayor Pike called the meeting to order at 5:00PM.

2. **Invocation and Pledge of Allegiance.**

   Mayor Pike led the Invocation and Pledge of Allegiance.

3. **Neighbor Comments.**

   No comments.

4. **Anna 2050 Comprehensive Plan - Joint Workshop.**

5. **Adjourn.**
   Mayor Pike adjourned the meeting at 7:35 PM.

Approved on January 26, 2021.

_____
Mayor Nate Pike

ATTEST:

City Secretary Carrie L. Land

Regular City Council Meeting
Meeting Minutes

Tuesday, January 12, 2021 @ 6:30 PM

Sue E. Rattan Elementary School
1221 S. Ferguson Parkway, Anna, Texas 75409

The City Council of the City of Anna met at 6:30 PM, on January 12, 2021, at the Sue E. Rattan Elementary School, located at 1221 S. Ferguson Parkway, to consider the following items.

1. **Call to Order, Roll Call and Establishment of Quorum.**

Mayor Pike called the meeting to order at 7:43 PM.

All Council Members were present.

2. **Invocation and Pledge of Allegiance.**

Mayor Pike led the Invocation and Pledge of Allegiance.

3. **Neighbor Comments.**

Gina Ottavio - requested Council consider amending the Charter to have Council run in districts.

Tom Plunkett - spoke regarding the bond program.

4. **Reports.**

a. Congressman Pat Fallon to speak with Council.

Congressman Fallon was unable to attend.

b. Recognition of outgoing Deputy Mayor Pro Tem John Beazley. (Mayor and Council)

c. Introduction and issue oath of office to newly elected Council Members. (City Secretary Carrie Land)

d. Introduction and issue oath of office to New Police Chief, Dean Habel (City Manager Jim Proce)

Postponed.

e. Recognition of the City of Anna's 2020 U.S. Census efforts. (City Manager

Jim Proce)

f. Recognition for the Anna City Manager, Jim Proce, ICMA-CM, being named to the Engaged Local Government Leaders (ELGL) Traeger Award List for Top 100 Local Government Influencer for 2020. (Assistant City Manager Ryan Henderson)

5. **Consent Items.**

MOTION: Council Member Miller moved to approve the consent agenda. Council Member Vollmer seconded. Motion carried 7-0.

a. Approve Council Meeting Minutes for December 8, 2020. (City Secretary Carrie Land)

b. Review quarterly attendance records for Council, Boards and Commissions. (City Secretary Carrie Land)

c. First Quarter Financial Report for the City of Anna for the quarter ended December 31, 2020. (City Manager Jim Proce)

d. Approve a Resolution to abandon easements in Anna Crossing Phase 4B which are no longer required for public access and drainage. (Director of Public Works Greg Peters)

The easements were originally granted to the City of Anna by Skorburg Companies, the master developer of Anna Crossing. The drainage and access easements were required as a temporary solution to providing adequate public access and public drainage paths while the surrounding area was developed. Now that Anna Crossing 4B is substantially complete, the street and drainage system is in place. The new streets and drainage system have made these easements obsolete.

In order to ensure proper record of the abandonment of these easements, it is necessary to have a formal approval of the abandonment by the City Council, execution of the documents by the City Manager, and to have the documents formally filed in the Public Records of Collin County. This will ensure that neighbors buying and selling the residential lots in this area do not have old easements show up on their title commitments, which could create delays in their ability to close on the individual property purchases.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT ABANDONMENT DOCUMENTS FOR THE ABANDONMENT OF ACCESS EASEMENTS AND DRAINAGE EASEMENTS IN PHASE 4B OF ANNA CROSSING SUBDIVISION AS SHOWN IN EXHIBIT “A” ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

e. Approve a Resolution of the City of Anna approving and authorizing the City Manager to execute a roadway and waterworks impact reimbursement agreement by and between the City of Anna, Texas and Anna 455 Commercial, LP, a Texas Limited Partnership. (Finance Director Alan Guard)

Staff recommends approval of the Resolution approving and authorizing the City Manager to execute the impact fee reimbursement agreement by and between the City of Anna and Anna 455 Commercial, LP.

Anna 455 Commercial, LP, a Texas Limited Liability Partnership, constructed the four-lane (with turn lanes) divided boulevard entrance of Ferguson Street north of FM 455. In addition, they constructed the main water line that goes from FM 455 and serves the subdivision to the north. The cost to construct those two improvements are $467,659 and $164,181, respectively. These projects are on the City's Master Thoroughfare Plan and Water System Master Plan, as well as on the City's Impact Fee Study and are eligible for reimbursement.

The developer is requesting reimbursement of impact fees using the fees paid by the development of the commercial properties along FM 455 between the subdivision and FM 455. This agreement is similar to the agreement the City made with Lennar homes for the reimbursement of impact fees related to Lennar's construction of the Ferguson and the main waterline that serves the subdivision. This agreement would be consistent with the City's policy and past practice.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY AND WATER IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND ANNA 455 COMMERCIAL, LP, A TEXAS LIMITED PARTNERSHIP, AS SHOWN IN EXHIBIT “A” ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

f. Approve a Resolution approving an Interlocal Agreement with the City of Melissa to acquire a portion of their Take or Pay Water Purchase for the water year 2019-2020 and authorize the City Manager to sign the agreement. (Finance Director Alan Guard)

Staff recommends adopting the Resolution approving the Interlocal Agreement of the purchase of a portion of Melissa's Take or Pay water purchase from the North Texas Municipal Water District.

The City of Anna has agreed to purchase a portion of the City of Melissa's Take or Pay water purchase. Each year the City Council is required to pass a Resolution approving that year's purchase through an interlocal agreement. This year's purchase is for 18,325,000 gallons at a rate of $1.765 per thousand gallons for a total of $32,343.63.

A RESOLUTION OF THE CITY OF ANNA, TEXAS REALTED TO THE AN INTER-LOCAL AGREEMENT BETWEEN THE CITIES OF ANNA AND MELISSA UNDER WHICH THE CITY OF MELISSA AGREES TO TRANSFER A PORTION OF ITS CONTRACTUAL MINIMUM TAKE OR PAY WATER OBLIGATIONS WITH THE GREATER TEXOMA UTILITY

AUTHORITY (GTUA) TO THE CITY OF ANNA IN EXCHANGE FOR AN AGREED PAYMENT FROM ANNA AND AUTHORIZING THE CITY MANAGER TO SIGN THE INTER-LOCAL AGREEMENT

g. Approve a Resolution awarding bids for the construction of a ballfield and fence installation at Johnson Park to Homerun Construction Services, LLC, of Blue Ridge, Texas in the amount of $82,362 and authorize the City Manager to execute the contract. (Marc Marchand, Director of Neighborhood Services)

Approve a Resolution awarding a contract for the construction of a ballfield and fence installation at Johnson Park to Homerun Construction Services, LLC, in the amount of $82,362 and authorize the City Manager to execute the contract.

Neighborhood Services is renovating Johnson Park, including relocating a ballfield and installing new fencing on two ballfields. The department contacted a number of local vendors and received three quotes for each part of the project.

Homerun Construction Services provided the lowest and best bid for the relocation/construction of the ballfield ($49,180) and the installation of the new fence at the park ($33,182). Since the total amount of the work done by this company at the park exceeds $50,000, City Council approval is required.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDING A CONTRACT TO HOMERUN CONSTRUCTION SERVICES, LLC, OF BLUE RIDGE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN THE INTER-LOCAL AGREEMENT

6. **Items for Individual Consideration.**

a. Consider/Discuss/Action an Ordinance to revise the sewer lateral inspection process. (Director of Public Works Greg Peters, P.E.)

Currently, the Anna Public Works Department performs a TV inspection of all new sewer laterals constructed with private development in the City. While this process worked well during periods of low to moderate residential construction volumes, it has begun to overwhelm our limited staff who have primary responsibilities regarding the maintenance and operation of the public water and sewer system.

Currently our utility crews spend approximately half a day each Tuesday and Thursday completing these inspections, which has decreased our ability to respond to neighbor concerns, leaks, and maintenance tasks.

The proposed process changes will allow the builder to hire a 3rd party to complete the inspection, which will allow the builder to get this inspection done faster with less time lost due to waiting for the City team to get to their project and complete the inspection. Upon completion, they will simply submit a completed form with a video recording of the inspection camera going through

the lateral.

The City Attorney has reviewed the proposed Ordinance changes in addition to the proposed form which will be used to ensure completion of the process. If approved, the City will work with the building community to initiate a transition to the new process.

Staff believes that this process change will benefit both the building community and neighbors.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING ARTICLE 12.04, SECTION 12.04.009 REGARDING SEWER INSPECTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Toten moved to approve. Council Member Vollmer seconded. Motion carried 7-0.

b. Consider/Discuss/Action on approval of a Subdivision Improvement Agreement for the public water, sanitary sewer, and roadway improvements related to the Woods at Lindsey Place development located on future Rosamond Parkway between US 75 and State Highway 5. (Director of Public Works Greg Peters, P.E.)

D. R. Horton is seeking to develop property located adjacent to the future alignment of Rosamond Parkway, between US 75 and State Highway 5. The property received zoning approval in December of 2020, and the project is known as The Woods at Lindsey Place.

Per the Master Plans, the following projects are considered to be City Capital Projects which are impact fee eligible:

- 16" Water Main along Ferguson Parkway
- 16" Water Main along Rosamond Parkway
- 12" Water Main along Throckmorton Boulevard
- Off-site and On-site Sanitary Sewer Main (15" and 12")
- Rosamond Parkway (Adjacent and off-site)
- Throckmorton Boulevard (Adjacent and off-site)
- Ferguson Parkway (Adjacent and off-site)

The water and sanitary sewer impact fees estimated to be generated by the development will exceed the costs of both the Water and Sanitary Sewer CIP Projects. However, the roadway impact fees estimated to be generated by the development are substantially less than the cost to construct all three roads (Rosamond, Throckmorton, Ferguson Parkway).

Rosamond Parkway is the most significant project with the largest impact to regional transportation needs for the community and is therefore the focal point of the roadway infrastructure improvements to be built with the development. The Developer has agreed to construct 2 lanes of the on-site and off-site portions of Rosamond Parkway to ensure a complete road from US 75 to SH 5. Throckmorton and Ferguson will be constructed as additional development occurs along these corridors.

Staff has worked with the developer and the City Attorney to prepare the included Subdivision Improvement Agreement for Council consideration. If approved, the Developer will construct the identified water and sanitary sewer improvements, along with 2 lanes of Rosamond Parkway from US 75 to Anna High School.

In accordance with the agreement, the City will only reimburse the impact fees in amounts consistent with the actual construction cost of the identified projects, and only from impact fee funds received from the development. Impact fees collected which exceed the construction costs will be placed in the City impact fee funds for use on other CIP projects.

At the time of the agenda being posted, minor details in the agreement were still under review by the City Attorney and the Developer's attorney. As such, a draft agreement is attached to this agenda item. The final signed agreement will be provided at the City Council meeting.

MOTION: Council Member Ussery moved to approve. Mayor Pike seconded. Motion carried 7-0.

d. Consider/Discuss/Action on appointment of the Mayor Pro Tem and Deputy Mayor Pro Tem. (City Manager Jim Proce)

MOTION: Council Member Toten moved to appoint Lee Miller to Mayor Pro Tem and Josh Vollmer to Deputy Mayor Pro Tem. Council Member Ussery seconded. Motion carried 7-0.

e. Consider/Discuss/Action on appointment of Council Liaisons for Boards and Commissions. (City Manager Jim Proce)

MOTION: Council Member Toten moved to appoint Mayor Pike and Randy Atchley to Parks Advisory Board; Josh Vollmer and Danny Ussery to Diversity and Inclusion Commission; Lee Miller and Josh Vollmer to EDC/CDC; Stan Carver and Kevin Toten to Planning and Zoning Commission. Council Member Miller seconded. Motion carried 7-0.

7. **Closed Session (Exceptions).**

Under Tex. Gov't Code Chapter 551, The City Council May Enter Into Closed Session To Discuss Any Items Listed Or Referenced On This Agenda Under The Following Exceptions:

a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Charter provisions and Council procedures. Sign regulations.

b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).

c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087).

d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074).

MOTION: Council Member Vollmer moved to enter closed session. Council Member Toten seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 8:59 PM.

Mayor Pike reconvened the meeting at 11:15 PM.

8. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action taken.

9. **Adjourn.**

Mayor Pike adjourned the meeting at 11:15 PM.

Approved on January 26, 2021.

_____

Mayor Nate Pike

ATTEST:

City Secretary Carrie L. Land

Item No. 6.b.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact:

AGENDA ITEM:
Review minutes of the December 3, 2020 Joint Community Development and Economic Development Corporation meeting. (Director of Economic Development Joey Grisham)

SUMMARY:

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATION:

ATTACHMENTS:
1. December 3 2020 Joint CDC EDC Meeting Minutes

APPROVALS:
Taylor Lough, Economic Development Administrator Created/Initiated - 1/21/2021

Officers:
Anthony Richardson, President
Stan Carver, Vice-President
Rocio Gonzalez, Secretary

Staff:
Joey Grisham, Economic Development Director
Taylor Lough, Economic Development Manager

Anna Community Development Corporation and Anna Economic Development Corporation Regular Meeting Minutes

Thursday, December 3, 2020 at 6:00 pm
Anna City Hall, Council Chambers
111 N. Powell Parkway, Anna, Texas 75409

The Anna Community Development Corporation and the Anna Economic Development Corporation conducted a regular meeting at 6:00 p.m. on Thursday, December 3, 2020. Some members of Anna Community Development Corporation and the Economic Development Corporation participated in this meeting remotely in compliance with the Texas Open Meetings Act as suspended or modified under the pending Declaration of Disaster and associated executive orders and proclamations of the Governor of Texas.

A video recording of the open session portions of the meeting may be viewed online at the City of Anna's website: https://www.annatexas.gov/962/AgendasMinutes

CDC and EDC Board Members Present: Anthony Richardson, Doris Pierce, Stan Carver, and Rocio Gonzalez **CDC and EDC Board Members Participating Remotely:** Michelle Hawkins **CDC and EDC Board Members Absent:** Shane Williams **Others Present:** Joey Grisham (Economic Development Director), Taylor Lough (Economic Development Manager) and Councilmember Lee Miller **Others Participating Remotely:** Kevin Johnson (IT Manager)

1. **Call to Order. Roll Call and Establishment of Quorum.**
   The meeting was called to order by Anthony Richardson, Board President, at 6:07 p.m.

2. **Invocation and Pledge.**
   Invocation and Pledge of Allegiance were led by Anthony Richardson.

3. **Citizen Comments.**
   Gina Maria Ottavio, neighbor from Avery Pointe, spoke regarding the City's proposed bond program. Ms. Ottavio suggested having commercial rent/retail space within the proposed Library building and sports complex and asked for greater transparency with the process.

4. **Consider/Discuss/Act on approving minutes from the November 5, 2020 CDC Special Called Meeting. (CDC)**

Officers:
Anthony Richardson, President
Stan Carver, Vice-President
Rocio Gonzalez, Secretary

Staff:
Joey Grisham, Economic Development Director
Taylor Lough, Economic Development Manager

5. **Consider/Discuss/Act on approving minutes from the November 5, 2020 EDC Special Called Meeting. (EDC)**
Stan Carver made a motion to approve the minutes on behalf of the CDC and EDC for the November 5, 2020 Joint CDC and EDC Meeting. Rocio Gonzalez seconded the motion. All were in favor. Motion passed.

6. **Review and Discuss Tagline Ideas and Marketing Plan.**
Joey Grisham introduced Jason Meyer with Cooksey Communications who has been working with the CDC/EDC to develop a marketing plan and tagline. Jason Meyers outlined the process that led to the creation of the marketing plan recommendations as well as the tagline and ad campaign. Jason showed three tagline options with various logo alternations. Stan Carver stated the "Groundbreaking Possibilities" is a tagline for Economic Development while "Neighbors for Life" applies to the Community Development. Joey Grisham suggested that for cohesiveness, one tagline is ideal. Anthony Richardson asked if the star in the first concept could be larger, more like the current logo. Doris Pierce stated she was leaning more towards "Neighbors for Life." for businesses with more people working from home. Jason agreed that the "Neighbors for Life" is soft and welcoming.

Jason Meyers displayed four ad concepts. The first could go in site selector magazines or other similar publications. The second is focused on neighbors' lifestyle opportunities for businesses. Jason explained that they heard from neighbors who wanted more restaurant and entertainment options. The third concept is for site selectors and new businesses, showing open land and new buildings. The fourth concept shows what is coming to Anna – for retailers needing additional population. Anthony Richardson would like to see the first concept "Groundbreaking Possibilities" with "Build Your Dreams Here" in the text. Doris Pierce agreed and would like to see the "Neighbors for Life" on the second concept rather than "Big Dreams are Built Here". Anthony Richardson and Stan Carver stated they liked the first concept. Bruce Norwood agreed that the "Big Dreams are Built Here" fits for business and neighbors.

Jason Meyer explained that guide standards will be sent to staff to outline how the logo should be used. Rocio Gonzalez and Michelle Hawkins also like the "Groundbreaking Possibilities" for Economic Development. Michelle Hawkins liked the blue logo version. Joey Grisham stated the next meeting will include the final logo and tagline. Jason Meyers added that the next ad creation will be for the D CEO piece coming up in the spring. Anthony Richardson clarified that the January board meeting will officially adopt the logo and tagline and the February meeting will review the advertisement samples.

7. **Director's Report**
A. **Report on current corporate financial status—Discussion Only**
Joey Grisham explained that the August financial documents were not included in the packet so they will be emailed to the Board once received. Sales tax revenue receipts were 24% above the year before. The CDC has a 100% fund balance and the EDC has a fund balance mostly related to the TxDOT right-of-way purchase.
B. **ED Strategic Plan Update**
A document outlining last month's accomplishments are included in the packet. Joey Grisham stated that single family permits for this fiscal year are above 220 and a ribbon

cutting was held for the Texas Bank in front of the Falls Development. The surgery center should be holding a ribbon cutting soon.

C. **Comprehensive Plan, Downtown Master Plan, and Parks/Trails Master Plan Update**

A survey will be sent to gather input for Downtown. The plan is on scheduled to be completed in early April. Information on all the plans is available at anna2050.com

F. **January Meeting Date**

Joey Grisham stated the meeting is scheduled for January 7th.

8. **CLOSED SESSION (exceptions):**

A. Deliberate regarding the purchase, exchange, lease or value of real property. **(Tex. Gov't Code §551.072)** possible property acquisition; possible land sale/purchase; Anna Business Park.

B. **Consult with legal counsel** on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (**Tex. Gov't Code §551.071**); Grant program; Lease Agreement and promotional contract.

C. **Discuss or deliberate Economic Development Negotiations**:
(1) To discuss or deliberate regarding commercial or financial information that the Board of Directors has received from a business prospect that the Board of Directors seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the Board is conducting economic development negotiations; or,
(2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). **(Tex. Gov't Code §551.087)** Anna Business Park Property; potential retail and medical projects.

Rocio Gonzalez made a motion to enter closed session. Bruce Norwood seconded the motion. All were in favor. Motion passed. The CDC moved into closed session at 8:00 p.m.

9. **Reconvene into open session and take any action on closed session items.**

Anthony Richardson made a motion to reconvene into open session. Stan Carver seconded the motion. All were in favor. Motion passed. The CDC reconvened into open session at 9:07 p.m.

10. **Receive reports from staff or Board Members about items of community interest.**

Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Officers:
Anthony Richardson, President
Stan Carver, Vice-President
Rocio Gonzalez, Secretary

Staff:
Joey Grisham, Economic Development Director
Taylor Lough, Economic Development Manager

- Doris Pierce stated the Greater Anna Chamber of Commerce's annual Christmas Parade will be held December 12th at noon.
- Joey Grisham stated the City's 12 Days of Christmas are happening now and more information is on the city website.
- Stan Carver stated that the two City Council seats runoff election are being held December 8th and the following day starts early voting for the Texas Senate runoff election.

11. **Adjourn.**
Stan Carver made a motion to adjourn the meeting. Bruce Norwood seconded the motion. All were in favor. Motion passed. Meeting adjourned at 9:11 p.m.

APPROVED:

Anthony Richardson
President of CDC/EDC

ATTESTED:

Rocio Gonzalez
Secretary of CDC/EDC

Item No. 6.c.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Joey Grisham

AGENDA ITEM:
Approve a Resolution approving a Chapter 380 Grant Agreement with First Texas Homes, Inc. (Economic Development Director Joey Grisham)

SUMMARY:
Staff was recently contacted by Doug Duffie, CPA, who proposed a Chapter 380 Agreement for sharing his client's (First Texas Homes, Inc.) use tax paid in connection with building materials used by First Texas to build new homes in the City of Anna. The City of Anna entered into a similar agreement with Bloomfield Homes in 2017.

A Texas Direct Payment Permit (ie: use tax permit) allows a Texas taxpayer to self-assess and pay use taxes on materials purchased for use or consumption as opposed to paying sales taxes directly to suppliers based on suppliers' place of business (primarily in larger metropolitan cities). First Texas anticipates using a Texas Direct Payment Permit to pay use taxes each month directly to the Comptroller based on locations where materials are first-used at job sites.

In order to limit administrative costs for the City, First Texas is required to pay use taxes monthly, but will request semi-annual grants based on payments received by the City from January – June, then again for the period from July – December of each year during the ten-year term of the Agreement. This allows the City to verify receipt of all local use taxes received from First Texas prior to payment of any grant. New local use taxes will be able to be independently verified by comparing a copy of First Texas's individual monthly use tax returns related to the City of Anna with amounts received from the Comptroller that were attributed to First Texas Homes, Inc.

Since First Texas will pay 100% of the system, accounting, audit defense and other ongoing administrative costs tied to paying use taxes, and since none of the upfront or ongoing tax compliance costs will be paid by the City, the Grant was requested based on 64% of Anna's 1.25% General City Use Tax, but none of the incremental .75% CDC Use Tax.

The City will obtain a net 1.2% of the 2% combined City / CDC Tax and First Texas Homes will receive .8% of the combined 2% City tax (roughly 60% for the City/CDC and

40% for First Texas Homes).

Based on First Texas' suppliers' current places of business, the City would not receive any local sales tax revenue from First Texas's suppliers in the absence of the proposed 380 agreement, and this approach will generate net new tax revenue for the City without incurring any new costs.

FINANCIAL IMPACT:

Based on First Texas Homes' 204 undeveloped lots in Anna in the Hurricane Creek communities, the company anticipates each new home will generate roughly $672 in net City / CDC tax revenues (net of Grants) and $448 in net benefits for First Texas Homes that will be used to recover the company's costs for use tax compliance. The City will retain 36% of the 1.25% General City use taxes collected and remitted for materials used on 204 homes to be built in Anna plus 100% of the incremental .75% CDC Use tax.

Over the build-out period of the new homes in Anna, and presuming no inflation in the cost of building materials, Anna's "net" City tax revenues after Grants are anticipated to be $51,408 for the General Fund plus $85,680 for the CDC (total of $137,008) and $91,392 for First Texas Homes. If building material costs increase during the term of the Agreement or if First Texas purchases new undeveloped lots in Anna and builds incremental new homes in the City, the benefits could increase.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 1: Growing Anna Economy

STAFF RECOMMENDATION:

Approve the Resolution.

ATTACHMENTS:

1. First Texas Homes, Inc. Resolution
2. Exhibit A- Chapter 380 Agreement with First Texas Homes, Inc.

APPROVALS:

Joey Grisham, Economic Development Director Created/Initiated - 1/22/2021

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A CHAPTER 380 GRANT AGREEMENT WITH FIRST TEXAS HOMES, INC.

WHEREAS, the City Council of the City of Anna, Texas and First Texas Homes, Inc. desire to enter into a Chapter 380 Grant Agreement; and

WHEREAS, the City Council of the City of Anna, Texas finds that approval of the Agreement is in the best interest of the citizens of Anna;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

SECTION 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as set forth in full.

SECTION 2. Approval of Project and Agreement

The City Council of the City of Anna, Texas hereby approves the Chapter 380 Grant Agreement with First Texas Homes, Inc, attached hereto as Exhibit A, incorporated herein for all purposes, and authorizes the City Manager to execute same on its behalf, with said Agreement to be effective upon its approval by the City Council of the City of Anna, Texas as set forth in the Agreement.

SECTION 3. Administration

The City hereby authorizes the City Manager or his designee to administer the Agreement.

CONSIDERED, PASSED AND ADOPTED by the City Council of the City of Anna, Texas at a regular meeting on the 26th day of January, 2021.

APPROVED:

_____
Nate Pike, Mayor

ATTEST:

_____
Carrie L. Land, City Secretary

CHAPTER 380 GRANT AGREEMENT BY
AND BETWEEN THE CITY OF ANNA, TEXAS
AND FIRST TEXAS HOMES, INC.

This **CHAPTER 380 GRANT AGREEMENT** ("Agreement") is made by and between The City of Anna, Texas ("City", also referred to as "Grantor") and First Texas Homes, Inc. (the "Company"), acting by and through their respective authorized officers and representatives.

WHEREAS, the City Council of the City of Anna, Texas ("City Council") has investigated and determined that it is in the best interest of the City and its citizens to encourage programs, including programs for making loans and grants of public money to promote local economic development and stimulate business and commercial activity in the City pursuant to Chapter 380, Texas Local Government Code, as amended ("Chapter 380"); and

WHEREAS, the Company will be engaged in the business of purchasing building materials for its use on construction projects within the City; and

WHEREAS, the Company has advised that it would like to partner with the City, and that a contributing factor that would induce the Company to purchase items using a Texas Direct Payment Permit and generate economic development and local use tax revenue for the City, that would otherwise not be available to the City, would be an agreement by the Grantor to provide an economic development grant to the Company; and

WHEREAS, the Company desires to purchase and use new building materials within the City that will generate additional economic development and use tax revenue for the City; and

WHEREAS, the City Council has investigated and determined that the Company meets the criteria for providing the grants (hereinafter defined), pursuant to Chapter 380, based on, among other things, the Company: (i) acquiring properties for development, and constructing improvements; (ii) adding taxable improvements to real property in the City; and (iii) creating employment opportunities for the citizens of Anna ("Approved Project"); and

WHEREAS, the City has concluded that the Approved Project qualifies for a Grant under Chapter 380; and

WHEREAS, with the approval of this Agreement, the City hereby establishes a program authorized by Chapter 380 to encourage and induce the generation of local use tax; and

WHEREAS, the Grantor has determined that making an economic development grant to the Company in accordance with this Agreement will further the objectives of the Grantor, will benefit the City and the City's inhabitants and will promote local economic development and stimulate business and commercial activity in the City;

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE I
DEFINITIONS

1.01 For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

"City" and "Grantor" shall mean The City of Anna, Texas.

"Company" shall mean First Texas Homes, Inc.

"Commencement Date" shall mean February 1, 2021.

"Effective Date" shall mean February 1, 2021.

"Direct Payment Permit" also referred to herein as a "Texas Direct Payment Permit" shall mean that permit issued by the State of Texas authorizing Company to self-assess and pay applicable state and local use taxes directly to the State of Texas related to selected portions of Company's taxable purchases. Texas Rule 3.288 of the Texas Administrative Code defines the requirements and responsibilities of Texas Direct Payment Permit holders along with any amendments, permutations, or recodifications of such Code or Rules whether renaming such permits or otherwise modifying such provisions.

"Event of Bankruptcy or Insolvency" shall mean the dissolution or termination (other than a dissolution or termination by reason of a party merging with an affiliate) of a party's existence as a going business, insolvency, appointment of receiver for any part of a party's property and such appointment is not terminated within ninety (90) business days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against a party and in the event such proceeding is not voluntarily commenced by the party, such proceeding is not dismissed within ninety (90) business days after the filing thereof.

"Force Majeure" shall mean any delays due to strikes, riots, acts of God, shortages of labor or materials, war, terrorism, governmental approvals, laws, regulations, or restrictions, or any other cause of any kind whatsoever which is beyond the reasonable control of the party.

"Program" shall mean the economic incentive program established by the City pursuant to Chapter 380 of the Texas Local Government Code together with any amendments, permutations, or recodifications of such Code provisions whether renaming such economic incentive or other modifications thereof.

"Program Grant" shall mean the periodic payments paid by the City to the Company in accordance with Section 3 of this Agreement.

"Grant Period" shall mean consecutive six (6) month periods during the term of this Agreement, except that the first Grant Period shall begin on the Effective Date and continue through and include the last day of June 2021 following the Effective Date. For illustration

purposes, assume the Effective Date is February 1, 2021 then the first Grant Period would begin on February 1, 2021 and continue through and include June 30, 2021. The next Grant Period would begin on July 1, 2021 and continue through and include December 31, 2021. The final Grant Period for the initial 10-year term of the Agreement would be from July 1, 2031 and end on December 31, 2031.

"Taxable Items" shall have the same meaning assigned by Sections 151.010 and 151.0101, TEX. TAX CODE, as amended.

"Impositions" shall mean all use taxes that may be imposed by public or governmental authority on the Company or any taxable items purchased and used by Company within the City.

"Use Tax Receipts" shall mean the Grantor's net receipts from the State of Texas from the collection of one and one-quarter percent (1.25%) general City use tax imposed by the City pursuant to Chapter 321 of the Texas Tax Code, attributed to the collection of use tax by Company associated with the issuance of Company's Texas Direct Payment for Taxable Items used or consumed in the City.

"Use Tax Certificate" shall mean a certificate or other statement in a form reasonably acceptable to the Grantor setting forth the Company's collection of use tax imposed by and received by the Grantor from the State of Texas, for the use of Taxable Items by Company in the City for the applicable calendar month during a Grant Period which are to be used to determine Company's eligibility for a Grant, together with such supporting documentation required herein, and as Grantor may reasonably request.

ARTICLE II
TERM

2.01 Term. The term of this Agreement shall begin on the Effective Date and continue for a ten (10) year period.

2.02 This Agreement shall remain in effect until Grantor has made the Program Grants set forth in Section 3 of the Agreement, or until otherwise terminated under the provisions of this Agreement.

2.03 This Agreement may be extended for an additional period of time on terms mutually acceptable to both parties by a written agreement executed by both parties.

ARTICLE III
ECONOMIC DEVELOPMENT GRANT

3.01 Grant. Subject to the Company's continued compliance of all the terms and conditions of this Agreement, the Grantor agrees to provide Company with an economic development grant from lawful available funds payable as provided herein in an amount equal to 64% of the Use Tax Receipts, as previously defined herein (the "Grant"). The Grant will be paid

semi-annually at the end of each Grant Period. The Grant will never include any monies the Company pays or owes to the State of Texas for any penalties for late payments, failures to report in a timely manner, and the like, related to the Use Tax Receipts.

3.02 Grant Payment. Grantor shall pay the Grant for the applicable Grant Period within forty-five (45) days after receipt of a Use Tax Certificate from Company following the end of each Grant Period, pursuant to Section 4.01. Company shall submit Use Tax Certificates to Grantor within thirty (30) days following the end of the applicable Grant Period, beginning with the first Grant Period. For illustration purposes, assume the first Grant Period begins on February 1, 2021 and continues through and includes June 30, 2021. Company would submit a Use Tax Certificate to Grantor for the first Grant Period by July 30, 2021 and Grantor would pay the first Grant within forty-five (45) days after receipt of the Use Tax Certificate and after actual receipt of all of the net Use Tax Receipts attributable to the Grant Period. Further assume that the Use Tax Receipts for the first Grant Period equal Five Thousand Dollars ($5,000.00), then the amount of the first Grant would be Three Thousand Two Hundred Dollars ($3,200.00).

3.03 Amended Returns and Audits. In the event the Company files an amended use tax return, or report, or if additional use tax is due and owing, as a result of an audit conducted by the State of Texas that increases the Use Tax Receipts for a previous period covered within the term of this agreement, the Grant payment for the Grant Period immediately following such State approved amendment shall be adjusted accordingly, provided the Grantor must have received the Use Tax Receipts attributed to such adjustment. As a condition precedent to payment of such adjustment, Company shall provide Grantor with a copy of such amended use tax report, tax return or audit adjustment, and the approval thereof by the State of Texas.

3.04 Refunds. In the event the State of Texas determines that the City erroneously received Use Tax Receipts, or that the amount of use tax paid to the City exceeds the correct amount of use tax for a previous Grant paid to the Company, the Company shall, within thirty (30) days after receipt of notification thereof from the City specifying the amount by which such Grant exceeded the amount to which the Company was entitled pursuant to such State of Texas determination, pay such amount to the Grantor. The Grantor may at its option adjust the Grant payment for the Grant Period immediately following such State of Texas determination to deduct there from the amount of the overpayment. As a condition precedent to payment of such refund, the City shall provide Company with a copy of such determination by the State of Texas.

ARTICLE IV
DOCUMENTATION SUPPORTING THE ECONOMIC DEVELOPMENT GRANT

The conditions contained in this Article IV are conditions precedent to the Grantor's obligation to make any Grant payment.

4.01 Use Tax Certificate. During the term of this Agreement, the Company shall within thirty (30) days after the end of each Grant Period, provide the Grantor with a Use Tax Certificate relating to Use Tax Receipts paid during the Grant Period. The Grantor shall have no duty to calculate the Use Tax Receipts or determine Company's entitlement to any Grant for a Grant Period, or pay any Grant during the term of this Agreement until such time as Company has

provided the Grantor a Use Tax Certificate for such Grant Period and the Grantor has received the actual Use Tax Receipts from the State of Texas attributable to such calendar months within the Grant Period. Company shall provide such additional documentation as may be reasonably requested by Grantor to evidence, support and establish the use tax paid directly to the State of Texas pursuant to Company's Direct Payment Permit. The Use Tax Certificate for each Grant Period shall at a minimum contain, include or be accompanied by the following:

a. A copy of all Texas Direct Payment Permit and self-assessment use tax returns and reports during the applicable Grant Period, use tax audit assessments or credits, including amended use tax returns or reports, filed by the Company during the Grant Period showing use tax paid directly to the State of Texas related to Company's operations for the Grant Period; and

b. Information concerning any refund or credit received by the Company of use tax paid by the Company which has previously been reported by the Company as use tax paid for a previous Grant Period within the term of this agreement.

Company will provide to Grantor the Use Tax Certificates from time to time pursuant to the terms of the Agreement, which are confidential ("Confidential Information") and, except as otherwise provided herein, may not be disclosed to a third party without the Company's consent. To the extent that any disclosure of the Confidential Information may be required by law, Grantor will use reasonable efforts to inform Company of the request in sufficient time for Company to assert any objection it may have to such disclosure to an appropriate judicial or administrative body.

4.02 Grantor must have received a Use Tax Certificate for the months within the Grant Period for which payment of a Grant is requested, and Grantor must have received the actual Use Tax Receipts for all calendar months within the Grant Period.

4.03 The Company intends to issue its Texas Direct Payment Permit to specific suppliers or vendors that provide large quantities of building materials or other tangible personal property.

4.04 The Company shall provide the Grantor with a true and correct copy of its Texas Direct Payment Permit, which permit shall be kept in full force and effect throughout the term of the Agreement.

4.05 Company or the City shall not have an uncured material breach or default of this Agreement.

ARTICLE V
TERMINATION

5.01 This Agreement may be terminated upon any one of the following:

(a) by mutual written agreement of the parties;

(b) by Grantor or Company, respectively, if the other party defaults or breaches any of the terms or conditions of this Agreement in any material respect and such default or breach is not cured within thirty (30) days after written notice thereof by the Grantor or Company, as the case may be;

(c) by Grantor, if any Impositions owed to the Grantor or the State of Texas by Company shall have become delinquent (provided, however, Company retains the right to timely and properly protest and contest any such Impositions);

(d) by Grantor, if Company suffers an Event of Bankruptcy or Insolvency;

(e) by Grantor or Company, respectively, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable; or

(f) by Company, if the City does not pay the applicable Grant amount within 45 days of receipt of the Use Tax Receipts as required herein covered by a valid Use Tax Certificate issued by Company or fails to cure this breach within an additional 30 days and so long as the Company is not in default, or;

(g) expiration of the term, or any subsequent renewal of the term.

The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the termination of this Agreement except for any rights, responsibilities and/or liabilities that accrued prior to such termination.

ARTICLE VI
MISCELLANEOUS

6.01 Binding Agreement. The terms and conditions of this Agreement are binding upon the parties to this agreement and their respective successors and permitted assigns. This Agreement may not be assigned without the express written consent of Grantor, which consent shall not be unreasonably withheld or delayed.

6.02 Limitation on Liability. It is understood and agreed between the parties that the Company and Grantor, in satisfying the conditions of this Agreement, have acted independently, and Grantor assumes no responsibilities or liabilities to third parties in connection with these actions. The Company agrees to indemnify and hold harmless the Grantor from all such claims, suits, and causes of actions, liabilities and expenses, including reasonable attorney's fees, of any nature whatsoever by a third party arising out of the Company's performance of the conditions under this Agreement.

6.03 No Joint Venture. It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture between the parties.

6.04 Authorization. Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.05 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered sent via fax.

If intended for City, to:

Attn: Jim Proce
Anna City Manager
111 North Powell Parkway
Anna, TX 75409

With a copy to:

Attn: Clark McCoy
Wolfe, Tidwell & McCoy, LLP
2591 Dallas Parkway, Suite 300
Frisco, Texas 75034

If intended for the Company:

Attn: Kristy Murday
Controller
First Texas Homes, Inc.
500 Crescent Court, Suite 350
Dallas, TX 75201

With a copy to:

Attn: John D. Sloan, Jr.
Sloan Matney, LLP
Two Turtle Creek
3838 Oak Lawn, Suite 1200
Dallas, TX 75219

6.06 Entire Agreement. This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the parties that in any manner relates to the subject matter of this Agreement.

6.07 Governing Law. The laws of the State of Texas shall govern the Agreement; and this Agreement is fully performable in Collin County, Texas with exclusive venue for any action concerning this Agreement being in a court of competent jurisdiction in Collin County, Texas.

6.08 Amendment. This Agreement may only be amended by the mutual written agreement of the parties.

6.09 Legal Construction. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 Recitals. The recitals to this Agreement are incorporated herein.

6.11 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument and any such counterparts shall be deemed to be incorporated herein.

6.12 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.13 Sovereign Immunity. The parties agree that the City has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.

6.14 Dispute Resolution. Any controversy or claim arising from or relating to this Agreement, or a breach thereof shall be subject to non-binding mediation, as a condition precedent to the institution of legal or equitable proceedings by any party unless the institution of such legal or equitable proceeding is necessary to avoid the running of an applicable statute of limitation. The parties shall endeavor to resolve their claims by mediation. Grantor and Company shall share the costs of mediation equally. The mediation shall be held in Collin County, Texas, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

[SIGNATURE PAGES FOLLOW]

EXECUTED as of the ____ day of _____, 2021.

THE CITY OF ANNA, TEXAS

By: _____
Jim Proce, City Manager

ATTEST:

_____
City Secretary

By: _____

EXECUTED as of the ____ day of _____, 2021.

First Texas Homes, Inc.
a Texas corporation

By:_____
Name: Kristy Murday
Title: Controller

ACKNOWLEDGMENTS

STATE OF TEXAS §
§
CITY OF ANNA §

This instrument was acknowledged before me on the _____ day of _____, 2021 by Jim Proce, City Manager of the City of Anna, Texas, on behalf of said city.

_____

Notary Public, State of Texas

STATE OF TEXAS §
§
CITY OF SOUTHLAKE §

This instrument was acknowledged before me on the _____ day of _____, 2021 by Kristy Murday, Controller of First Texas Homes, Inc., a Texas corporation, on behalf of said company.

_____

Notary Public - State of Texas

Item No. 6.d.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Joey Grisham

AGENDA ITEM:
Approve a Resolution approving a Chapter 380 Grant Agreement with Riverside (East) Homebuilders, LTD. (Economic Development Director Joey Grisham)

SUMMARY:
Staff was recently contacted by Doug Duffie, CPA, who proposed a Chapter 380 Agreement for sharing his client's (Riverside (East) Homebuilders, Ltd.) use tax paid in connection with building materials used by Riverside (East) to build new homes in the City of Anna.

A Texas Direct Payment Permit (ie: use tax permit) allows a Texas taxpayer to self-assess and pay use taxes on materials purchased for use or consumption as opposed to paying sales taxes directly to suppliers based on suppliers' place of business (primarily in larger metropolitan cities). Riverside (East) anticipates using a Texas Direct Payment Permit to pay use taxes each month directly to the Comptroller based on locations where materials are first-used at job sites.

In order to limit administrative costs for the City, Riverside (East) is required to pay use taxes monthly, but will request semi-annual grants based on payments received by the City from January – June, then again for the period from July – December of each year during the ten-year term of the Agreement. This allows the City to verify receipt of all local use taxes received from Riverside (East) prior to payment of any grant. New local use taxes will be able to be independently verified by comparing a copy of Riverside (East)'s individual monthly use tax returns related to the City of Anna with amounts received from the Comptroller that were attributed to Riverside (East) Homebuilders, Ltd.

Since Riverside (East) will pay 100%of the system, accounting, audit defense and other ongoing administrative costs tied to paying use taxes, and since none of the upfront or ongoing tax compliance costs will be paid by the City, the Grant was requested based on 64% of Anna's 1.25% General City Use Tax, but none of the incremental .75% CDC Use Tax.

The City will obtain a net 1.2% of the 2% combined City / CDC Tax and Riverside

(East) Homes will receive .8% of the combined 2% City tax (roughly 60% for the City/CDC and 40% for Riverside (East).

Based on Riverside (East)'s suppliers current places of business, the City would not receive any local sales tax revenue from Riverside (East)'s suppliers in the absence of the proposed 380 Agreement, and this approach will generate net new tax revenue for the City without incurring any new costs.

FINANCIAL IMPACT:
Based on Riverside (East)'s 120 undeveloped lots in Anna in the Green Meadows community, the company anticipates each new home will generate roughly $540 in net City / CDC tax revenues (after Grants) and $360 in net benefits for Riverside (East) that will be used to offset the company's costs for use tax compliance and audits. The City will retain 36% of the 1.25% General City use taxes collected and remitted for materials used on 120 homes to be built in Anna plus 100% of the incremental .75% CDC Use tax.

Over the build-out period of the new homes in Anna, and presuming no inflation in the cost of building materials, Anna's "net" City tax revenues after Grants are anticipated to be $24,300 for the General Fund plus $40,500 for the CDC (total of $64,800) and $43,200 for Riverside (East). If the cost of building materials increase during the term of the Agreement or if Riverside (East) purchases new undeveloped lots in Anna and builds incremental new homes in the City, the benefits will increase.

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 1: Growing Anna Economy

STAFF RECOMMENDATION:
Approve the resolution.

ATTACHMENTS:
1. Riverside Resolution
2. Exhibit A- Riverside Chapter 380 Agreement

APPROVALS:
Joey Grisham, Economic Development Director Created/Initiated - 1/22/2021

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A CHAPTER 380 GRANT AGREEMENT WITH RIVERSIDE (EAST) HOMEBUILDERS, LTD.

WHEREAS, the City Council of the City of Anna, Texas and Riverside (East) Homebuilders, LTD desire to enter into a Chapter 380 Grant Agreement; and

WHEREAS, the City Council of the City of Anna, Texas finds that approval of the Agreement is in the best interest of the citizens of Anna;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

SECTION 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as set forth in full.

SECTION 2. Approval of Project and Agreement

The City Council of the City of Anna, Texas hereby approves the Chapter 380 Grant Agreement with Riverside (East) Homebuilders, LTD, attached hereto as Exhibit A, incorporated herein for all purposes, and authorizes the City Manager to execute same on its behalf, with said Agreement to be effective upon its approval by the City Council of the City of Anna, Texas as set forth in the Agreement.

SECTION 3. Administration

The City hereby authorizes the City Manager or his designee to administer the Agreement.

CONSIDERED, PASSED AND ADOPTED by the City Council of the City of Anna, Texas at a regular meeting on the 26th day of January, 2021.

APPROVED:

_____
Nate Pike, Mayor

ATTEST:

_____
Carrie L. Land, City Secretary

CHAPTER 380 GRANT AGREEMENT BY
AND BETWEEN THE CITY OF ANNA, TEXAS
AND RIVERSIDE (EAST) HOMEBUILDERS, LTD.

This **CHAPTER 380 GRANT AGREEMENT** ("Agreement") is made by and between The City of Anna, Texas ("City", also referred to as "Grantor") and Riverside (East) Homebuilders, Ltd. (the "Company"), acting by and through their respective authorized officers and representatives.

WHEREAS, the City Council of the City of Anna, Texas ("City Council") has investigated and determined that it is in the best interest of the City and its citizens to encourage programs, including programs for making loans and grants of public money to promote local economic development and stimulate business and commercial activity in the City pursuant to Chapter 380, Texas Local Government Code, as amended ("Chapter 380"); and

WHEREAS, the Company will be engaged in the business of purchasing building materials for its use on construction projects within the City; and

WHEREAS, the Company has advised that it would like to partner with the City, and that a contributing factor that would induce the Company to purchase items using a Texas Direct Payment Permit and generate economic development and local use tax revenue for the City, that would otherwise not be available to the City, would be an agreement by the Grantor to provide an economic development grant to the Company; and

WHEREAS, the Company desires to purchase and use new building materials within the City that will generate additional economic development and use tax revenue for the City; and

WHEREAS, the City Council has investigated and determined that the Company meets the criteria for providing the grants (hereinafter defined), pursuant to Chapter 380, based on, among other things, the Company: (i) acquiring properties for development, and constructing improvements; (ii) adding taxable improvements to real property in the City; and (iii) creating employment opportunities for the citizens of Anna ("Approved Project"); and

WHEREAS, the City has concluded that the Approved Project qualifies for a Grant under Chapter 380; and

WHEREAS, with the approval of this Agreement, the City hereby establishes a program authorized by Chapter 380 to encourage and induce the generation of local use tax; and

WHEREAS, the Grantor has determined that making an economic development grant to the Company in accordance with this Agreement will further the objectives of the Grantor, will benefit the City and the City's inhabitants and will promote local economic development and stimulate business and commercial activity in the City;

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE I
DEFINITIONS

1.01 For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

"City" and "Grantor" shall mean The City of Anna, Texas.

"Company" shall mean Riverside (East) Homebuilders, Ltd.

"Commencement Date" shall mean February 1, 2021.

"Effective Date" shall mean February 1, 2021.

"Direct Payment Permit" also referred to herein as a "Texas Direct Payment Permit" shall mean that permit issued by the State of Texas authorizing Company to self-assess and pay applicable state and local use taxes directly to the State of Texas related to selected portions of Company's taxable purchases. Texas Rule 3.288 of the Texas Administrative Code defines the requirements and responsibilities of Texas Direct Payment Permit holders along with any amendments, permutations, or recodifications of such Code or Rules whether renaming such permits or otherwise modifying such provisions.

"Event of Bankruptcy or Insolvency" shall mean the dissolution or termination (other than a dissolution or termination by reason of a party merging with an affiliate) of a party's existence as a going business, insolvency, appointment of receiver for any part of a party's property and such appointment is not terminated within ninety (90) business days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against a party and in the event such proceeding is not voluntarily commenced by the party, such proceeding is not dismissed within ninety (90) business days after the filing thereof.

"Force Majeure" shall mean any delays due to strikes, riots, acts of God, shortages of labor or materials, war, terrorism, governmental approvals, laws, regulations, or restrictions, or any other cause of any kind whatsoever which is beyond the reasonable control of the party.

"Program" shall mean the economic incentive program established by the City pursuant to Chapter 380 of the Texas Local Government Code together with any amendments, permutations, or recodifications of such Code provisions whether renaming such economic incentive or other modifications thereof.

"Program Grant" shall mean the periodic payments paid by the City to the Company in accordance with Section 3 of this Agreement.

"Grant Period" shall mean consecutive six (6) month periods during the term of this Agreement, except that the first Grant Period shall begin on the Effective Date and continue

through and include the last day of June 2021 following the Effective Date. For illustration purposes, assume the Effective Date is February 1, 2021 then the first Grant Period would begin on February 1, 2021 and continue through and include June 30, 2021. The next Grant Period would begin on July 1, 2021 and continue through and include December 31, 2021. The final Grant Period for the initial 10-year term of the Agreement would be from July 1, 2031 and end on December 31, 2031.

"Taxable Items" shall have the same meaning assigned by Sections 151.010 and 151.0101, TEX. TAX CODE, as amended.

"Impositions" shall mean all use taxes that may be imposed by public or governmental authority on the Company or any taxable items purchased and used by Company within the City.

"Use Tax Receipts" shall mean the Grantor's net receipts from the State of Texas from the collection of one and one-quarter percent (1.25%) general City use tax imposed by the City pursuant to Chapter 321 of the Texas Tax Code, attributed to the collection of use tax by Company associated with the issuance of Company's Texas Direct Payment for Taxable Items used or consumed in the City.

"Use Tax Certificate" shall mean a certificate or other statement in a form reasonably acceptable to the Grantor setting forth the Company's collection of use tax imposed by and received by the Grantor from the State of Texas, for the use of Taxable Items by Company in the City for the applicable calendar month during a Grant Period which are to be used to determine Company's eligibility for a Grant, together with such supporting documentation required herein, and as Grantor may reasonably request.

ARTICLE II
TERM

2.01 Term. The term of this Agreement shall begin on the Effective Date and continue for a ten (10) year period.

2.02 This Agreement shall remain in effect until Grantor has made the Program Grants set forth in Section 3 of the Agreement, or until otherwise terminated under the provisions of this Agreement.

2.03 This Agreement may be extended for an additional period of time on terms mutually acceptable to both parties by a written agreement executed by both parties.

ARTICLE III
ECONOMIC DEVELOPMENT GRANT

3.01 Grant. Subject to the Company's continued compliance of all the terms and conditions of this Agreement, the Grantor agrees to provide Company with an economic development grant from lawful available funds payable as provided herein in an amount equal to

64% of the Use Tax Receipts, as previously defined herein (the "Grant"). The Grant will be paid semi-annually at the end of each Grant Period in accordance with Section 3.02. The Grant will never include any monies the Company pays or owes to the State of Texas for any penalties for late payments, failures to report in a timely manner, and the like, related to the Use Tax Receipts.

3.02 Grant Payment. Grantor shall pay the Grant for the applicable Grant Period within forty-five (45) days after receipt of a Use Tax Certificate from Company following the end of each Grant Period, pursuant to Section 4.01. Company shall submit Use Tax Certificates to Grantor within thirty (30) days following the end of the applicable Grant Period, beginning with the first Grant Period. For illustration purposes, assume the first Grant Period begins on February 1, 2021 and continues through and includes June 30, 2021. Company would submit a Use Tax Certificate to Grantor for the first Grant Period by July 30, 2021 and Grantor would pay the first Grant within forty-five (45) days after receipt of the Use Tax Certificate and after actual receipt of all of the net Use Tax Receipts attributable to the Grant Period. Further assume that the Use Tax Receipts for the first Grant Period equal Five Thousand Dollars ($5,000.00), then the amount of the first Grant would be Three Thousand Two Hundred Dollars ($3,200.00).

3.03 Amended Returns and Audits. In the event the Company files an amended use tax return, or report, or if additional use tax is due and owing, as a result of an audit conducted by the State of Texas that increases the Use Tax Receipts for a previous period covered within the term of this agreement, the Grant payment for the Grant Period immediately following such State approved amendment shall be adjusted accordingly, provided the Grantor must have received the Use Tax Receipts attributed to such adjustment. As a condition precedent to payment of such adjustment, Company shall provide Grantor with a copy of such amended use tax report, tax return or audit adjustment, and the approval thereof by the State of Texas.

3.04 Refunds. In the event the State of Texas determines that the City erroneously received Use Tax Receipts, or that the amount of use tax paid to the City exceeds the correct amount of use tax for a previous Grant paid to the Company, the Company shall, within thirty (30) days after receipt of notification thereof from the City specifying the amount by which such Grant exceeded the amount to which the Company was entitled pursuant to such State of Texas determination, pay such amount to the Grantor. The Grantor may at its option adjust the Grant payment for the Grant Period immediately following such State of Texas determination to deduct there from the amount of the overpayment. As a condition precedent to payment of such refund, the City shall provide Company with a copy of such determination by the State of Texas.

ARTICLE IV
DOCUMENTATION SUPPORTING THE ECONOMIC DEVELOPMENT GRANT

The conditions contained in this Article IV are conditions precedent to the Grantor's obligation to make any Grant payment.

4.01 Use Tax Certificate. During the term of this Agreement, the Company shall within thirty (30) days after the end of each Grant Period, provide the Grantor with a Use Tax Certificate relating to Use Tax Receipts paid during the Grant Period. The Grantor shall have no duty to calculate the Use Tax Receipts or determine Company's entitlement to any Grant for a Grant

Period, or pay any Grant during the term of this Agreement until such time as Company has provided the Grantor a Use Tax Certificate for such Grant Period and the Grantor has received the actual Use Tax Receipts from the State of Texas attributable to such calendar months within the Grant Period. Company shall provide such additional documentation as may be reasonably requested by Grantor to evidence, support and establish the use tax paid directly to the State of Texas pursuant to Company's Direct Payment Permit. The Use Tax Certificate for each Grant Period shall at a minimum contain, include or be accompanied by the following:

a. A copy of all Texas Direct Payment Permit and self-assessment use tax returns and reports during the applicable Grant Period, use tax audit assessments or credits, including amended use tax returns or reports, filed by the Company during the Grant Period showing use tax paid directly to the State of Texas related to Company's operations for the Grant Period; and

b. Information concerning any refund or credit received by the Company of use tax paid by the Company which has previously been reported by the Company as use tax paid for a previous Grant Period within the term of this agreement.

Company will provide to Grantor the Use Tax Certificates from time to time pursuant to the terms of the Agreement, which are confidential ("Confidential Information") and, except as otherwise provided herein, may not be disclosed to a third party without the Company's consent. To the extent that any disclosure of the Confidential Information may be required by law, Grantor will use reasonable efforts to inform Company of the request in sufficient time for Company to assert any objection it may have to such disclosure to an appropriate judicial or administrative body.

4.02 Grantor must have received a Use Tax Certificate for the months within the Grant Period for which payment of a Grant is requested, and Grantor must have received the actual Use Tax Receipts for all calendar months within the Grant Period.

4.03 The Company intends to issue its Texas Direct Payment Permit to specific suppliers or vendors that provide large quantities of building materials or other tangible personal property.

4.04 The Company shall provide the Grantor with a true and correct copy of its Texas Direct Payment Permit, which permit shall be kept in full force and effect throughout the term of the Agreement.

4.05 Company or the City shall not have an uncured material breach or default of this Agreement.

ARTICLE V
TERMINATION

5.01 This Agreement may be terminated upon any one of the following:

(a) by mutual written agreement of the parties;

(b) by Grantor or Company, respectively, if the other party defaults or breaches any of the terms or conditions of this Agreement in any material respect and such default or breach is not cured within thirty (30) days after written notice thereof by the Grantor or Company, as the case may be;

(c) by Grantor, if any Impositions owed to the Grantor or the State of Texas by Company shall have become delinquent (provided, however, Company retains the right to timely and properly protest and contest any such Impositions);

(d) by Grantor, if Company suffers an Event of Bankruptcy or Insolvency;

(e) by Grantor or Company, respectively, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable; or

(f) by Company, if the City does not pay the applicable Grant amount within 45 days of receipt of the Use Tax Receipts as required herein covered by a valid Use Tax Certificate issued by Company or fails to cure this breach within an additional 30 days and so long as the Company is not in default, or;

(g) expiration of the term, or any subsequent renewal of the term.

The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the termination of this Agreement except for any rights, responsibilities and/or liabilities that accrued prior to such termination.

ARTICLE VI
MISCELLANEOUS

6.01 Binding Agreement. The terms and conditions of this Agreement are binding upon the parties to this agreement and their respective successors and permitted assigns. This Agreement may not be assigned without the express written consent of Grantor, which consent shall not be unreasonably withheld or delayed.

6.02 Limitation on Liability. It is understood and agreed between the parties that the Company and Grantor, in satisfying the conditions of this Agreement, have acted independently, and Grantor assumes no responsibilities or liabilities to third parties in connection with these actions. The Company agrees to indemnify and hold harmless the Grantor from all such claims, suits, and causes of actions, liabilities and expenses, including reasonable attorney's fees, of any nature whatsoever by a third party arising out of the Company's performance of the conditions under this Agreement.

6.03 No Joint Venture. It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture between the parties.

6.04 Authorization. Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.05 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered sent via fax.

If intended for City, to:

Attn: Jim Proce
Anna City Manager
111 North Powell Parkway
Anna, TX 75409

With a copy to:

Attn: Clark McCoy
Wolfe, Tidwell & McCoy, LLP
2591 Dallas Parkway, Suite 300
Frisco, Texas 75034

If intended for the Company:

Attn: Tim Fleet
President
Riverside (East) Homebuilders, Ltd.
3045 Lackland Road
Fort Worth, TX 76116

With a copy to:

Attn: Benjamin Compton
General Counsel
Riverside (East) Homebuilders, Ltd.
3045 Lackland Road
Fort Worth, TX 76116

6.06 Entire Agreement. This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the parties that in any manner relates to the subject matter of this Agreement.

6.07 Governing Law. The laws of the State of Texas shall govern the Agreement; and this Agreement is fully performable in Collin County, Texas with exclusive venue for any action concerning this Agreement being in a court of competent jurisdiction in Collin County, Texas.

6.08 Amendment. This Agreement may only be amended by the mutual written agreement of the parties.

6.09 Legal Construction. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 Recitals. The recitals to this Agreement are incorporated herein.

6.11 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument and any such counterparts shall be deemed to be incorporated herein.

6.12 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.13 Sovereign Immunity. The parties agree that the City has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.

6.14 Dispute Resolution. Any controversy or claim arising from or relating to this Agreement, or a breach thereof shall be subject to non-binding mediation, as a condition precedent to the institution of legal or equitable proceedings by any party unless the institution of such legal or equitable proceeding is necessary to avoid the running of an applicable statute of limitation. The parties shall endeavor to resolve their claims by mediation. Grantor and Company shall share the costs of mediation equally. The mediation shall be held in Collin County, Texas, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

[SIGNATURE PAGES FOLLOW]

EXECUTED as of the ____ day of _____, 2021.

THE CITY OF ANNA, TEXAS

By: _____
Jim Proce, City Manager

ATTEST:

_____
City Secretary

By: _____

EXECUTED as of the ____ day of _____, 2021.

Riverside (East) Homebuilders, Ltd.
a Texas limited partnership

By: Jacksboro Highway, Inc.
a Texas corporation,
its general partner

By:_____
Name: Tim H. Fleet, its President

ACKNOWLEDGMENTS

STATE OF TEXAS §
§
CITY OF ANNA §

This instrument was acknowledged before me on the _____ day of _____, 2021 by Jim Proce, City Manager of the City of Anna, Texas, on behalf of said city.

_____

Notary Public, State of Texas

STATE OF TEXAS §
§
CITY OF FORT WORTH §

This instrument was acknowledged before me on the _____ day of _____, 2021 by Tim H. Fleet, President of Jacksboro Highway, Inc., a Texas corporation, in its capacity as general partner of Riverside (East) Homebuilders, Ltd., a Texas limited partnership, on behalf of said limited partnership.

_____

Notary Public - State of Texas

Item No. 6.e.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Ray Isom

AGENDA ITEM:
Approve a Resolution approving the annual renewal for Fire Dispatch Services. (Chief Ray Isom)

SUMMARY:
This item is the annual renewal for fire department dispatch services through Collin County Sheriff's Office. Fire Department dispatch services are at no cost to the City. This service, which includes 9-1-1 call takers, fire, and EMS operational communications is vital to the basic functionality of the fire department.

Collin County provides dispatch services for both Anna PD and Anna FD. The County, through the Sheriff's Office, owns and operates communication facilities used in dispatching its law enforcement and emergency service personnel. Collin County provides dispatch services to Anna Fire Rescue as a courtesy, with no fee to the city, and will continue to do so throughout this agreement period. The City desires to continue obtaining dispatch services from the County as it is the only feasible method to accomplish this. Collin County collects and stores the City's data as it relates to dispatch services. This agreement remains in effect through September 30,2021 and will be renewed at such time.

FINANCIAL IMPACT:
No financial impact

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Staff recommends approval of this item.

ATTACHMENTS:
1. Collin County Dispatch agreement_Anna FD_signed_2021
2. FY 21 Dispatch_Services_Resolution-AFD

APPROVALS:

Carrie Land, City Secretary Created/Initiated - 1/22/2021

Attachment "A"

Collin County External Law Enforcement and Fire Department Remote Connectivity Policy and Agreement Form

Remote Access Agreement

1.0 Purpose
The purpose of this document is to provide the framework for granting REMOTE ACCESS to Collin County services/equipment through REMOTE ACCESS so that an Authorized Party of a law enforcement agency or a fire department external to Collin County government may access its justice data hosted on Collin County's network.

2.0 Scope
This policy applies to all Law Enforcement and Fire Department personal external to Collin County government utilizing REMOTE ACCESS to access the Collin County network for justice data (such persons referred to herein as "Authorized Parties").

3.0 Policy
Authorized parties may utilize the benefits of REMOTE ACCESS, which are a "user managed" service. This means that the Authorized party is responsible for selecting an Internet Service Provider (ISP), coordinating installation, installing any required software, and paying associated fees as may be required to access the REMOTE ACCESS.

Additionally,

1. It is the responsibility of the Authorized Party to ensure that unauthorized users are not allowed access to Collin County internal networks. User accounts and passwords are NOT to be shared with anyone.
2. Authorized Parties and the Collin County employees sponsoring the request for REMOTE ACCESS are responsible for defining what services/equipment/software the Authorized Parties need access to. Access will be restricted to only those defined objects. Attempting to connect or access any service/device not defined will be considered a violation of the Collin County REMOTE ACCESS policy and will be reported to the Authorized Party's agency
3. The Authorized Parties and the Collin County employees sponsoring the REMOTE ACCESS request are also responsible for defining the time scope that the REMOTE ACCESS account will be active. All accounts are setup with an expiration date not to exceed 6 months, unless otherwise authorized to be a longer timeframe or permanent by the County.
4. REMOTE ACCESS use is to be controlled using public/private key system with a strong pass phrase and a second factor such as a token device or a dynamically generated passcode.
5. REMOTE ACCESS gateways will be established and managed by Collin County Information Technology Department.
6. All computers connected to Collin County internal networks via REMOTE ACCESS or any other technology must use the most up-to-date anti-virus software from a reputable IT agency; this includes personal computers.
7. All Authorized Parties connecting to the Collin County internal networks via REMOTE ACCESS or any other technology must keep their systems up to date with the latest security patches for their operating system and applications installed on their connecting systems. All systems using REMOTE ACCESS connections to Collin County must comply with Microsoft's Product Lifecycle chart and use only currently supporting and fully patched operating systems.
8. Authorized Parties may be automatically disconnected from Collin County's network after sixty minutes of inactivity. The user must then logon again to reconnect to the network.
9. Only approved REMOTE ACCESS clients may be used.
10. Upon termination of a contract from Collin County, or at the request of the Collin County staff, the Authorized

Party must uninstall the REMOTE ACCESS connection from the Authorized Party's computer.

11. Agency expressly agrees to notify the County of staffing changes involving an Authorized Party with access to the County's network within 24 hours or next business day.
12. After six months of expired inactivity, Active Directory and REMOTE ACCESS accounts of an Authorized Party will be permanently deleted, unless otherwise approved by the County.
13. Accounts will be locked out after a certain number of failed attempts.
14. Authorized Parties who have lost their password will have to contact their sponsoring agency to request a password reset. The sponsoring agency will then contact Collin County IT to reset the password for the REMOTE ACCESS user. The sponsoring agency is the Sheriff's Office.
15. It is the responsibility of the Authorized Party to install, configure, setup and support any issues with their systems to connect to Collin County based on the information provided to them.
16. Authorized Parties connect at their own risk and Collin County is not responsible for any damages that they may incur from connecting through the REMOTE ACCESS to Collin County
17. If the County migrates to a new network connection technology it is the responsibility of the Agency to budget and obtain any required technology upgrade in order to maintain their network connection to the County. The Agency will be provided advance notification for this change.
18. The Authorized Party must notify Collin County IT immediately upon learning of any compromise occurring through an anti-virus, malware, or other form of unauthorized access. Collin County will also inform the Authorized Parties of any breach or suspected breach occurring on the county network. REMOTE ACCESS may be restricted during such an event while corrective actions are undertaken.
19. The Authorized Party must notify Collin County IT immediately upon learning of any unauthorized access of county resources through the REMOTE ACCESS connection.

4.0 Granting Access

To obtain access via REMOTE ACCESS, the Agency and Authorized Party must be sponsored by a party currently employed at Collin County and IT must agree this access is needed for the Collin County information systems. The Agency and Authorized Party must sign this form agreeing to protect the security of the Collin County network. For external Authorized Parties, the Request for REMOTE ACCESS must be signed and approved by the Manager who is responsible for the external Authorized Party's use. REMOTE ACCESS expiration will be based on the contract length unless further time is requested by Collin County Management. The initial setup and testing will be performed during normal operating hours, Monday – Friday, 8 am – 5 pm, and requires a minimal of two weeks' notice to schedule.

5.0 Enforcement

Collin County Information Technology Department may actively monitor the REMOTE ACCESS concentrator for any suspicious and inappropriate activity. Any Authorized Party found to have violated any part of this policy may have their REMOTE ACCESS terminated immediately.

6.0 Liability

Agency expressly agrees that they shall be liable for any and all damages, including but not limited to actual, consequential, or incidental damages, for disruptions caused by their negligence or intentional misconduct, including that caused by their Authorized Parties, to the County's services/equipment resulting from or related to Agency's connection to the County's networks.

Unauthorized access or use is prohibited and will be prosecuted to the fullest extent. Anyone using this system expressly consents to monitoring and is advised that if such monitoring reveals possible evidence of criminal activity system personnel may provide the evidence of such monitoring to law enforcement officials. Anyone using the system connects at their own risk and assumes all responsibilities for any possible damage to their own equipment.

7.0 Definitions

Term	Definition
REMOTE ACCESS	An extension of Collin County's internal private network.
REMOTE ACCESS Concentrator	Physical device that manages REMOTE ACCESS connections.
REMOTE ACCESS Client	Remote computer with REMOTE ACCESS software utilizing REMOTE ACCESS services.
Agency Management	Person in Agency company that can take responsibility for the liability clause of this document.
User	Employee, Agency, contractor, consultant, temporaries, customers, government agencies, etc.
Sponsoring Party	Collin County employee requesting access for a non-employee user to have access to Collin County services/equipment through the REMOTE ACCESS. The employee may be someone in IT.

Agency Management's Signature (if applicable)

Printed Name: RAY ISOM Signature: Ray Isom

E-Mail Address: risom@annatexas.gov Phone: 214.831.5344 Date: 1/21/2020

Remote Access Users Signature

Printed Name: _____ Signature: _____

E-Mail Address: _____ Phone: _____ Date: _____

Sponsoring Party's Signature

Printed Name: _____ Signature: _____

E-Mail Address: _____ Phone: _____ Date: _____

Return form to:

Caren Skipworth
2300 Bloomdale #3198
McKinney, Texas 75071

INTERLOCAL DISPATCH SERVICES AGREEMENT

This agreement is entered into on the _____ day of _____, 2020, by and between the Anna Fire Department (the "Fire Department") and Collin County, a political subdivision of the State of Texas (the "County").

RECITALS

1. The County, through the Sheriff's Office, owns and operates communication facilities used in dispatching its law enforcement and emergency service personnel.

2. The Fire Department desires to obtain certain dispatch services from the County. Therefore, under the authority of Texas Government Code, Title 7, Interlocal Cooperation Act, Section 791 et seq., the parties agree as follows:

SECTION 1. DEFINITIONS

DISPATCH SERVICES. The term "Dispatch Services" means all services necessary for the Collin County Sheriff's Office to receive calls for Fire/EMS services within the Fire Department's jurisdiction and to dispatch the Fire personnel in response to such calls.

HOSTING SERVICES. The term "Hosting Services" means the County will store the Fire Department's data as it relates to dispatch services.

SECTION 2. TERM

2.01 TERM. The term of this agreement shall commence on October 1, 2020, and shall continue in full force and effect through September 30, 2021. This agreement may be renewed for an additional one (1) year period at the rates established and agreed upon by both parties.

2.02 TERMINATION. Either party may terminate this agreement by giving ninety (90) days written notice to the other party.

SECTION 3. SERVICES

3.01 The County agrees to provide dispatch services through the Sheriff's Office to the Fire Department in the same manner and under the same work schedule as such services are provided in the operation of the County's law enforcement personnel.

3.02 Hosting Services. The County agrees to provide Hosting Services to the Fire Department and that it will provide 95% uptime availability of the service as covered herein.

3.03 Scheduled Maintenance: The Fire Department hereby acknowledges that the County may, from time to time, perform maintenance service on the County network, with or without notice to the Fire Department, which may result in the unavailability of the County network. Emergency maintenance and maintenance for which the County has not given the Fire Department notice in accordance with this Agreement shall not be deemed scheduled maintenance for purposes of this Agreement. The County will make every effort to notify the Fire Department prior to scheduled maintenance. Notice may be given in various forms including but not limited to email notice and/or phone call.

3.04 Hosted Data Ownership. The Fire Department shall have sole ownership of the Fire Department's hosted data and the County shall make no claim to ownership of Fire Department's hosted data.

3.05 Hosted Data Back Up. The County will back up the Fire Department's hosted data on a daily basis. All data backups will meet Criminal Justice Information Systems (CJIS) requirements. Every effort is made to ensure the reliability of the backed up data in the event that it would be necessary to restore a database. The County, however, makes no guaranties that the backed up database will be error free. Upon request, the County will provide to the Fire Department a current database backup that

SECTION 7. AMENDMENT

This agreement shall not be amended or modified other than in a written agreement signed by the parties.

SECTION 8. CONTROLLING LAW

This agreement shall be deemed to be made under, governed by, and construed in accordance with the laws of the State of Texas.

SECTION 9. NOTICES

9.01 FORM OF NOTICE. Unless otherwise specified, all communications provided for in this agreement shall be in writing and shall be deemed delivered, whether actually received or not, forty-eight (48) hours after deposit in the United States mail, first class, registered or certified, return receipt requested, with proper postage prepaid or immediately when delivered in person.

9.02 ADDRESSES. All communications provided for in this agreement shall be addressed as follows:

(A) Collin County, to:
Purchasing Department
2300 Bloomdale #3160
McKinney, Texas 75071

(B) Collin County Administrator, to:
Bill Bilyeu
2300 Bloomdale #4192
McKinney, Texas 75071

(C) If to the Fire Department, to:

RAY ISOM, FIRE CHIEF
305 S. POWELL PKWY.
ANNA, TX 75409

can be restored to an alternate location to verify the contents and confirm the quality of the backup. All services required to provide the Fire Department's data and/or verify data will be provided in accordance with the County's current rates.

3.06 Remote Access Agreement. For each user the City is required to complete and return **Attachment (A),** Connection Policy and Agreement Form for remote access and return to County to the address in 9.02 item (C). No access will be given to user unless County has received a Remote Access Agreement.

SECTION 4. NONEXCLUSIVITY OF SERVICE PROVISION

The parties agree that the County may contract to perform services similar or identical to those specified in this agreement for such additional governmental or public entities as the County, in its sole discretion, sees fit.

SECTION 5. COMPENSATION

5.01 The dispatch service charges for FY2021 will remain in the amount of $0.

SECTION 6. CIVIL LIABILITY

6.01 Any civil liability relating to the furnishing of services under this agreement shall be the responsibility of the Fire Department. The parties agree that the County shall be acting as agent for the Fire Department in performing the services contemplated by this agreement.

6.02 The Fire Department shall hold the County free and harmless from any obligation, costs, claims, judgments, attorney's fees, attachments, and other such liabilities arising from or growing out of the services rendered to the Fire Department pursuant to the terms of this agreement or in any way connected with the rendering of said services, except when the same shall arise because of the willful misconduct or culpable negligence of the County, and the County is adjudged to be guilty of willful misconduct or culpable negligence by a court of competent jurisdiction.

(D) Collin County, Remote Access to:
Information Technology Department
2300 Bloomdale #3198
McKinney, Texas 75071

Or to such person at such address as may from time to time be specified in a notice given as provided in this Section 9. In addition, notice of termination of this agreement by the Fire Department shall be provided by the Fire Department to the County Judge of Collin County as follows:

The Honorable Chris Hill
Collin County Judge
Collin County Administration Building
2300 Bloomdale Rd. Suite 4192
McKinney, Texas 75071

SECTION 10. CAPTIONS

The headings to the various sections of this agreement have been inserted for the convenient reference only and shall not modify, define, limit or expand the express provision of this agreement.

SECTION 11. COUNTERPARTS

This agreement may be executed in counterparts, each of which, when taken separately, shall be deemed an original.

SECTION 12. OBLIGATIONS OF CONDITION

All obligations of each party under this agreement are conditions to further performance of the other party's continued performance of its obligation under the agreement.

SECTION 13. EXCLUSIVE RIGHT TO ENFORCE THIS AGREEMENT

The County and the Fire Department have the exclusive right to bring suit to enforce this Agreement, and no party may bring suit, as a third-party beneficiary

or otherwise, to enforce this agreement.

SECTION 14. PRIOR AGREEMENTS SUPERSEDED

This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written oral agreements between the parties respecting the services to be provided under this agreement.

SECTION 15. FORCE MAJEURE

Force Majeure: No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected party's reasonable control, including, without limitation: acts of God; flood, fire or explosion; war, invasion, riot or other civil unrest; actions, embargoes or blockades in effect on or after the date of this Agreement; or national or regional emergency (each of the foregoing, a "Force Majeure Event"). A party whose performance is affected by a Force Majeure Event shall give notice to the other party, stating the period of time the occurrence is expected to continue and shall use diligent efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

"COUNTY"

COLLIN COUNTY, TEXAS

BY: _____

TITLE: _____

DATE: _____

"FIRE DEPARTMENT"

BY: Ray L

TITLE: FIRE CHIEF

DATE: 1/21/2021

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE RENEWAL OF THE INTERLOCAL DISPATCH SERVICES AGREEMENT WITH COLLIN COUNTY, TEXAS

WHEREAS, the City Council of the City of Anna Texas (the "City Council") finds that renewal of the agreement for Dispatch Services with Collin County is vital to support the City of Anna Fire Department's mission to preserve and protect the public health and safety of the City's residents;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Whereas, Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as if set forth in full.

Section 1. Approval of the Renewal of the Interlocal Dispatch Services Agreement

The City Council hereby approves the Interlocal Dispatch Services Agreement attached hereto as **EXHIBIT 1**, and authorizes, ratifies and approves the City Manager's execution of same. The City Manager is hereby authorized to execute all documents and to take all other actions necessary to finalize, act under, and enforce the Agreement that shall remain in force until September 30, 2021.

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this 26th day of January, 2021.

ATTEST:

_____
Carrie Smith, City Secretary

APPROVED:

_____
Nate Pike, Mayor

Item No. 6.f.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Ross Altobelli

AGENDA ITEM:
Approve a Resolution approving a zoning amendment initiation by City Council for Planned Development No. 08-2002 (PD # 08-2002). The initiation would allow for a public hearing to be called to consider an amendment to the Permitted Uses element within the existing planned development. The public hearings would be March 01, 2021 for the Planning and Zoning Commission and March 23, 2021 for the City Council. (Director of Development Services Ross Altobelli)

SUMMARY:
It is recommended that the City Council approve a resolution approving a zoning amendment initiation for Planned Development No. 08-2002 (PD # 08-2002).

REMARKS:

Within Section 9.04.043 (Amendments) of Article 9.04 (Zoning Ordinance) it states that amendments to the zoning regulations, restrictions, and boundaries may be amended, supplemented, changed, modified or repealed. Amendment initiations may be initiated by:

(1) City council on its own motion;
(2) Planning and zoning commission; or
(3) Request by owner or agent of owner of property to be changed.

HISTORY:

A neighbor recently contacted the Planning Division requesting guidance on operating a child-care facility (registered family home) out of her residence in Lakeview Estates, Phase 2.

Registered family home: A child-care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given

time.

A Registered family home is currently allowed by Specific Use Permit in the SF-E, SF-1, MH-1, MF-1, MF-2, C-1, & C-2 zoning districts.

ISSUES:

The zoning for the property is PD #08-2002 and was established in October 2002 (Ord. 34-2002). The permitted uses in the Planned Development are the same as those permitted in the "R-1 - Single Family Residential" zoning district.

The R-1 Single Family Residential zoning district allowed for home and professional occupations however within the 1986 Zoning Ordinance (ordinance in effect in 2002) a child day care center was specifically identified as a prohibited use under Home Occupations.

On September 20, 2003 the City of Anna adopted a new Zoning Ordinance (Ord. 116-2003) and the R-1 - Single Family Residential zoning district was not retained as a zoning classification.

The land use, definition, and schedule of uses allowances for Registered family home were established as part of the 2003 Ordinance adoption and have not been modified to date.

SUMMARY:

A neighbor is requesting City Council initiate a zoning amendment for PD # 08-2002 that would allow for a public hearing to consider an amendment to the Permitted Uses element within the existing planned development. With Council initiating the zoning amendment it will allow a neighbor to proceed forward with a zoning amendment to allow for a Registered family home at her residence. The process will follow Council hearing and notice requirements which include a required public hearing and written notice to all owners of property located within the area proposed to be changed (Lakeview Estates Phase 1 & 2) and within 200 of the property boundary.

FINANCIAL IMPACT:
There is no Financial Impact for this item

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 3: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:

It is recommended that the City Council approve a resolution approving a zoning amendment initiation for PD # 08-2002. The initiation would allow for a public hearing to consider an amendment to the Permitted Uses element within the PD # 08-2002.

ATTACHMENTS:

1. Res. Setting Public Hearing
2. ORD. 34-2002
3. ORD 116-2003 Zoning Ordinance

APPROVALS:

Ross Altobelli, Director of Development Services	Created/Initiated - 1/20/2021
Ross Altobelli, Director of Development Services	Approved - 1/20/2021
Jim Proce, City Manager	Final Approval - 1/22/2021

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION INITIATING A ZONING AMENDMENT TO PLANNED DEVELOPMENT NO. 08-2002 AND SETTING PUBLIC HEARINGS UNDER SECTION 9.04.043 OF THE ANNA CITY CODE OF ORDINANCES FOR PUBLIC COMMENT AND CONSIDERATION OF SAID ZONING AMENDMENT TO ALLOW REGISTERED FAMILY HOME

WHEREAS, the City of Anna, Texas (the "City"), is authorized under Chapter 211 of the Texas Local Government Code, to zone property within the City's corporate limits and the City has zoned certain property in Lakeview Estates as Planned Development No. 08-2002 ("PD 08-2002"); and

WHEREAS, the City is authorized to amend zoning classifications and such an amendment may be initiated by motion of the City Council of the City of Anna ("City Council") under the Anna City Code of Ordinances ("Anna Code") Sec. 9.04.043; and

WHEREAS, on January 26, 2021, the City Council voted to approve a motion to adopt this resolution to initiate a zoning amendment to PD 08-2002 in order to allow the following additional land use: Registered Family Home, being a child-care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time; and

WHEREAS, the City's Planning and Zoning Commission and the City Council will hold public hearings in accordance with Sec. 9.04.043 of the Anna Code on the dates and at the times and places set forth in this resolution; and

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, in order to hold the public hearings notice must be given in the manner required under Sec. 9.04.043 of the Anna Code; and

WHEREAS, this resolution is merely reflective of the City Council's desire to consider whether or not it should approve the above-referenced proposed zoning amendment and it is not an expression of support or opposition with respect to said proposed amendment; and

WHEREAS, the City Council finds that the passage of this resolution is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS:

Section 1: All of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein.

Section 2: City Staff is directed to submit a petition to the Planning and Zoning Commission setting forth the substance of the proposed zoning amendment to PD 08-2002 and to publish and mail notice of the public hearings for the dates set forth below in the manner required under Sec. 9.04.043 of the Anna Code.

Section 3: That a public hearing is hereby called for *March 01, 2021, at 7:00 p.m. at a suitable location*, to be conducted by the Planning and Zoning Commission for the purpose of hearing public testimony with respect to the advisability of the proposed zoning amendment to be followed by proceedings in accordance with Sec. 9.04.043 of the Anna Code.

Section 4: That a public hearing is hereby called for *March 23, 2021, at 6:30 p.m. at a suitable location*, to be conducted by the City Council for the purpose of hearing public testimony with respect to the advisability of the proposed zoning amendment to be followed by proceedings in accordance with Sec. 9.04.043 of the Anna Code.

Section 5: If any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this resolution without the invalid provision.

Section 6: This resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED ON THIS *26TH DAY OF JANUARY 2021*.

ATTEST:

_____
Carrie L. Smith, City Secretary

APPROVED:

_____
Nate Pike, Mayor

CITY OF ANNA, TEXAS

ORDINANCE NO. 2002-34

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF ANNA TO PROVIDE FOR REZONING OF CERTAIN PROPERTY; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of the property described in Exhibit A attached hereto has requested a certain zoning for said property; and

WHEREAS, the City Council of the City of Anna has given the requisite notices and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council of the City of Anna has concluded that the Zoning Ordinance of the City of Anna should be amended as follows:

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS:

Section 1. The Comprehensive Zoning Ordinance of the City of Anna, Texas, is amended by zoning the tract described in Exhibit A, attached hereto and made an integral part of this Ordinance, as Planned Development No. 08-2002 (PD # 08-2002). The Planned Development shall include the following elements:

Permitted Uses:
The permitted uses in the Planned Development will be the same as those permitted in the "R-1 – Single Family Residential" zoning district.

Density:

Overall density of the residential zoned portion of the tract shall have an overall density of not more than 3.9 units per acre on the gross acreage of the total tract.

Setbacks:
Minimum front yard – 25 feet; however, covered porches and bay windows may encroach up to five (5) feet into the required setback.
Minimum side yard – 5 feet; however, 15 feet shall be required on a corner lot adjacent to a side street.
Minimum rear yard – 15 feet.

**Typical Lot Dimensions:

Zoning	*Width*	*Depth*	*House Size*	**% Masonry*	*% of Tract*
PD - 6,000 s.f.	50'	100'	1,400 s.f.	70%	45%
PD – 6,000 s.f.	54'	100'	1,400 s.f.	70%	11%
PD – 6,000 s.f.	55'	100'	1,400 s.f.	70%	17%
PD – 7,200 s.f.	60'	100'	1,400 s.f.	70%	27%

**Masonry percentages are calculated as a percentage of the surface excluding windows and doors, and second story or other architectural offsets.*

***Widths and depths may vary for cul-de-sac lots and 10% of the lots where there is a necessity for variation due to dimensional constraints.*

Maximum Height:
Except as provided below, the maximum building height for any residential structure shall be two and one-half (2 ½) stories or thirty-five (35) feet, whichever is greater (excluding chimneys and vent stacks, cupolas, entry features, skylights, and other architectural features not intended for occupancy or storage). Notwithstanding the foregoing, however, all residential structures located on a lot with a rear yard abutting a street identified on the City of Anna Thoroughfare Plan as a collector or thoroughfare shall be limited to a maximum height of one story.

Maximum Lot Coverage:
Maximum lot coverage will be fifty five percent (55%). "Coverage" means the percentage of lot area covered by a roof or other structure (including accessory structures); however, roof eaves and other ordinary building projections are excluded.

Off-Street Parking
A minimum of two (2) enclosed off-street parking spaces will be provided for each dwelling unit (which spaces must be located on the same lot as the dwelling unit).

Masonry Requirements:
"Masonry" means brick, stone, pre-cast stone, or any other similar veneer material, but excluding cement fiber materials, attached to an outside wall.

Garages:
Garages may be front facing and there is no requirement for "swing" driveways.

Sidewalks:
Sidewalks will be installed along the street frontage of all residential lots prior to the issuance of a final certificate of occupancy for each house constructed thereon. A sidewalk will also be installed along the CR 367 perimeter of the tract prior to the acceptance of the infrastructure improvements for the first phase of residential development on the tract.

Perimeter Fencing
Fences located along the outside perimeter of the subdivision, if constructed of wood, shall be treated with a preservative to extend the life of and enhance the appearance of the fence. The maintenance of such perimeter fences shall be the responsibility of a private homeowner association. A fence or landscaped berm will be constructed along the CR 367 perimeter of the tract. The City shall have discretion regarding the choice of fence or berm, including choice of construction materials, with City approval required prior to final plat approval.

Section 2. All provisions of the City of Anna Zoning Ordinance not in conflict with the provisions of this Ordinance shall pertain to the property described in Exhibit "A".

Section 3. The official Zoning Map of the City of Anna shall be amended to reflect the change in zoning described herein.

Section 4. All ordinances of the City of Anna in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 5. This Ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED on this the 22nd day of October, 2003, by the following vote of the City Council of the City of Anna, Texas,

AYES _____

NAYS _____

ABSTENTIONS _____

APPROVED:

Ronald R Hagman

Mayor

ATTEST:

City ~~Secretary~~ Administrator

EXHIBIT A
LEGAL DESCRIPTION

BEING a tract of land in the Joseph Schluter Survey, Abstract No. 856 in Collin County, Texas and being a tract of land described in a deed to Solid Ground L.P., recored in Special Warranty Deed 99-0151451 of the Land Records of Collin County, Texas, being more particularly described as follows;

BEGINNING at an iron pin set in County Road 367, pin is the Southwest corner of a 10.27 acre tract of land described in a deed to Roy L. Andrews, recorded in 97-0036265 of the Land Records of Collin County, Texas.

THENCE S 86°35'00" E leaving said County Road 367 and along said south line of a 10.27 acre tract a distance of 1655.00 feet to the centerline of a Creek;

THENCE with the centerline of said creek as follows:

S 75°46'35" E a distance of 80.00 feet to a point for corner;

S 12°11'08" E a distance of 58.13 feet to a point for corner;

S 26°39'57" E a distance of 41.76 feet to a point for corner;

S 46°39'25" W a distance of 254.91 feet to a point for corner;

S 15°31'54" E a distance of 142.76 feet to a point for corner;

S 46°18'57" W a distance of 44.40 feet to a point for corner;

S 30°23'29" E a distance of 96.04 feet to a point for corner;

S 13°36'03" W a distance of 74.14 feet to a point for corner;

S 42°40'17" W a distance of 58.66 feet to a point for corner;

S 20°05'22" E a distance of 111.46 feet to a point for corner;

S 64°30'24" E a distance of 115.93 feet to a point for corner;

S 03°04'34" E a distance of 136.15 feet to a point for corner;

S 58°57'58" E a distance of 145.00 feet to a point for corner;

S 22°47'00" W a distance of 289.80 feet to a point for corner;

THENCE West leaving said creek centerline and proceding along the south line of the Solid Ground L.P. tract a distance of 1735.00 feet to the centerline of said County Road 367 to a point for corner;

THENCE North along said centerline of County Road 367 a distance of 1386.11 feet to the Place of Beginning containing 2,252,718 square feet or 51.7153 Acres of land.

Zoning Ordinance

of the

City of Anna

Adopted
September 20, 2003

CITY COUNCIL
Kenneth Pelham, Mayor
Lynn Mosier
J. W. Finley
Mark Montgomery
John Geren
Chris Caldwell

PLANNING & ZONING COMMISSION
John Rattan, Chairman
Duane Hayes
Jon Hendricks
David Crim
John Curiel
Anthony Geer
Bethany Jablonski

CITY OF ANNA, TEXAS

ZONING ORDINANCE

TABLE OF CONTENTS

.....Page

Adoption Caption .....

Section 1: Authority.....

Section 2: Purpose .....

Section 3: Administration .....

Section 4: Definitions .....

Section 5: General Provisions .....

Section 6: Reserved .....

Section 7: Annexed Territory .....

Section 8: Classification of New and Unlisted Uses .....

Section 9: AG Agricultural District .....

Section 10: SF-E Single Family Residential - Large Lot .....

Section 11: SF-1 Single Family Residential.....

Section 11A: SF-84 Single Family Residential.....

Section 11B: SF-72 Single Family Residential.....

Section 11C: SF-60 Single Family Residential.....

Section 11D: SF-Z Single Family Zero Lot Line .....

Section 11E: SF-TH Single Family Town Home .....

Section 11F: MH-1 Manufactured Home District .....

Section 11G: MH-2 Manufactured Home Park District .....

Section 12: TF Duplex (Two Family Residential).....

Section 13: MF-1 Multiple Family Residential - Medium Density.....

Section 14: MF-2 Multiple Family Residential - High Density .....

Section 15: C-1 Restricted Commercial.....

Section 15A: NC Neighborhood Commercial .....

Section 16: C-2 General Commercial .....

Section 16A: CBRD Central Business Redevelopment District .....

Section 16B: C-3 Planned Center District Regulations .....

Section 16C: O-1 Office District

Section 17: I-1 Light Industrial.....

Section 18: I-2 Heavy Industrial .....

Section 19: Park Reserved .....

Section 20: PD Planned Development District.....

Section 20A: THOR Thoroughfare Overlay District.....

Section 20B: F-B Food and Beverage Overlay District .....

Section 21: FP Floodplain District .....

Section 22: Special Uses.....

Section 23: Supplementary District Regulations.....

Section 24: Building Permits and Certificates of Occupancy.....

Section 25: Specific Use Permit .....
Section 26: Parking Space Regulations .....
Section26A: Nonconforming Uses .....
Section 27: Planning and Zoning Commission .....
Section 27A: Board of Adjustment .....
Section 28: Amendments.....
Section 29: Platting Property Not Permanently Zoned .....
Section 30: Classification of New and Unlisted Uses .....
Section 31: Temporary Uses .....
Section 32: Creation of Building Site .....
Section 33: Site Plans.....
Section 34: Completion of Buildings .....
Section 35: Schedule of Fees, Charges, and Expenses .....
Section 36: Penalty for Violations .....
Section 37: Validity, Severance, and Conflict .....
Section 38: Effective Date .....

Zoning Illustrations .....

Appendix 1 Schedule of District Regulations
Appendix 2 Schedule of Uses
Appendix 3 Definitions/Descriptions Associated with Schedule of Uses
Appendix 4 Description of Area Included Within F-B Overlay District

CITY OF ANNA, TEXAS

ORDINANCE NO. 116-2003

ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF ANNA, TEXAS ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS AND CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATIONS THEREOF; CREATING A PLANNING AND ZONING COMMISSION AND SETTING FORTH RULES FOR ITS ORGANIZATION, JURISDICTION, AND POWERS; PROVIDING FOR CERTIFICATE OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT, the proposed Zoning Ordinance and maps are hereby enacted and adopted, which shall provide as follows:

SECTION 1: AUTHORITY

This ordinance is prepared under the authority of Section 1, Art. 1011a, Vernon's Civil Statutes of the State of Texas, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories, and size of buildings, and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures.

SECTION 2: PURPOSE

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, arid other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 3: ADMINISTRATION

3.1. Administration

The City Administrator is hereby designated by the city council as the administrative official to supervise the administration and enforcement of this ordinance. The City Administrator may be provided with the assistance of such other persons or consultants as the city council may direct.

If the administrative official finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

3.2. Interpretation and Appeals

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the city council only on appeal from the decision of the administrative of official and that recourse from the decisions of the city council shall be to the courts as provided by law.

3.3. City Council Duties

It is further the intent of this ordinance that the duties of the city council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance. Under this ordinance the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and of establishing a schedule of fees and charges for administration of this ordinance.

SECTION 4: DEFINITIONS

For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.

(1) Accessory Building or Use - An accessory building or use is one which: (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 is not physically connected to the principal building. (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, a structure becomes part of the principal building.

(2) Administrative Official - is the officer or other designated authority charged with the administration and enforcement of this ordinance, or his duly authorized representative.

(2a) Alcoholic Beverage Store – is an establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.

(3) Alley is 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.

(4) Apartment - is a room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

(5) Basement - is a building story the floor line of which is below grade at any entrance or exit but may have at least one-half (1 ½) of Its height above the average level of the adjoining grade level.

(6) Block - means 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.

(7) Building - is 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 (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

(8) Building Height - is the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

(9) Building Line - a line parallel or approximately parallel to the street line at a specific distance there from marking the minimum distance from the street line that a building may be erected.

(10) Building Official - See Administrative Official.

(11) Certificate of Occupancy- is 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.

(12) Club - is a nonprofit association of persons who are bona-fide members, paying regular dues and are organized for a common purpose, but riot including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(13) Club, Private (Class I) - is an establishment or enterprise wherein activities are carried on by or for a group or association of dues-paying members organized for some common purpose.

(14) Club, Private (Class II) - is a club as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission.

(15) Reserved.

(16) Conditional Use - means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located and for which a permits granted.

(17) Court - means an open, unoccupied space on the same lot with a building and bounded on two (2) sides by such building, or the open space provided for access to a dwelling group.

(18) Display Sign - is a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including sign, billboard and advertising device of any kind.

(19) District - means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance. The term "residential district" means any SF-E, SF-1, SF-84, SF-72, SF-60, SF-2, SF-Z, SF-TH, MH, OR MF district; the term “commercial district" means any C-1, NC, C-2, C-3, OR 0-1 District.

(20) Dwelling Unit - means a room or a group of rooms including cooking accommodations, occupied by one (1) family, and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one time.

(21) Dwelling Unit, Single-Family, Detached - located on a lot or separate building tract and having no physical connection to a building on any other lot.

(22) Essential Services - means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission distribution steam, or water systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word “building" does not include "structures" for essential services.

(23) Family - means one (1) 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.

(24) Farm - is an area of two (2) acres or more which is used for the growing of usual farm products such as vegetables, fruit, trees and grain and storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, including dairy farms with necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

(25) Flood Plain - is 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 one hundred (100) year frequency storm is considered in the flood plain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the City.

(25a) Food-Beverage Store – is an establishment engaged in the sale of food or beverages — of any kind whatsoever — for off-premises consumption. This

definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.

(26) Frontage - is all the property abutting on one (1) 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 (1) street, the planning and zoning commission shall determine the frontage for purposes of this ordinance.

(27) Front Yard - is an open, unoccupied space on a lot facing a street and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual or eave overhang.

(28) Garage, Public - means a building or portion of a but except that herein define as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

(29) Grade - when used as a reference point in measuring height of building the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.

(30) Green Belt - is a piece of land, normally relatively narrow in comparison to its length, reserved to provide for both passive and active recreation, to function as a corridor connecting park areas, to serve as a buffer between various land uses, or to provide for open space. It frequently utilizes flood plains along creeks and is often left in its natural state.

(31) Gross Floor Area - means the living area of a building including the walls thereof but excluding all porches, open breezeways and garages.

(32) Height of Building - means the vertical distance from the grade to the highest point of the opening of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip and gambrel roof.

(33) Home Occupation - means an occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

a) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.

b) 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.

c) 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 twenty-five percent (25%) of the total of the floor area of the residential dwelling.

d) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.

e) 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.

f) 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.

g) 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.

h) 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.

i) 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.

j) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

(34) Hospital - may be a public or private, profit, or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm, or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and outpatient services, pharmacies and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed one third (1/3) of the total floor area. Whether or not a questionable use is similar or an "integral" part of the total purpose shall be subject to determination by the city council. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation or area occupancy.

(35) Industry - is the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

(36) Land Use Plan - is the long-range plan for the desirable use of land in the City of Anna as officially adopted and as amended from time to time by the city council; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings.

(37) Loading Space - is 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.

(38) Lot - means the entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefore by this title and other applicable law.

(39) Lot, Corner - means a lot abutting on two (2) intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

(40) 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.

(41) Lot, Interior - means a lot other than a corner lot.

(42) Lot, Lines - means the property lines bounding the lot as defined herein.

(43) Lot, Through - means a lot having its front and rear on different streets, or having its front or rear line on a street and the other line on a river, lake, creek or other permanent body of water.

(44) Lot Depth - means the average depth from the front line of the lot to the rear line of the lot.

(45) Lot Width - means the width measured at a distance back from the front line equal to the minimum depth required for a front yard.

(46) Lot of Record - is 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.

(47) Main Building - means a building in which is conducted principal use of the lot on which it is situated.

(48) Neighborhood Convenience Center - means centers that carry convenience goods, such as groceries, and some variety items, and also service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of -families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

(49) Nonconforming Use - means use of a building or land which existed previously that does not conform to the present regulations as to use for the district in which it is situated.

(50) Open Space - is that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50 percent of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot and is maintained and utilized in the same manner and to the same degree as all other open space areas as is designated on the site plan as filed with the building permit application.

(51) Parking Area, Private - means a permanently surfaced open area for the same uses as a private garage.

(52) Parking Area, Public - means a permanently surfaced open area, other than street, or other public way, used for parking of automobiles and available to the public for a fee, free, or as an accommodation for clients or customers.

(53) Parking Space - means a permanently surfaced area not less than one hundred eighty (180) square feet (measured approximately nine (9) feet by twenty (20) feet) 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 (1) vehicle.

(54) Planned Development - shall mean 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 buildings 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.

Planned development is both 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.

(55) Rear Yard - means the required rear yard is an open space unoccupied and unobstructed except for accessory uses extending across the rear of a lot from one side lot line to the other side lot line, the depth of which is dependent upon the zoning district in which the lot is located.

(56) Recreational Vehicle - is 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 (8) feet in width and not exceeding twenty-two (22) feet in length.

(57) Screening Element (Device) – means 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 any height between ground level and seven feet above ground level and shall mean any of the following:

(a) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or

(b) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition.

(c) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

(58) 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.

(59) 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.

(60) Story - means 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 (7) feet.

(61) Story, Half - means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

(62) Street - means a public or private thoroughfare which affords the principal means of access to abutting property.

(63) Structural Alteration - means 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.

(64) Trailer (including automobile trailer and trailer coach) - is any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

(65) Trailer Park - means any lot or part thereof or any parcel of land which is used or offered as a location for one (1) or more trailers.

(66) Thoroughfare - means an officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the City of Anna.

(67) Thoroughfare Plan - means the official thoroughfare p an of the City of Anna adopted by the city council establishing the location and official right-of-way width of principal highways and streets in the city, together with all amendments thereto subsequently adopted.

(68) Use - means the purpose for which land or a building or structure thereon is designed, arranged intended or maintained or J-or which it is or may be used or occupied.

(69) Use, Accessory - means a subordinate use on the same lot with the principal use and incidental and accessory thereto.

(70) Used Car Lot - is a lot or tract of land used for the sale or display for sale of two (2) or more previously owned motor vehicles including but not limited to passenger automobiles, motorcycles, trucks, dune buggies and other types of motor vehicles designed for use upon the public roads or for pleasure off public roads but not including farm implements, mobile homes, campers and recreational vehicles, or construction equipment such as cranes, bulldozers and related equipment and trucks over one ton capacity.

(71) Yard - means an open space, other than a court, on the same lot with a building.

(72) Yard, Front - means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main buildings including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

(73) Yard, Rear - means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

(74) Yard, Side - means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and leaving a width equal to the shortest distance between said side line and the main building.

(75) Zoning Map - means the official zoning map of the City of Anna together with all amendments subsequently adopted.

SECTION 5: GENERAL PROVISIONS

5.1. Establishment of Districts

For the purpose of this ordinance, the City of Anna, Texas, is hereby divided into districts as follows:

AG	Agricultural District
R-1L	Single-Family Residential - Large Lot
R-1	Single-Family Residential
SF-84	Single Family Residential District - 84
SF-72	Single Family Residential District – 72
SF-60	Single Family Residential District – 60
SF-Z	Single Family Residential District – Zero Lot Line Homes
SF-TH	Single Family Residential District – Townhomes
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
R-2	Two Family Residential
R-3	Multiple Family Residential - Low Density
R-4	Multiple Family Residential - High Density
C-1	Restricted Commercial
C-2	General Commercial
NC	Neighborhood Convenience District
OTRD	Central Business Redevelopment District

C-3	Planned Center District
O-1	Office District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development District
THOR	Thoroughfare Overlay District
F-B	Food and Beverage Overlay District

5.2. Floodplain Designation Overlay

Notwithstanding the foregoing, there shall be a district known as a "FP" floodplain district which may be coextensive with or overlap any or all of the foregoing districts or portions thereof and any tract of laid or portion thereof may, at the same time, be zoned for the uses in one of the foregoing districts and be zoned "FP" floodplain.

Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and is also zoned "FP" floodplain, the restrictions contained in the "FP" floodplain district shall be applicable to said tract or portion thereof and shall take precedence over regulations of the other zoning districts.

5.3. Official Zoning Map

The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this ordinance.

5.4. Map Certified

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk and bearing the seal of the city under the following words:

"This is to certify that this is the official zoning map adopted as part of Ordinance No. _____ of the City of Anna."

5.5. Location of Map

The official zoning map shall be in the custody of and shall remain on file in the office of the City Secretary.

5.6. Public Inspection of Map

The official zoning map shall be available for the public inspection for all matters that are of public record.

5.7. Amendment of Official Zoning Map

When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.

5.8. Official Zoning Map Replacement

The city council may by ordinance adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words:

"This is to certify that this official zoning map supercedes and replaces the official zoning map adopted _____ _____ as a part of the Zoning Ordinance of the City of Anna.

5.9. Interpretation

5.9.1. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates than the various districts are bounded by a road or street line, the center line of such road or street shall be construed to be the district boundary line.

5.9.2. Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

5.9.3. Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines.

5.9.4. Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this section, the city council shall interpret the district boundaries.

5.10. Rules for Words and Phrases

For the purposes of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word "used" includes designed and intended or arranged to be used; the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

5.11. Compliance with Regulations

The regulations set by the ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

5.11.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

5.11.2 No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified for the district in which it is located.

5.11.3 No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner contrary to the provisions of this ordinance.

5.11.4 No part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this section shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

5.12. Structures To Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

5.13. Visibility At Intersections

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle measured twenty feet (20') from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two and one-half feet (2 ½') in height and vegetation should not droop to less than ten feet (10') from the ground.

SECTION 6: RESERVED

SECTION 7: ANNEXED TERRITORY

7.1. Annexed Territory To Be Zoned AG

All territory hereafter annexed to the City of Anna shall be temporarily classified as AG Agricultural District until permanent zoning is established by the city council, except as provided in Section 7.C below. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

7.3. Regulations For Temporary AG Districts

In an area temporarily classified as AG:

(1) No person shall erect, construct or add to any building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the building official or city council as required herein.

(2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in AG districts unless and until such territory has been classified in a zoning district other than an agricultural district.

(3) An application for a permit for any use other than that specified above shall be made to the zoning administrative official and by him referred to the Planning and Zoning Commission for consideration and recommendation to the city council. The Planning and Zoning Commission in making its recommendation shall take into consideration the appropriate land use for the area and the overall plans for the city. The city council, after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application as their findings may indicate appropriate in the public interest.

7.4. Concurrent Rezoning And Annexation

Application(s) for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the city council.

SECTION 8: CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Anna. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1) The zoning administrative official shall refer the question of any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of- the use and whether it involves dwelling activity sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(2) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and after public hearing determine the zoning district or districts within which such use should be permitted.

(3) The Planning and Zoning Commission shall transmit its findings and recommendations to the city council as to the classification proposed for and new or unlisted use. The city council may approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate after giving consideration to the districts and recommendations.

SECTION 9: AG AGRICULTURAL DISTRICT

9.1. General Purpose and Description

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses; intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

9.2. Permitted Uses

A building or premise in an AG Agricultural District shall be used only for the following purposes:

9.2.1. Single-family dwellings in areas where said dwellings can be adequately served by city utilities or approved alternatives.

9.2.2. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained; gas lines; and gas regulating stations.

9.2.4. Temporary metal buildings of less than six hundred (600) square feet which are used for tool and supply storage.

9.2.5. Riding academy or other equestrian related activities.

9.2.6. Other uses as listed in Appendix 2 of this ordinance.

9.3. Permitted Specific Uses

The following specific uses shall be permitted in the Agricultural District, when granted in accordance with Section 25:

9.3.1. Hospitals for human care and veterinary hospitals of any kind provided that the hospital grounds shall be distant at least two hundred (200) feet from any residential district.

9.3.2. Disposal of garbage and refuse, including sanitary landfills and sewage disposal by the county or city or their authorized agents, subject to health department approval.

9.3.3. Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, and provided further that the premises upon which utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood and not objectionable as to noise, odor, vibration or other disturbances.

9.3.4. Radio and television transmitter tower.

9.3.5. Essential services. Defined in Section 4(39).

9.3.6. Other uses as listed in Appendix 2 of this ordinance.

9.4. Accessory Uses

9.4.1. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of the tract.

9.4.2. Temporary fruit stands on any premises used for agricultural purposes.

9.4.3. Parking facilities. Garages, carports, or other parking spaces for the exclusive urge of residents of the premises in accordance with Section 26.

9.4.4. Swimming pools.

9.5. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

9.6. Parking Regulations

Two (2) covered spaces behind the front yard line for single family dwelling units and HUD Code manufactured homes. Other off-street parking space regulations are set forth in Section 26.

9.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 10: SF-E - SINGLE FAMILY RESIDENTIAL - LARGE LOT

10.1. General Purpose and Description

The SF-E District is established to allow for larger lots with one (1) family dwelling structures per lot. This district is intended to provide for residential lands to accommodate more rural settings and accessory yard uses. These lots should be generally located in groups, blocks, or areas where the accessory uses of the land do not either materially or in an obnoxious manner influence neighboring properties. Densities in this district will not usually exceed one (1) unit per gross acre.

10.2. Permitted Uses

A building or premise in a SF-E District shall be used only for the following purposes:

10.2.1. Agricultural uses, but not including commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, or other fur-bearing animal farms and rat farms. Buildings and structures used for sheltering or feeding shall be located not less than twenty-five feet (25') from any adjoining lot in the residence district. All residences shall assure that livestock or pets shall not physically damage shrubbery, fences, or other property of neighbors, that sanitation shall be practiced, and that noise, odor, commotion, and other activity attributed to livestock shall not unduly damage the character of the area.

10.2.2. Uses as listed in Appendix 2 of this ordinance.

10.3. Permitted Specific Uses

The following specific uses shall be permitted in a SF-E District, when granted in accordance with Section 25:

10.3.1 Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

10.3.2 Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

10.3.3 Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

10.3.4 Public and quasi-public buildings for cultural use.

10.3.5 Country clubs as defined herein.

10.3.6 Uses as listed in Appendix 2 of this ordinance.

10.3.7 Public utility and public service uses as follows:
(a) Electric substations.
(b) Gas odorizing stations and gate stations.

(c) Radio and television towers.
(d) Railroad right-of-way, but not including railroad yards and shops, freight and service buildings, or right-of-way for switch, lead, spur, or team tracks.
(e) Telephone exchanges and transmission equipment buildings.
(f) Privately owned water pumping stations and water reservoirs.

10.3.8 Outdoor recreational premises, clubs and grounds for swimming, tennis, boating, horse riding, skiing, and other sports. Accessory clubhouses and maintenance buildings.

10.3.9 Home and professional occupations.

10.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

10.5. Parking Regulations

Two (2) enclosed spaces behind the front yard line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking regulations are set forth in Section 26.

10.6. Permitted Accessory Uses

10.6.1. Living quarters for persons regularly employed on the premises but not including accommodations for transient labor.

10.6.2. Guest houses, not containing cooking facilities, and not rented or otherwise conducted as a business when located in a portion of the site other than a required yard space.

10.6.3. Home occupations.

10.6.4. Private garages and parking areas.

10.6.5. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

10.6.6. Private stables, corrals, and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 150 feet from any dwelling on adjoining property. No horse or other equine shall be kept on a lot of less than one acre in area and two horses or other equines may be kept on an acre but for each additional horse or other equine above two kept there shall be an additional 20,000 square feet in lot area.

10.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11: ~~R-1~~ SF-1 - SINGLE FAMILY RESIDENTIAL

11.1. General Purpose and Description

The Single Family Residential District - 1 is designed to accommodate the standard single family residential development. The district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.

11.2. Permitted Uses

A building or premise in an SF-1 District shall be used only for purposes as listed in Appendix 2 of this ordinance.

11.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-1 District, when granted in accordance with Section 25:

11.3.1. Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

11.3.2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

11.3.3. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

11.3.4. Public and quasi-public buildings for cultural use.

11.3.5. Country clubs as defined herein.

11.3.6. College and universities, provided that the zoning lot shall be not less than forty (40) acres.

11.3.7. Uses as listed in Appendix 2 of this ordinance.

11.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11.5. Parking Regulations

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the building line. Other off-street parking space regulations are set forth in Section 26.

11.6. Permitted accessory uses

11.6.1. Home occupations.

11.6.2. Private garages and parking areas.

11.6.3. Athletic fields and playfields, noncommercial, including stadiums and grandstands.

11.6.4. Temporary buildings for storage of building materials and equipment and construction purposes when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.

SECTION 11A SF-84 SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

11A.1. General Purpose and Description

The SF-84 Single Family Residential 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.

11A.2. Permitted Uses

A building or premise in a SF-84 District shall be used only for the purposes as listed in Appendix 2 of this ordinance.

11A.3. Permitted Specific Uses

The following specific uses shall be permitted in a SF-84 District, when granted in accordance with Section 25 of this ordinance:

11A.3.1. Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

11A.3.2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

11A.3.3. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

11A.3.4. Public and quasi-public buildings for cultural use.

11A.3.5. Country clubs as defined herein.

11A.3.6. Uses as listed in Appendix 2 of this ordinance.

11A.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11A.5. Parking Regulations

Two (2) enclosed spaces behind the front yard line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking regulations are set forth in Section 26.

11A.6. Permitted Accessory Uses

11A.6.1. Home occupations.

11A.6.2. Private garages and parking areas.

11A.6.3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

11A.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11B SF-72 SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

11B.1. General Purpose and Description

The SF-72 Single Family Residential 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.

11B.2. Permitted Uses

A building or premise in a SF-72 District shall be used only for the following purposes:

11B.2.1. Uses as listed in Appendix 2 of this ordinance.

11B.3. Permitted Specific Uses

The following specific uses shall be permitted in a SF-72 District, when granted in accordance with Section 25 of this ordinance:

11B.3.1. Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

11B.3.2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

11B.3.3. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

11B.3.4. Public and quasi-public buildings for cultural use.

11B.3.5. Country clubs as defined herein.

11B.3.6. Uses as listed in Appendix 2 of this ordinance.

11B.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11B.5. Parking Regulations

Two (2) enclosed spaces behind the front yard line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking regulations are set forth in Section 26.

11B.6. Permitted Accessory Uses

11B.6.1. Home occupations.

11B.6.2. Private garages and parking areas.

11B.6.3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

11B.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11C SF-60 SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

11C.1. General Purpose and Description

The SF-60 Single Family Residential 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.

11C.2. Permitted Uses

A building or premise in a SF-60 District shall be used only for the following purposes:

11C.2.1. Uses as listed in Appendix 2 of this ordinance.

11C.3. Permitted Specific Uses

The following specific uses shall be permitted in a SF-60 District, when granted in accordance with Section 25 of this ordinance:

11C.3.1. Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

11C.3.2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

11C.3.3. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

11C.3.4. Public and quasi-public buildings for cultural use.

11C.3.5. Country clubs as defined herein.

11C.3.6. Uses as listed in Appendix 2 of this ordinance.

11C.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11C.5. Parking Regulations

Two (2) enclosed spaces behind the front yard line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking regulations are set forth in Section 26.

11C.6. Permitted accessory uses

11C.6.1. Home occupations.

11C.6.2. Private garages and parking areas.

11C.6.3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

11C.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11D - SF-Z SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS--ZERO LOT LINE HOMES

11D.1 General Purpose and Description

The purpose of the SF-Z (zero lot line home) district is to provide single-family homes on lots of moderate size.

11D.2. Permitted Uses

Uses as listed in Appendix 2 of this ordinance.

11D.3. Permitted Specific Uses

The following specific uses shall be permitted in a SF-Z District, when granted in accordance with Section 25 of this ordinance:

11D.3.1. Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

11D.3.2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

11D.3.3. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

11D.3.4. Public and quasi-public buildings for cultural use.

11D.3.5. Country clubs as defined herein.

11D.3.6. Uses as listed in Appendix 2 of this ordinance.

11D.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit.

Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

11D.5. Parking Regulations

One (1) enclosed space behind the front yard line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking regulations are set forth in Section 26.

11D.6. Permitted Accessory Uses

11D.6.1. Home occupations.

11D.6.2. Private garages and parking areas.

11D.6.3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

11D.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11E SF-TH TOWNHOME DISTRICT REGULATIONS

11E.1 General Purpose and Description

This zone is designed to provide for a medium density residential environment of attached town home units.

11E.2. Permitted Uses

11E.2.1. Residential buildings containing townhome units.

11E.2.2. Other uses as allowed in the TF zone.

11E.3. Permitted Specific Uses

Specific uses shall be permitted in a SF-TH District, when granted in accordance with Section 25, as listed in Appendix 2 of this ordinance.

11E.3.1. Other uses as allowed in the TF zone.

11E.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit.

Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

11E.5. Parking Regulations

Two (2) enclosed spaces behind the front yard line. Other off-street parking regulations are set forth in Section 26.

11E.6. Permitted Accessory Uses

Other uses as allowed in the TF zone.

11E.7. Miscellaneous Provisions

(1) Rear entry off-street parking shall be provided for all uses established in this zone.

(2) Site plan approval shall be required prior to development.

11E.8. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11F MH-1 — MANUFACTURED HOME DISTRICT REGULATIONS

11F.1. General Purpose and Description

The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single family subdivision.

11F.2. Permitted Uses

A building or premise shall be used only for the purposes as listed in Appendix 2 of this ordinance.

11F.3. Permitted Specific Uses

Specific uses shall be permitted in the MH-I District, when granted in accordance with Section 25, as listed in Appendix 2 of this ordinance.

11F.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11F.5. Parking Requirements

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the front yard line. Other off-street parking regulations are set forth in Section 26.

11F.6. Additional Restrictions Applicable to MH-1 District

11F.6.1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.

11F.6.2. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.

11F.6.3. Tie-downs will be required and will be secured prior to occupancy.

11F.6.4. Underpinning and skirting will be required and will be installed prior to occupancy.

11F.6.5. Accessory buildings will be either manufactured or constructed in accordance with city codes.

11F.6.6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

11F.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 11G MH-2 — MANUFACTURED HOME PARK DISTRICT REGULATIONS

11G.1. General Purpose and Description

The Manufactured Home Park District is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

11G.2. Permitted Uses

A building or lot shall be used only for the following purposes:

11G.2.1. Manufactured-home park of not less than two (2) nor more than ten (10) acres in size.

11G.2.2. Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.

11G.2.3. Other uses as listed in Appendix 2 of this ordinance.

11G.3. Permitted Specific Uses

The following specific uses shall be permitted in the MH-2 District when granted in accordance with Section 25:

11G.3.1. Boat, recreational vehicle, and/or travel trailer storage yard.

11G.3.2. Travel trailer and commercial overnight camping park.

11G.3.3. Other uses as listed in Appendix 2 of this ordinance.

11G.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front setback shall be 25 feet where the car enters, and 20 feet on the opposite side.

11G.5. Parking Requirements

Two (2) spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 26.

11G.6. Additional Restrictions Applicable to Manufactured-Home Park District

11G.6.1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.

11G.6.2. All manufactured homes shall be set on a solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.

11G.6.3. Tie-downs will be required and will be secured prior to occupancy.

11G.6.4. Underpinning and skirting will be required and will be installed prior to occupancy.

11G.6.5. Accessory buildings will be either manufactured or constructed in accordance with city codes.

11G.6.6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

11G.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 12: TF TWO FAMILY RESIDENTIAL DISTRICT

12.1. General Purpose and Description

The TF one and two family dwelling district is established to stabilize and protect characteristics of low density residential areas. This district may be suitable as a buffer zone between single family and higher intensity uses. Development in the R-2 District is limited primarily to single-family and two-family dwellings and certain community and recreational facilities to service residents of the district.

12.2. Permitted Uses

12.2.1. A building or premise shall be used only for the purposes as listed in Appendix 2 of this ordinance.

12.3. Permitted Specific Uses

Specific uses shall be permitted in the TF District, when granted in accordance with Section 25, as listed in Appendix 2 of this ordinance.

12.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

12.5. Parking Regulations:

Off-street parking shall be provided in accordance with the requirements for uses set forth in Section 26.

12.6. Permitted Accessory Uses

11.6.1. Home occupations.

11.6.2. Private garages and parking areas.

11.6.3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

12.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 13: MF-1 - MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY

13.1. General Purpose and Description

The MF-1 District is established to meet the needs for medium density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to

the neighborhood, and promotes the character of the community. The district is characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

13.2. Permitted Uses

The following uses shall be permitted:

13.2.1. Multiple family dwellings and clustered multiple family dwellings, which clustered in multiple family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed.

13.2.2. Two-family dwelling units.

13.2.3. Private schools: nursery, elementary, junior high, high school, vocational school and day care centers.

13.2.4. Churches, parish houses, convents.

13.2.5. Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes. Clubhouses and maintenance buildings shall be located not less than two hundred feet (200') from any adjacent lot in an adjoining residence district.

13.2.6. Parks and playgrounds.

13.2.7. Existing one-family dwelling units used as such on the effective date of this ordinance.

13.3. Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 25:

13.3.1. One-family dwelling units.

13.3.2. Townhouses, condominiums.

13.3.3. Uses as listed in Appendix 2 of this ordinance.

13.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

No lot containing multifamily units shall contain less than ten thousand (10,000) square feet or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit.

Minimum lot sizes for all other permitted uses shall be seventy five hundred (7,500) square feet or one thousand five hundred square feet per living unit, whichever is greater.

Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single family district boundary or the lot on which the single family dwelling is located.

When buildings exceed one (1) story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each unit shall have two (2) points of entry or exit.

13.5. Parking Regulations

Two and one-half (2.5) off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in Section 26.

13.6. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

13.7. Refuse Facilities

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

13.8. Screening Fence

Border fencing of wood or masonry of not less than six (6) feet in height nor more than eight (8) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

13.9. Permitted Accessory Uses

13.9.1 Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses, Appendix 2.

13.9.2 Athletic fields and playfields, noncommercial, including stadiums and grandstands.

13.9.3 Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

13.10. Miscellaneous Provisions

13.10.1. The maximum density in this district shall be 12 units per acre.

SECTION 14: MF-2 - MULTIPLE FAMILY RESIDENTIAL - HIGH DENSITY

14.1. General Purpose and Description

High density multiple family zoning is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters. This district permits two story apartments, fourplexes, and duplexes.

14.2. Permitted Uses

The following uses shall be permitted:

14.2.1. Any use permitted in the MF-1 District, except two-family dwelling units.

14.2.2. Libraries and museums.

14.2.3. Hospitals, sanitariums, nursing homes, and personal care facilities.

14.2.4. Other uses as listed in Appendix 2 of this ordinance.

14.3. Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 25:

14.3.1. Any use allowed as a specific use in the MF-1 District, except one-family and two-family dwelling units, unless permitted above.

14.3.2. Medical and dental clinics.

14.3.3. Offices for professional uses such as (without limitation due to enumeration), building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.

14.3.4. Other uses as listed in Appendix 2 of this ordinance.

14.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

No lot containing multifamily units shall contain less than ten thousand (10,000) square feet or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit.

Minimum lot sizes for all other permitted uses shall be seventy five hundred (7,500) square feet or one thousand five hundred square feet per living unit, whichever is greater.

Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single family district boundary or the lot on which the single family dwelling is located.

14.5. Parking Regulations

Two and one-half (2.5) off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in Section 26.

14.6. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

14.7. Refuse Facilities

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

14.8. Screening Fence

Border fencing of wood or masonry of not less than six (6) feet in height nor more than eight (8) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

14.9. Special Fire Protection Requirements

Whenever densities of greater than fifteen (15) units per acre are present or a building exceeds one story in height, each building in the development shall contain an automatic sprinkler system, to be installed at the time of construction and thereafter operated in accordance with currently applicable fire safety codes.

In addition, each unit in any multi-story design, regardless of density, shall be provided with two (2) points of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.

14.10. Miscellaneous Provisions

14.10.1. Density in this district does not ordinarily exceed fifteen (15) units per gross acre but can reach a maximum of twenty-five (25) units per gross acre if special fire protection requirements are observed (see Section 14.9).

14.10.2. The minimum separation of buildings shall conform to the distance requirements as specified in Appendix 1, Area, Setback, Height, and Coverage Regulations.

14.10.3. If a side yard or rear yard is adjacent to a single family residential district, there shall be a twenty five (25) foot setback and a sixty (60) foot setback from the adjacent property line for buildings in excess of one (1) story in height.

14.10.4. Single family construction in this district shall comply with the SF-60 district requirements.

14B.10.5 Duplex construction in this district shall comply with the TF district requirements.

14.10.6. A portion of the building that is no more than one (1) story tall shall observe a minimum setback from the rear property line of 15 feet. Any portion of the building that is more than one (1) story tall shall observe a minimum setback from the rear property line of 25 feet.

SECTION 15: C-1 RESTRICTED COMMERCIAL

15.1. General Purpose and Description

The C-1 District is established to accommodate the shopping needs of residents in adjacent residential areas. This district is meant to be used in limited areas, where retail or service establishments deal directly with customers. Businesses in the C-1

District should be oriented to satisfying the daily and frequent shopping needs of the neighborhood consumer.

15.2. General Regulations

15.2.1 Business uses above the ground floor are permitted on any floor above the ground floor except in those buildings where dwelling units are established.

15.2.2 All business establishments shall be retail or service establishments which deal directly with the customers. All goods produced on the premises shall be sold to consumers only on the premises where produced.

15.2.3 All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings.

15.2.4 Business establishments are restricted to a maximum gross floor area of five thousand (5,000) square feet on the ground floor, exclusive of any floor area devoted to off-street parking or loading.

15.2.5 Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half ($1^1/_2$) ton capacity when located within one hundred-fifty (150') of a residence district boundary line.

15.3. Permitted Uses

A building or premise shall be used only for the purposes/uses as listed in Appendix 2 of this ordinance.

15.3. Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 25:

15.3.1. Hotels and motels, provided that the zoning lot shall be not less than one (1) acre.

15.3.2. Dwelling units, restricted to a total gross floor area of five thousand (5,000) square feet above the ground floor of a commercial buildings.

15.3.3. Other uses as may be permitted by the city council.

15.3.4. Uses as listed in Appendix 2 of this ordinance.

15.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

15.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

15.6. Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses, Appendix 2.

15.7. Miscellaneous Provisions

15.7.1. Signs and illumination

15.7.1.1. Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

15.7.1.2. The number of signs shall be limited to two.

15.7.1.3. No free standing signs (ground or pole signs) shall be permitted.

15.7.1.4. All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.

15.7.1.5. All signs shall be oriented so as to face a public street.

15.7.1.6. No sign shall be illuminated so as to shine on nearby residential properties

15.7.1.7. Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

15.7.2. Prior to any subdivision of a C-1 district, a conceptual site plan, which shall include all the land that existing in single ownership at the time of initial zoning as a NC district, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to section 33 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

15.7.3. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 15A NC - NEIGHBORHOOD CONVENIENCE DISTRICT

15A.1. General Purpose and Description

This district is to provide for a limited range of service and light retail land uses in small districts up to two (2) acres in size that are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area.

15A.2. Permitted Uses

A building or premise shall be used only for the purposes/uses as listed in Appendix 2 of this ordinance.

15A.3. Permitted Specific Uses

Specific uses shall be permitted as listed in Appendix 2 when granted in accordance with Section 25:

15A.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

15A.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

15A.6. Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses, Appendix 2.

15A.7. Miscellaneous Provisions

15.7.1. Signs and illumination

15A.7.1.1. Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

15A.7.1.2. The number of signs shall be limited to two.

15A.7.1.3. No free standing signs (ground or pole signs) shall be permitted.

15A.7.1.4. All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.

15A.7.1.5. All signs shall be oriented so as to face a public street.

15A.7.1.6. No sign shall be illuminated so as to shine on nearby residential properties

15A.7.1.7. Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

15A.7.2. Prior to any subdivision of a C-1 district, a conceptual site plan, which shall include all the land that existing in single ownership at the time of initial zoning as a NC district, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to section 33 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

15A.7.3. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood

fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 16: C-2 GENERAL COMMERCIAL DISTRICT

16.1. Purpose

The C-2 District is established to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service, and office uses characteristic of retailing and wholesaling markets. This district is intended to accommodate commercial activities that cannot be accommodated in the C-1 Restricted Commercial District.

16.2. Generally

16.2.1. All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings except as otherwise provided.

16.2.2. No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building except for incidental display or sale of seasonal retail-items and such incidental display shall be permitted only if it occupies no more than five percent (5%) of the total lot area.

16.2.2. Accessory off-street parking is required for C-2 Districts as provided in Section 25.

16.3. Uses Permitted

A building or premise shall be used only for the purposes/uses as listed in Appendix 2 of this ordinance.

16.4. Specific Uses

Specific uses in the C-2 District shall include:

(1) Any uses not specifically enumerated in Section 15 that can be considered commercial in character.

(2) Machinery and equipment sales and service establishments for equipment under one and one-half (1 1/2) tons gross weight.

16.5. Area, Yard, Height, And Lot Coverage Requirements

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

16.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

16.6. Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses, Appendix 2.

16.7. Screening

In the C-2 District, whenever a C-2 use abuts the R-1L, R-1, R-2, R-3, or R-4 districts, a wall or fence of not less than six feet (6') in height is required, subject to approval by construction plans by the planning and zoning commission.

SECTION 16A. CBRD - CENTRAL BUSINESS REDEVELOPMENT DISTRICT

16A.1 General Purpose and Description

The Central Business Redevelopment District is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBD is compatible with maintaining and redeveloping the economic and historic integrity of the area. The CBRD is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours.

16A.2 Permitted Uses

16A.2.1 "Reserved"

16A.2.2 Other uses as listed in Apendix 2 of this ordinance.

16A.3 Permitted Specific Uses

The following specific uses shall be permitted in the CBD, when granted in accordance with Section 25:

16A.3.1. Broadcasting facilities, radio, television, or microwave towers.

16A.3.2. Automobile service station with associated minor automobile repair facility with floor space not greater than two thousand five hundred (2,500) square feet.

16A.3.3. Other uses as listed in Apendix 2 of this ordinance.

16A.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot

adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

16A.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

16A.6. Allowable External Façade Materials on Commercial Buildings

Commercial buildings in the CBD shall use only stone, brick, stucco, and wood or glass in the construction of the exterior façade that is visible to the public. No more than twenty percent (20%) of the façade shall be composed of wood or wood products, excluding doors, door frames, windows and window frames.

16A.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

16A.8. Miscellaneous Provisions

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 16B C-3 - PLANNED CENTER DISTRICT

16B.1 General Purpose and Description

This district is designed to provide for a wide range of retail and service establishments.

16B.2 Permitted Uses

Uses as permitted in the Schedule of Uses, Appendix 2.

16B.3 Permitted Specific Uses

Uses as permitted by Specific Use Permit in the Schedule of Uses, Appendix 2.

16B.4 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

16B.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

16B.6. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

16B.7. Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses, Appendix 2.

16B.8. Miscellaneous Provisions

16B.8.1. The entire parcel of land in the C-3 district shall be considered as one zoning lot in arranging buildings and other facilities.

16B.8.2. The commission and/or the city council may request a market analysis to substantiate the necessity, size, and location of the proposed development.

16B.8.3. Applications for C-3 zoning shall submit a site plan of the proposed development as an exhibit accompanying the request for a change of zone. Such site plan shall be filed of record with the zoning ordinance, if passed.

16B.8.4. The commission and city council may zone an area for C-3 planned center zone in advance of plans for development if it is determined that said center is contemplated in the planning practices of the city. Prior to any subdivision of a C-3 district, a site plan for development of the center, which shall include all the land that existing in single ownership at the time of initial zoning as a C-3 district, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to section 33 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

16B.8.5. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 16C O-1 OFFICE DISTRICT

16C.1 General Purpose and Description

This district is designed to provide for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings.

16C.2 Permitted Uses

Uses as permitted in the Schedule of Uses, Appendix 2.

16C.3 Permitted Specific Uses

Uses as permitted by Specific Use Permit in the Schedule of Uses, Appendix 2.

16C.4 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot

adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

16C.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

16C.6. Permitted Accessory Uses

16C.6.1. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses, Appendix 2.

16C.6.2. The incidental retail sale of food, beverages, and other convenience items or services is permitted to the occupants, employees, and guests, as long as these items are not advertised with outside signage.

16C.6.3. Drive-in facilities for banks or financial institutions.

16C.6.4. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, smoke dust, noise, vibration, or similar nuisance.

16C.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

16C.8. Miscellaneous Provisions

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 17: I-1 LIGHT INDUSTRIAL

17.1. General Purpose and Description

The I-1 District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 District is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the I-2 District may be permitted in the I-1 District.

17.2. General Regulations

Uses permitted in the I-1 District are subject to the following conditions:

(1) All business, servicing, or processing, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated in this Section.

(2) All storage within one hundred feet (100') of a residence district, except for motor vehicles in operable conditions, shall be within completely enclosed buildings or effectively screened with screening not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screen.

17.3. Permitted Uses

Uses permitted in the I-1 District shall be as follows:

Uses as permitted in the Schedule of Uses, Appendix 2.

17.3. Permitted Specific Uses

Permitted specific uses in the I-l District, when granted in accordance with Section 25, are listed in the Schedule of Uses, Appendix 2.

17.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

A twenty-five (25) foot front yard is required except that a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.

The specified side yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than fifteen (15) feet is required where the lot is adjacent to a

street or alley. A side yard of not less than twenty-five (25) feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

No rear yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

A building may be erected to a height of eighty (80) feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. This requirement is in addition to all other relevant setback requirements.

17.5. Parking Regulations

Off-street parking requirements shall be provided in accordance with the specific uses set forth in Section 26.

17.6. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

17.7. Miscellaneous Provisions

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 18: I-2 HEAVY INDUSTRIAL

18.1. General Purpose and Description

The I-2 District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose.

18.2. Reserved

18.2. Permitted Uses

Uses shall be permitted as listed in the Schedule of Uses, Appendix 2.

18.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

A twenty-five (25) foot front yard is required except that a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.

The specified side yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than fifty (50) feet is required where the lot is adjacent to a street or alley. A side yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

No rear yard is required between adjacent lots zoned for manufacturing uses. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

A building may be erected to a height of eighty (80) feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. This requirement is in addition to all other relevant setback requirements.

18.5. Parking Regulations

Required off-street parking shall be provided in accordance with the specific uses set forth in Section 26.

18.6. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

18.7. Miscellaneous Provisions

An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

SECTION 20: PD - PLANNED DEVELOPMENT DISTRICT

20.1. General Purpose and Description

The Planned Development District "PD" prefix 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 ordinance 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 PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

20.2. Permitted Uses

Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

20.3. Development Standards

20.3.1. Development standards for each separate PD District shall be set forth in the ordinance granting the 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.

20.3.2. In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).

20.3.3. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.

20.3.4. The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

20.4. Conceptual and Development Plans

In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detail site plan).

20.4.1. Conceptual Plan

The applicant shall submit this plan. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.

20.4.1.1. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

20.4.1.2. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of use(s), topography, and

boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

20.4.1.3. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.

20.4.2. Development Plan or Detailed Site Plan

This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to Section 20.4.3.1 at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

20.4.2.1. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

20.4.2.2. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.

20.4.2.3. A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

20.4.2.4. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.

20.4.2.5. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single family and two family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

20.4.3. Procedure for Establishment

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 28. This procedure is expanded as follows for approval of conceptual and development plans.

20.4.3.1. Separate public hearings shall be held by the City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:

a) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or

b) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and

c) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.

20.4.3.2. The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.

20.4.3.3. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.

20.4.3.4. An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to reapproval by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original conceptual plan to ensure its continued validity.

20.4.3.5. Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

20.5. <u>Written Report May Be Required</u>

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the City Council.

20.6. Planned Developments To Be Recorded

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

20.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 20A THOR - THOROUGHFARE OVERLAY

20A.1. General Purpose and Description

This district is designed to provide for greater safety, larger development sites, and enhanced aesthetics in high traffic volume areas adjacent and/or in close proximity to major thoroughfares.

20A.2. Permitted Uses

A building or premises in a THOR District shall be used only for the following purposes:

20A.2.1. Uses as listed in Appendix 2 of this ordinance.

20A.3. Permitted Specific Uses

A building or premises in a THOR District shall be used only for the following purposes:

20A.3.1. Uses as listed in Appendix 2 of this ordinance.

20A.4. Height and Area Regulations

20A.4.1. Building lots shall be a minimum of one (1) acre.

20A.4.2. Minimum lot width shall be two hundred feet (200').

20A.4.3. Front yard setbacks shall be a minimum of fifty (50) feet.

20A.4.4. Side yard setbacks shall be a minimum of ten (10) feet.

20A.4.5. Driveway entries and exits on the same tract shall be separated by at least 150 feet.

20A.5. Parking Regulations

Off-street parking shall be provided as set forth in Section 26.

20A.6. Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Schedule of Uses.

20.7. Signs

Signs in this district shall comply with the requirements of the City of Anna sign ordinance (as amended).

SECTION 20B F-B FOOD – BEVERAGE OVERLAY DISTRICT

There is hereby created the "F-B — Food - Beverage Overlay District" (also referred to in this Ordinance as "F-B Overlay District").

Immediately upon the adoption of this ordinance, areas within the corporate limits of the City of Anna that fall within the area(s) described in Appendix 4 shall constitute F-B Overlay Districts.

The regulations contained in this section are intended to be overlay zoning and will be applied in conjunction with all underlying zoning that currently exists within an F-B Overlay District. The regulations of the underlying zoning, and all other applicable regulations, remain in effect. If provisions of the F-B overlay District conflict with provisions of the underlying zoning or any other regulations, the provisions of the F-B Overlay District shall prevail.

It shall be unlawful for any Food-Beverage Store to be constructed, erected, or placed closer than 500 feet to another existing Food-Beverage Store unless the City Council grants a special use permit for a particular establishment that wishes to develop a Food-Beverage Store less than 500 feet from an existing Food-Beverage Store. An establishment is considered to be an "existing Food-Beverage Store" once the final plat for its development has been approved by the City Council, even if it is not yet constructed or operational.

The measurement of the distance between Food-Beverage Stores shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

SECTION 21: FP FLOODPLAIN DISTRICT

21.1. Floodplain Prefix to District Designation

The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under State law. Further public notice to all downstream property owners within the City of Anna with like FP zoning is required prior to any such zoning action.

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

21.2. Permitted Uses

In this district no land shall be used except for one or more of the following permitted uses to the extent- that they are not prohibited by other regulations or ordinances and provided that such uses do not require above-ground structures, filling or storage of material or equipment except as herein specifically authorized.

(1) Agricultural activities including the ordinary cultivation of land or legal farms of animal husbandry.

(2) Electrical substation.

(3) All types of local utilities, including but not limited to water distribution and waste water collection systems, water and waste and wastewater treatment facilities and water quality/monitoring stations or other structures required to provide water and sewerage, telephone, gas and electrical services.

(4) Parks, community centers, playgrounds, public golf courses.

(5) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.

(6) Facilities that would warrant no flood protection, such as accessory private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.

(7) Parking areas associated with a part of contiguous land use.

No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section.

There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this ordinance and any City of Anna ordinances that may be relevant to this issue.

21.3. Conditions for Adding FP Prefix Designation

The city council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The city council shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

21.4. Conditions for Removal of FP Prefix Designation

The city council, in considering and determining its recommendation relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish to the administrator as provided in the City of Anna comprehensive drainage ordinance, fill and development plans, (hydraulic calculations concerning maximum high water and flow rates and their effect on abutting, lateral, and downstream

properties) and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the city engineer certifies information furnished is adequate for review and comment as required in this section.

SECTION 22 SPECIAL USES

22.1. Child Care Centers

22.1.1. No portion of a child care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.

22.1.2. Child care centers shall be located adjacent to a street having a pavement width of twenty seven (27) feet or greater.

22.1.3. Site plan approval by the Planning and Zoning Commission shall be required for all child care center sites.

22.1.4. Child care centers located within any single family or two family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.

22.1.5. All child care centers shall comply with the following standards:

22.1.5.1. All vehicular entrances and exits shall be clearly visible from the street.

22.1.5.2. All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.

22.1.5.3. Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the Planning and Zoning Commission if the child care is provided for less than four (4) hours per day for an individual person.

22.1.5.4. In residential districts, 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 one hundred (100) feet of the child care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.

22.1.5.5. No child care center shall be part of a one family or two family dwelling.

22.2. Construction Yards, Field Offices, Batching Plants and Other Temporary Buildings

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 eighteen (18) 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 ordinance or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

22.3. Radio, Television, and Microwave Towers

22.3.1. All towers shall satisfy the minimum setback requirements.

22.3.2. All towers must meet manufacturers installation standards or be approved by a Professional Engineer, Licensed in the State of Texas.

22.3.3. All towers in excess of 30 feet are required to be equipped with a climbing guard.

22.3.4. Specific requirements for towers located in residential districts (SF-E, SF-84, SF-72, SF-1, SF-60, SF-2, TF, SF-Z, SF-TH, MF-1, MF-2, MH-1 & MH-2) and the CBRD.

24.3.4.1 The maximum height shall be 65 feet including mast and antennas, measured from the ground.

22.3.4.2. All towers including mast and antennas in excess of 30 feet shall be located not less than the height of the tower including mast and antennas minus 30 feet from the nearest property line.

22.3.4.3. No tower in a residential district shall be located in the front yard.

22.3.5. Specific requirements for towers located in non-residential districts.

22.3.5.1 A specific use permit is required for towers in these zoning districts.

22.3.5.2 The minimum distance to the nearest property line (measured from any point on the tower) shall be 20% of the height of the tower.

22.3.5.3 The minimum distance to any existing or planned street right of way (measured from any point on the tower) shall be 50 feet.

22.3.5.4 The minimum distance to a residential property line (measured from any point on the tower shall be two (2) times the total height of tower (including any mast or antennas).

22.3.5.5 All towers in excess of 65 feet from the ground and any guy anchors (if used) shall be enclosed by a locked security fence not less than eight feet in height. Towers shall also be equipped with an appropriate anti-climbing device.

22.3.5.6 Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. If the antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely

compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

22.3.5.7 All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations.

22.3.5.8 To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said thirty (30) days, the city may remove such tower or cause such tower to be removed at the owner's expense.

22.3.5.9 Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days or receipt of notice from the building official notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the building official may cause such antenna or tower to be removed at the owners expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

22.3.5.10 All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) are prohibited.

22.4. Residence Hotels

Residence hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in Sections 15A and 15B. Residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

22.5. Garden (Patio) Homes

22.5.1. Location on Lot: Garden (patio) home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten feet. A minimum three-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be

placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. The combined area of all structures shall not exceed sixty-five (65) percent of the lot area.

22.5.2. Front Yard Setback: The minimum front yard shall be fifteen (15) feet, provided that in no case shall a garage or carport fronting onto a street be less than twenty (20) feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of ten (10) feet for lots facing cul-de-sac or loop streets not exceeding four hundred (400) feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be twenty-five (25) feet. A minimum lot depth of sixty-five (65) feet, as measured from front building line to rear lot line, shall be maintained.

22.5.3. Rear Yard Setback: The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) feet for any two-story structure. If access is from an alley, the minimum setback will be twenty (20) feet for garages or carports.

22.5.4. Side Yard Setback: The minimum side yard shall be zero (0) feet except that there shall be at least ten (10) feet of separation between structures. When garden (patio) homes are constructed with a zero (0) side yard, five (5) feet on the lot adjacent to the zero (0) setback shall be dedicated as an access easement for the zero (0) setback garden (patio) home. There shall be a minimum of twenty (20) feet from any property line adjacent to a street.

22.5.5. Lot Frontage: The minimum frontage of any garden (patio) home shall be twenty-five (25) feet on residential streets and thirty-five (35) feet on collector and thoroughfare streets.

22.5.6. Lot Area: The minimum lot area for any development lot for garden (patio) homes shall be two thousand eight hundred (2,800) feet.

22.5.7. Maximum Length of Structures: No zero lot line structure shall have an overall length exceeding two hundred and fifty (250) feet.

22.5.8. Maximum Height of Structures: No structure shall exceed two (2) stories or thirty-five (35) feet in height.

22.5.9. Parking: Two (2) off-street spaces per dwelling unit plus one-half (1/2) space per dwelling unit for visitor parking within six hundred (600) feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

22.5.10. Common Area Maintenance: To insure the long term maintenance of common land and facilities in patio home developments, the following shall be required:

(a) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely

accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(b) The HOA or other similar management entity shall be organized as a non-profit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

22.5.11. Usable Open Space Requirements: Each parcel of land developed under patio home standards shall provide usable open space totaling fifteen percent (15%) of the area of a patio home development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The fifteen-percent (15%) shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan). At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

22.5.12. Additional Landscaping: In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

22.6. Multifamily Residence

22.6.1. Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.

22.6.2. Usable Open Space: Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in Section 4.81), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms or Sleeping Rooms	
1 or Less	600 Sq. Ft.
Each Additional Bedroom Over 1	300 Sq. Ft.

In those instances where a parcel of land has been zoned for multifamily use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

In meeting this requirement, a credit of three (3) square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten (10) feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed ten percent (10%) of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed fifty percent (50%) of the total usable open space for an individual lot or parcel of land.

At the time of site plan approval, the City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

22.7. Service Stations

Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than ten (10) feet to the property line.

22.8. Bed and Breakfast Facilities

22.8.1. Defined

See section 22.1.1

22.8.2. Specific use permit for bed and breakfast facility

No individual property owner shall use his residence as a bed and breakfast facility, as that term is defined herein, without first having received a specific use permit from the city council of the City of Anna.

22.8.3. Permitted in specific districts

See Schedule of Uses, Appendix 2.

22.8.4. Special regulations

The following special regulations shall apply to all specific use permits issued for bed-and-breakfast facilities:

(1) All bed and breakfast facilities must be owner-occupied and managed at all times.

(2) The maximum number of bedrooms which may be rented is five, unless the city council specifically finds that the structure and tract on which it is located is of sufficient size to permit more bedrooms and that the same will not adversely impact the surrounding properties.

(3) No cooking facilities shall be permitted in any of the bedrooms.

(4) One attached sign shall be permitted on the premises. Such signs shall not exceed four square feet in area and shall not include the word "hotel" or "motel."

(5) Off-street parking shall be provided equal to one parking space per guest bedroom and shall be screened from all streets. No parking shall be permitted in the front yard area.

(6) The facilities 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.

(7) All such facilities shall be responsible for the collection of the city hotel/motel tax.

(8) All city-county health officers, building inspectors, the fire marshal and his assistants and other code enforcement officials of the City of Anna 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 section and all other applicable ordinances of the City of Anna.

22.9. Private Clubs

22.9.1. Specific use permit required

In order to protect the general health, well-being and welfare of the citizens of Anna, the city council declares it to be the policy of the city that private clubs for the consumption of alcoholic beverages shall not be permitted within the city without such establishment having first secured a specific use permit approved by the city council under the terms and regulations of this ordinance. The permit shall take the form of a letter from the city council to the applicant, receipt of which is necessary before operation of a private club.

22.9.2. Penalty for operation without permit

It shall be unlawful for any person to operate a private club for the sale or dispensing of alcoholic beverages without first having secured a specific use permit from the city council. Operation of a private club without first securing a specific use permit shall be deemed a misdemeanor and any person convicted thereof shall be fined any sum not exceeding $200.00, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation.

22.9.3. Location

22.9.3.1. Service and consumption of alcoholic beverages in a planned development (PD) may be allowed subject to inclusion in and approval of the PD regulations by the city council. Such PD regulations shall control to the exclusion of this ordinance other than compliance with the provisions of the Texas Alcoholic Beverage Code.

22.9.3.2. Establishments seeking to qualify under this section, except those in a PD, must be located in an area zoned C-2 CBRD, or C-3 and such premises shall not be located within 300 feet of the property line of any church, public or parochial school, hospital, extended care facility or public park, except that this prohibition will not apply to property located within 300 feet of a public park if the city council affirmatively finds that the issuance of the specific use permit will not be detrimental or injurious to the public health, safety, or general welfare or otherwise be injurious to the inhabitants.

The 300-foot distance shall be measured from the front door of the premises to the nearest property line of a public park. The measurement of the distance between the private club and the church, hospital, or extended care facility shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the private club and the public or parochial school shall be from the nearest property line of the public or parochial school to the nearest doorway by which the public may enter the private club, along street lines and in direct line across intersections.

22.9.3.3. Establishments for the on-premises sale or consumption of alcoholic beverages shall be located within an area containing two acres or more in size and zoned C-2, CBRD, and/or C-3. Said area need not be under single ownership, and areas separated by a minor or secondary street are to be considered contiguous for determination of the acreage requirement. Where areas are separated by an arterial thoroughfare, existing or proposed, they shall be considered separate areas for determining acreage requirements as set forth in this section.

22.9.4. Operational regulations

22.9.4.1. Not less than 50 percent 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.

22.9.4.2. 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.

22.9.4.3. 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.

22.9.4.4. 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 administrator and the chief of police are specifically authorized to receive, accept, and investigate complaints from any source.

22.9.4.5. 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.

22.9.4.6. 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.

22.9.5. Audit

22.9.5.1. The permittee of each private club in the city which 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 section 23.9.4.1. The audit shall clearly reflect:

(1) 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;

(2) The percentage of such gross receipts derived from the sale of food; and

(3) The percentage of such gross receipts derived from the sale of alcoholic beverages.

22.9.5.2. 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.

22.9.5.3. The audit shall be completed and a copy furnished to the city council through the city administrator'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 administrator at the sole expense of the permittee.

22.9.5.4. 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.

22.9.6. Public hearing in cases of apparent noncompliance

22.9.6.1 In the event of apparent noncompliance as determined by the city administrator or his designee, a public hearing may be scheduled for a future city council meeting for the purpose of determining such compliance or noncompliance of the permittee for the audit year with the requirements of this section for the operation of a private club. The permittee shall be given at least ten days' written notice of the date, time and place of the public hearing.

22.9.6.2. A specific use permit shall remain in full force and effect pending such public hearing.

22.9.7. Remedies for noncompliance

22.9.7.1. At such public hearing, the permittee may appear in person, or by attorney or representative, and shall further have the right to cross-examine witnesses, and to offer such evidence and testimony as he desires with regard to compliance or noncompliance as described above. Upon hearing all evidence with regard to the matter, the city council shall enter an order finding compliance or noncompliance on the part of the permittee. If the order finds compliance, the matter shall be concluded for that audit year.

22.9.7.2. If the order finds noncompliance for the audit year, the city council shall further provide for one of the following actions

(1) Immediate suspension of the permittee's operation of the private club on the premises; and immediate implementation of procedures to revoke and delete the specific use permit for a private club designation from the zoning of the permittee's property; or

(2) Establishment of a six-month period of probation during which the permittee may continue operations under its specific use permit for a private club. The purpose of this probationary period is to allow the permittee to come into compliance with the requirements which were found to be noncompliant as a result of the public hearing.

(3) At the end of the probationary period, if same is ordered, an additional audit shall be performed at the permittee's expense. The auditor shall be selected and engaged by the city council. The purpose of the audit shall be to determine compliance or noncompliance of the permittee during the entire probationary period with all requirements of this section.

(4) Upon completion of such audit, the original copy shall be furnished to the city council, with a copy to the permittee.

Upon receipt by the city of an audit of a permittee's probationary period, the matter shall be scheduled for consideration at a city council meeting. Written notice shall be given to the permittee. The permittee, his representative or attorney shall have the right to appear at such meeting and to present any testimony or evidence regarding compliance or noncompliance with this section, or even the results of the audit, as may be desired. Upon hearing of all evidence and testimony, the city council shall enter an order finding compliance or noncompliance with the requirements of this section.

If the order finds compliance, the probationary period shall be ended, and the permittee's operations under the specific use permit may be continued.

If the order finds noncompliance, the permittee shall immediately cease the operation of the private club on the premises. Procedures shall immediately be implemented on behalf of the city to revoke and delete the specific use permit for a private club designation from the zoning for the permittee's property.

22.9.7.3. A specific use permit for the operation of a private club shall not be issued for a period of one year for an establishment which has had a specific use permit revoked pursuant to this section (22.9) of this ordinance.

22.10. Swimming Pools

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

22.10.1. No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.

22.10.2. A swimming pool may be constructed and operated when:

22.10.2.1. the pool is not located in any required front or side yard abutting a street;

22.10.2.2. a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area (see section 22.12 of this ordinance for additional regulations regarding enclosing of pools);

22.10.2.3. all lighting of the 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;

22.10.2.4. 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; and

22.10.2.5. The swimming pool is no closer then eight (8) feet from any property line.

22.11. Screening Elements and Fences

In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property; to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas; to secure hazardous areas from unauthorized entry; to contain livestock and other agricultural activities; and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The terms "screening element" and "fence" as used herein is defined in Section 4.

22.11.1. Solid fences shall not be allowed in the required front yard in any district.

22.11.2. No fence shall exceed three feet (3') height in the required front yard in any district.

22.11.3. No fence shall be allowed in the required right of way.

22.11.4. Reserved for future use.

22.11.5. Fences shall be constructed of customary urban fencing materials and shall be aesthetically consistent with buildings and fences in the area.

22.11.6. In residential areas, barbed wire, razor wire, electrified fencing or other hazardous material shall not be allowed in the construction of fencing.

22.11.7. No fence constructed in such a manner that it may conduct electrical current may be allowed in any but an agricultural zoning district.

22.11.8. In no event shall barbed wire be permitted, except on arms in industrial zoning districts.

22.11.9. Corner lots.

22.11.9.1. On all corner lots in residential districts which have opposing rear lot lines, fences may be constructed not to exceed 80 inches in height along the side and rear yard lines, as indicated in Figure 1 attached hereto and made a part of this section.

22.11.9.2. On all corner lots in residential districts where the rear lot line is opposed to a side lot line across an alley from such 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 2 attached hereto and made a part of this section.

22.11.9.3. On all corner lots in residential districts where the rear lot line is opposed to a side lot line of an adjoining lot, no fence exceeding 30 inches in height shall be constructed between the side of the building line and the side yard line which is next to the street, as indicated in Figure 3 attached hereto and made a part of this section.

22.11.9.4. No fence shall be constructed in the triangle formed by measuring 20 feet back from the intersection of two streets or 15 feet back from the intersection of a

street and an alley as illustrated in Figure 4 attached hereto and made a part of this section.

22.11.9.5. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

22.11.9.6. On an interior lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

22.11.10. Every fenced enclosure constructed under the provisions of this ordinance shall have at least one gate in its perimeter.

22.11.11. All fences constructed under the provisions of this ordinance shall be maintained so as to comply with the requirements of this ordinance at all times. The chief building official may order the repair or removal of a fence if it is more than five percent damaged or leaning ten degrees from vertical. Fences shall be repaired in compliance with the provisions of this ordinance.

22.11.12. No fence, plant, building or other structure shall be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or so as to obstruct or interfere with the sight lines for traffic of a driver of any approaching, emerging or intersecting traffic or so as to prevent any traveler on any street in use by the public from obtaining a clear view of approaching vehicles for a distance of one hundred and fifty (150) feet along a street in use by the public.

22.11.13. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

22.11.14. No fence in a residential district shall exceed eight feet (8') in height, measured from the adjacent grade line.

22.11.15. <u>Residential Districts - General</u>

22.11.15.1. Screening elements and fences shall be restricted to a maximum height of eight feet (8’), measured from the adjacent grade line, except as otherwise allowed.

22.11.15.2. Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet (6’) of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than three and one half feet (3 ½’) in height. Off-street loading areas of any nonresidential use shall be adequately screened

from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

22.11.15.3. Where a multi-family use abuts a one or two family district, the side and t-ear property lines of said multi-family or district shall be suitably screened from view, to a height not less than six feet (6') of any adjacent dissimilar residential dwelling or lot.

22.11.15.4. Garbage, refuse, and trash collection/storage areas in any multi-family development or other nonresidential use permitted in a residential district shall be enclosed on at least three (3) sides, by a dense screening element to adequately screen such area from view of the surrounding area.

22.11.15.5. No screening element 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 city council.

22.11.15.6. No screening element comprised of brick, masonry, concrete, or solid metal shall- be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.

22.11.16. Nonresidential Districts - General

22.11.16.1. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said 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 (6').

22.11.16.2. Where a district boundary separating a residential district from a nonresident 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 (311).

22.11.16.3. Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet in height.

22.11.16.4. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') in height.

22.11.16.5. Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.

22.11.16.6. No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.

22.11.16.7. All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

22.11.17. Barbed Wire Fences

22.11.17.1. Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

22.11.17.2. Barbed wire strands may be placed on top of permitted fences and screening elements 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 eight feet (8') nor the bottom strand lower than six feet (6') from the adjacent grade line.

22.12. Swimming pool enclosures

22.12.1. Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. Exceptions are as follows:

(1) This provision shall not apply to (a) bodies of water other than swimming pools which are owned or controlled by the federal government, state, county or any agency, subdivision or department thereof; or (b) bodies of water located in natural drainageways.

(2) In single family occupancies, the enclosure may surround the entire single-family premises

(3) In multi-family occupancies, the enclosure may include the courtyard that surrounds the pool.

22.12.2. An enclosure shall be a fence, wall, or building not less than six feet in height with no openings, holes or gaps larger than four inches measured in any direction, except that measurement for a picket fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members.

22.12.3. Gates and doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors or gates securely closed, said latching device to be attached to the gate or door not less than 36 inches above the grade or the floor. Exception: The doors of any building forming any part of the enclosure hereinabove required need not be so equipped.

22.12.4. Swimming pools in existence on the effective date of this section shall be fenced in accordance with the requirements hereinabove set forth, and it shall be unlawful for any person to maintain any swimming pool in the corporate limits of the city which is not protected by an enclosure in accordance with the requirements of this section.

22.12.5. All plans submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant or licensee.

22.13 Sale of alcoholic beverages

22.13.1. This section shall not apply when the storage or serving of alcoholic beverages is strictly for the consumption of the owners of the premises and their guests at no charge. Otherwise, the storage, possession, or sale of alcoholic beverages by anyone for consumption by anyone shall be illegal unless on property zoned specifically for that purpose.

22.13.2. The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided herein and in other applicable ordinances of the city.

22.13.3. No person shall engage in the business of storing, selling, or possessing any alcoholic beverage in the city unless the place of business of such person is located in the use district of the city in which the storing, selling, or possessing of such alcoholic beverage is permitted.

22.13.4. It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within three hundred (300) feet of any church or public hospital. The measurement of the distance between the alcoholic beverage store and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

22.13.5. It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within three hundred (300) feet of any public or private school. The measurement of the distance between the place of business and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

For any permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53 of the Texas Alcoholic Beverage Code, the measure of the distance between the premises and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections

22.13.6. It shall be unlawful for any person who operates a alcoholic beverage store to sell alcoholic beverages within three hundred (300) feet of any existing day care center or private school. The measurement of the distance between said alcoholic beverage store and the day care center or private school shall be in a straight line in all directions from the said business to the nearest point of the day care center or private school. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures.

22.13.7. It shall be unlawful for any alcoholic beverage store to be constructed, erected, or placed closer than 1,000 feet to another alcoholic beverage store. The measurement of the distance between said alcoholic beverage store shall be in a straight line in all directions from the said alcoholic beverage store to the nearest point of other such facility. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures.

22.13.8. Alcoholic beverage stores shall be permitted in any commercial zoning district upon issuance of a specific use permit.

22.13.9. Notwithstanding any other provision in this ordinance, it shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages in or within three hundred (300) feet of any residentially zoned area.

SECTION 23: SUPPLEMENTARY DISTRICT REGULATIONS

23.1. Accessory Buildings

The following regulations shall govern the location, size, and use of any accessory buildings:

(1) No accessory building shall be erected in any required yard area as stipulated in this ordinance, except as allowed in the following paragraphs.

(2) No accessory building shall be erected within ten feet (10') of any other building, except: detached residential garages may be located within five feet (5') of the main dwelling; and the provisions of paragraph (5) below are met.

(3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building set-back line) governing the district in which such garage or carport is located.

(4) No detached residential garage or carport shall be erected or placed within eight feet (8') from any side lot line.

(5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the

main building but shall not encroach in any required front yard and may not occupy more than thirty percent (30%) of the rear yard.

(6) No accessory building shall be used for dwelling purposes other than by domestic employees employed on the premises, as provided in the applicable zoning district.

(7) No accessory building shall be higher than the main building and in no case be in excess of eighteen feet (18') in height.

(8) No accessory building shall be erected or placed within five feet (5') of any side or rear lot line and shall not encroach upon any easement.

23.2. Front Yard Adjustments

Front yard requirements as established in Appendix 1, "Zoning District Area Regulations", may be adjusted where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten feet (10') or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

23.3. Projections of Buildings, Structures, and Appurtenances Into Required Yards

23.3.1. Open or lattice enclosed fire escapes may project into a required yard not to exceed five feet (5'). The ordinary projections of chimney's pilasters shall be permitted by the city's building official when placed so as not to obstruct light and ventilation.

23.3.2. Terraces, balconies, decks, uncovered porches and ornamental features which do not extend more than four feet (41') from the side wall line, above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least two feet (2') from any adjacent side lot line. Such features may not project onto a required front or rear yard more than eight feet (8') from the front or rear wall line.

23.3.3. An unenclosed porch containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed five feet (5').

23.3.4. A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed except for necessary structural supports, and not less than five feet (5') from any side lot line.

23.3.5. Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve inches (12"), or as otherwise excepted in paragraphs (1) through (4) above. Roof eaves may project in required side yards not to exceed twenty-four inches (24").

SECTION 24: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

24.1. Building Permits Required

No building or other structure shall be erected, moved, added to, enclosed, or structurally altered without a permit therefore where applicable, and issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the planning and zoning commission or city council in the form of an administrative review, special exception, or variance as provided by this ordinance.

24.2. Application for Building Permit

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. one (1) copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the administrative official.

24.3. Expiration of Building Permit

If the work described in any building permit has not begun within six (6) calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

24.4. Certificate of Occupancy Required

It shall be unlawful to use or occupy or permit the uses or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of the principal building or land conforms to the requirements of this ordinance.

24.4.1. No nonconforming building or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the administrative official. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or buildings shall have three (3) months to apply for certificates of occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the

property was in a nonconforming use at the time of enactment or amendment of this ordinance.

24.4.2. No permit for erection, alteration, moving, or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

24.4.3. A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

24.4.4. The administrative official shall maintain a public record of all certificates of occupancy.

24.4.5. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under Section 3 of this ordinance.

24.5. Construction and Use To Be As Provided In Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, or construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 3 hereof.

24.6. Certificates of Occupancy Required

Certificates of occupancy shall be required for the following;

(a) Occupancy and use of a building hereafter erected or structurally altered;
(b) Change in use of an existing building to a use of a different classification;
(c) Occupancy and use of vacant land, except agricultural use;
(d) Change in the use of land to a different classification;
(e) Any change in the use of a non-conforming use.

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the building official.

24.7. Procedure for New or Altered Buildings

Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issues with ten (10) days after a written request for the same has been made to said building official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance.

24.8. Procedure for Vacant Land or a Change in Building Use

Written application for a certificate of occupancy, or for the change in use of land or a building, or for a change in a non-conforming use to a conforming use, as provided herein, shall be made to said building official. If the proposed use is a conforming use, as provided herein, shall be made to said building official. If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefore shall be issued within ten (10) days after the application for same has been made.

24.9. Contents

Every certificate of occupancy shall state that he building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all certificates of occupancy shall be kept on file in the office of the building official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

24.10. Temporary Certificate

Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this ordinance.

24.11. Certificates for Nonconforming Uses

A certificate of occupancy shall be required for all lawful conforming uses of land or buildings created by adoption of this ordinance. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this ordinance.

SECTION 25 SPECIFIC USE PERMIT

25.1. General Provisions

25.1.1. As permitted under the provisions of this ordinance, a property owner may petition the City for a specific use of property, as authorized by the zoning district in which the property is located. Such petition shall be considered by the Planning and Zoning Commission. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council regarding any application for a Specific Use Permit.

The city council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance, authorize for specific parcels of land the issuance of a specific use permit, in those districts where it is indicated that a specific use permit for a specific type use may be approved.

25.1.2. The designation of a specific use permit as possible in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate with regard to the health, safety and welfare of the general public.

If the use granted by the specific use permit has not been initiated on the parcel within one year from the date of issuance of the specific use permit, the specific use permit automatically terminates and the parcel loses the use permitted by this specific use permit and only those uses permitted by the current base zoning shall be permitted; provided, however, the city council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments of the Zoning Ordinance, authorize an extension of the time that the specific use permit will continue in force and at the end of that time the specific use permit automatically terminates unless the same procedures as above are complied with and in which case an additional extension may be granted.

Should the use as granted by the specific use permit on the parcel be vacated, the specific use permit shall remain in place for a period of sixty (60) days from date of vacation. At the end of sixty (60) days from date of vacation, the specific use permit shall terminate and may only be extended through the above named procedure. If the permitted use is reinstated within sixty (60) days from date of vacation the specific use permit shall remain in place.

25.2. <u>Conditions for approval of a specific use permit</u>

25.2.1. In considering and determining its recommendation to the city council relative to any application for a specific use permit, the planning and zoning commissioner shall require that the applicant furnish plans and data concerning the operation, location, function and characteristics of any use of land or building proposed.

25.2.2. The planning and zoning commission may recommend to the city council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location or construction of buildings and uses and operation be required.

25.2.3. The city council may in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

25.2.4. A site plan setting forth the conditions specified is required of the applicant and such plan when accepted shall be made part of the amending ordinance.

25.2.5. A specific use permit approved under the provisions of this ordinance shall be considered as an amendment to the zoning ordinance as applicable to the property involved. Any of the conditions contained in a specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be considered as conditions precedent to the granting of a certificate of occupancy and compliance for the specific use provided for.

25.2.6. In considering and determining its recommendation to the city council relative to any application for a specific use permit for any use involving the sale, serving or distribution of beer, wine or liquors, the city staff and the planning and zoning commission shall require that the property must be in an already established subdivision or must be platted as part of the development process prior to the granting of the permit. Plans submitted must include:

(i) An exact artist's rendering of the proposed building, which shows initial landscaping, signs, and other important features.

(ii) An architect's elevations of the front and sides of the building.

(iii) A site plan drawn to scale, showing all parking, landscaped areas, sign locations,ingress and egress and other important features.

(iv) An exact description of the type of signing proposed at the site.

(v) A narrative description of the planned activities in the establishment, particularly the projected breakdown of revenues between food sales and liquor sales.

(vi) An interior layout of the building showing proposed walls, bar, eating areas, kitchen, etc.

25.3. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.

25.4. Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter as applicable to such property under consideration so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 90 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.

25.5. In granting a specific use permit, the city council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such specific use permit; and such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

25.6. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings).

25.7. A building permit shall be applied for and secured within six months from the time of granting the specific use permit, provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development which shall have no limit regarding the application and securing of a building permit.

25.8. No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.

25.9. The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.

25.10. All specific use permits issued by the City of Anna shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property.

25.11. The cost of the application for a specific use permit will be one hundred dollars ($100.00) and such fee will be nonrefundable, even if the case is withdrawn by the applicant.

SECTION 26: PARKING SPACE REGULATIONS

26.1. Automobile Parking Space Regulations

Whenever any ordinance, regulation, or plan, enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

26.1.1. Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Residential:	
Single family	2.0 per dwelling unit
Two family	2.0 per dwelling unit
Multifamily	
Efficiency and one bedroom	1.5 per dwelling unit
Two or more bedrooms	2.0 per dwelling unit
Commercial:	
Offices and Banks	3.3 per 1,000 sq. ft. gross floor area
Clinics and Doctors' Offices	8.0 per 1,000 sq. ft. gross floor area
General Retail	4.0 per 1,000 sq. ft. gross floor area
Shopping Centers	5.5 per 1,000 sq. ft. gross floor area
Car Wash	0.3 per employee, plus 1.0 for owner or manager, plus reservoir parking as provided below
Restaurants	0.3 per seat
Hotels, Motels	1.0 per rentable room plus 0.5 per employee on any one shift
Halls for meeting, dancing, social events	5.0 per 1,000 sq. ft. gross floor area
Entertainment:	
Bowling Alleys	5.0 per 1,000 sq. ft. gross floor area
Pool Halls	5.0 per 1,000 sq. ft. gross floor area
Industrial	0.8 per employee on any one shift
Auditoriums and Theatres	0.3 per seat
Churches	0.3 per seat
Elementary and Junior High Schools	1.0 per staff members
Hospitals	1.2 per bed plus 1.0 per 3 staff members on any one shift
Nursing Homes	1.0 per five beds plus 1.0 per 2 staff members on any one shift
Wholesale Storage and Jobbing	1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking

Off-street reservoir parking shall be provided for an automatically operated car wash equal to three (3) times the maximum capacity of the car wash, and for a manually operated car wash equal to six (6) times the maximum capacity of the car wash, for automobiles awaiting entrance. "Maximum Capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time.

The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

26.1.1. Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.

26.1.2. Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five feet (35') in length, twelve feet (12') in width, and fifteen feet (15') in height.

26.1.3. For the purpose of this subsection, one parking stall shall be not less than one hundred seventy-five (175) square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then-each such stall shall be considered a parking stall as required herein.

26.1.4. A driveway for access to any single parking space or to a parking lot shall be not less than eleven feet (11') in width, nor more than thirty feet (30') in width, at the property line along the street and shall be so located as to minimize traffic hazard and congestion.

26.1.5. All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred feet (500') from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand feet (1,000') from such premises except as otherwise provided in this subsection or other subsections of this ordinance.

26.1.6. Provision of parking stalls, shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the city council, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the council may reduce the total of number of parking stalls to be jointly provided.

26.1.7. All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use, shall be

considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.

26.1.8. The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.

26.1.9. In a case where existing off-street parking facilities have unused parking capacity and where such facilities are open to the use of the public free of charge or at reasonable rates, the board may reduce the parking space requirements for any use distance not more than eight hundred feet (800') from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.

26.1.10. In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates,, is planned or is in process of development and where the council has reasonable assurance that such development will be carried to completion and will when completed relieve the parking demand in an area within five hundred feet (500') thereof in some measure or in full measure, the board may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of paragraph (10) above, may be applied by the council.

26.1.11. In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the council may reduce, by not to exceed fifty percent (50%) the space required for parking stalls for such use.

26.1.12. In a case where it is clearly shown by the applicant to the satisfaction of the council that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the council may reduce such requirement.

26.2. Residential Off-Street Parking

26.2.1. Purpose

It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of 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.

26.2.2. Definitions and Restrictions

It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned R-1L under this ordinance unless:

(a) Said area is a part of a hard surfaced driveway or parking area;

(b) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;

(c) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this ordinance;

(d) Said area is part of a side yard which is enclosed by a screening fence at least six feet (6') in height and so constructed that no person can see through into the area surrounded by the fence;

(e) The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the building official;

(f) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than fifteen percent (15%) of any residential front yard, except for front yards with a front footage width of less than seventy feet (70'), in which case the maximum width for a single driveway shall be eleven feet (1l');

(g) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than twenty-seven percent (27%) of any residential front yard; provided, that the maximum width of a driveway shall not exceed twenty-four feet (241) in any case and shall not exceed eighteen feet (18') for front yards with a front footage width of less than seventy feet (70');

(h) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than thirty.-three percent (33%) of any residential front yard; provided, that the maximum width of a driveway shall not exceed thirty feet (30') in any case, and shall not be permitted for front yards with a front footage width of less than eighty feet (80');

(i) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or

(j) Circular driveways used for turnarounds or through traffic shall not utilize more than thirty percent (30%) of any residential front yards or corner side yards, with a front footage or less than eighty feet (801).

26.3. <u>Parking, Storage, or Use of Major Recreational Equipment and Vehicles</u>

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 not to exceed twenty-four (24) hours during loading or unloading.

No such 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 two (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

SECTION 26A: NONCONFORMING USES

26A.1. Intent

Within the districts established by this ordinance, or amendments that may later be adopted, there exists:

(1) Lots and uses of lands;

(2) Buildings and structures;

(3) Uses of land and buildings in combination; and

(4) Characteristics of use which were lawful before this ordinance was passed and amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a building or structure, a nonconforming use of land, or a nonconforming use of buildings and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which' actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing

building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

26A.2. Nonconforming Lots of Record

In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this ordinance. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by Appendix 1; however, all other provisions of Appendix 1 and Appendix 2 shall apply. Any required variances shall be obtained only through the city council.

26A.2.1. Conformance When

The lawful use of a building or land existing at the date of enactment of, this ordinance, although such use does not conform to the provisions hereof, may be continued, but if nonconforming use is discontinued for a period of twelve (12) consecutive calendar months it shall not thereafter be resumed and any future use of such building or land shall be in conformity with the provisions hereof. The use of land, if changed from a nonconforming use, shall be in conformity with the provisions hereof.

26A.2.2. Repairs - Cost Ceiling

The total structure repairs or alterations in a nonconforming building shall not, during its life, exceed fifty percent (50%) of the assessed value of the building unless changed to a conforming use.

The use of a nonconforming building may be changed to another nonconforming use of the same or more restricted classification.

26A.2.3. Extension When

A nonconforming use of a building or land shall not be extended unless changed to a conforming use.

26A.2.4. Classification Changes

Whenever the nonconforming use of a. structure is changed to a use of a more restricted classification, such use shall not thereafter be changed to a use of a less restricted classification.

For the purpose of this regulation, uses permitted in R-1L Districts shall be deemed to be those in the most restricted classification.

26A.2.5. Restoration When

A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value may be restored. If the damage is in excess of fifty percent (50%) of its assessed value or restoration is not started within a period of one (1) year and carried diligently to completion, application for restoration shall be made to the city council to permit such restoration. Property owners, as shown by the city tax records on the effective date of this ordinance shall be able to restore their property regardless of the extent of destruction, without making application to the city council. However, said restoration shall comply with all construction codes then in effect within the city.

26A.2.6. Applicability

The provisions of this section shall apply to any use that may become a nonconforming use due to a change in the classification of the district in which located, from the effective date of the ordinance making the change.

26A.2.7. Board Approved Use Conforms,

Any use which is permitted in a district only upon action of the city council shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions of a conditional permit for such use.

26A.3. Certificates for Nonconforming Uses

A certificate of occupancy shall be required for all lawful conforming uses of land or buildings created by adoption of this ordinance. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this ordinance.

SECTION 27: PLANNING AND ZONING COMMISSION

27.1. Creation of Planning and Zoning Commission

There is hereby created a planning and zoning commission which shall be organized, appointed and function as follows:

The planning and zoning commission shall consist of five (5) members who are residents of the City of Anna or its extraterritorial jurisdiction, each to be appointed by the city council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one (1) member as chairman. 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. Provided, however, that the city council may appoint two (2) alternate members of the planning and zoning commission who shall serve in the absence of- one (1) or more of the regular members when requested to do so by the chairman or city administrator-, as the case may be; and

The terms of three (3) members shall expire in May of each odd-numbered year and the terms of two (2) of the members shall expire in May of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first regular commission meeting after their appointment.

27.2. Organization

The commission shall hold an organizational meeting in May of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law.

27.3. Duties and Powers

The planning and zoning commission is hereby 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 Articles 1011a to 1011k, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said Act are specifically adopted and made a part hereof.

(5) Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats set out in Article 974a and 970a, Revised Civil Statutes of Texas.

(6) Study and recommend on the location, extension and planning of public rights-of-ways, parks or other public places, and on the vacating or closing of same.

(7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of at which are, or may become, the property of the city.

(8) 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; (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.

(9) 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.

(10) 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.

27.4. Meeting and Quorum

A quorum for the conduct of business shall consist of three (3) members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

SECTION 27A BOARD OF ADJUSTMENT

27A.1. Creation

There is hereby created a board of adjustment which shall be organized, appointed, and function as follows:

The board of adjustment shall consist of five (5) members who are residents of the City of Anna or its extraterritorial jurisdiction, each to be appointed by the city council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one (1) member as chairman. 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. Provided, however, that the city council may appoint two (2) alternate members who shall serve in the absence of- one (1) or more of the regular members when requested to do so by the chairman or city administrator, as the case may be.

The terms of three (3) members shall expire in May of each odd-numbered year and the terms of two (2) of the members shall expire in May of each even-numbered year. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first meeting after their appointment.

27A.2. Organization

The commission shall hold an organizational meeting in May of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law.

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27A.3. Powers and Duties of Board

27A.3.1. 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 ordinance.

27A.3.2. 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 twelve (12) months after the date of denial. Applications which have been withdrawn at or before the board meeting may be resubmitted at any time for hearing before the board.

27A.3.3. 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 is required to pass; or

(c) authorize a variation from the terms of a zoning ordinance.

27A.4. Appeals

27A.3.1 Procedure: Appeals may be taken to and before Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the City Secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the board all of the papers constituting the record from which the action appealed was taken.

27A.3.2. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment 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 is taken.

27A.3.3. Notice of Hearing on Appeal: The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (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 to be affected thereby, such owners and persons

being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

27A.3.4. Decision by Board: The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The board 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.

27A.4. Variances

The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

27A.4.1. 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.

27A.4.2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this 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 alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this ordinance and at the same time, the surrounding property will be properly protected.

27A.4.3. 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 ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

27A.4.3.1. 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.

27A.4.3.2. 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.

27A.4.3.3. 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 ordinance.

27A.4.3.4. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than ninety percent (90%) of its fair market value, where the Council finds some compelling necessity requiring a continuance of the nonconforming use.

27A.4.3.5. 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) when such regulations would impose an unreasonable hardship upon the use of the lot. The City Council shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

27A.4.4. A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

b) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

c) that the special conditions and circumstances do not result from the actions of the applicant;

d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and

e) no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

27A.5. <u>Changes</u>

The Board of Adjustment shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the district designation of any land either to a more or less restrictive zone.

It is the intent of this 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.

SECTION 28: AMENDMENTS

28.1. General

The zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and zoning commission and its composition and duties are established by the City Council of Anna.

28.2. Amendment Initiation

An amendment to this ordinance may be initiated by:

(1) City council on its own motion;

(2) Planning and zoning commission; or

(3) Request by owner or agent of owner of property to be changed.

28.3. Procedure

All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the administrative official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.

The city council may not enact any proposed amendment until the planning and zoning commission makes its final report to the city council. The city council may refer proposed amendments to the planning and zoning commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment. However, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original failing.

28.4. Public Hearing and Notice

Prior to making its report to the city council, the planning and zoning commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten (10) days before such hearing is held to all owners of property who have rendered their property for city taxes, which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken exclusive of public streets. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States Mail. No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state laws.

28.5. Commission Report

The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.

28.6. Forwarding Final Report

Every proposal receiving a final report by the commission shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

28.7. Withdrawal

Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

28.8. Sign Posting

The administrative official shall have at least one (1) sign erected on the property to be rezoned which sign shall have a total area of at least four (4) square feet. Such sign or signs shall, if possible, be located adjacent to streets. Such sign 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. The sign shall contain a notice of the present zoning classification, the requested zoning, the name of the owner of the property, the name of the applicant and the telephone number of the public official from whom dates of public hearings may be obtained. 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.

28.9. Council Hearing and Notice

The city council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption

and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

28.10. Application Not To Be Considered For Another Six Months After Denial Of Request For Rezoning

No application for rezoning shall be considered within six (6) months of denial of a request by the city council for the same classification on the same property.

28.11. Protest Against Change

In case of a protest against such change signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, excluding any intervening public street, such amendment shall not become effective except by the favorable vote of three fourths (3/4) of all the members of the city council present and qualified to vote.

28.12. Council Action on Application

The proponent of any zone change shall satisfy the city council that either the general welfare of' all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved. to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a diff6rent character.

28.13. Site Plan and Supporting Documents Required; Petition for Zoning District Change or Conditional Use

When in the opinion of the planning and zoning commission, city council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(1) Site Plan

Meeting all of the requirements of a "preliminary plat" as described in the city's subdivision regulations, except that topographic and drainage map information

provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

(a) Existing and proposed zoning district;

(b) General outline of extensive tree cover areas;

(c) Drainage ways, and 100-year flood plain limits;

(d) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;

(e) Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

(f) A tabular summary schedule indicating;

(i) The gross acreage and percent of each type of zoning category proposed;

(ii) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family townhouse, etc., including the total gross project acreage;

(iii) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street, only;

(iv) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family etc.;

(v) Proposed maximum lot coverage by building types (i.e., single family, duplex, multi-family, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

(2) <u>Architectural Drawings</u>

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

(3) <u>Written Documents</u>

In narrative form on 8 1/2” X 11" sheets, including:

(a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;

(b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;

(c) A development schedule indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;

(d) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;

(e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;

(f) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;

(g) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

(h) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of' the general nature and character of the proposals.

SECTION 29 PLATTING PROPERTY NOT PERMANENTLY ZONED

29.1. Zoning Required Prior to Approval of Plat

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

29.2. Annexation Prior to Approval of Plat

The City Council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

29.3. Contemporaneous Action on Zoning and Annexation

In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

SECTION 30 CLASSIFICATION OF NEW AND UNLISTED USES

30.1. Procedure for Classifying New/Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

30.1.1. The Zoning Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation to the City Council as to the zoning classification(s) into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer. The Planning and Zoning Commission shall make a recommendation to the City Council regarding the zoning district or districts within which such use should be permitted.

30.1.2. The Planning and Zoning Commission and the City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.

30.1.3. The City Council shall by resolution approve or make such determination concerning the classification of such use as is determined appropriate, based upon its findings.

SECTION 31 TEMPORARY USES

The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the zoning administrator:

(1) A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, contains no living quarters, and provides for no uses not incidental to construction on the premises. Such buildings shall be removed within 30 days following final acceptance of the construction by the city.

(2) A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any other subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible provided construction remains continuous and no more than ten lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.

(3) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.

(4) Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.

(5) The zoning administrator, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The zoning administrator shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within ten days of notification of such finding.

SECTION 32 CREATION OF BUILDING SITE

32.1. Procedure for Creating Building Site/Lot

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

32.1.1. The lot or tract is part of a plat of record and filed in the plat records of the county or counties in which the lot or tract is located.

32.1.2. The site plot or tract is all or part of a site plan officially approved by the city council in a planned development district after recommendation by the planning and zoning commission.

32.1.3. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter derives or prior to annexation to the City of Anna, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel without first complying with either subsection 32.1.1 or subsection 32.1.2 preceding.

32.1.4. The plot or tract is a lot of record prior to the effective date of this ordinance or prior to annexation to the city, whichever is applicable, and the Building Official certifies that the plot or tract does not comply with setback and/or lot size requirements but that the plot or tract conforms with the provisions of this ordinance, as amended, relative to width of street(s) on which the lot is located, street offsets, easement requirements, drainage and other considerations the Building Official believes to be relevant to the particular plot or tract. If the Building Official cannot make such certification, he shall refer the case to the Planning and Zoning Commission for consideration and resolution. The Building Official and Planning and Zoning Commission shall exercise discretion in making decisions in such cases but shall take care to respect the language and spirit of this ordinance, as amended.

32.1.5. The plot or tract is all or part of a site plan officially approved by the City Council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts, or lots must be provided access via a public street or drive.

SECTION 33 SITE PLANS

33.1 Site Plan Approval

33.1.1 Conceptual site plans

Prior to any subdivision of property in any retail district, a conceptual site plan representing the general site assessment of the property shall be approved by the planning and zoning commission.

The conceptual site plan shall include all the land that existed in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later.

The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems, including but not limited to:

1. Basic mapping details, such as site boundaries and dimensions, site acreage, location map, north arrow, scale, title block, etc.;

2. Access to the site and interior site circulation;

3. Proposed lot layout;

4. Other items which may negatively impact adjacent property, such as general parking arrangement, delivery truck/dock locations, medians or traffic control devices, and/or median breaks.

The planning and zoning commission shall approve the conceptual site plan, approve the conceptual site plan with conditions, or disapprove the conceptual site plan.

Any development or subdivision of the property shall generally be consistent with the conceptual site plan as approved or amended. No plat, building permit, or certificate of occupancy shall be issued for the property unless all construction and development generally conforms to the conceptual site plan.

A conceptual site plan shall expire five (5) years after its approval or amendment date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed.

33.1.2. Site plans required

33.1.2.1. Approval of a site plan shall be required for all non-residential development proposals and for proposals involving the following:

1. A specific use permit;

2. Multiple family project;

3. Mobile home parks;

4. Any development where more than one main building or primary use is proposed on a single lot, building site, or tract;

5. A planned development.

33.1.2.2. Site or development plans for specific use permits and for planned developments shall become a permanent part of the zoning regulations for the proposed development, and any site plan or any significant change to such a site plan previously approved shall be considered as an amendment to this zoning ordinance.

33.1.2.3. Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted for initiation of the review and approval process along with 25 copies of the plan or the number deemed necessary by the city to complete the required reviews or memorandums.

33.2. <u>Content of Site Plan</u>

When required, a site plan shall include the following:

33.2.1. General requirements

1. Applicant's name, address, and phone number;
2. Development location (include subdivision, lot number, and address);
3. Proposed use or uses (letter of intent required);
4. Zoning district (attach copy of ordinance governing subject property);
5. Lot area (net and gross);
6. Lot coverage;
7. Location of all existing buildings or structures on lot;
8. Building size and total floor area (separated by use);
9. Adjacent land uses and improvements;
10. Location of hazardous chemical storage;
11. Sign locations;
12. Scale: one inch equals 20 feet, 30 feet or 40 feet;
13. Location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
14. Easements;
15. Location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
16. Location of areas of major tree cover;
17. Required landscape areas;
18. Additional information as deemed necessary to adequately evaluate the site or development plan.

33.2.2. Site circulation and parking

1. Drive approach dimensions and radii;
2. Delineation and width of internal circulation roadways;
3. Distances between driveways and intersecting streets;
4. Number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;

5. Parking dimensions;

6. Stacking spaces and drive-through lane location;

7. Location of curb stops relative to front of parking stall. Note: Wheel stops are not permitted in lieu of curbs;

8. Handicapped ramps (required at all intersections);

9. Building entrances;

10. Sidewalk dimensions;

11. Fire lanes meeting fire code standards;

12. Delivery truck docks;

13. Sanitation container locations;

14. Medians, islands, barriers, and channelization;

15. Width of adjacent streets, alleys, or other access abutting property;

16. Length, width, and taper of turn bays.

33.2.3. Utilities

1. Existing and proposed water mains (include size and valve locations);

2. Water meter size and location;

3. Existing and proposed sewer mains (include size, manholes and cleanout);

4. Sewer service size (provide cleanout at property line);

5. Existing and proposed utility easements;

6. Existing and proposed fire hydrants (include any nearby off-site hydrants);

7. Existing and proposed fire lines and appurtenances;

8. Location and size of irrigation meters;

9. Location and size of grease and sand traps;

10. Location and size of sampling pits;

11. Location and type of pretreatment.

33.2.4. Drainage

1. Existing and proposed elevation at critical points;
2. Drainage area map (if site over one acre);
3. On-site collection system;
4. 100-year flood elevation (if in flood-prone area);
5. Existing and proposed contours at two-foot intervals;
6. Existing and proposed drainage structures (include size and type);
7. Existing and proposed culverts (use six-to-one sloped headwall);
8. Direction of surface drainage (must be discharged into existing waterway or public right-of-way).

33.3. Lighting Plan

Where site lighting is required or proposed, a lighting plan shall be submitted along with a statement of compliance by a qualified lighting expert, such as an engineer, architect, landscape architect, lighting manufacturer's representative, or lighting contractor.

33.4. Landscape Plan

A conceptual or generalized landscape plan in conformance with the City's landscape regulations shall be submitted with the site plan. A combined site plan/landscape plan may be acceptable if all information required is easily identified.

33.5. Site Plan Approval Process

The planning and zoning commission shall review the proposed site plan and shall submit to the city council a recommendation of approval, approval with conditions, or disapproval. Prior to consideration of a site plan, the planning and zoning commission may hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary.

City council, planning and zoning commission, and staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.

If during the course of considering the site plan, conceptual site plan, or landscape plan, the planning and zoning commission is of the opinion that a proper recommendation cannot be made without additional information, the planning and zoning commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the information for the planning and zoning commission's consideration.

A site plan shall expire two years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Expiration shall not apply to site plans submitted for a planned development or specific use permit.

It shall be unlawful to issue a building permit prior to the approval of the site plan by the city council, planning and zoning commission and/or planning division, as appropriate. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.

33.6. Revision of Site Plan

33.6.1. In the event that changes to the approved site plan are proposed, the city administrator shall have the authority to require that a revised site plan be submitted to the city for review and approval.

33.6.2. It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The city administrator shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a city council approval. The city administrator shall only approve minor changes that substantially conform to the approved site plan and with all applicable city regulations.

Examples of revisions which may be approved by the city administrator include:

1. Minor dimension and location adjustments;
2. Minor changes in the number of parking spaces, provided that minimum parking requirements are met;
3. Adjustments to sanitation container location;
4. Minor revisions to approved elevations; and
5. Substitution of similar materials on an approved landscape plan.

Examples of revisions that may not be approved by the city administrator include:

1. Major changes to type of screening materials;
2. Significant alterations to the building footprint;
3. Specific conditions of approval; and
4. Any changes that may negatively impact adjacent properties.

If, in the judgment of the city administrator, the proposed revisions exceed staff's approval authority, the revised site plan shall be forwarded to the planning and zoning commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the city administrator within 30 days of their final submission, they shall be scheduled for consideration by the planning and zoning commission upon request by the applicant.

33.7. Certificate of Occupancy

The certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.

33.8. Maintenance of Property

Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this section.

33.9. Mylar Original

The final site plan shall be accompanied by a mylar original for permanent record.

33.10. Preliminary Site Plan

For the purpose of assisting in-process planning, a preliminary site plan may be submitted for planning and zoning commission and planning division consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any building permit on a preliminary site plan.

SECTION 34 COMPLETION OF BUILDINGS

Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction, or designated use of any building which shall be completed in its entirety within one year from the date of the passage of this ordinance, provided such building was authorized by building permit before the passage of this ordinance and further provided construction shall have been started within 90 days of the passage of this ordinance.

Commitments made by the city with reference to construction of public utility buildings and facilities necessary for the anticipated expansion of the city made prior to the passage of this ordinance shall be observed.

SECTION 35 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The schedule of fees, charges, and expenses related to administration of this ordinance is attached as Exhibit A. The schedule shall be posted in the office of the administration official and may be altered or amended only by the City Council.

No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings

before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

SECTION 36 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars ($2,000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 37 VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the City of Anna the terms of this ordinance shall control. The Zoning Ordinance of the City of Anna, dated July 8, 1986, and Ordinance No. 2000-14, dated October 10, 2002, are hereby repealed.

SECTION 38 CODIFICATION

The City Secretary is hereby authorized to codify or have codified by a third party the various provisions of the zoning ordinances and regulations of the City.

SECTION 39 EFFECTIVE DATE

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

RECOMMENDED FOR ACCEPTANCE by the Planning and Zoning Commission of the City of Anna, Texas, on this the 20th day of September, 2003.

ATTEST:

Secretary, Planning & Zoning Commission

SIGNED:

John H. Rattan

Chairman, Planning & Zoning Commission

PASSED by the following vote of the City Council of the City of Anna, Texas, on this the 20th day of September, 2003.

AYES: 3

NAYS: 1

ABSTAIN: 0

SIGNED:

Kenneth Pelham, Mayor

ATTEST:

Wayne E. Cummings, City Secretary

APPENDIX 1

RESIDENTIAL ZONING DISTRICT AREA REGULATIONS

	SF-E	*SF-84*	*SF-72*	*SF-1*	*SF-60*	*SF-2*	*SF-Z*	*SF-TH*	*TF*	*MH-1*	*MH-2*	*MF-1*	*MF-2*
Maximum Height (feet)	35	35	35	35	35	35	35	35	35	35	35	45	45
Side Yard, Interior (feet)	15	10	10	10	10	10	(a)	(b)	10	10	10	10	10
Side Yard, Corner Lot, Street Side (feet) *(c)*	25	15	15	15	15	15	15	15	15	15	15	25	25
Rear Yard (feet) *(d)*	25	25	25	25	25	25	25	25	25	25	25	25	25
Front Yard (feet)	25	25	25	25	25	25	20	20	25	25	25	25	25
Lot Area (feet)	35,000	8,400	7,200	7,200	6,000	6,000	4,500	2,700 per unit	7,200	6,000	5,000	6,000	5,000
Min. Lot Width (feet)	75	70	60	60	50	50	40	25	60	50	50	50	50
Min. Lot Depth (feet)	120	120	120	120	120	120	100	160	120	120	120	120	120
Max. Lot Coverage (%)	40%	35%	40%	40%	45%	45%	50%	60%	50%	60%	50%	40%	50%
Building Size (square feet)	2400	2000	1800	1800	1600	1600	1200	900	1200	None	None	None	None
Masonry* (%)	70%	60%	60	0%	60%	0%	60%	60^	60%	80%	80%	None	None

*Brick or rock veneer , front 100%

(a) Zero one side with ten (10) feet separation between buildings.

(b) 14 feet between ends of buildings.

(c) 45 feet where adjacent to single family or duplex residential district.

(d) The required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

SF-E Single Family Residential Estate
SF-84 Single Family Residential 8,400 Square Feet Min. Lot Size
SF-72 Single Family Residential 7,200 Square Feet Min. Lot Size
SF-1 Single Family Residential 10,000 Square Feet Min. Lot Size
SF-60 Single Family Residential 6,000 Square Feet Min. Lot Size
SF-Z Single Family Residential Zero Lot Line
SF-TH Single Family Residential Townhouse
MH-1 Manufactured Home District
MH-2 Manufactured Home Park District
MF-1 Multiple Family Residential – Medium Density

SEE INDIVIDUAL DISTRICT REGULATIONS (SECTIONS 8 –14) FOR ADDITIONAL REGULATIONS.

September 2003

NON-RESIDENTIAL ZONES
DISTRICT REGULATIONS

	C-1	NC	C-2	C-3	O-1	I-1	I-2	THOR Overlay
Maximum Height (feet)	25 1 story	35	35	35	35	35	35	35
Side Yard, Interior (feet) (a)	5 (c)	5 (c)	5 (c)	5 (d)	None (e)	None (d)	None (d)	None (d)
Side Yard, Corner Lot Street Side (feet)	25	25	25	25	50	25	25	25
Rear Yard (feet)	10 (c)	10 (c)	10 (c)	10 (d)	None (e)	None (d)	None (d)	None (d)
Front Yard (feet) (b)	25	25	25	25	50	25	25	50
Lot Area (feet)	7,000	10,000	10,000	10,000	None	10,000	10,000	20,000
Minimum Lot Width (feet)	60	50	60	80	None	50	50	100
Minimum Lot Depth (feet)	100	100	None	100	None	None	None	100
Maximum Lot Coverage (%)	40%	50%	70%	70%	50%	50%	50%	50%
Building Size (square feet)								
Masonry* (%)	60%	60%	60%	60%	60%	Street Frontage	None	100%

*Brick or rock veneer, front 100%

(a) 25 feet where adjacent to residential district.
(b) 35 feet where adjacent to residential district.
(c) 15 feet when abutting any district requiring a side yard.
(d) 25 feet when abutting any district requiring a rear yard.
(e) 15 feet when abutting any district requiring a side yard.

C-1 = Restricted Commercial District
NC = Neighborhood Business District
C-2 = General Business District
C-3 = Commercial Business District
O-1 = Office District
I-1 = Light Industrial
I-2 = Heavy Industrial

SEE INDIVIDUAL DISTRICT REGULATIONS (SECTIONS 15 –21) FOR ADDITIONAL REGULATIONS.

September 2003

APPENDIX 2
SCHEDULE OF USES- - TABLE 1

			RESIDENTIAL USES																			
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**MH-1**	**MH-2**	**TF**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Apartment, CBD	Ex 3.1.20																	Y				
Bed and breakfast facility (1)	Ex 3.1.1		S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y	Y				
Boarding or rooming house	Ex 3.1.2														Y		S					
Dormitory	Ex 3.1.3												S	S								
Duplex (see Two family dwelling)																						
Garden (patio) home (2)	Ex 3.1.5								Y	S	S		S	S								
Guest house	Ex 3.1.6	Y	Y																			
Manufactured housing, HUD Code	Ex 3.1.7									Y	Y											
Manufactured home park	Ex 3.1.8										Y											
Manufactured home subdivision	Ex 3.1.9									Y												
Mobile home	Ex 3.1.10																					
Motel, motor hotel, or motor lodge	Ex 3.1.12																Y					
Multiple family residence (3)	Ex 3.1.13											S	Y	Y								
Residence hotel (4)	Ex 3.1.14												Y	Y	Y							
Retirement housing	Ex 3.1.15												Y	Y	S		S					
Servant's, caretaker's or guard's res.	Ex 3.1.16												S	S	S		S				S	S
Single family dwelling, attached	Ex 3.1.17								Y			Y	††	†††								
Single family dwelling, detached	Ex 3.1.18	†	Y	Y	Y	Y	Y	Y														
Townhouse	Ex 3.1.19									Y	Y		Y	Y								
Travel trailer park	Ex 3.1.21																S					
Two family dwelling	Ex 3.1.22								S	S	S	Y	Y	S								
Zero lot line house	Ex 3.1.23									Y	Y		Y	Y								

** The number in this column references a description/definition listed in Exhibit 3.*

(1) See Section 22.8 for additional regulations.

(2) See Section 22.5 for additional regulations.

(3) See Section 22.6 for additional regulations.

(4) See Section 22.4 for additional regulations.

† See Section 9.2.1 of this ordinance.

†† See Section 13.2.1 of this ordinance.

††† See Section 14.2.1 of this ordinance.

APPENDIX 2
SCHEDULE OF USES- - TABLE 2A

	EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**Office**	**I-1**	**I-2**
Athletic field (See Stadium or playfield, public)																						
Cemetery or mausoleum		S	S	S											S	S	S	S	S		S	S
Child care center (1)	Ex. 3.2.1												S	S	S	S	Y	Y	Y			
Church, rectory, place of worship	Ex. 3.2.2	S	S	S						S	S		S	S	Y	Y	Y	Y	Y			
Civic center	Ex. 3.2.3																Y	Y	Y		Y	Y
College or university	Ex. 3.2.4												S	S			S	S	Y		S	S
Community center, public	Ex. 3.2.5		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	
Community center, private	Ex. 3.2.6		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	
Continuing care facility	Ex. 3.2.7		S	S						S	S		Y	Y	Y	Y	Y	Y				
Country club (private)	Ex. 3.2.8	Y	S	S																	Y	
Day care facility (See Child care center)																						
Exhibition area	Ex. 3.2.10	S															Y	Y	Y		Y	S
Fairgrounds	Ex. 3.2.11	S															S		S		Y	Y
Family home (2)	Ex. 3.2.12	S	S							S			S	S								
Farm, ranch, or orchard	Ex. 3.2.3	Y	S	S							S										Y	Y
Feedlot, livestock		S																				
Fraternal organization, lodge or civic club	Ex. 3.2.14	S													Y		Y	Y	Y		Y	S
Golf course	Ex. 3.2.15	Y																			Y	Y
Golf driving range		Y																			Y	S
Greenhouse, commercial	Ex. 3.2.16a	Y	S																		Y	Y
Greenhouse or plant nursery, non-commercial	Ex. 3.2.16b	Y	Y	Y																	Y	Y
Health club; gymnasium																	Y		Y		Y	
Hosp. (chronic care); long term health care fac.	Ex. 3.2.17												S	S			Y	Y	Y		Y	S
Hospital (acute care)	Ex. 3.2.18																Y	Y	Y		Y	S
Household care facility	Ex. 3.2.19									S			Y	Y								
Household care institution	Ex. 3.2.20												S	S								
Kennel (no outside pens)	Ex. 3.2.21	Y															S		Y		Y	Y
Kennel (outside pens)	Ex. 3.2.21	Y															S				Y	Y
Library	Ex. 3.2.22		S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y		
Museum or art gallery	Ex. 3.2.23														Y	Y	Y	Y	Y	Y		

** The number in this column references a description/definition listed in Exhibit 3.*

(1) See Section 22.1 for additional regulations.

(2) A family home may not be located within one-half mile of an existing family home.

APPENDIX 2
SCHEDULE OF USES- - TABLE 2B

	EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES (cont.)																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Nursery school, kindergarten	Ex. 3.2.24														S	S	Y	S	Y	S		
Nursing home (See Rest home or nursing home)																						
Park, playg'd, or rec. center (public)	Ex. 3.2.26	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playg'd, or rec. center (private)	Ex. 3.2.27	Y	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	S	S	S	S
Personal care home (custodial care)	Ex. 3.2.28		S	S							S		S	S								
Prison, jail, place of incarceration		S																			S	S
Race track	Ex. 3.2.30	S																				Y
Registered family home	Ex. 3.2.31		S	S							S		S	S	S		S					
Rehabilitation care facility	Ex. 3.2.32	S																			S	S
Rehabilitation care institution	Ex. 3.2.33	S															S				S	S
Rest home or nursing home	Ex. 3.2.34														S	S	Y	S	Y		D	
Rodeo arena and grounds		S																			S	Y
School, private (primary and/or secondary	Ex. 3.2.35	S	S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y		Y	Y	S	
School, public (primary and/or secondary)	Ex. 3.2.36		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	S	
School, trade or commercial	Ex. 3.2.37	S													S	S	S	S	Y		Y	Y
Shooting range, target range		S																			S	S
Stable, commercial	Ex. 3.2.38a	Y																				S
Stable, private	Ex. 3.2.38b	Y	S																			
Stadium or playfield, public	Ex. 3.2.39	S	S	S						S	S		S	S	Y		S					
Swimming pool, commercial (1)	Ex. 3.2.40														S	S	S	S	S		S	S
Swimming pool, private (1)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	S	S	S	S

** The number in this column references a description/definition listed in Exhibit 3.*

(1) See Section 22,10 for additional regulations.

APPENDIX 2
SCHEDULE OF USES- - TABLE 3

	TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES																					
TYPE OF USE	**Def***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Airport, landing field	Ex 3.3.1	S																			S	S
Electric power generating plant		S																			S	Y
Electrical substation	Ex 3.3.2	Y	S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y
Gas metering station	Ex 3.3.3	Y	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Y
Heliport or heliatop	Ex 3.3.4	S													S	S	S	S	S		Y	Y
Landfill		S																				
Liquified petroleum gas, storage & sale																						
(no bulk plants)		S																	S	Y		
Radio, TV or microwave oper., amateur (1)	Ex 3.3.6	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Y	S	Y	Y	Y	Y
Radio, TV or microwave oper., commer. (1)	Ex 3.3.7	S													S		Y			S	S	S
Railroad station	Ex 3.3.8	S																			Y	Y
Railroad team track & right of way	Ex 3.3.9	S																			Y	Y
Service yards of government agency	Ex 3.3.11	S	S	S						S	S		S	S	S		S				Y	Y
Shops, office and/or storage area of																						
public or private utility	Ex 3.3.12	S																			Y	Y
Solid waste transfer station	Ex 3.3.13	S															S				S	Y
Telephone exchange	Ex 3.3.14	†													S	S	Y	S	Y	Y	Y	Y
Transit station or turnaround		Y													Y	Y	Y	Y	Y	Y	Y	Y

** The number in this column references a description/definition listed in Exhibit 3.*

† See Section 9.2.2 of this ordinance.

(1) See Section 22.3.

APPENDIX 2
SCHEDULE OF USES- - TABLE 4

	AUTOMOBILE AND RELATED SERVICE USES																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Auto laundry (See Car Wash)	Ex 3.4.1																					
Auto leasing & Rental	Ex 3.4.2														S		Y		Y		Y	
Auto paint and body shop																					Y	Y
Auto parts sales (inside)	Ex 3.4.3														Y	Y	Y	Y	Y		Y	
Auto parts sales (outside)	Ex 3.4.4																			S	Y	S
Auto repair, major	Ex 3.4.5																			Y	Y	S
Auto repair, minor	Ex 3.4.6														S	S	Y	S	Y			
Automobile and trailer sales area, new	Ex 3.4.7														S		Y		Y		Y	
Automobile and trailer sales area, used	Ex 3.4.8														S		S		Y		Y	S
Automobile service station (1)	Ex 3.4.9														Y†		Y††				S	S
Auto storage	Ex 3.4.10																				Y	Y
Auto wrecking yard or junk yard	Ex 3.4.11																				S	S
Bus terminal	Ex 3.4.12																Y	Y			Y	
Car wash	Ex 3.4.13														S	S	Y		S		Y	
Motorcycle sales and service															S		Y		Y		Y	
Parking lot or parking garage, automobile	Ex 3.4.14														Y	Y	Y	Y	Y	Y	Y	Y
Parking lot or parking garage, truck	Ex 3.4.15																				Y	Y
Quick oil change facility	Ex 3.4.16														Y	Y	Y	Y			Y	
Quick tuneup facility	Ex 3.4.17														Y	Y	Y				Y	
Tire dealer (no outside storage)															S		Y		Y		Y	S
Tire dealer (with outside storage)																	S				Y	S
Tire retreading and recapping																	S				Y	Y
Truck and bus leasing	Ex 3.4.18																S				S	S
Truck and bus repair	Ex 3.4.19																				Y	Y
Truck or motor freight terminal	Ex 3.4.20																S				Y	Y
Truck sales	Ex 3.4.21																S				Y	
Truck stop	Ex 3.4.22																S				Y	

** The number in this column references a description/definition listed in Exhibit 3.*

(1) See Section 22.7 for additional regulations.

† See Sections 16.2.1 of this ordinance.

†† See Section 16A.3.2 of this ordinance.

APPENDIX 2
SCHEDULE OF USES- - TABLE 5A

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Adult entertainment establishment	Ex 3.5.1a																				S	
Adult arcade	Ex 3.5.1a(1)																				S	
Adult bookstore	Ex 3.5.1a(2)																				S	
Adult cabaret	Ex 3.5.1a(3)																				S	
Adult motion picture theater	Ex 3.5.1a(4)																				S	
Adult theater	Ex 3.5.1a(5)																				S	
Air conditioning & refrigeration contractor	Ex 3.5.1b																S		S		Y	Y
Amusement, commercial (indoor)	Ex 3.5.2a														S		S		S		Y	S
Amusement, commercial (outdoor)	Ex 3.5.2b																				Y	S
Antique shop	Ex 3.5.3														Y		Y	Y	Y			
Arcade	Ex 3.5.4														S		S				S	S
Arts, crafts store (inside sales)															Y		Y	Y	Y			
Arts, crafts store (outdoor sales)																	S	S	S		Y	
Bakery and confectionery, retail sales	Ex 3.5.5a														Y	Y	Y	Y	Y			
Bakery and confectionery, commercial	Ex 3.5.5b														S		S	S	S		Y	Y
Bank, savings and loan, credit union	Ex 3.5.6														Y		Y	Y	Y		Y	Y
Boat sales and storage																	Y				Y	
Barber shop	Ex 3.5.7a														Y	Y	Y	Y	Y			
Barber school or college	Ex 3.5.7b																Y	S	Y		Y	
Beauty culture school; cosmetology spec. sl	Ex 3.5.7c														Y		Y	S	Y		Y	
Beauty shop	Ex 3.5.7d														Y	Y	Y	Y	Y			
Bowling alley																	Y		S		Y	
Bldg. materials, hardware (inside storage)	Ex 3.5.8														Y		Y	Y	Y		Y	S
Bldg. materials, hardware (outside storage)	Ex 3.5.8														S		S		S		Y	Y
Cabinet and upholstery shop	Ex 3.5.10																S		S		Y	Y
Cleaning and dyeing, small shop	Ex 3.5.11														S	S	S	S	S		Y	Y
Clinic, medical or dental	Ex 3.5.12														Y	Y	Y	Y	Y	Y		
Convenience store	Ex 3.5.13														Y	Y	Y	Y	S		S	
Custom personal service shop	Ex 3.5.14														Y	Y	Y	Y	Y		S	
Discount, variety, or department store	Ex 3.5.15														S		Y	Y	Y		S	
Drapery, needlework, or weaving shop															Y	Y	Y	Y	Y		Y	
Engine and motor repair																	S				Y	Y
Farm equipment, sales & service																	S				Y	Y
Feed and farm supply (inside sales/storage)	Ex 3.5.16																S				Y	Y

** The number in this column references a description/definition listed in Exhibit 3.*

APPENDIX 2

SCHEDULE OF USES- - TABLE 5B

	OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES (cont.)																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Feed and farm supply (outside sales/storage)	Ex 3.5.16																				Y	Y
Flea market	Ex 3.5.17	S															S		S		Y	Y
Florist	Ex 3.5.18														Y	Y	Y	Y	Y		S	
Food store; grocery store	Ex 3.5.19														Y	Y	Y	Y	Y			
Furniture & appliance, repair or storage	Ex 3.5.20																				Y	S
Furniture, appliance store (inside storage)	Ex 3.5.21																Y	S	Y		Y	Y
Furniture, appliance store (outside storage)	Ex 3.5.21														S		S		Y		Y	Y
Garden center (retail sales)	Ex 3.5.22																Y	Y	Y		Y	
General merchandise store	Ex 3.5.23																Y	Y	Y			
Gymnastic or dance studio															Y	Y	Y	Y	Y		S	
Handcraft shop															Y	Y	Y	Y	Y		S	
Heavy machinery sales																	S				Y	Y
Hotel															Y		Y	Y	Y			
Household appliance service and repair															S		Y	Y	Y		Y	
Laboratory, medical or dental															S		Y		Y	Y	S	
Laboratory, scientific or research	Ex 3.5.24																			S	Y	Y
Laundry and cleaning, self service	Ex 3.5.25														Y	Y	Y		Y			
Laundry and cleaning, commercial																					S	Y
Massage parlor	Ex 3.5.1a(6)																S				S	
Massage therapy facility	Ex 3.5.26														Y		Y	Y	Y			
Metal dealer, secondhand	Ex 3.5.26a																				Y	Y
Metal dealer, crafted precious	Ex 3.5.26b														Y		Y	Y	Y		Y	Y
Motel, motor hotel, motor lodge																	Y		Y			
Mortuary or funeral home																	Y		Y		S	
Nude modeling studio	Ex 3.5.1a(7)																S				S	
Office center	Ex 3.5.28														S		S		S	Y		
Office, prof. or general administrative	Ex 3.5.29														Y		Y			Y		
Office - showroom/warehouse	Ex 3.5.30																S		S		Y	Y
Pawn shop	Ex 3.5.31																S		S		S	
Personal service shop	Ex 3.5.32														Y		Y	Y	Y			
Pet shop	Ex 3.5.33														S		Y	Y	Y			
Medical supplies, sales & service															S		S		Y		Y	
Newspaper printing																	S				Y	Y
Pharmacy															Y	Y	Y	Y	Y			

** The number in this column references a description/definition listed in Exhibit 3.*

APPENDIX 2
SCHEDULE OF USES- - TABLE 5C

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES (cont.)																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Plumbing, heating, refrig. or air cond. bus.	Ex 3.5.34																S				Y	S
Plumbing service	Ex 3.5.35																S				Y	S
Portable building sales	Ex 3.5.36																		S		Y	S
Post office, government and private	Ex 3.5.37														Y	Y	Y	Y	Y		Y	Y
Print shop	Ex 3.5.38														S		S				Y	Y
Private clubs (1)																	S	S	S		S	
Racquetball facilities	Ex 3.5.39														S		Y	Y	Y		Y	
Restaurant or cafeteria, with drive-in																						
or drive-through service	Ex 3.5.40a														S	S	Y	S	S		Y	
Restaurant or cafeteria, without drive-in																						
or drive-through service	Ex 3.5.40b														Y	Y	Y	Y	Y		Y	
Restaurant, with drive-in service	Ex 3.5.40c														Y		Y				Y	
Restaurant, with drive-through service	Ex 3.5.40d														Y		Y				Y	
Retail shops and stores other than listed	Ex 3.5.41														S	S	Y	S	Y		S	
Second hand store, furniture/clothing	Ex 3.5.42														S	S	S	S	S		Y	
Service, retail	Ex 3.5.43														S	S	Y	Y	Y		Y	
Sexually oriented business (see Adult entertainment establishment)																						
Shopping center	Ex 3.5.44b														S	S	Y	Y	Y			
Studio (photographer, musician, artist)															S	S	Y	Y	Y	Y		
Studio for radio and television															S	S	Y	Y	Y	Y	S	
Tanning salon															Y	Y	Y		Y			
Taxidermist															S	S	Y	Y	Y		S	
Theater (indoor)															S	S	Y	Y	Y		S	
Theater (outdoor)	Ex 3.5.45																				Y	Y
Tool rental shop																	S	S	Y		Y	S
Trailer, manufactured housing																						
or mobile home display and sales	Ex 3.5.46																S		S		Y	S
Trailer rental	Ex 3.5.47																S		S		Y	S
Veterinarian clinic (no outside pens)															S		S		Y		Y	S
Veterinarian clinic (outside pens)																	S				Y	S
Washateria	Ex 3.5.48														S	Y	Y	Y	S		S	

** The number in this column references a description/definition listed in Exhibit 3.*

(1) See Section 22.9 for additional regulations.

APPENDIX 2

SCHEDULE OF USES- - TABLE 6A

	MANUFACTURING, STORAGE, AND WAREHOUSING USES																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Acetylene gas manufacture or storage																						Y
Acid manufacture																						Y
Advertising displays manufacture																					Y	Y
Alcohol manufacture																						Y
Ammonia, bleach or chlorine manufacture																						Y
Apparel and other products assembled																						
from finished textiles																					Y	Y
Arsenal																						Y
Asphalt manufacture or refining																						Y
Bag cleaning																						Y
Blast furnace																						Y
Boats, building or repair																					Y	Y
Boiler works																						Y
Bookbinding, except hand binding																					Y	Y
Bottling works	Ex 3..6.1																				Y	Y
Brick, tile, pottery or terra cotta manu-																						
facture, other than handcraft																					S	Y
Brooms or brushes, manufacture																					Y	Y
Building materials (inside storage)																					Y	Y
Building materials (outside storage)																					Y	Y
Cameras or other photographic equipment																					Y	Y
Candle manufacture																					S	Y
Carpet manufacture or cleaning																					Y	Y
Celluloid manufacture or treatment																						Y
Cement, lime, gypsum or plaster of																						
paris manufacture																						Y
Ceramics, stone, glass, marble or porce-																						
lain products manufacture																					Y	Y
Chemical manufacturing																						S
Cleaning and dyeing; dry cleaning plant	Ex 3..6.2																				Y	Y
Coal, coke, or wood yard																					S	Y
Concrete, asphalt batching plant (perm.)																					S	S
Concrete, asphalt batching plant (temp.)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					Y		Y	Y
Contractor's shop and storage yard																					Y	Y

** The number in this column references a description/definition listed in Exhibit 3.*

APPENDIX 2

SCHEDULE OF USES- - TABLE 6B

	MANUFACTURING, STORAGE, AND WAREHOUSING USES (cont.)																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Cosmetic manufacture																					Y	Y
Cotton gin																						S
Cotton seed oil manufacture																						Y
Creosote treatment																						S
Dairy products processing, manufacturing																					S	Y
Disinfectant manufacture																						Y
Distillation of bones, coal or wood																						Y
Drugs or pharmaceutical products manufact.																					S	Y
Dyestuff manufacture																					S	Y
Electrical appliances, supplies, and																						
machinery, assembly or manufacture																					Y	Y
Electronic products, assembly																					Y	Y
Electronic products, manufacturing																					S	Y
Emery cloth and sandpaper manufacture																						Y
Explosives or fireworks manufacture																						
or storage																						S
Farm seed and/or fertilizer sales/storage (inside)																	S				Y	Y
Farm seed and/or fertilizer sales/storage (outside)																					S	Y
Fat rendering																						Y
Fertilizer manufacture																						S
Fiberglass manufacture																						S
Fish smoking and curing																						Y
Food products processing																	S				S	Y
Forge plant																						Y
Foundry (iron, steel, brass or copper)																						Y
Fur good manufacture (not including																						
tanning or dyeing)																					Y	Y
Furniture and upholstery manufacture																					Y	Y
Garbage, offal or dead animal reduction																						S
Gas manufacture																						Y
General commercial plant	Ex 3..6.4																				Y	Y
General manufacturing																					Y	Y
Glass products																					Y	Y
Glue or gelatin manufacture																						Y
Grain elevator																						S

** The number in this column references a description/definition listed in Exhibit 3.*

APPENDIX 2

SCHEDULE OF USES- - TABLE 6C

	MANUFACTURING, STORAGE, AND WAREHOUSING USES (cont.)																					
TYPE OF USE	**Def ***	**AG**	**SF-E**	**SF-1**	**SF-84**	**SF-72**	**SF-60**	**SF-Z**	**SF-TH**	**TF**	**MH1**	**MH2**	**MF-1**	**MF-2**	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
Hatchery		S																			Y	Y
Herbicide manufacture																						S
Household appliance products assembly &																						
manufacture from prefabricated parts																					Y	Y
Ice production, dry or natural																					Y	Y
Industrial park	Ex 3..6.5																				Y	Y
Insect poison manufacture																						S
Junk or salvage yard	Ex 3..6.6																				S	S
Jute, hemp, sisal or oakum products manuf.																					Y	Y
Laundry plant																					Y	Y
Light manufacturing	Ex 3..6.7																				Y	Y
Livestock feed yards																						S
Mattress manufacture or renovation																					Y	Y
Meat processing/locker plant/frozen																						
food products																					Y	Y
Metal fabrication																					S	Y
Mill (grain, flour, food products)																					S	Y
Mines and quarries																						S
Musical instrument manufacture																					Y	Y
Oil field service																					S	Y
Oil, gas, other mineral extraction																					S	S
Oilcloth or linoleum manufacture																					S	Y
Ore reduction																						Y
Orthopedic or medical appliance manufacture																					Y	Y
Paint, oil, shellac, turpentine or varnish																						
manufacture																					S	Y
Paper products manufacture																						Y
Petroleum products, sales (wholesale)																					S	Y

** The number in this column references a description/definition listed in Exhibit 3.*

APPENDIX 2

SCHEDULE OF USES- - TABLE 6D

TYPE OF USE	Def*	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	TF	MH1	MH2	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
MANUFACTURING, STORAGE, AND WAREHOUSING USES (cont.)																						
Petroleum products, bulk quantities																						Y
Pipe sales and supply																					S	Y
Plastic products manufacture (not including processing of raw materials)																					S	Y
Pump sales, repair and maintenance																	S				Y	Y
Scrap metal sales and storage																						Y
Self storage; mini-warehouse	Ex 3.6.8																				Y	Y
Sporting and athletic equipment manufacture																					Y	Y
Steel fabrication																					S	Y
Storage/wholesale warehouse, light	Ex 3.6.9																				Y	Y
Storage/wholesale warehouse, heavy	Ex 3.6.10																				S	Y
Tire recapping, vulcanizing																					S	Y
Tools or hardware manufacture																					Y	Y
Toys and novelty products manufacture																					Y	Y
Window shade, awnings, Venetian blind manufacture																					Y	Y
Wrecking yard (junk or salvage yard)																					S	S
Yeast manufacture																						Y

** The number in this column references a description/definition listed in Exhibit 3.*

ACCESSORY AND INCIDENTAL USES

TYPE OF USE	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	MH-1	MH-2	TF	MF-1	MF-2	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
Accessory building to main use (1)	Ex 3.7.1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boat; boat trailer		Y	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††		Y††	Y††	Y††								
Carport	Ex 3.7.2	Y																				
Construction yard (temporary) (2)	Ex 3.7.3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupation	Ex 3.7.5	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Field or sales office, temporary (2)	Ex 3.7.4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garage, private	Ex 3.7.6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Motor home		Y	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††								
Swimming pool, private (3)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	S	S	S	S
Trailer; travel trailer; cattle trailer, etc.		Y	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††	Y††								

** The number in this column references a description/definition listed in Exhibit 3.*

(1) See Section 23.2 for additional regulations.

(2) See Section 22.2 for additional regulations.

(3) See Section 22.10 for additional regulations.

†† See Section 23.5 of this ordinance for special regulations.

APPENDIX 2 USE OF LAND AND BUILDINGS

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following Schedule of Uses:

Table 1	Residential Uses
Table 2A	Educational, Institutional, and Special Uses
Table 2B	Educational, Institutional, and Special Uses (cont.)
Table 3	Transportation, Utility, and Communications Uses
Table 4	Automobile and Related Service Uses
Table 5A	Office, Retail, Commercial, and Service Type Uses
Table 5B	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 5C	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 6A	Manufacturing, Storage, and Warehousing Uses
Table 6B	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 6C	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 6D	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 7	Accessory and Incidental Uses

LEGEND FOR INTERPRETING SCHEDULE OF USES

Y	Designates use ***permitted*** in district indicated.
	Designates use ***prohibited*** in district indicated.
S	Designates use which may be approved as ***Specific Use Permit.***

The numbers in the "Def" column refer to descriptions/definitions listed in Appendix 3, Descriptions/Definitions of Uses.

Additional regulations relating to use of land and buildings in individual zoning districts are listed in Sections 9 through 21 of this ordinance.

APPENDIX 3 DESCRIPTIONS/DEFINITIONS OF USES

Ex 3.1. Residential Uses

Ex 3.1.1. Apartment — A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit. (Also see Ex 3.1.4 – CBC Apartments.)

Ex 3,1,2, Bed and Breakfast Facility - An owner-occupied property, other than a hotel or multiple family dwelling, which offers lodging for paying guests and which serves meals to these guests and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms. See also section 24.8.

Ex 3.1.3. Boarding or 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.

Ex 3.1.4. CBD Apartments — Apartments in any building in the CBRD on, the second or higher floors or, if on the ground floor is (1) not occupying the street front of the building and (2) occupied by the operator of the business which also is housed in that building. (Also see Ex 3.1.1 – Apartment.)

Ex 3.1.5. 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 (1) such apartment unit for each fifty (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.

Ex 3.1.6. Duplex — See Two Family Dwelling, Sec. Ex 3.1.20.

Ex 3.1.7. Garden (Patio) Home — A free-standing, detached structure used for residential purposes, built in accordance with standards set out in Section 24.5.

Ex 3.1.8. Guest House — Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Ex 3.1.9. Hotel — See "Motel, Motor Hotel, or Motor Lodge")

Ex 3.1.10. Manufactured Housing, HUD Code — 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 (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which 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 ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

Ex 3.1.12 Manufactured Home Park — Any tract of land under single ownership of not less than two (2) acres and not more than ten (10) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Anna relating to the location, use, construction, operation, or maintenance of manufactured housing.

Ex 3.1.13. Manufactured Home Subdivision — A tract of land of not less than ten (10) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-Code manufactured housing and industrialized housing.

Ex 3.1.14. Mobile Home — A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which 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 of Anna.

Ex 3.1.15. Modular Home — a dwelling that is constructed in one or more modules at a location other than the homesite, or is constructed utilizing one oz- more modular components, and which is designed to be used as a permanent residence when the modular unit components or modules are transported to the homesite and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems. It is expressly provided, however, that the term modular home shall not mean nor apply to:

(a) housing constructed of sectional or panelized systems not utilizing modular components;

(b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; or

(c) any dwelling constructed in modules incorporating concrete as the basic and predominant structural component.

Ex 3.1.16. Motel, Motor Hotel, or Motor Lodge — A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

Ex 3.1.17. Multiple Family Residence — Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

Ex 3.1.18. Residence Hotel — A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.

Ex 3.1.19. Retirement Housing — A development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

a) cafeteria and/or dining room
b) library
c) game room
d) swimming pool and/or jacuzzi
e) exercise room
f) arts and crafts facilities
g) greenhouse
h) housekeeping service
i) transportation service
j) snack bar with a maximum of 350 square feet per 100 dwelling units
k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units
l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.

Ex. 3.1.20. Rooming House — See “Boarding or Rooming House”.

Ex 3.1.21. Servant's, Caretaker's, or Guard's Residence — An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.

Ex 3.1.22. Single Family Dwelling, Attached — A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.

Ex 3.1.23. Single Family Dwelling, Detached — A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing, located on a lot or separate building tract and having no physical connection to a building on any other lot.

Ex 3.1.24. Townhouse or Row Dwelling — One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

Ex 3.1.25. Tourist Home — A building or part thereof, other than hotel, boarding house, lodging house, or motel, where lodging is, provided by a resident family in home for compensation, mainly for transients.

Ex 3.1.26. Townhouse or Row House - means three (3) or more dwelling units with common vertical walls.

Ex 3.1.27. Travel Trailer Park — Any tract of land under single ownership, not less than two (2) acres nor more than ten (10) acres, where accommodation is provided for travel trailer use.

Ex 3.1.28. Two Family Dwelling — A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.

Ex 3.1.29. Zero Lot Line House — A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

Ex 3.2 Educational, Institutional, and Special Uses

Ex 3.2.1. Cemetery - is land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Ex 3.2.2, Child Care Center — An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "child care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see Registered Family Home)

Ex 3.2.3. Church, Rectory, or Place of Worship — A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises. The place of residence may be a separate building.

Ex 3.2.34 Civic Center — A building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

Ex 3.2.45 College or University — An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

Ex 3.2.6. 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 non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Ex 3.2.7. Community Center, Private — A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.

Ex 3.2.8. Continuing Care Facility — A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see Household Care Facility, Household Care Institution, Personal Care Home, and Family Home.)

Ex 3.2.9. Country Club (Private) — 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 private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Ex 3.2.10. Convalescent Home — See "Rest Home or Nursing Home".

Ex 3.2.11. Exhibition Area — An area or space either outside or within a building for the display of topic-specific goods or information.

Ex 3.2.12. Fairgrounds — An area where outdoor fairs, circuses or exhibitions are held.

Ex 3.2.13. Family Home — A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time.

b. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.

c. All applicable licensing requirements must be met.

(Also see Continuing Care Facility, Household Care Facility, Household Care Institution, and Personal Care Home.)

Ex 3.2.14. Farm, Ranch, or Orchard — An area of five (5) acres or more which is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically

prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

Ex 3.2.15. Fraternal Organization, Lodge, or Civic Club — An organized group having a restricted membership and specific purpose related to the welfare of the members.

Ex 3.2.16. Golf Course — An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

Ex 3.2.17a. Greenhouse or Plant Nursery, Commercial — A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

Ex 3.2.17b. Greenhouse, Non-Commercial — A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

Ex 3.2.18. Hospital (Chronic Care); Long Term Health Care Facility — An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas.

Ex 3.2.19. Hospital (Acute Care) — An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

Ex 3.2.20. Household Care Facility — A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit. (See also Continuing Care Facility, Household Care Institution, Personal Care Home, and Continuing Care Facility.)

Ex 3.2.21. Household Care Institution — A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also Continuing Care Facility, Family Home, Household Care Facility, Personal Care Home, and Continuing Care Facility.)

Ex 3.2.21. Kennel — Any structure, lot, or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.

Ex 3.2.22. Library — Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

Ex 3.2.23. Museum or Art Gallery — An institution for the collection, display and distribution of objects of art or

science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Ex 3.2.24. Nursery School; Kindergarten — A child care facility offering a program seven (7) hours or less per day for children who have passed their second birthday but who are under seven years old.

Ex 3.2.25. Nursing Home — See Rest Home or Nursing Home.

Ex 3.2.26. Park, Playground, or Recreation Center (Public) — An open recreation facility or park owned and operated by a public agency and available to the general public.

Ex 3.2.27. Park, Playground, or Recreation Center (Private) — A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.

Ex 3.2.28. Personal Care Home (Custodial Care) — An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see Continuing Care Facility.)

Ex 3.2.29. Reserved for future use.

Ex 3.2.30 Race Track — A facility used for the racing of motor-driven vehicles and/or animals.

Ex 3.2.31. Registered Family Home — A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child Care Center.)

Ex 3.2.32. Rehabilitation Care Facility — A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Ex 3.2.33. Rehabilitation Care Institution — A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.

Ex 3.2.34. Rest Home or Nursing Home — A place of residence or care for persons suffering from infirmities of age or illness where care is provided after leaving a clinic or hospital, often on a prolonged or even permanent basis. This term shall include a convalescent home.

Ex 3.2.35. School, Private (Primary or Secondary) — An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

Ex 3.2.36. School, Public (Primary or Secondary) — An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

Ex 3.2.37. School, Trade or Commercial — Establishments, other than public or parochial schools, private primary and secondary schools or colleges, organized to operate for a profit and offering training or instruction in a trade, service, art, or occupation.

Ex 3.2.38a. Stable, Commercial — A structure housing horses which 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.

Ex 3.2.38b. Stable, Private — An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.

Ex 3.2.39. Stadium or Playfield, 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 which may be lighted for nighttime play.

Ex 3.2.40. Swimming Pool, Commercial — 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.

Ex 3.3. Transportation, Utility, and Communications Uses

Ex 3.3.1. Airport; Landing Field — 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.

Ex 3.3.2. Electrical Substation — A subsidiary station in which electric current is transformed.

Ex 3.3.3. Gas Metering Station — Facility at which natural gas flows are regulated and recorded.

Ex 3.3.4. Heliport or Heliatop — A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.

Ex 3.3.5. Reserved for future use.

Ex 3.3.6. Radio, Television, or Microwave Communications 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. (See also "Ex 3.3.15 – Towers)

Ex 3.3.7. Radio, Television, or Microwave Communications Operations, Commercial — The transmission and retransmission, of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain. (See also "Ex 3.3.15 – Towers)

Ex 3.3.8. Railroad Station — Any premises for the transient parking of trains and the loading and unloading of passengers.

Ex 3.3.9. Railroad Team Track and Right-Of-Way — A facility/place for the loading and unloading of materials on trains.

Ex 3.3.10. Reserved for future use.

Ex 3.3.11. Service Yard of Governmental Agency — An area for the servicing and storage of vehicles or other property of a governmental agency.

Ex 3.3.12. Shops, Office, and/or Storage Area of Public or Private Utility — The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

Ex 3.3.13. 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.

Ex 3.3.14. Telephone Exchange — A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

Ex 3.3.15. Towers (Radio, Television or Microwave) — Structures supporting antennae for transmitting or receiving any of the radio spectrum, but excluding noncommercial antennae installations for home, use of radio. (See also Ex 3.3.6 – Radio, Television, or Microwave Communications Operations, Amateur and Ex 3.3.7 - Radio, Television, or Microwave Communications Operations, Commercial.)

Ex 3.4. Automobile and Related Service Uses

Ex 3.4.1. Auto Laundry — See Car Wash.

Ex 3.4.2. Auto Leasing — Storage and leasing of automobiles, motorcycles, and light load vehicles.

Ex 3.4.3. Auto Parts Sales (Inside) — The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

Ex 3.4.4. Auto Parts Sales (Outside) — The use of any land area for the display and sale of new or used parts for automobiles, panel trucks vans, trailers, or recreation vehicles.

Ex 3.4.5. Automobile Repair, Major — General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair;

customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor"; and other similar uses.

Ex 3.4.6. Automobile Repair, Minor — 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, but not including any operation named under "automobile repair, major" or any other similar use.

Ex 3.4.7. Automobile and Trailer Sales, New — Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

Ex 3.4.8. Automobile and Trailer Sales, Used — Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of previously owned automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

Ex 3.4.9. Automobile Service Station — A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles, which are inoperative or are being repaired, to remain outside such service station for a period greater than seven (7) days.

Ex 3.4.10. Auto Storage — The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

Ex 3.4.11. Automobile Wrecking Yard or Junk 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 dismounted 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.

Ex 3.4.12. Bus Terminal — Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Ex 3.4.13. Car Wash — A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

Ex 3.4.14. Garage, Public — means a building or portion of a building except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Ex 3.4.15. Junk Yard — See Ex 3.4.11 – Automobile Wrecking Yard or Junk Yard.

Ex 3.4.16. Parking Lot or Parking Garage, Automobile — Area for parking light load vehicles.

Ex 3.4.17. Parking Lot or Parking Garage, Truck — Area for parking heavy load vehicles.

Ex 3.4.18. Quick Oil Change Facility — A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.

Ex 3.4.19. Quick Tune-up Facility — A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PCV valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

Ex 3.4.20. Truck and Bus Leasing — 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.

Ex 3.4.21. Truck and Bus Repair — An establishment providing major and minor automobile repair services to heavy load vehicles.

Ex 3.4.22 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.

Ex 3.4.23 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 (for definition, see Section 34.2.44), to be displayed and sold on 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.

Ex 3.4.24. Truck Stop — Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and which 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.

Ex 3.4.25. Vehicle Service Center – A center for the repair of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

Ex 3.4.26. Wrecking Yard — See Ex 3.4.11 – Automobile Wrecking Yard or Junk Yard.

Ex 3.5. Retail and Service Type Uses

Ex 3.5.1a. 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 the Zoning Ordinance of the City of Anna. Such uses shall include but not be limited to the following:

(1) 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 ordinance.

(2) Adult Bookstore – A commercial establishment which 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:

(a) Books, magazines, periodical, or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe "specified anatomical areas" or "specified sexual activities", as defined in this ordinance; or

(b) Instruments, devices or paraphernalia which depict "specified anatomical areas" or "specified sexual activities", or are designed for use in connection with "specified sexual activities".

(3) Adult cabaret – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(a) Person or persons who appear in a state of nudity; or

(b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", including topless or bottomless dancer, exotic dancers, or strippers; or

(c) Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations, which are characterized by the depiction of "specified anatomical area" or "specified sexual activities" as defined in this ordinance

(4) Adult Motion Picture Theater – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or tapes, slides, or similar photographic

reproductions are regularly shown which are characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities" as defined in this ordinance.

(5) Adult Theater – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities" as defined in this ordinance.

(6) Massage Parlor – Any place where, for any form of consideration, massage, alcohol rub, 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 and "specified anatomical area".

(7) Nude Modeling Studio – Any place where a person who appears in a state of nudity, or displays and "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.

Ex 3.5.1b. Air Conditioning and Refrigeration Contractor — A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann.Civ.St., art. 8861.

3.5.2. Alcoholic Beverage Store — An establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.

Ex 3.5.3a. Amusement, Commercial (Indoor) — An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

Ex 3.5.3b. Amusement, Commercial (Outdoor) — An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.

Ex 3.5.4. Antique Shop — A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Ex 3.5.5. Arcade — Any place to which the public is permitted or invited wherein six (6) or more coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill machines, are located.

Ex 3.5.6a. Bakery and Confectionery, Retail Sales — A place for preparing, cooking, baking and selling of products on the premises

Ex 3.5.6b. Bakery and Confectionery, Commercial — A place for preparing, cooking or baking of products primarily intended for off-premise distribution.

Ex 3.5.7. Bank, Savings and Loan, Credit Union — An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Ex 3.5.8a. Barber Shop — A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann.Civ.St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

Ex 3.5.8b. Barber School or College — A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann.Civ.St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.

Ex 3.5.9c. Beauty Culture School; Cosmetology Specialty Shop — A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451.

Ex 3.5.9d. Beauty Shop — A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451, is practiced.

Ex 3.5.10. Building Materials, Hardware Sales — The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

Ex 3.5.11. Business Service — Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

Ex 3.5.12. Cabinet and Upholstering Shop — An establishment used for the production, display and sale of furniture and soft coverings for furniture.

Ex 3.5.13. Cleaning and Dyeing, Small Plant or Shop — A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant.)

Ex 3.5.14. Clinic, Medical or Dental — 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.

Ex 3.5.15. Convenience Store — A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

Ex 3.5.16. Custom Personal Service Shop — Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.

Ex 3.5.17. Discount, Variety, or Department Store — A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

Ex 3.5.18. Feed and Farm Supply Store — An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

Ex 3.5.19. 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, art work, 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.

Ex 3.5.20. Florist — An establishment displaying plants, flowers, floral supplies, and similar items.

Ex 3.5.21. Food Store; Grocery Store — An establishment that displays and sells consumable goods that are not to be eaten on the premises.

Ex 3.5.22. Food-Beverage Store — An establishment engaged in the sale of food or beverages — of any kind whatsoever — for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.

Ex 3.5.23. Furniture and Appliance Repair or Storage — The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

Ex 3.5.24. Furniture, Appliance Store — Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

Ex 3.5.25. Garden Center (Retail Sales) — Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

Ex 3.5.26. General Merchandise Store — Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

Ex 3.5.27. Laboratory, Scientific or Research — Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

Ex 3.5.28. Laundry and Cleaning, Self-Service — An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

Ex 3.5.29 Massage Therapy Facility – A place wherein a registered physical therapist or certified massage therapist treats patients.

Ex 3.5.30a. Metal Dealer, Secondhand — A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered

Ex 3.5.30b. Metal Dealer, Crafted Precious — A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009a.

Ex 3.5.31. Neighborhood Convenience Center - means centers that carry convenience goods, such as groceries, and some variety items, and also service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods,, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of -families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Ex 3.5.32. Office Center — A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

Ex 3.5.33. Office, Professional or General Administrative — A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.

Ex 3.5.34. Office - Showroom/Warehouse — An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Ex 3.5.35. Pawn Shop — An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

Ex 3.5.36. Personal Service Shop — An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.

Ex 3.5.37. Pet Shop — A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Ex 3.5.38. Plumbing, Heating, Refrigeration, or Air Conditioning Business — An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor.)

Ex 3.5.39. Plumbing Service — The operation of a business that involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.

Ex 3.5.40. Portable Building Sales — An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

Ex 3.5.41. Post Office, Government or Private — Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Ex 3.5.42. Print Shop — An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

Ex 3.5.43. Racquetball Facilities — Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.

Ex 3.5.44a. Restaurant or Cafeteria, With Drive-In or Drive-Through Service — An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises but providing service to persons in cars.

Ex 3.5.44b. Restaurant or Cafeteria, Without Drive-In or Drive-Through Service — An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises.

Ex 3.5.44c. Restaurant, With Drive-In Service — An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Ex 3.5.44d. Restaurant, With Drive-Through Service — An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.

Ex 3.5.45. Retail Stores and Shops — Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

Ex 3.5.46. Second Hand Store, Furniture or Clothing — An establishment offering for sale used contemporary merchandise, with the storage and display of such items wholly contained inside a building or structure.

Ex 3.5.47. Service, Retail — An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods with the storage and display of such goods wholly contained inside a building or structure. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

Ex 3.5.48a. Sexually Oriented Business – An Adult Entertainment Establishment (See Sec. Ex 3.5.1a)

Ex 3.5.48b. 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. A site plan is to be submitted to and is to be approved by the planning and zoning commission and the city council on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various buildings, parking area, streets and type of zoning desired. The installation of all facilities, drainage structures paving of streets, parking areas, alleys, and installation of sidewalks shall be in accordance with City specifications for each type of improvement.

Ex 3.5.49. Theater (Outdoor) — An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

Ex 3.5.50. Trailer, Manufactured Housing, or Mobile Home Display and Sales — The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Ex 3.5.51. Trailer Rental — The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

Ex 3.5.52. Washateria — A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self-Service.)

Ex 3.6. Manufacturing, Storage, and Warehousing Uses

Ex 3.6.1. Bottling Works — A manufacturing facility designed to place a product into a bottle for distribution.

Ex 3.6.2. Cleaning and Dyeing; Dry Cleaning Plant — An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop, Section Ex 3.5.11.)

Ex 3.6.3. General Commercial Plant — An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

Ex 3.6.4. General Manufacturing — Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

Ex 3.6.5. 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.

Ex 3.6.6. Junk or Salvage Yard — A lot or area 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. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand; Automobile Wrecking Yard or Junk Yard.)

Ex 3.6.7. Light Manufacturing — Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Ex 3.6.8. Salvage Yard — See “Junk or Salvage Yard”.

Ex 3.6.9. 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.

Ex 3.6.10. Storage or Wholesale Warehouse, Light — A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

Ex 3.6.11. Storage or Wholesale Warehouse, Heavy — A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

Ex 3.7. Accessory Uses

Ex 3.7.1. Accessory Building or Use — An accessory building or use is one which: (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 is not physically connected to the principal building; (if connected to the principal building, a structure becomes part of the principal building); 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.

Ex 3.7.2. Carport — A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed twenty-four (24) feet on its longest dimension.

Ex 3.7.3. Construction Yard (Temporary) — 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. (Also see Section 24.2.)

Ex 3.7.4. Field or Sales Office (Temporary) — 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 eighteen (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 section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard. (Also see Section Ex 3.7.3 above.)

Ex 3.7.5. Customary Home Occupation — An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

a) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.

b) 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.

c) 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 twenty-five percent (25%) of the total of the floor area of the residential dwelling.

d) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.

e) 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.

f) 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.

g) 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.

h) 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.

i) 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.

j) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

Ex 3.7.6. Garage, Private — 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.

Item No. 6.g.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact:

AGENDA ITEM:
Approve a Resolution regarding The Woods at Lindsey Place, Preliminary Plat.
(Director of Development Services Ross Altobelli)

SUMMARY:
It is recommended that the City Council approve a resolution regarding The Woods at Lindsey Place, Preliminary Plat.

David Booth, DR Horton-Texas, Ltd., has submitted an application for approval of a preliminary plat for The Woods at Lindsey Place. This is a multi-use development consisting of residential, multifamily, & commercial land uses located on 275± acres located at the northwest and southwest corners of future Rosemond Parkway and future Ferguson Parkway. Zoned PD-MU.

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Anna – Great Place to Live

Goal 3: Sustainable Anna Community Through Planned Managed Growth

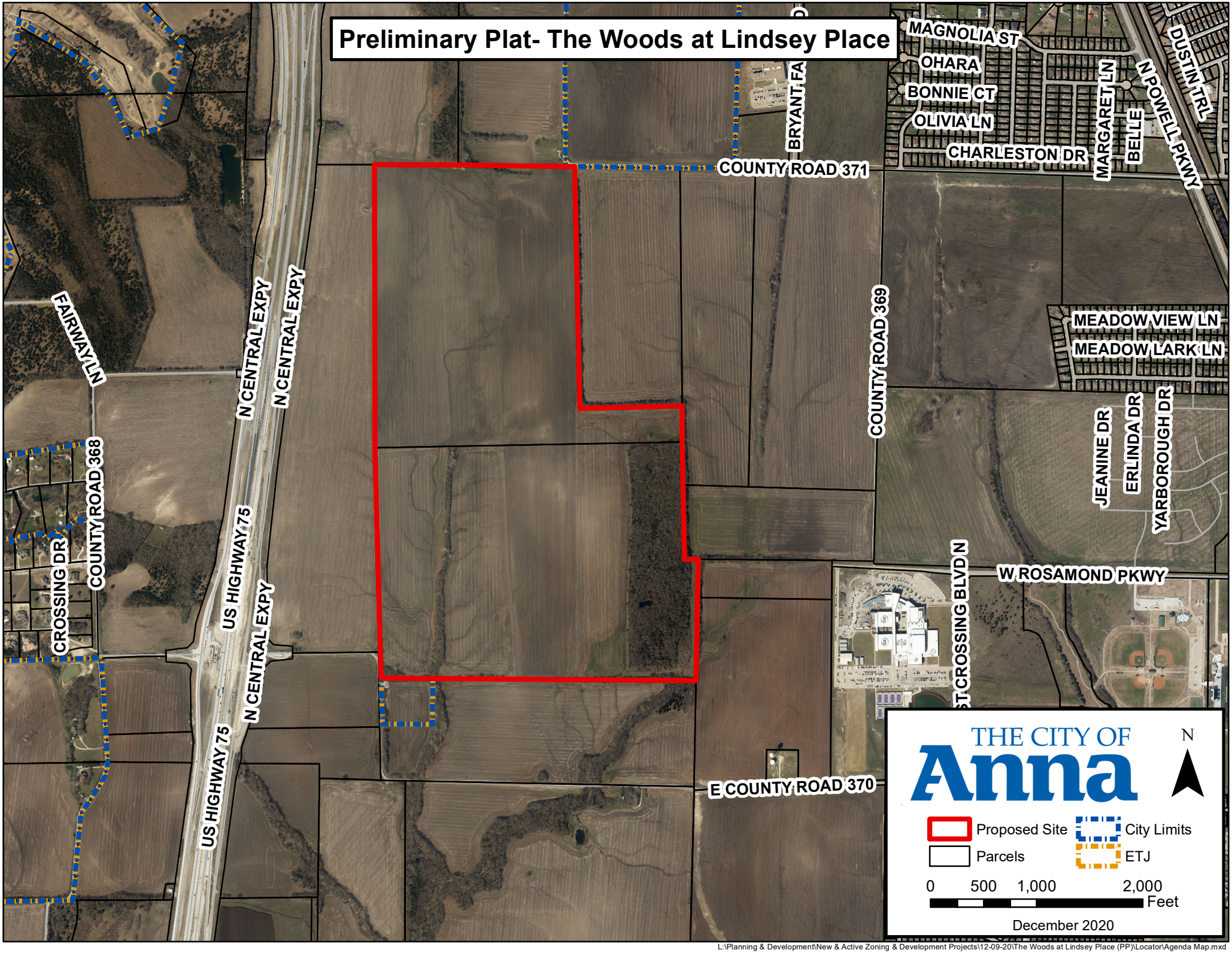
STAFF RECOMMENDATION:
Staff recommends approval of this item.

ATTACHMENTS:
1. Agenda Map

2. RESOLUTION (PP) The Woods at Lindsey Place
3. EXHIBIT A (PP) The Woods at Lindsey Place

APPROVALS:

Lauren Mecke, Planner II	Created/Initiated - 1/20/2021
Ross Altobelli, Director of Development Services	Approved - 1/20/2021
Jim Proce, City Manager	Final Approval - 1/22/2021



L:\Planning & Development\New & Active Zoning & Development Projects\12-09-20\The Woods at Lindsey Place (PP)\Locator\Agenda Map.mxd

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT FOR THE WOODS AT LINDSEY PLACE,

WHEREAS, In order to provide for the orderly development of land within the Anna city limits and extraterritorial jurisdiction, the City Council of the City of Anna, Texas (the "City Council") has adopted Article 9.04 the Anna City Code of Ordinances ("Zoning Ordinance"); and

WHEREAS, David Booth, DR Horton-Texas, Ltd. has submitted an application for approval of a preliminary plat for The Woods at Lindsey Place;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated.

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Approval of Site Plan

The City Council hereby approves the preliminary plat for The Woods at Lindsey Place attached hereto as Exhibit A.

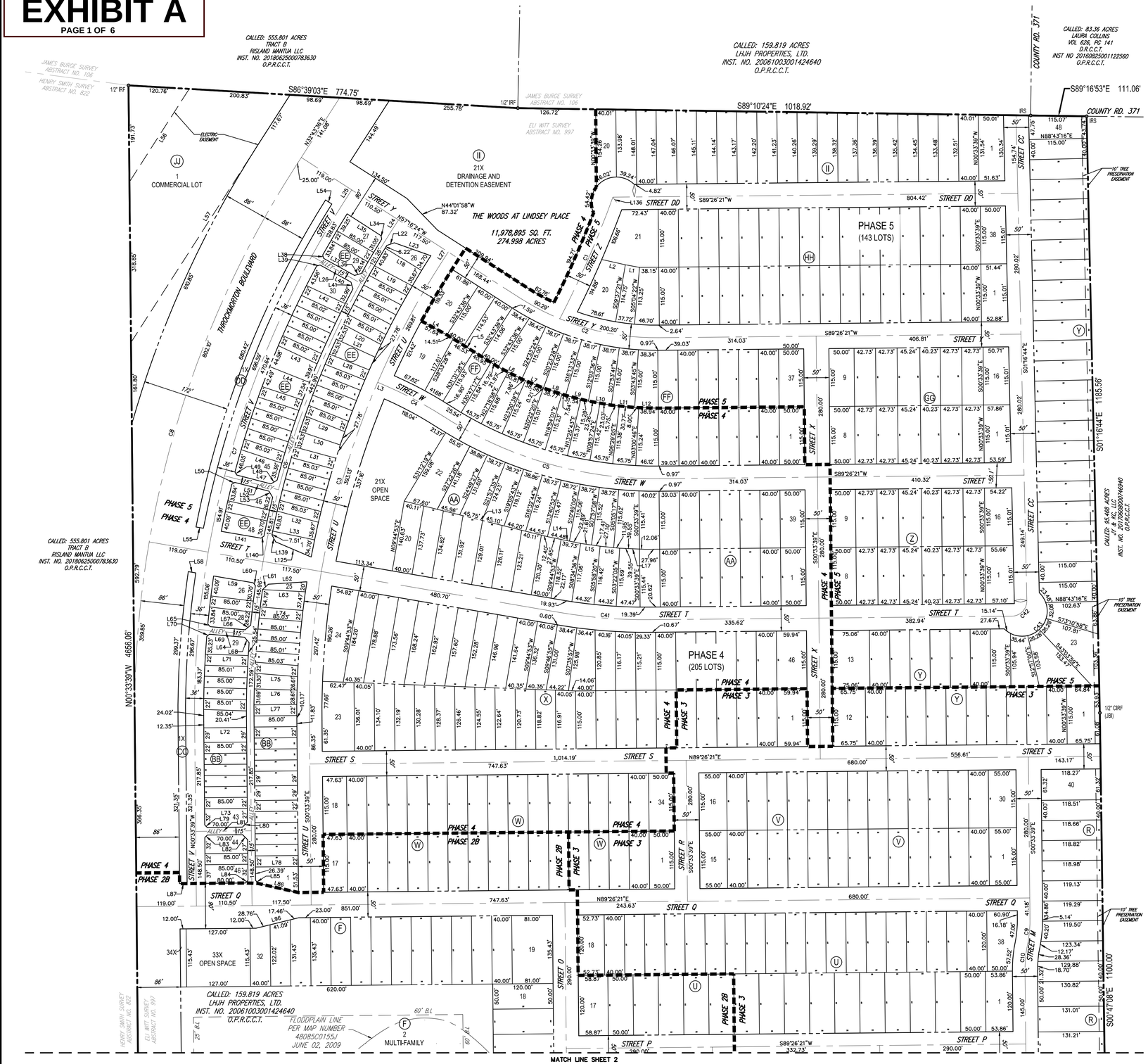
PASSED AND APPROVED by the City Council of the City of Anna, Texas, on this 26h day of January 2021.

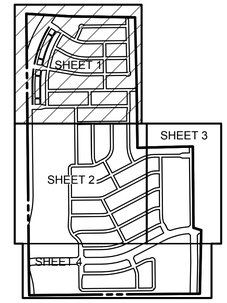
ATTEST: APPROVED:

_____ _____

City Secretary, Carrie L. Land Mayor, Nate Pike

EXHIBIT A





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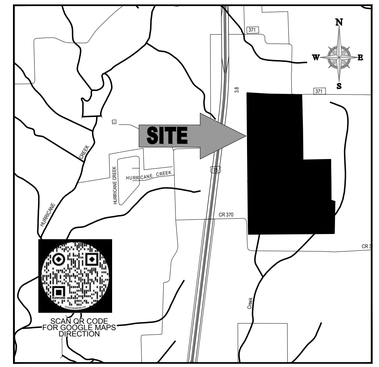

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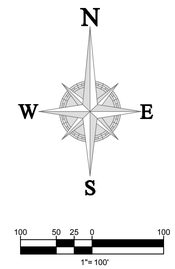

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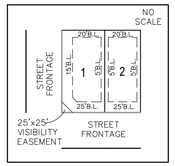

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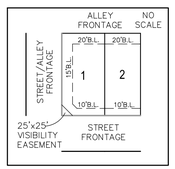

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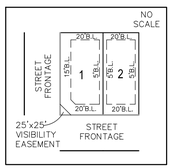

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APPROVED
December 7, 2020
P&Z COMMISSION
CITY OF ANNA

APPROVED
JANUARY 26, 2021
CITY COUNCIL
CITY OF ANNA

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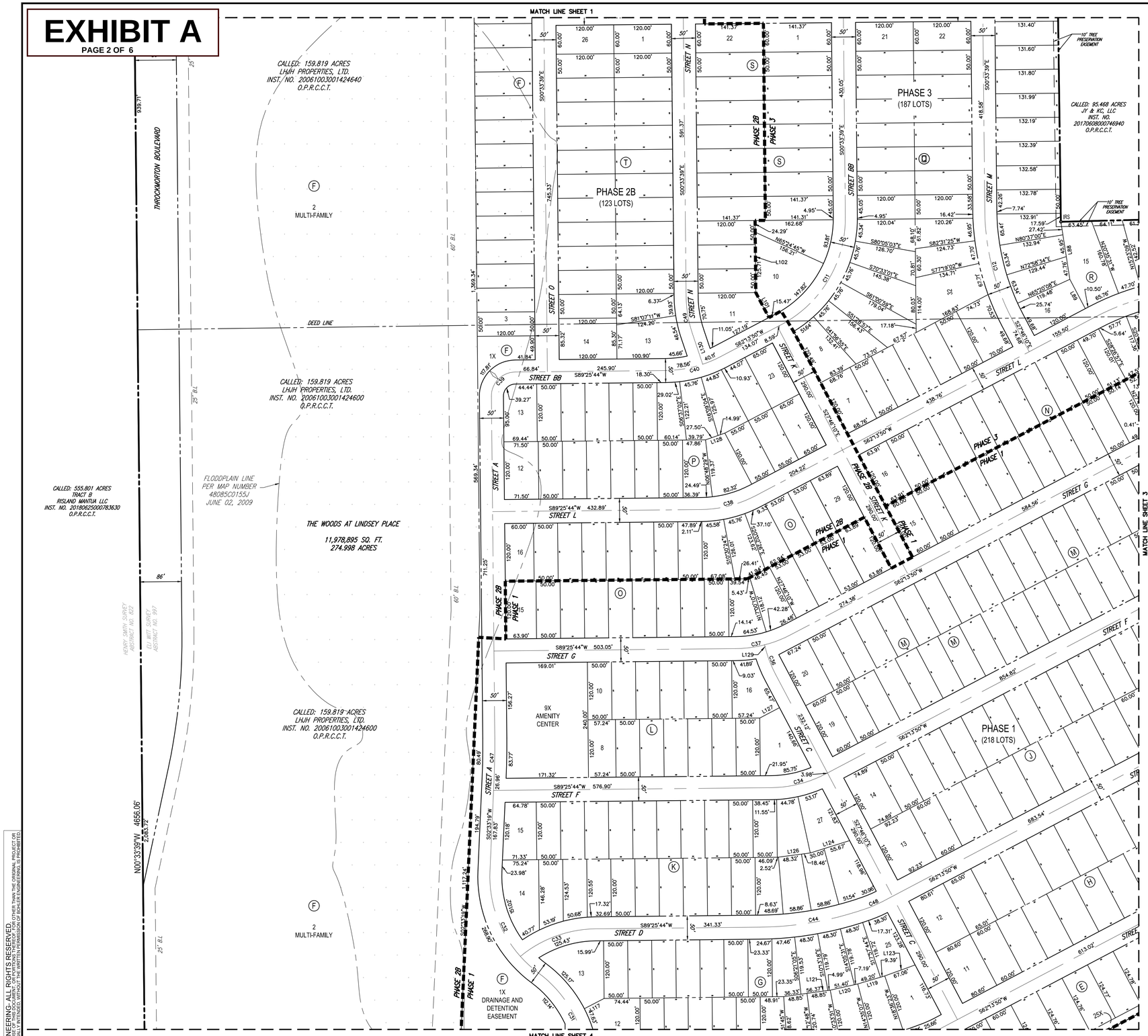

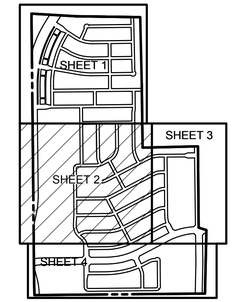

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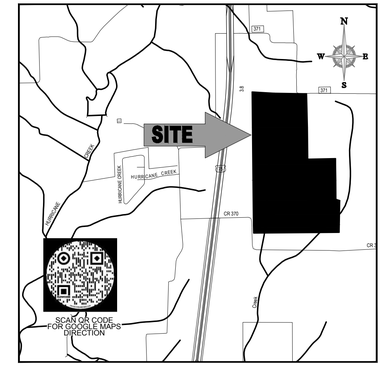

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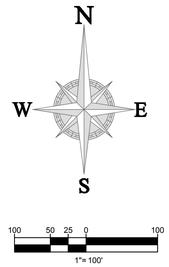

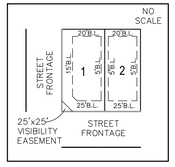

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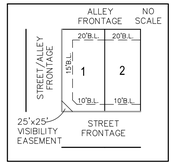

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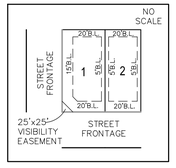

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APPROVED
December 7, 2020
P&Z COMMISSION
CITY OF ANNA

APPROVED
JANUARY 26, 2021
CITY COUNCIL
CITY OF ANNA

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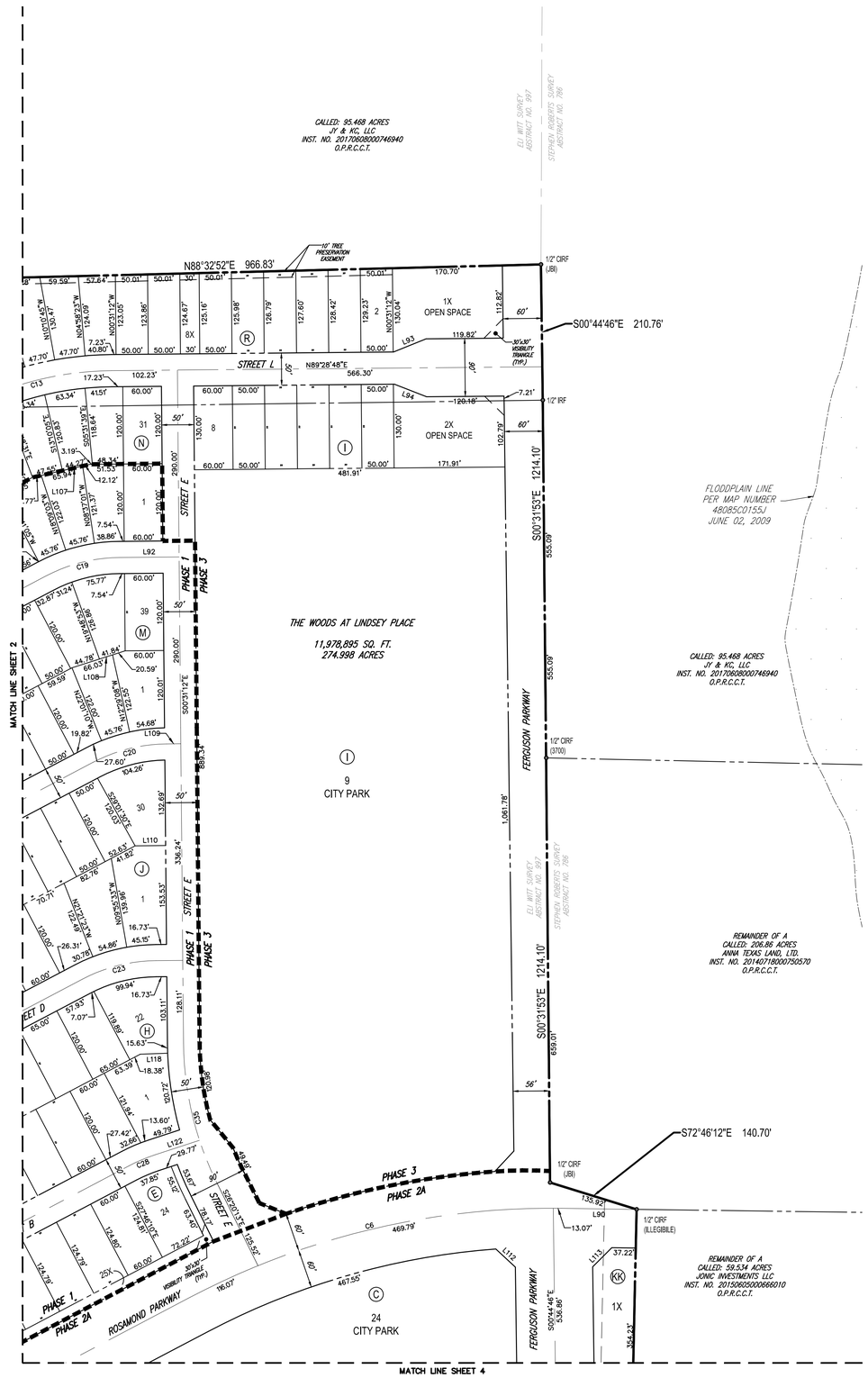
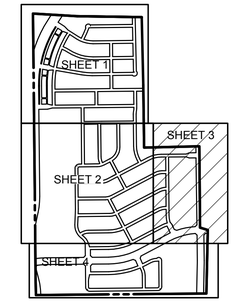
EXHIBIT A

PAGE 3 OF 6



STREET NAME TABLE	
NAME ON PLAT	ACTUAL NAME
STREET A	Harlow Blvd
STREET B	Hampton Street
STREET C	Piper Rose Street
STREET D	Stinnet Street
STREET E	Mossy Lake Ln
STREET F	Sue Ellen Street
STREET G	Willie Ray Street
STREET H	Eugene Street
STREET I	Ruby Jewel Lane
STREET J	Judith Ann Street
STREET K	Russell Street
STREET L	Tacoma Way
STREET M	Mantua Farm Blvd.
STREET N	Katharine Street
STREET O	Hunter Lane
STREET P	Foggy Woods Ln
STREET Q	Chloe Lane
STREET R	Ravenwood Way
STREET S	Crockett Way
STREET T	Redbud Lane
STREET U	Gemma Ann Street
STREET V	Caddo Crossing Ln
STREET W	Boone Drive
STREET X	Piney Woods Way
STREET Y	Winding Woods Trl
STREET Z	Shadowood Dr
STREET AA	Sable Trace Lane
STREET BB	Ozark Hills Lane
STREET CC	Cottagecore Ln
STREET DD	Balsam Street



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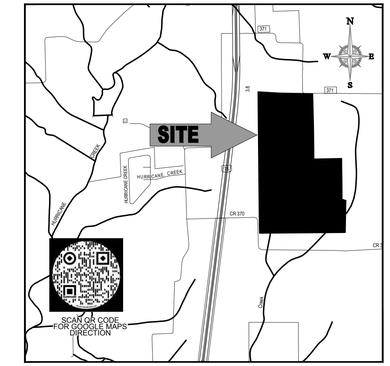

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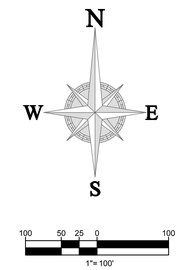

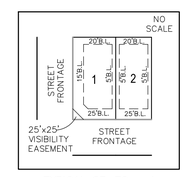

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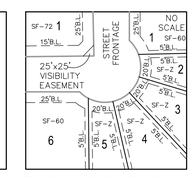

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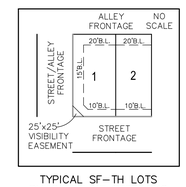

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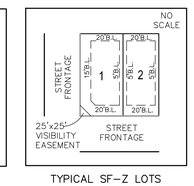

TYPICAL SF-Z LOTS BUILDING LINE SETBACKS (EXCEPT AS SHOWN OTHERWISE)

LEGEND

IRF	IRON ROD FOUND
IRS	CAPPED IRON ROD SET "PROP. COR. BOHLER"
CIRF	CAPPED IRON ROD FOUND STAMPED "_____"
CMON	TXDOT CONCRETE MONUMENT FOUND
RC	RED CAP
YC	YELLOW CAP
OC	ORANGE CAP
BC	BLUE CAP
VOL.	VOLUME
B.L.	BUILDING LINE
(A)	DESIGNATES SUBDIVISION BLOCK
L.B.	LANDSCAPE BUFFER
PG.	PAGE
SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
◊	DENOTES STREET NAME CHANGE

PRELIMINARY PLAT

THE WOODS AT LINDSEY PLACE

105–STANDARD PD(SF–72)LOTS
388–STANDARD PD(SF–60)LOTS
367–STANDARD PD(SF–Z)LOTS
91–STANDARD PD(SF–TH)LOTS
2–COMMERCIAL(C–2)LOTS
1–MULTI–FAMILY(MF–2)LOT
15–HOA LOTS
BLOCKS A–KK

274.998 ACRES OUT OF THE
ELI WITT SURVEY, ABSTRACT NO. 997

CITY OF ANNA, COLLIN COUNTY, TEXAS

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FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
TSD202021	12/03/20	ASA	BL	BL	1" = 100'	3 OF 6

DEVELOPER:
DR HORTON- DFW EAST DIVISION
4306 MILLER ROAD
ROWLETT, TX 75088
PHONE:(214) 607-4244
CONTACT: DAVID BOOTH

OWNER:
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SURVEYOR:
BOHLER ENGINEERING
6017 MAIN ST.
FRISCO, TX 75034
PHONE:(469)458-7300
CONATCT: BILLY M LOGSDON, JR

APPROVED
December 7, 2020
P&Z COMMISSION
CITY OF ANNA

APPROVED
JANUARY 26, 2021
CITY COUNCIL
CITY OF ANNA

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EXHIBIT A

PAGE 4 OF 6

CURVE TABLE						
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	263.70'	007°33'16"	2000.00'	132.04'	N23°35'16"E	263.51'
C2	290.49'	033°17'15"	500.00'	149.47'	S73°55'01"E	286.42'
C4	127.32'	009°21'08"	780.00'	63.80'	N61°56'58"W	127.17'
C5	453.16'	033°17'15"	780.00'	233.18'	S73°55'01"E	446.82'
C6	598.92'	028°35'47"	1200.00'	305.84'	S76°32'08"W	592.73'
C8	1161.95'	033°17'15"	2000.00'	597.89'	S16°04'59"W	1145.68'
C9	52.29'	011°59'02"	250.00'	26.24'	N05°25'52"E	52.19'
C10	52.29'	011°59'02"	250.00'	26.24'	S05°25'52"W	52.19'
C12	237.44'	027°12'31"	500.00'	121.00'	S14°09'54"E	235.21'
C13	237.80'	027°14'58"	500.00'	121.19'	S75°51'19"W	235.56'
C14	569.50'	027°11'29"	1200.00'	290.22'	N75°49'59"E	564.17'
C15	187.92'	008°58'21"	1200.00'	94.15'	S84°56'33"W	187.73'
C16	301.30'	013°25'27"	1286.00'	151.35'	N07°47'46"W	300.62'
C17	70.95'	016°15'37"	250.00'	35.71'	N07°33'32"E	70.71'
C18	70.95'	016°15'37"	250.00'	35.71'	S07°33'32"W	70.71'
C19	118.90'	027°14'58"	250.00'	60.60'	S75°51'19"W	117.78'
C20	118.90'	027°14'58"	250.00'	60.60'	S75°51'19"W	117.78'
C21	78.54'	090°00'00"	50.00'	50.00'	S45°34'16"E	70.71'
C22	78.50'	089°56'55"	50.00'	49.96'	N44°27'16"E	70.68'
C23	118.90'	027°14'58"	250.00'	60.60'	S75°51'19"W	117.78'
C24	47.91'	090°00'00"	30.50'	30.50'	N45°31'12"W	43.13'
C25	118.87'	027°14'34"	250.00'	60.58'	S75°51'31"W	117.75'
C26	673.90'	027°11'29"	1420.00'	343.42'	N75°49'59"E	667.60'

CURVE TABLE						
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C27	102.14'	023°24'31"	250.00'	51.79'	N12°13'27"W	101.43'
C28	42.06'	009°38'21"	250.00'	21.08'	S67°03'01"W	42.01'
C29	41.59'	001°59'08"	1200.00'	20.79'	N00°14'48"E	41.58'
C30	59.12'	002°49'22"	1200.00'	29.57'	S00°10'19"E	59.12'
C31	230.81'	052°53'53"	250.00'	124.37'	N27°01'13"W	222.70'
C32	244.45'	056°01'29"	250.00'	133.00'	S25°27'25"E	234.83'
C33	170.26'	039°01'16"	250.00'	88.58'	S69°55'06"W	166.99'
C34	118.67'	027°11'53"	250.00'	60.48'	N75°49'47"E	117.56'
C35	237.80'	027°14'58"	500.00'	121.19'	S14°08'41"E	235.56'
C36	58.30'	013°21'43"	250.00'	29.28'	S21°05'18"E	58.17'
C37	92.94'	021°17'58"	250.00'	47.01'	N78°46'45"E	92.40'
C38	118.67'	027°11'53"	250.00'	60.48'	N75°49'47"E	117.56'
C39	78.54'	090°00'00"	50.00'	50.00'	S44°25'44"W	70.71'
C40	118.67'	027°11'54"	250.00'	60.48'	N75°49'47"E	117.56'
C41	179.93'	010°18'32"	1000.00'	90.21'	S85°24'23"E	179.68'
C42	48.29'	090°43'05"	30.50'	30.88'	S44°04'49"W	43.40'
C43	158.71'	181°51'51"	50.00'	3073.28'	S44°04'49"W	99.99'
C44	226.14'	018°46'41"	690.00'	114.09'	N80°02'23"E	225.13'
C45	353.43'	020°39'48"	980.00'	178.66'	N79°05'49"E	351.52'
C46	28.51'	006°32'05"	250.00'	14.27'	N65°29'53"E	28.50'
C47	81.85'	003°07'36"	1500.00'	40.94'	N00°59'31"E	81.84'
C48	36.74'	008°25'12"	250.00'	18.40'	N66°26'27"E	36.71'
C49	78.61'	018°00'58"	250.00'	39.63'	S09°34'08"E	78.29'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S79°39'43"E	28.70'
L2	S77°21'42"E	47.96'
L3	N66°37'31"W	19.99'
L4	N61°28'22"W	57.64'
L5	S57°56'42"E	120.01'
L6	S62°48'19"E	52.79'
L7	S67°31'34"E	46.52'
L8	S71°41'30"E	46.52'
L9	S75°51'26"E	46.52'
L10	S80°01'22"E	46.52'
L11	S84°11'17"E	46.52'
L12	S88°22'18"E	46.94'
L13	N76°05'57"W	293.14'
L14	N78°24'36"W	67.38'
L15	N81°47'37"W	39.01'
L16	N84°14'41"W	39.05'
L17	N87°33'25"W	51.61'
L18	N58°27'30"W	85.00'
L19	S61°55'50"E	85.06'
L20	S61°55'50"E	85.06'
L21	N65°07'59"W	85.00'

LINE TABLE		
NO.	BEARING	LENGTH
L22	N70°42'28"E	15.97'
L23	S70°31'51"E	76.96'
L24	S32°43'36"W	25.00'
L25	S32°43'36"W	25.00'
L26	N61°11'51"W	110.50'
L27	N32°43'36"E	25.00'
L28	N68°20'09"W	85.06'
L29	N68°20'09"W	85.06'
L30	N71°32'18"W	85.00'
L31	N74°44'27"W	85.06'
L32	N74°44'27"W	85.06'
L33	N78°12'47"W	85.00'
L34	S12°38'07"E	7.12'
L35	N57°16'24"W	80.00'
L36	N73°45'27"E	14.13'
L37	N61°11'51"W	70.00'
L38	S16°02'36"E	7.05'
L39	N73°38'55"E	7.05'
L40	N61°11'51"W	69.96'
L41	S16°31'08"E	14.16'
L42	N64°57'06"W	85.06'

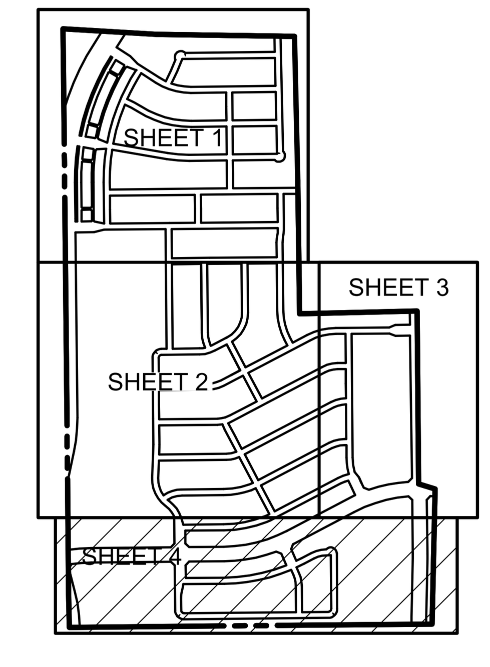
LINE TABLE		
NO.	BEARING	LENGTH
L43	N64°57'06"W	85.06'
L44	N68°21'55"W	85.00'
L45	N71°42'08"W	85.06'
L46	N71°42'08"W	85.06'
L47	N75°31'59"W	70.00'
L48	S59°40'04"W	14.19'
L49	S30°22'45"E	7.05'
L50	S59°18'47"W	7.05'
L51	N75°31'59"W	70.00'
L52	N75°31'59"W	110.50'
L53	S30°44'03"E	14.19'
L54	N57°16'24"W	15.11'
L55	N80°15'07"W	15.00'
L56	S32°43'36"W	219.52'
L57	S32°43'36"W	584.57'
L58	N80°15'07"W	15.00'
L59	N80°15'07"W	80.02'
L60	S36°00'58"E	7.17'
L61	S47°18'05"W	15.84'
L62	S86°26'57"W	76.72'
L63	S87°06'49"E	85.35'

LINE TABLE		
NO.	BEARING	LENGTH
L64	N84°58'14"W	110.65'
L65	N39°49'00"W	7.05'
L66	N84°58'14"W	70.00'
L67	S50°13'49"W	14.19'
L68	S40°10'17"E	14.19'
L69	N84°58'14"W	70.00'
L70	S49°52'32"W	7.05'
L71	S88°07'49"E	85.04'
L72	N89°26'21"E	85.00'
L73	N89°26'21"E	85.00'
L74	N85°19'21"W	85.06'
L75	N85°19'21"W	85.06'
L76	N88°29'06"W	85.00'
L77	S89°26'21"W	85.01'
L78	S89°26'21"W	85.00'
L79	S45°33'39"E	7.07'
L80	N44°26'21"E	14.14'
L81	N89°26'21"E	110.50'
L82	S45°33'39"E	14.14'
L83	N44°26'21"E	7.07'
L84	S44°26'21"W	7.07'

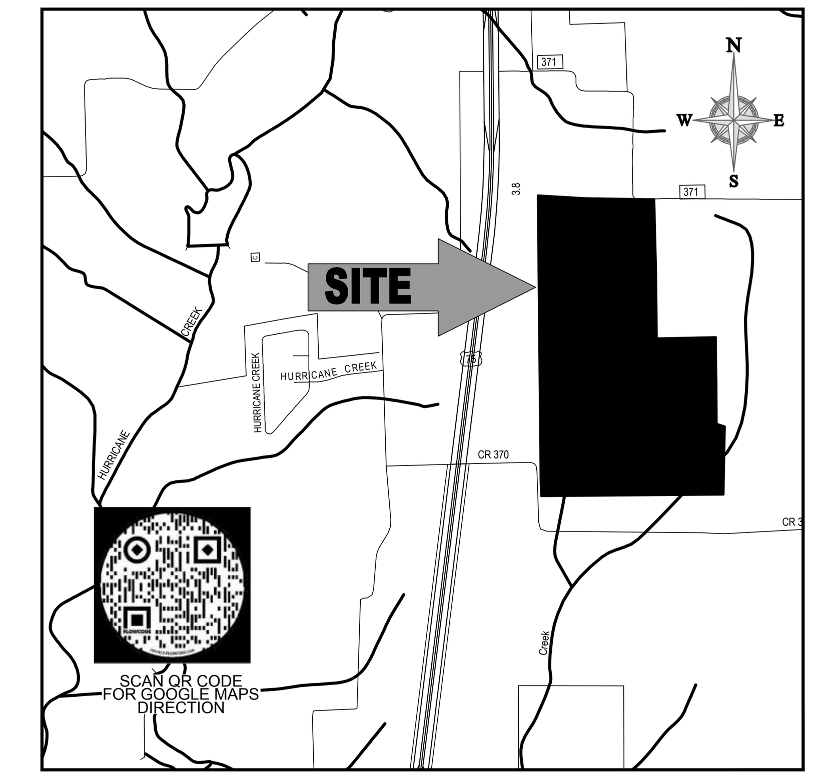
LINE TABLE		
NO.	BEARING	LENGTH
L85	S38°56'26"E	8.05'
L86	S77°19'13"E	82.18'
L87	N89°26'21"E	15.00'
L88	S08°50'11"E	121.12'
L89	N27°46'10"W	68.94'
L90	S89°09'59"E	116.26'
L91	N33°01'55"E	40.50'
L92	N89°28'48"E	92.54'
L93	N67°55'18"E	54.43'
L94	S68°40'46"E	53.76'
L95	N14°30'30"W	193.98'
L96	S76°11'55"W	87.32'
L97	N45°34'16"W	42.43'
L98	N44°25'44"E	42.43'
L99	N00°34'16"W	100.00'
L100	S89°28'48"W	28.39'
L101	S27°46'10"E	58.73'
L102	N00°33'39"W	150.00'
L103	N62°14'14"E	89.69'
L105	N67°33'51"W	43.42'
L106	N19°41'32"E	43.44'

LINE TABLE		
NO.	BEARING	LENGTH
L107	N77°11'07"E	91.82'
L108	N72°16'22"E	86.62'
L109	N89°28'48"E	22.25'
L110	N89°28'48"E	47.37'
L112	N47°07'40"W	41.39'
L113	N45°02'38"E	41.84'
L114	N44°25'44"E	42.43'
L115	S45°34'16"E	42.43'
L116	N17°28'02"W	57.40'
L117	S62°36'32"W	46.37'
L118	N87°46'26"E	42.44'
L119	N73°24'15"E	58.59'
L120	N77°25'31"E	58.59'
L121	N81°58'44"E	97.70'
L122	S71°52'12"W	74.19'
L123	N70°06'09"E	67.06'
L124	N72°32'12"E	85.67'
L125	S66°57'10"E	76.72'
L126	N82°35'04"E	69.29'
L127	N62°13'50"E	46.49'
L128	N70°50'47"E	42.49'

LINE TABLE		
NO.	BEARING	LENGTH
L129	S14°24'27"E	7.07'
L130	S18°34'37"E	67.65'
L136	S35°19'32"E	12.17'
L139	S27°48'18"E	15.84'
L140	S55°30'45"W	7.17'
L141	N80°15'07"W	80.02'



SHEET LAYOUT



LOCATION MAP

SCALE: N.T.S.

1" = 100'

PRELIMINARY PLAT

THE WOODS AT LINDSEY PLACE

105–STANDARD PD(SF–72)LOTS
388–STANDARD PD(SF–60)LOTS
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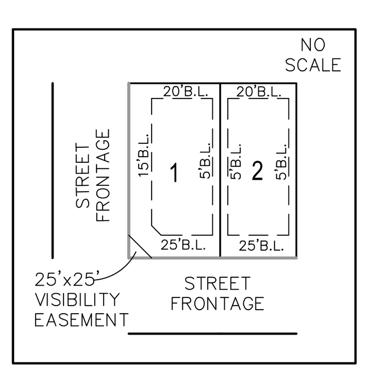
15–HOA LOTS
BLOCKS A–KK

274.998 ACRES OUT OF THE
ELI WITT SURVEY, ABSTRACT NO. 997

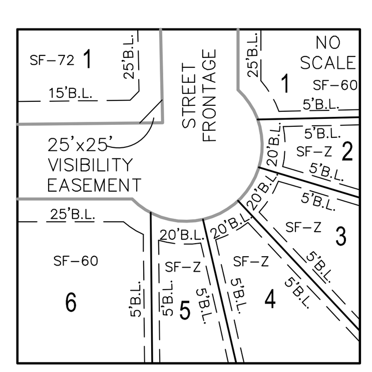
CITY OF ANNA, COLLIN COUNTY, TEXAS

GENERAL NOTES:

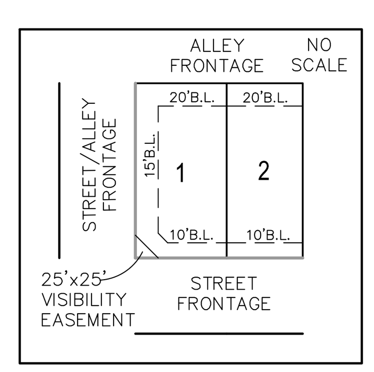
1. All corners are one-half inch iron rods with yellow cap stamp "Bohler Eng." unless otherwise noted.
2. NOTICE: Selling a portion of this addition by metes and bounds is a violation of the City Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.
3. The basis of bearing is derived from the Texas WDS RTK Cooperative Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.
4. According to Community Panel No. 48085C0155J dated JUNE 02, 2009 of the Federal Emergency Management Agency, National Flood Insurance Program Map, a portion of this property is within Flood Zone "X", (areas determined to be outside 500-year floodplain), which is not a special flood hazard area and a portion of this property is within Flood Zone "A", (areas determined to be in the the 500-year floodplain, without base flood elevations), which is a special flood hazard area. The portion of this site that is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.
5. All street and alley intersections will require visibility easements. At the intersection of two main street will be a minimum of 30'x30' and at the intersection of two minor streets will be a minimum of 25'x25'. Refer to detail for more information.
6. Where a 5' wall maintenance easement is required, they will be maintained by the HOA.
7. The HOA Lots are designated with the Lot number plus the letter "X", as shown hereon.
8. Drainage and Detention Easements are as follows:
   1. Lot 21X, Block II, as shown hereon.
   2. Lot 23X, Block C, as shown hereon.
   3. Lot 1X, Block F, as shown hereon.
9. See sheet 3 of 6 for Street Naming Table. See sheet 4 of 6 for Line and Curve Data tables. See sheet 5 of 6 for Lot Area Tables.



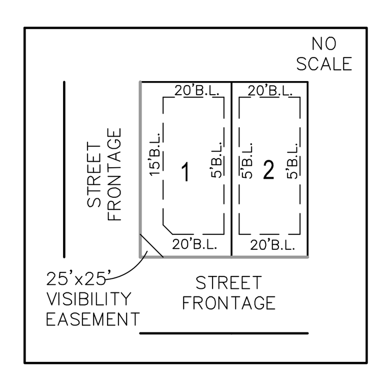
TYPICAL SF–72 and SF–60 LOTS
BUILDING LINE SETBACKS
(EXCEPT AS SHOWN OTHERWISE)



TYPICAL SF–72, SF–60 and SF–Z EYEBROW LOTS
BUILDING LINE SETBACKS
(EXCEPT AS SHOWN OTHERWISE)



TYPICAL SF–TH LOTS
BUILDING LINE SETBACKS
(EXCEPT AS SHOWN OTHERWISE)



TYPICAL SF–Z LOTS
BUILDING LINE SETBACKS
(EXCEPT AS SHOWN OTHERWISE)

LEGEND

IRF	IRON ROD FOUND
IRS	CAPPED IRON ROD SET "PROP. COR. BOHLER"
CIRF	CAPPED IRON ROD FOUND STAMPED "______"
CMON	TXDOT CONCRETE MONUMENT FOUND
RC	RED CAP
YC	YELLOW CAP
OC	ORANGE CAP
BC	BLUE CAP
VOL.	VOLUME
B.L	BUILDING LINE
(A)	DESIGNATES SUBDIVISION BLOCK
L.B.	LANDSCAPE BUFFER
PG.	PAGE
SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
◊	DENOTES STREET NAME CHANGE

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LAND SURVEYING PROGRAM MANAGEMENT LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES

FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
TSD202021	12/03/20	ASA	BL	BL	1" = 100'	4 OF 6

DEVELOPER:
DR HORTON -DFW EAST DIVISION
4306 MILLER ROAD
ROWLETT, TX 75088
PHONE:(214) 607-4244
CONTACT: DAVID BOOTH

OWNER:
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DALLAS, TX 75248
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CONTACT: RUSSELL HARLOW

SURVEYOR:
BOHLER ENGINEERING
6017 MAIN ST.
FRISCO, TX 75034
PHONE:(469)458-7300
CONATCT: BILLY M LOGSDON, JR

APPROVED
December 7, 2020
P&Z COMMISSION
CITY OF ANNA

APPROVED
JANUARY 26, 2021
CITY COUNCIL
CITY OF ANNA

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EXHIBIT A

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
A–1	10,290	0.236
A–2	7,200	0.165
A–3	7,200	0.165
A–4	7,200	0.165
A–5	7,200	0.165
A–6	7,206	0.165
A–7	7,586	0.174
A–8	7,744	0.178
A–9	7,897	0.181
A–10	8,065	0.185
A–11	8,405	0.193
A–12	8,920	0.205
A–13	9,617	0.221
A–14	19,789	0.454
A–15	11,370	0.261
A–16	9,318	0.214
A–17	8,933	0.205
A–18	8,548	0.196
A–19	8,163	0.187
A–20	7,778	0.179
A–21	7,393	0.170
A–22	7,200	0.165
A–23	7,200	0.165
A–24	7,200	0.165
A–25	7,200	0.165
A–26	7,200	0.165
A–27	7,200	0.165
A–28	7,200	0.165
A–29	11,113	0.255
AA–1	5,750	0.132
AA–2	4,600	0.106
AA–3	4,600	0.106
AA–4	4,600	0.106
AA–5	4,600	0.106
AA–6	4,600	0.106
AA–7	4,600	0.106
AA–8	4,603	0.106
AA–9	5,033	0.116
AA–10	4,843	0.111
AA–11	4,870	0.112
AA–12	4,820	0.111
AA–13	4,769	0.109
AA–14	4,870	0.112
AA–15	4,986	0.114
AA–16	5,102	0.117
AA–17	5,219	0.120
AA–18	5,335	0.122
AA–19	5,451	0.125
AA–20	5,567	0.128
AA–21X	37,385	0.858
AA–22	9,006	0.207
AA–23	5,706	0.131
AA–24	5,355	0.123
AA–25	5,073	0.116
AA–26	4,873	0.112
AA–27	4,814	0.111
AA–28	4,787	0.110
AA–29	4,803	0.110
AA–30	4,811	0.110
AA–31	5,289	0.121
AA–32	4,610	0.106
AA–33	4,600	0.106
AA–34	4,600	0.106
AA–35	4,600	0.106
AA–36	4,600	0.106
AA–37	4,600	0.106
AA–38	4,600	0.106
AA–39	5,750	0.132
B–1	8,419	0.193
B–2	7,200	0.165
B–3	7,200	0.165
B–4	7,223	0.166
B–5	9,291	0.213
B–6	12,184	0.280
B–7	12,251	0.281
B–8	7,200	0.165
B–9	7,200	0.165
B–10	7,200	0.165
B–11	7,200	0.165
B–12	7,200	0.165
B–13	8,273	0.190
BB–1	3,517	0.081
BB–2	1,870	0.043
BB–3	1,870	0.043
BB–4	1,870	0.043

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
BB–5	1,870	0.043
BB–6	1,870	0.043
BB–7	1,870	0.043
BB–8	2,465	0.057
BB–9	2,465	0.057
BB–10	1,870	0.043
BB–11	1,870	0.043
BB–12	1,870	0.043
BB–13	1,870	0.043
BB–14	1,870	0.043
BB–15	1,870	0.043
BB–16	2,563	0.059
BB–17	2,461	0.056
BB–18	1,871	0.043
BB–19	1,870	0.043
BB–20	1,870	0.043
BB–21	1,870	0.043
BB–22	1,870	0.043
BB–23	1,871	0.043
BB–24	3,071	0.071
BB–25	1,233	0.028
BB–26	3,209	0.074
BB–27	1,870	0.043
BB–28	3,128	0.072
BB–29	3,158	0.072
BB–30	1,871	0.043
BB–31	1,870	0.043
BB–32	1,870	0.043
BB–33	1,870	0.043
BB–34	1,871	0.043
BB–35	2,938	0.067
BB–36	2,465	0.057
BB–37	1,870	0.043
BB–38	1,870	0.043
BB–39	1,870	0.043
BB–40	1,870	0.043
BB–41	1,870	0.043
BB–42	1,870	0.043
BB–43	3,082	0.071
BB–44	3,083	0.071
BB–45	1,870	0.043
BB–46	3,132	0.072
C–1	7,670	0.176
C–2	7,200	0.165
C–3	8,230	0.189
C–4	9,574	0.220
C–5	10,722	0.246
C–6	15,453	0.355
C–7	12,119	0.278
C–8	7,200	0.165
C–9	7,200	0.165
C–10	7,200	0.165
C–11	7,200	0.165
C–12	7,200	0.165
C–13	7,200	0.165
C–14	7,200	0.165
C–15	7,232	0.166
C–16	7,330	0.168
C–17	7,231	0.166
C–18	7,231	0.166
C–19	7,231	0.166
C–20	7,231	0.166
C–21X	341,229	7.834
C–22	150,896	3.464
C–23X	163,553	3.755
C–24	328,546	7.542
C–25X	5,626	0.129
C–26X	1,101	0.025
CC–1X	9,291	0.213
D–14X	1,101	0.025
D–15X	11,159	0.256
D–16X	1,100	0.025
D–32	7,423	0.170
D–33	7,423	0.170
D–34	7,423	0.170
D–35	7,619	0.175
D–36	7,188	0.165
D–37	7,200	0.165
D–38	7,200	0.165
D–39	7,200	0.165
D–40	7,200	0.165
D–41	7,202	0.165
D–46	7,423	0.170
D–47	7,423	0.170
D–48	7,615	0.175

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
E–2	6,000	0.138
E–3	6,000	0.138
E–4	6,000	0.138
E–5	6,000	0.138
E–6	6,156	0.141
E–7	6,203	0.142
E–8	6,203	0.142
E–9	7,443	0.171
E–10	7,443	0.171
E–11	7,443	0.171
E–12	7,511	0.172
E–13	7,476	0.172
E–14	7,842	0.180
E–15	7,485	0.172
E–16	7,485	0.172
E–17	7,486	0.172
E–18	7,486	0.172
E–19	7,487	0.172
E–20	7,487	0.172
E–21	7,487	0.172
E–22	7,488	0.172
E–23	7,488	0.172
E–24	9,133	0.210
E–25X	29,710	0.682
EE–1	2,177	0.050
EE–2	3,251	0.075
EE–3	1,871	0.043
EE–4	1,870	0.043
EE–5	1,870	0.043
EE–6	1,870	0.043
EE–7	1,870	0.043
EE–8	1,871	0.043
EE–9	2,563	0.059
EE–10	2,563	0.059
EE–11	1,871	0.043
EE–12	1,870	0.043
EE–13	1,870	0.043
EE–14	1,870	0.043
EE–15	1,870	0.043
EE–16	1,871	0.043
EE–17	2,563	0.059
EE–18	2,563	0.059
EE–19	1,871	0.043
EE–20	1,870	0.043
EE–21	1,870	0.043
EE–22	1,870	0.043
EE–23	1,870	0.043
EE–24	1,871	0.043
EE–25	3,251	0.075
EE–26	2,123	0.049
EE–27	3,188	0.073
EE–28	1,870	0.043
EE–29	3,127	0.072
EE–30	3,828	0.088
EE–31	1,871	0.043
EE–32	1,870	0.043
EE–33	1,870	0.043
EE–34	1,870	0.043
EE–35	1,870	0.043
EE–36	1,871	0.043
EE–37	3,608	0.083
EE–38	3,401	0.078
EE–39	1,871	0.043
EE–40	1,870	0.043
EE–41	1,870	0.043
EE–42	1,870	0.043
EE–43	1,870	0.043
EE–44	1,871	0.043
EE–45	4,035	0.093
EE–46	3,128	0.072
EE–47	1,870	0.043
EE–48	3,209	0.074
F–1X	102,203	2.346
F–2	1,572,016	36.089
F–3	6,000	0.138
F–4	6,000	0.138
F–5	6,000	0.138
F–6	6,000	0.138
F–7	6,000	0.138
F–8	6,000	0.138
F–9	6,000	0.138
F–10	6,000	0.138
F–11	6,000	0.138
F–12	6,000	0.138
F–13	6,000	0.138

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
F–14	6,000	0.138
F–15	6,000	0.138
F–16	6,000	0.138
F–17	6,000	0.138
F–18	6,000	0.138
F–19	10,970	0.252
F–20	5,417	0.124
F–21	5,417	0.124
F–22	5,417	0.124
F–23	5,417	0.124
F–24	5,417	0.124
F–25	5,417	0.124
F–26	5,417	0.124
F–27	5,417	0.124
F–28	5,417	0.124
F–29	5,417	0.124
F–30	5,383	0.124
F–31	5,069	0.116
F–32	4,709	0.108
F–33X	14,660	0.337
F–34X	1,385	0.032
FF–1	5,750	0.132
FF–2	4,600	0.106
FF–3	4,600	0.106
FF–4	4,600	0.106
FF–5	4,600	0.106
FF–6	4,600	0.106
FF–7	4,600	0.106
FF–8	4,904	0.113
FF–9	4,871	0.112
FF–10	4,871	0.112
FF–11	4,871	0.112
FF–12	4,871	0.112
FF–13	4,873	0.112
FF–14	4,873	0.112
FF–15	4,876	0.112
FF–16	4,882	0.112
FF–17	4,834	0.111
FF–18	5,210	0.120
FF–19	8,429	0.194
FF–20	7,080	0.163
FF–21	4,591	0.105
FF–22	4,572	0.105
FF–23	4,571	0.105
FF–24	5,106	0.117
FF–25	4,857	0.111
FF–26	4,857	0.111
FF–27	4,857	0.112
FF–28	4,857	0.111
FF–29	4,857	0.111
FF–30	4,891	0.112
FF–31	4,600	0.106
FF–32	4,600	0.106
FF–33	4,600	0.106
FF–34	4,600	0.106
FF–35	4,600	0.106
FF–36	4,600	0.106
FF–37	5,750	0.132
G–1	9,135	0.210
G–2	7,558	0.173
G–3	7,558	0.173
G–4	6,311	0.145
G–5	6,277	0.144
G–6	6,254	0.144
G–7	6,000	0.138
G–8	6,000	0.138
G–9	6,000	0.138
G–10	6,000	0.138
G–11	6,000	0.138
G–12	11,612	0.267
G–13	11,488	0.264
G–14	6,000	0.138
G–15	6,000	0.138
G–16	6,000	0.138
G–17	6,000	0.138
G–18	6,000	0.138
G–19	6,000	0.138
G–20	6,003	0.138
G–21	6,452	0.148
G–22	6,245	0.143
G–23	6,262	0.144
G–24	6,263	0.144
G–25	7,953	0.183
GG–1	6,080	0.140
GG–2	4,914	0.113

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
GG–3	4,914	0.113
GG–4	4,627	0.106
GG–8	5,750	0.132
GG–9	5,750	0.132
GG–10	4,914	0.113
GG–11	4,914	0.113
GG–12	5,202	0.119
GG–13	4,627	0.106
GG–14	4,914	0.113
GG–15	4,914	0.113
GG–16	5,915	0.136
GG–20	4,914	0.113
GG–21	4,914	0.113
GG–22	5,202	0.119
H–1	10,256	0.235
H–2	7,221	0.166
H–3	7,200	0.165
H–4	7,200	0.165
H–5	7,200	0.165
H–6	7,200	0.165
H–7	7,200	0.165
H–8	7,200	0.165
H–9	7,200	0.165
H–10	7,200	0.165
H–11	9,672	0.222
H–12	9,672	0.222
H–13	7,802	0.179
H–14	7,800	0.179
H–15	7,800	0.179
H–16	7,800	0.179
H–17	7,800	0.179
H–18	7,800	0.179
H–19	7,800	0.179
H–20	7,800	0.179
H–21	7,800	0.179
H–22	10,501	0.241
HH–1	5,999	0.138
HH–2	4,602	0.106
HH–3	4,602	0.106
HH–4	4,600	0.106
HH–5	4,600	0.106
HH–6	4,600	0.106
HH–7	4,600	0.106
HH–8	4,600	0.106
HH–9	4,602	0.106
HH–10	4,602	0.106
HH–11	4,600	0.106
HH–12	4,600	0.106
HH–13	4,598	0.106
HH–14	4,598	0.106
HH–15	4,600	0.106
HH–16	4,600	0.106
HH–17	4,600	0.106
HH–18	5,004	0.115
HH–19	3,789	0.087
HH–20	7,203	0.165
HH–22	4,600	0.106
HH–23	4,600	0.106
HH–24	4,600	0.106
HH–25	4,600	0.106
HH–26	4,600	0.106
HH–27	4,600	0.106
HH–28	4,600	0.106
HH–29	4,598	0.106
HH–30	4,598	0.106
HH–31	4,600	0.106
HH–32	4,600	0.106
HH–33	4,600	0.106
HH–34	4,600	0.106
HH–35	4,600	0.106
HH–36	4,598	0.106
HH–37	4,598	0.106
HH–38	5,833	0.134
I–2X	19,393	0.445
I–3	6,500	0.149
I–4	6,500	0.149
I–5	6,500	0.149
I–6	6,500	0.149
I–7	6,500	0.149
I–8	7,800	0.179
I–9	534,813	12.278
II–1	6,653	0.153
II–2	5,281	0.121
II–3	5,320	0.122
II–4	5,359	0.123

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
II–5	5,397	0.124
II–6	5,436	0.125
II–7	5,475	0.126
II–8	5,514	0.127
II–9	5,552	0.127
II–10	5,591	0.128
II–11	5,630	0.129
II–12	5,669	0.130
II–13	5,707	0.131
II–14	5,746	0.132
II–15	5,785	0.133
II–16	5,824	0.134
II–17	5,862	0.135
II–18	5,901	0.135
II–19	5,578	0.128
II–20	5,609	0.129
II–21X	124,610	2.861
J–1	11,186	0.257
J–2	8,800	0.202
J–3	7,694	0.177
J–4	7,200	0.165
J–5	7,200	0.165
J–6	7,200	0.165
J–7	7,200	0.165
J–8	7,200	0.165
J–9	7,200	0.165
J–10	7,200	0.165
J–11	7,200	0.165
J–12	7,200	0.165
J–13	11,068	0.254
J–14	8,986	0.206
J–15	6,000	0.138
J–16	6,000	0.138
J–17	6,000	0.138
J–18	6,000	0.138
J–19	6,000	0.138
J–20	6,000	0.138
J–21	6,000	0.138
J–22	6,000	0.138
J–23	6,000	0.138
J–24	6,000	0.138
J–25	6,000	0.138
J–26	6,000	0.138
J–27	6,000	0.138
J–28	6,000	0.138
J–29	6,158	0.141
J–30	9,915	0.228
JJ–1	93,572	2.148
K–1	8,297	0.190
K–2	6,369	0.146
K–3	6,389	0.147
K–4	6,333	0.145
K–5	6,000	0.138
K–6	6,000	0.138
K–7	6,000	0.138
K–8	6,000	0.138
K–9	6,000	0.138
K–10	6,000	0.138
K–11	6,003	0.138
K–12	6,183	0.142
K–13	6,820	0.157
K–14	10,662	0.245
K–15	8,167	0.187
K–16	6,000	0.138
K–17	6,000	0.138
K–18	6,000	0.138
K–19	6,000	0.138
K–20	6,000	0.138
K–21	6,000	0.138
K–22	6,000	0.138
K–23	6,000	0.138
K–24	6,000	0.138
K–25	6,001	0.138
K–26	6,784	0.156
K–27	8,259	0.190
KK–1X	56,478	1.297
L–1	10,017	0.230
L–2	6,000	0.138
L–3	6,000	0.138
L–4	6,000	0.138
L–5	6,000	0.138
L–6	6,000	0.138
L–7	6,000	0.138
L–8	6,868	0.158
L–9X	40,628	0.933

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
L–10	6,000	0.138
L–11	6,000	0.138
L–12	6,000	0.138
L–13	6,000	0.138
L–14	6,000	0.138
L–15	6,000	0.138
L–16	8,985	0.206
M–1	8,242	0.189
M–2	6,778	0.156
M–3	6,439	0.148
M–4	6,000	0.138
M–5	6,000	0.138
M–6	6,000	0.138
M–7	6,000	0.138
M–8	6,000	0.138
M–9	6,000	0.138
M–10	6,000	0.138
M–11	6,000	0.138
M–12	6,000	0.138
M–13	6,000	0.138
M–14	6,000	0.138
M–15	6,000	0.138
M–16	6,000	0.138
M–17	6,000	0.138
M–18	6,000	0.138
M–19	7,200	0.165
M–20	8,069	0.185
M–21	6,000	0.138
M–22	6,000	0.138
M–23	6,000	0.138
M–24	6,000	0.138
M–25	6,000	0.138
M–26	6,000	0.138
M–27	6,000	0.138
M–28	6,000	0.138
M–29	6,000	0.138
M–30	6,000	0.138
M–31	6,000	0.138
M–32	6,000	0.138
M–33	6,000	0.138
M–34	6,000	0.138
M–35	6,000	0.138
M–36	6,000	0.138
M–37	6,865	0.158
M–38	7,773	0.178
M–39	7,200	0.165
N–1	7,200	0.165
N–2	6,644	0.153
N–3	6,741	0.155
N–4	6,789	0.156
N–5	6,006	0.138
N–6	6,000	0.138
N–7	6,000	0.138
N–8	6,000	0.138
N–9	6,000	0.138
N–10	6,000	0.138
N–11	6,000	0.138
N–12	6,000	0.138
N–13	6,000	0.138
N–14	6,000	0.138
N–15	7,200	0.165
N–16	7,669	0.176
N–17	6,000	0.138
N–18	6,000	0.138
N–19	6,000	0.138
N–20	6,000	0.138
N–21	6,000	0.138
N–22	6,000	0.138
N–23	6,000	0.138
N–24	6,000	0.138
N–25	6,000	0.138
N–26	6,050	0.139
N–27	6,603	0.152
N–28	6,623	0.152
N–29	6,638	0.152
N–30	6,407	0.147
N–31	7,200	0.165
O–1	7,667	0.176
O–2	6,360	0.146
O–3	6,360	0.146
O–4	6,360	0.146
O–5	6,886	0.158
O–6	7,338	0.168
O–7	6,000	0.138
O–8	6,000	0.138

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
O–9	6,000	0.138
O–10	6,000	0.138
O–11	6,000	0.138
O–12	6,000	0.138
O–13	6,000	0.138
O–14	6,000	0.138
O–15	7,668	0.176
O–16	7,200	0.165
O–17	6,000	0.138
O–18	6,000	0.138
O–19	6,000	0.138
O–20	6,000	0.138
O–21	6,000	0.138
O–22	6,000	0.138
O–23	6,000	0.138
O–24	6,855	0.157
O–25	7,199	0.165
O–26	6,607	0.152
O–27	6,360	0.146
O–28	6,360	0.146
O–29	7,667	0.176
P–1	7,800	0.179
P–2	6,600	0.152
P–3	6,600	0.152
P–4	7,797	0.179
P–5	6,520	0.150
P–6	6,000	0.138
P–7	6,000	0.138
P–8	6,000	0.138
P–9	6,000	0.138
P–10	6,000	0.138
P–11	6,000	0.138
P–12	8,580	0.197
P–13	8,199	0.188
P–14	6,000	0.138
P–15	6,000	0.138
P–16	6,000	0.138
P–17	6,000	0.138
P–18	6,000	0.138
P–19	6,468	0.148
P–20	7,072	0.162
P–21	7,042	0.162
P–22	6,601	0.152
P–23	7,800	0.179
Q–1	8,511	0.195
Q–2	6,000	0.138
Q–3	6,000	0.138
Q–4	6,000	0.138
Q–5	6,000	0.138
Q–6	6,000	0.138
Q–7	8,251	0.189
Q–8	8,381	0.192
Q–9	8,264	0.190
Q–10	10,446	0.240
Q–11	9,515	0.218
Q–12	7,693	0.177
Q–13	6,918	0.159
Q–14	6,000	0.138
Q–15	6,000	0.138
Q–16	6,000	0.138
Q–17	6,000	0.138
Q–18	6,000	0.138
Q–19	6,000	0.138
Q–20	6,000	0.138
Q–21	7,200	0.165
Q–22	7,200	0.165
Q–23	6,000	0.138
Q–24	6,000	0.138
Q–25	6,000	0.138
Q–26	6,000	0.138
Q–27	6,000	0.138
Q–28	6,000	0.138
Q–29	6,001	0.138
Q–30	6,625	0.152
Q–31	6,925	0.159
Q–32	13,057	0.300
R–1X	19,564	0.449
R–2	6,482	0.149
R–3	6,441	0.148
R–4	6,401	0.147
R–5	6,360	0.146
R–6	6,319	0.145
R–7	6,278	0.144
R–8X	3,748	0.086
R–9	6,213	0.143

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
R–10	6,173	0.142
R–11	6,506	0.149
R–12	6,780	0.156
R–13	7,329	0.168
R–14	8,247	0.189
R–15	13,170	0.302
R–16	8,657	0.199
R–17	6,877	0.158
R–18	7,186	0.165
R–19	7,322	0.168
R–20	6,644	0.153
R–21	6,634	0.152
R–22	6,624	0.152
R–23	6,614	0.152
R–24	6,605	0.152
R–25	6,595	0.151
R–26	6,585	0.151
R–27	6,575	0.151
R–28	6,565	0.151
R–29	6,556	0.150
R–30	6,546	0.150
R–31	5,225	0.120
R–32	5,079	0.117
R–33	4,837	0.111
R–34	4,775	0.110
R–35	4,769	0.109
R–36	4,762	0.109
R–37	4,756	0.109
R–38	4,750	0.109
R–39	4,743	0.109
R–40	7,260	0.167
S–1	8,482	0.195
S–2	7,068	0.162
S–3	7,068	0.162
S–4	7,068	0.162
S–5	7,068	0.162
S–6	7,068	0.162
S–7	7,068	0.162
S–8	7,068	0.162
S–9	9,395	0.216
S–10	14,911	0.342
S–11	11,422	0.262
S–12	6,000	0.138
S–13	6,000	0.138
S–14	6,000	0.138
S–15	7,068	0.162
S–16	7,068	0.162
S–17	7,068	0.162
S–18	7,068	0.162
S–19	7,068	0.162
S–20	7,068	0.162
S–21	7,068	0.162
S–22	8,482	0.195
T–1	7,200	0.165
T–2	6,000	0.138
T–3	6,000	0.138
T–4	6,000	0.138
T–5	6,000	0.138
T–6	6,000	0.138
T–7	6,000	0.138
T–8	6,000	0.138
T–9	6,000	0.138
T–10	6,000	0.138
T–11	6,000	0.138
T–12	6,682	0.153
T–13	10,762	0.247
T–14	10,237	0.235
T–15	6,000	0.138
T–16	6,000	0.138
T–17	6,000	0.138
T–18	6,000	0.138
T–19	6,000	0.138
T–20	6,000	0.138
T–21	6,000	0.138
T–22	6,000	0.138
T–23	6,000	0.138
T–24	6,000	0.138
T–25	6,000	0.138
T–26	7,200	0.165
U–1	6,463	0.148
U–2	6,000	0.138
U–3	6,000	0.138
U–4	6,000	0.138
U–5	6,000	0.138
U–6	6,000	0.138

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
U–7	6,000	0.138
U–8	6,000	0.138
U–9	6,000	0.138
U–10	6,000	0.138
U–11	6,000	0.138
U–12	6,000	0.138
U–13	6,000	0.138
U–14	6,000	0.138
U–15	6,000	0.138
U–16	6,000	0.138
U–17	7,064	0.162
U–18	6,328	0.145
U–19	4,800	0.110
U–20	4,800	0.110
U–21	4,800	0.110
U–22	4,800	0.110
U–23	4,800	0.110
U–24	4,800	0.110
U–25	4,800	0.110
U–26	4,800	0.110
U–27	4,800	0.110
U–28	4,800	0.110
U–29	4,800	0.110
U–30	4,800	0.110
U–31	4,800	0.110
U–32	4,800	0.110
U–33	4,800	0.110
U–34	4,800	0.110
U–35	4,800	0.110
U–36	4,800	0.110
U–37	4,800	0.110
U–38	6,723	0.154
V–1	6,325	0.145
V–2	4,600	0.106
V–3	4,600	0.106
V–4	4,600	0.106
V–5	4,600	0.106
V–6	4,600	0.106
V–7	4,600	0.106
V–8	4,600	0.106
V–9	4,600	0.106
V–10	4,600	0.106
V–11	4,600	0.106
V–12	4,600	0.106
V–13	4,600	0.106
V–14	4,600	0.106
V–15	6,325	0.145
V–16	6,325	0.145
V–17	4,600	0.106
V–18	4,600	0.106
V–19	4,600	0.106
V–20	4,600	0.106
V–21	4,600	0.106
V–22	4,600	0.106
V–23	4,600	0.106
V–24	4,600	0.106
V–25	4,600	0.106
V–26	4,600	0.106
V–27	4,600	0.106
V–28	4,600	0.106
V–29	4,600	0.106
V–30	6,325	0.145
W–1	5,750	0.132
W–2	4,600	0.106
W–3	4,600	0.106
W–4	4,600	0.106
W–5	4,600	0.106
W–6	4,600	0.106
W–7	4,600	0.106
W–8	4,600	0.106
W–9	4,600	0.106
W–10	4,600	0.106
W–11	4,600	0.106
W–12	4,600	0.106
W–13	4,600	0.106
W–14	4,600	0.106
W–15	4,600	0.106
W–16	4,600	0.106
W–17	5,477	0.126
W–18	5,477	0.126
W–19	4,600	0.106
W–20	4,600	0.106
W–21	4,600	0.106
W–22	4,600	0.106
W–23	4,600	0.106

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
W–24	4,600	0.106
W–25	4,600	0.106
W–26	4,600	0.106
W–27	4,600	0.106
W–28	4,600	0.106
W–29	4,600	0.106
W–30	4,600	0.106
W–31	4,600	0.106
W–32	4,600	0.106
W–33	4,600	0.106
W–34	5,750	0.132
X–1	6,894	0.158
X–2	4,600	0.106
X–3	4,600	0.106
X–4	4,600	0.106
X–5	4,600	0.106
X–6	4,600	0.106
X–7	4,600	0.106
X–8	4,600	0.106
X–9	4,600	0.106
X–10	4,600	0.106
X–11	4,600	0.106
X–12	4,638	0.106
X–13	4,715	0.108
X–14	4,791	0.110
X–15	4,867	0.112
X–16	4,944	0.113
X–17	5,020	0.115
X–18	5,096	0.117
X–19	5,173	0.119
X–20	5,249	0.121
X–21	5,326	0.122
X–22	5,402	0.124
X–23	8,789	0.202
X–24	9,309	0.214
X–25	7,262	0.167
X–26	7,049	0.162
X–27	6,836	0.157
X–28	6,623	0.152
X–29	6,411	0.147
X–30	6,198	0.142
X–31	5,985	0.137
X–32	5,772	0.133
X–33	5,559	0.128
X–34	5,352	0.123
X–35	5,325	0.122
X–36	5,570	0.128
X–37	4,759	0.109
X–38	4,650	0.107
X–39	4,604	0.106
X–40	4,600	0.106
X–41	4,600	0.106
X–42	4,600	0.106
X–43	4,600	0.106
X–44	4,600	0.106
X–45	4,600	0.106
X–46	6,894	0.158
Y–1	7,523	0.173
Y–2	4,600	0.106
Y–3	4,600	0.106
Y–4	4,600	0.106
Y–5	4,600	0.106
Y–6	4,600	0.106
Y–7	4,600	0.106
Y–8	4,600	0.106
Y–9	4,600	0.106
Y–10	4,600	0.106
Y–11	4,600	0.106
Y–12	7,562	0.174
Y–13	8,631	0.198
Y–14	4,600	0.106
Y–15	4,600	0.106
Y–16	4,600	0.106
Y–17	4,600	0.106
Y–18	4,600	0.106
Y–19	4,600	0.106
Y–20	4,540	0.104
Y–21	4,611	0.106
Y–22	7,182	0.165
Y–23	8,140	0.187
Y–24	4,895	0.112
Y–25	4,458	0.102
Y–26	4,600	0.106
Y–27	4,600	0.106
Y–28	4,600	0.106

LOT AREA TABLE

BLOCK–LOT	SQUARE FEET	ACRES
Y–29	4,600	0.106
Y–30	4,600	0.106
Y–31	4,600	0.106
Y–32	4,600	0.106
Y–33	4,600	0.106
Y–34	4,600	0.106
Y–35	4,600	0.106
Y–36	4,600	0.106
Y–37	4,600	0.106
Y–38	4,600	0.106
Y–39	4,600	0.106
Y–40	4,600	0.106
Y–41	4,600	0.106
Y–42	4,600	0.106
Y–43	4,600	0.106
Y–44	4,565	0.105
Y–45	4,635	0.106
Y–46	4,600	0.106
Y–47	4,600	0.106
Y–48	5,261	0.121
Z–8	5,750	0.132
Z–9	5,750	0.132
Z–10	4,914	0.113
Z–11	4,914	0.113
Z–12	5,202	0.119
Z–13	4,627	0.106
Z–14	4,914	0.113
Z–15	4,914	0.113
Z–16	6,318	0.145
Z–18	6,484	0.149
Z–21	4,914	0.113
Z–25	4,914	0.113
Z–39	4,914	0.113
Z–40	4,914	0.113
Z–41	5,202	0.119
Z–42	4,627	0.106
DD–1X	10,494	0.241
E–1	6,000	0.138

PRELIMINARY PLAT

THE WOODS AT LINDSEY PLACE

105–STANDARD PD(SF–72)LOTS
388–STANDARD PD(SF–60)LOTS
367–STANDARD PD(SF–Z)LOTS
91–STANDARD PD(SF–TH)LOTS
2–COMMERCIAL(C–2)LOTS
1–MULTI–FAMILY(MF–2)LOT
15–HOA LOTS
BLOCKS A–KK

274.998 ACRES OUT OF THE ELI WITT SURVEY, ABSTRACT NO. 997

CITY OF ANNA, COLLIN COUNTY, TEXAS

D·R·HORTON America's Builder
4306 Miller Road
Rowlett, TX 75088
214-607-4244

BOHLER
6017 MAIN STREET
FRISCO, TEXAS 75034
469.458.7300
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TBPE No. 18065
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SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING · PROGRAM MANAGEMENT · LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN · PERMITTING SERVICES · TRANSPORTATION SERVICES

FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
TSD202021	12/03/20	ASA	BL	BL	1" = 100'	5 OF 6

DEVELOPER:
DR HORTON -DFW EAST DIVISION
4306 MILLER ROAD
ROWLETT, TX 75088
PHONE:(214) 607-4244
CONTACT: DAVID BOOTH

OWNER:
LHJH PROPERTIES, LTD.
16910 DALLAS PARKWAY, STE. 106
DALLAS, TX 75248
PHONE: (214) 679-7878
CONTACT: RUSSELL HARLOW

SURVEYOR:
BOHLER ENGINEERING
6017 MAIN ST.
FRISCO, TX 75034
PHONE:(469)458-7300
CONATCT: BILLY M LOGSDON, JR

APPROVED
December 7, 2020
P&Z COMMISSION
CITY OF ANNA

APPROVED
JANUARY 26, 2021
CITY COUNCIL
CITY OF ANNA

BOHLER ENGINEERING- ALL RIGHTS RESERVED.
THE COPYING OR REUSE OF THIS DOCUMENT, OR PORTIONS THEREOF, FOR OTHER THAN THE ORIGINAL PROJECT OR THE PURPOSE ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING, IS PROHIBITED.

EXHIBIT A

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS, LHJH PROPERTIES, LTD., is the owner of a tract of land situated in the Town of Anna, Collin County, Texas, a part of Eli Witt Survey, Abstract No. 997, being all of a called 159.819 acre tract of land described in a Special Warranty Deed to LHJH Properties, Ltd., recorded in Instrument No. 20061003001424600, Official Public Records, Collin County, Texas (O.P.R.C.C.T), being part of a called 159.819 acre tract of land described in a Special Warranty Deed to LHJH Properties, Ltd., recorded in Instrument No. 20061003001424640, (O.P.R.C.C.T) and being more particularly described as follows:

BEGINNING at a five-eighths inch iron rod with yellow plastic cap that is illegible found at the southeast corner of said 159.819 acre tract of land (20061003001424600), said iron rod being at the northeast corner of a called 226.62 acre tract of land described in a Warranty Deed to QJR Partnership, Ltd. recorded in Volume 5106, Page 2380, O.P.R.C.C.T and said iron rod being in the west line of a called 50.00 acre tract of land described in a Special Warranty Deed to Kayasa Holdings, LLC, recorded in Instrument No. 20190800700094675O, (O.P.R.C.C.T);

THENCE South 89 degrees 28 minutes 48 seconds West, a distance of 2,984.87 feet along the south line of said 159.819 acre tract of land (20061003001424600) and along the north line of said 226.62 acre tract of land to a one-half inch iron rod with yellow plastic cap stamped "BOHLER ENG" (hereinafter called "iron rod set") at the southwest corner of said 159.819 acre tract of land (20061003001424600), said iron rod being at the northwest corner of said 226.62 acre tract of land and said iron rod being in the east line of a called 17.863 acre tract of land described in a Special Warranty Deed to Anna 18, LLC, recorded in Instrument No. 20161020001423440, (O.P.R.C.C.T);

THENCE North 01 degrees 07 minutes 28 seconds West, a distance of 272.50 feet along the west line of said 159.819 acre tract of land (20061003001424600) and along the east line of said 17.863 acre tract of land to a one-half inch iron rod found at the northeast corner of said 17.863 acre tract of land and said iron rod being at the most southerly southeast corner of a called 555.801 acre tract of land, described as Tract B in a Special Warranty Deed to Risland Mantua, LLC, recorded in Instrument No. 20180625000783630, (O.P.R.C.C.T);

THENCE North 00 degrees 33 minutes 39 seconds West, a distance of 4,656.06 feet along the most southerly east line of said 555.801 acre tract of land to a one-half inch iron rod found at the most westerly northwest corner of said 159.819 acre tract of land (20061003001424640);

THENCE South 86 degrees 39 minutes 03 seconds East, a distance of 774.75 feet along the most westerly north line of said 159.819 acre tract of land (20061003001424640) and along a south line of said 555.801 acre tract of land to a one-half inch iron rod found for corner, from which a one-half inch iron rod found bears North 01 degrees 19 minutes 02 seconds West, a distance of 2.04 feet;

THENCE South 89 degrees 10 minutes 24 seconds East, a distance of 1,018.92 feet over and across said 159.819 acre tract of land (20061003001424640) to a one-half inch iron rod set in the east line of said 159.819 acre tract of land (20061003001424640), said iron rod being at the southwest corner of a called 83.36 acre tract of land described in a Quit Claim Deed to Alta McClain, recorded in Volume 626, Page 141, (D.R.C.C.T) which is now listed in the Collin County Appraisal District records as being owned by Laura Collins to which no transfer of title either direct or indirect can be found in Collin County Deed Records;

THENCE South 89 degrees 16 minutes 53 seconds East, a distance of 111.06 feet along a north line of said 159.819 acre tract of land (20061003001424640) and along the south line of said 83.36 acre tract of land to a one-half inch iron rod set at the most easterly northeast corner of said 159.819 acre tract of land (20061003001424640), said iron rod being at the northwest corner of a called 95.468 acre tract of land described in a Warranty Deed to JY & KC, LLC, recorded in Instrument No. 20170608000746940, (O.P.R.C.C.T), from which a mag nail found at the northeast corner of said 95.468 acre tract of land bears South 89 degrees 16 minutes 24 seconds East, a distance of 1,497.23 feet and South 88 degrees 45 minutes 18 seconds East, a distance of 189.34 feet, said iron rod being in or near the centerline of County Road No. 371;

THENCE along the east line of said 159.819 acre tract of land (20061003001424640) and along the west line of said 95.468 acre tract of land as follows:

South 01 degrees 16 minutes 44 seconds East, a distance of 1,185.56 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 00 degrees 47 minutes 08 seconds East, a distance of 1,100.00 feet to a one-half inch iron rod set at the most westerly southwest corner of said 95.468 acre tract of land;

THENCE North 88 degrees 32 minutes 52 seconds East, a distance of 966.83 feet along a north line of said 159.819 acre tract of land (20061003001424640) and along the most westerly south line of said 95.468 acre tract of land to a one-half inch iron rod with yellow cap stamped "JBI" found at the most easterly northeast corner of said 159.819 acre tract of land (20061003001424640);

THENCE South 00 degrees 44 minutes 46 seconds East, a distance of 210.76 feet along the most southerly west line of said 95.468 acre tract of land to a one-half inch iron rod found at the southeast corner of said 159.819 acre tract of land (20061003001424640), said iron rod being at the northeast corner of said 159.819 acre tract of land (20061003001424600);

THENCE along the east line of said 159.819 acre tract of land (20061003001424600) as follows:

South 00 degrees 31 minutes 53 seconds East, passing at a distance of 555.09 feet a one-half inch iron rod with cap stamped "3700" found at the most southerly southwest corner of said 95.468 acre tract of land, continuing in all a distance of 1,241.10 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 72 degrees 46 minutes 12 seconds East, a distance of 140.70 feet to a one-half inch iron rod with yellow cap that is illegible found at the northwest corner of a called 59.534 acre tract of land described Warranty Deed to Jonic Investments, LLC, recorded in Instrument No. 20150605000666010, (O.P.R.C.C.T);

South 01 degrees 14 minutes 22 seconds West, a distance of 1,112.98 feet to the **POINT OF BEGINNING** and containing 11,978,895 square feet or 274.998 acres.

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LHJH PROPERTIES, LTD.; acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as, **THE WOODS AT LINDSEY PLACE, BLOCKS A- QQ,** an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

This approved subject to all platting ordinances, rules, and regulations of the City of Anna, Texas.

WITNESS, my hand, this the _____ day of _____, 20__.

BY: LHJH PROPERTIES, LTD.

Authorized Signature of Owner

Printed Name and Title

STATE OF TEXAS §

COUNTY OF _____§

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office,this the _____ day of _____, 20__

Notary Public in and for the State of Texas

My Commission Expires On:

DRAINAGE AND DETENTION EASEMENT

STATE OF TEXAS

COUNTY OF COLLIN

CITY OF ANNA

This plat is hereby adopted by the Owners and approved by the City of Anna (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Block 1, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

VAM EASEMENTS:

The area or areas shown on the plat as "VAM" (Visibility , Access, and Maintenance) easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

Approved this _____ day of _____ 20__, by the City Council of the City of Anna, Texas.

_____
Mayor

_____
City secretary

SURVEYOR'S CERTIFICATE

Know All Men By These Presents:

That I, Billy M. Logsdon, Jr., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Anna.

Dated this the ___ day of _____, 20__.

"Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document".

_____
Billy M. Logsdon, Jr.,
Registered Professional Land Surveyor No. 6487

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Billy M Logsdon, Jr., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of _____, 20__.

_____
Notary Public, State of Texas

PRELIMINARY PLAT

THE WOODS AT LINDSEY PLACE

105–STANDARD PD(SF–72)LOTS
388–STANDARD PD(SF–60)LOTS
367–STANDARD PD(SF–Z)LOTS
91–STANDARD PD(SF–TH)LOTS
2–COMMERCIAL(C–2)LOTS
1–MULTI–FAMILY(MF–2)LOT
15–HOA LOTS
BLOCKS A–KK

274.998 ACRES OUT OF THE ELI WITT SURVEY, ABSTRACT NO. 997

CITY OF ANNA, COLLIN COUNTY, TEXAS

D·R·HORTON America's Builder

4306 Miller Road
Rowlett, TX 75088
214-607-4244

BOHLER

6017 MAIN STREET
FRISCO, TEXAS 75034
469.458.7300
www.bohlerengineering.com
TBPE No. 18065
TBPLS No. 10194413

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING · PROGRAM MANAGEMENT · LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN · PERMITTING SERVICES · TRANSPORTATION SERVICES

FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
TSD202021	12/03/20	ASA	BL	BL	1" = 100'	6 OF 6

DEVELOPER:
D R HORTON-DFW EAST DIVISION
4306 MILLER ROAD
ROWLETT, TX 75088
PHONE:(214) 607-4244
CONTACT: DAVID BOOTH

OWNER:
LHJH PROPERTIES, LTD.
16910 DALLAS PARKWAY, STE. 106
DALLAS, TX 75248
PHONE: (214) 679-7878
CONTACT: RUSSELL HARLOW

SURVEYOR:
BOHLER ENGINEERING
6017 MAIN ST.
FRISCO, TX 75034
PHONE:(469)458-7300
CONATCT: BILLY M LOGSDON, JR

APPROVED
December 7, 2020
P&Z COMMISSION
CITY OF ANNA

APPROVED
JANUARY 26, 2021
CITY COUNCIL
CITY OF ANNA

BOHLER ENGINEERING ALL RIGHTS RESERVED
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Item No. 6.h.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Alan Guard

AGENDA ITEM:

Approve a Resolution approving an Interlocal Agreement with the City of Van Alstyne to acquire a portion of their Take or Pay Water Purchase for the water year 2019-2020 and authorize the City Manager to sign the agreement. (Finance Director Alan Guard)

SUMMARY:

Staff recommends adopting the Resolution approving the Interlocal Agreement of the purchase of a portion of Van Alstyne's Take or Pay water purchase from the North Texas Municipal Water District.

The City of Anna has agreed to purchase a portion of the City of Van Alstyne's Take or Pay water purchase. Each year the City Council is required to pass a Resolution approving that year's purchase through an interlocal agreement. This year's purchase is for 15,546,000 gallons at a rate of $1.765 per thousand gallons for a total of $27,438.25.

FINANCIAL IMPACT:

$27,438.25 is approved in the Utility Fund in account 60-710-6701 GTUA Contractor Services.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 3: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:

Staff recommends approval of this item.

ATTACHMENTS:

APPROVALS:

Carrie Land, City Secretary Created/Initiated - 1/22/2021

Item No. 6.i.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: kevi

AGENDA ITEM:
Approve a Resolution approving a contract with GCEC for Internet Upgrades. (IT Manager Kevin Johnson)

SUMMARY:
The amended contract with GCEC will upgrade our existing internet from 100mbps to 1Gbps (1000mbps) at the new City Hall/PD. The dark fiber will provide us with private fiber connectivity for Public Works, Fire Station, and Waste Water directly into City Hall to take advantage of the upgraded internet speeds. The extra internet circuit for the Fire Department is a quality of life upgrade that is needed to provide Public Safety with private internet.

FINANCIAL IMPACT:
Currently the City is paying $3,351.68 per month for the main GCEC contract which provides 100mbps for Public Works, Police/City Hall, and the Fire Department and an extra $125 per month for the 10mpbs at the Waste Water building. The contracted priced would go up to $4,160.00 per month to upgrade the new City Hall/PD, new Fire Station, Public Works, and Waster Water to a 1Gbps (1000mpbs).

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Staff recommends approval of this item.

ATTACHMENTS:
1. Anna Waste Water contract
2. City of Anna contract
3. City of Anna Dark Fiber Internet Internet seconadary
4. Addendum City of Anna MSA

APPROVALS:

Carrie Land, City Secretary Created/Initiated - 1/22/2021

Grayson Collin Communications

Quote

Grayson Collin Communications

Because Service Matters!

Date: 12-18-2018
Quote #12182018
Expiration Date: 01-18-2018

To: City of Anna
Waste Treatment Plant
1400 Roadrunner Rd
Anna, TX 75409

Salesperson	Sales Engineer	Payment Terms	Due Date
Steve Mills		Due Monthly Upon Installation	

Qty	Description	Unit Price	Line Total
1	**Installation of Fiber one time fee**	$ 800.00	$ 800.00
	Circuit can be installed 2nd week of February 2019		
1	**10MB x 10MB Internet service Monthly**	$ 125.00	$ 125.00
	60 Month Contract		
		Subtotal	
		Sales Tax	Applicable State and Federal Taxes
		Total Montly	$ -

This is a quotation on the goods and services named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

Thank you for your business!

PO Box 71 Van Alstyne, TX 75495 903-482-7000 903-482-7007 kbrown@graysoncollin.net

Grayson Collin Communications

Quote

Grayson Collin Communications

Because Service Matters!

Date: 01-28-2019
Quote #01282019
Expiration Date: 02-01-2019

To: City of Anna
804 E. Pecan Grove Rd.
Sherman, TX 75090
Acct # 167600

Salesperson	Sales Engineer	Payment Terms	Due Date
Steve Mills		Monthly	

Qty	Description	Unit Price	Line Total
1	100 Meg Public Works 3223 N Powell	$ 896.67	$ 896.67
1	100 Meg Fire Station 305 S. Powell	$ 896.67	$ 896.67
1	100 Meg w PRI & 100 DID's City Hall 101 S Powell	$ 1,373.34	$ 1,373.34
	ISDN PRI B-Channels/ D-Channel Included		
	ISDN PRI Loop		
	ISDN PRI Interface		
	ISDN AP		
	DID 1st 100#		
1	10-10 Meg 3223 N Powell	125.00	125.00
2	Basic Business Line/Fac(S)	30.00	60.00
	60 Month Term Start Date 02-01-19		
	Does Not Include Applicable Taxes		
		Subtotal	$ 3,351.68
		Sales Tax	Applicable State and Federal Taxes
		Total Montly	$ 3,351.68

This is a quotation on the goods and services named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

Thank you for your business!

PO Box 71 Van Alstyne, TX 75495 903-482-7000 903-482-7007 kbrown@graysoncollin.net

MASTER SERVICE AGREEMENT

GCC QUOTE # ___01282019_____

This MASTER SERVICE AGREEMENT (the "AGREEMENT") is made this _1st___ day of __February_____, 2019 between Grayson Collin Communications , Inc., the Service Provider (GCC) and __City of Anna_____the purchaser executing the Service Order (the "Purchaser")

WHEREAS, GCC provides communications services which Purchaser desires to purchase as set forth herein.

Now, therefore, it is agreed as follows:

1 During the Term of this Agreement GCC will provide Purchaser with the specific services identified on the Service Order attached. Terms & Conditions outlined in attached Service Order apply to this Agreement, but this Agreement shall control to the extent of any conflict in terms.

2 The Term of this Agreement shall be as set forth in the Service Order attached and shall extend thereafter until terminated by either party upon at least 60 days prior written notice. However, GCC may terminate this Agreement or suspend services hereunder at any time upon (a) any failure of Purchaser to pay any undisputed amounts as provided in this Agreement; (b) any breach by Purchaser of any material provision of this Agreement continuing for 30 days after receipt of notice thereof; (c) any insolvency, bankruptcy, assignment for the benefit of creditors, appointment of a trustee or receiver or similar event with respect to Purchaser; or (d) any governmental prohibition or required alteration of the services to be provided hereunder or any violation by Purchaser of an applicable law, rule or regulation.
Any termination shall not relieve Purchaser of its obligation to pay any charges incurred prior to termination. The parties' rights and obligations which by their nature would extend beyond the termination, cancellation or expiration of this Agreement shall survive such termination, cancellation or expiration.

3 During the Term, Purchaser shall pay GCC for the services as set forth in the Service Order. GCC shall not increase pricing during the initial Term, but thereafter GCC may increase pricing upon 30 days prior written notice. Normal service charges shall be invoiced monthly in advance. All amounts owed by Purchaser shall be paid within 16 days after the date of invoice and GCC reserves the right to charge penalties on late payments in the amount of 5% of previous unpaid balance due. Prices do not include taxes and related charges (however designated) and all taxes, fees and governmental charges imposed on the provided services shall be paid by Purchaser in addition to any other amounts owing. Such amounts will be listed separately on Purchaser's monthly invoice.

4 GCC may substitute, change or rearrange any equipment, facility or system used in providing services at any time and from time to time, but shall not thereby alter the technical parameters of the services provided hereunder.

5 GCC will grant a credit allowance for service interruption calculated and credited in one-hour increments. A service interruption will be deemed to have occurred only if service becomes unusable to Purchaser as a result of failure of GCC's facility, equipment or personnel used to provide the service in question, and only where the interruption is not the result of (a) the negligence or acts of Purchaser or its agents; (b) the failure or malfunction of non-GCC equipment or systems; (c) circumstances or causes beyond the control of GCC; or (d) a service interruption caused by service maintenance, alteration or implementation. In the event that service interruptions, for which a credit allowance may be granted under this Paragraph 5 (a) result in the granting of at least $3,000 in cumulative service credits during any continuous 12-month period; or (b) result in the circuit not being available for four (4) hours within a 24-hour period on four (4) separate days within a twelve (12) month period, Purchaser may, upon thirty (30) days written notice to GCC, terminate this Agreement without penalty. The foregoing states Purchaser's sole remedy for service interruption which shall include, without limitation, loss of data.

6 As used in this Agreement, the term "GCC Group" shall mean (a) GCC; (b) any third parties providing facilities or equipment used by GCC, in furtherance of GCC's provision of services to Purchaser (c) any affiliates of GCC or such third parties; and (d) any director, officer, agent, servant, employee, independent contractor, or supplier of GCC, any such third parties, or any such affiliates. EXCEPT TO THE LIMITED EXTENT PROVIDED FOR ABOVE IN PARAGRAPH 5, IN NO EVENT SHALL GCC GROUP BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, CONSEQUENTIAL, PUNITIVE, SPECIAL OR OTHER DAMAGES, ARISING OUT OF OR RELATED TO ANY SERVICES, EQUIPMENT, FACILITIES OR SYSTEMS PROVIDED OR UTILIZED UNDER THIS AGREEMENT (INCLUDING, WITHOUT LIMITATION, ANY DAMAGES FOR LOSS OF DATA OR INTERRUPTION OF DATA TRANSMISSION), AND PURCHASER HEREBY RELEASES AND WAIVES ANY CLAIMS OR DEMANDS IT MAY HAVE AGAINST GCC GROUP, FOR OR WITH RESPECT TO ANY SUCH DAMAGES. PURCHASER FURTHER AGREES THAT ANY OTHER LIMITATION OF LIABILITY OR PROTECTION TO WHICH GCC MAY BE ENTITLED, ARISING OUT OF THIS AGREEMENT OR SERVICES PERFORMED HEREUNDER, SHALL FULLY APPLY TO AND BENEFIT GCC GROUP, IN THE SAME MANNER AND TO THE SAME EXTENT SUCH PROVISIONS OR PROTECTION APPLY TO AND BENEFIT GCC.THERE ARE NO WARRANTIES, REPRESENTATIONS OR AGREEMENTS EXPRESSED OR IMPLIED EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, EXCEPT THOSE EXPRESSLY SET FORTH HEREIN.

7 In the event that Purchaser cancels or terminates service at any time during the initial Term of this Agreement or any renewal thereof for any reason whatsoever other than a service interruption (as defined in Paragraph 5 above), Purchaser agrees to pay to GCC all sums due and owing under this Agreement and payable in accordance with Paragraph 3 above (which shall include without limitation service charges for any remaining months in the term) within 30 days of termination.

8. Purchaser is responsible for all Non-Recurring and Recurring Charges on and after the Purchaser desired due date (the "Due Date") In the event that Purchaser refuses to accept service on and after the Due Date, Purchaser agrees to still be responsible for the Recurring Charges until such time as service is accepted when Purchaser shall pay the Non-Recurring Charges.

9 In the event that Purchaser requests additional circuit engineering or changes equipment specifications, configurations or service parameters, premises locations, or any material provision of the Service Order, Purchaser shall be charged an additional administrative fee at least equal to 5% of the original Non-Recurring Charge in addition to all costs, fees and expenses reasonably incurred in connection therewith.

10 Neither party shall be liable for any delay or failure in performance of any part of this Agreement to the extent such delay or failure is caused by fire, flood, explosion, accident, war, strike, embargo, governmental requirement, civil or military authority, acts of God, inability to secure materials, labor or transportation upon reasonable commercial terms, acts or omission of common carriers or warehousemen, or any other causes beyond their reasonable control. Any such delay or failure shall suspend the Agreement until such force majeure ceases, and the Term shall be extended by the length of the suspension.

11 Neither party may assign this Agreement without the written consent of the other party, except that GCC may assign its rights and/or obligations hereunder (a) to any subsidiary, parent company or affiliate of GCC; (b) pursuant to any sale or transfer of substantially all of the assets of GCC; or (c) pursuant to any financing, merger or reorganization of GCC.

12. This Agreement, and the Service Order attached, set forth the full agreement of the parties with respect to the subject matter hereof and supersede any prior agreement or understanding, whether written or oral. If any provision hereof is held by a court to be invalid, void or unenforceable, the remainder of this Agreement shall nevertheless remain unimpaired and in effect. No term or condition of this Agreement shall be modified or amended except in writing signed by an authorized representative of both parties; however, one or more additional Service Orders may be subject to the terms and conditions of this Agreement.

13. No license, joint venture or partnership, express or implied, is granted by GCC pursuant to this Agreement.

14. Each party agrees to maintain in strict confidence all plans, designs, drawings, trade secrets, and other proprietary information of other party, which is disclosed pursuant to this Agreement, subject to any required disclosure under applicable law.

15 If this Agreement is entered into by more than one Purchaser, each is jointly and severally liable for all agreements, covenants and obligations herein.

16 This Agreement shall be governed by the laws of the State of Texas without regard to its choice of law provisions. In any action between the parties to enforce any provisions of this Agreement, the prevailing party shall be entitled to recover its legal fees and court costs from the non-prevailing party in addition to whatever other relief a court may award. Venue over any dispute arising out of this Agreement shall be in a court of competent jurisdiction in Collin County, Texas.

17 GCC Group verifies that it does not boycott Israel and will not boycott Israel during the term of this Agreement.

18 It is recognized that customers may experience a temporary but measurable reduction in services they are using due to circumstances beyond their control. Should Purchaser experience an economic or force majeure situation before the initial term of this Agreement is complete, Purchaser may initiate discussions with GCC to establish a Temporary Alternative Agreement ("TAA") adjusting the parameters of the term and capacity ordered per the original Agreement. GCC shall have 30 days to respond to such a request. The parameters of the original Agreement will not be altered, nor shall the TAA become permanent. The TAA is determined on an individual case basis and reverting back to the original terms and conditions at the conclusion of such TAA.

Customer Initials: _____

City of Anna

By: _____

Name: J. PROCE

Title: CITY MGR

Date: 3/29/19

Notice Address:
P.O. Box 776
Anna, TX 75409

GraysonCollin Communications , Inc. (GCC)

By: _____

Name: Chris Dillie

Title: CEO

Date: 4/8/19

Notice Address:
P.O. Box 2119
Van Alstyne, TX 75495

Quote

Date: 12-17-2020
Quote #: 0212172020
Expiration Date: 12-31-2020

Customer:
City of Anna
101 S Powell Pkwy
Anna, TX 75409
Attn: Kevin Johnson/Greg Peters

Main Service Address:

*** Multi Location ***

Add To Master Service Agreement # 01282019

Salesperson	MSA Number	Payment Terms	Account Tel #
Steve Mills		Monthly	972-924-3325

Qty	Description	NRC	MRC
	DARK FIBER		
1	Public Works Fiber Swing and Programming	$ 1,000.00	
1	Waste Water Fiber Swing & Programming	$ 1,000.00	
	Leasing of Dark Fiber (4 Strands of Fiber)		$ 1,200.00
	Public Works to City Hall, Waste Water to City Hall		
	120 Month Contract Term		
	INTERNET		
1	1GB Interbnet Fiber Loop Active E		$ 3,105.00
	City Hall,Public Works & Fire Includes IPADR16 Static IP		
	84 Month Contract Term		
1	**INTERNET**		
	Public works secondary circuit 10 x 10 MB	$ 1,000.00	$ 100.00
	Fire Department Secondary Circuit 100X100MB	$ 1,000.00	$ 400.00
	84 Month Contract Term		
	PHONE LINES		
1	ISDN PRI B-Channels/D-Channel Included		
	ISDN PRI Loop, ISDN PRI Interface, ISDN AP, DID 1st 100		$ 498.87
2	Basic Business Line/Fac(S)		$ 60.00
	84 Month Contract Term		
		$ 4,000.00	$ 5,363.87
		Applicable State and Federal Taxes	Term Discount -1,203.87
	TOTAL	**$ 4,000.00**	**$ 4,160.00**

(Excludes any Taxes & Fees)

This is a quotation on the goods and services named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____ Date: _____

Grayson Collin Communications _____ Date: _____

Please note: This quote will replace quote dated 02-01-2019. Billing on this quote will begin 03-01-2021

Thank you for your business!

PO Box 2119 Van Alstyne, TX 75495 903-482-7000

Addendum (addition) to Master Service Agreement # 01282019 Dated 02-01-2019

"Non-Appropriation. In the event Customer does not appropriate sufficient funds at any time during the term, Customer shall have the right to terminate this Agreement on the last day of the fiscal period for which appropriations were received without penalty or expense to Customer."

Customer Name:

By: _____

Name: _____

Title: _____

Date:_____

Notice Address:
Customer Notice Address
City, State Zip

Grayson Collin Communications (GCC)

By: _____

Name:_____

Title: _____

Item No. 7.a.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact:

AGENDA ITEM:

Conduct a public hearing/Consider/Discuss/Action on an Ordinance approving amendments to Article 9.02 Subdivision Regulations, Article 9.04 Zoning Ordinance, and Article 9.05 Signs of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances in order to amend various sections in order to improve staff efficiency, modernize language, and provide general clean-up of regulations. (Director of Development Services Ross Altobelli)

SUMMARY:

Request to amend Article 9.02 Subdivision Regulations, Article 9.04 Zoning Ordinance, and Article 9.05 Signs of Chapter 9 Planning & Development Regulations and related sections of the City of Anna Code of Ordinances in order to amend various sections in order to improve staff efficiency, modernize language, and provide general clean-up of regulations. The amendments proposed are for the following topics:

a. Minimum frontage requirement
b. Retaining wall ownership
c. Clarify “Impractical size” and fee collection for Park Land Dedication
d. Consistency with the Texas Alcoholic Beverage Code (TABC), Chapter 109 Miscellaneous Regulatory Provisions
e. Thoroughfare Overlay District
f. Food and beverage overlay district
g. Uses: garden (patio) homes & zero-lot line
h. Uses: indoor commercial amusement, health club, gymnasiums, gymnastic or dance studio
i. Uses: restaurants, private clubs, brewpubs, tasting rooms, wineries, and breweries
j. Uses: personal service shops
k. Uses: veterinarian clinics
l. Flag Poles
m. Subdivision signage maximum copy area

Refer to staff's report for detailed information.

The Planning and Zoning Commission recommended approval, 6 - 0 in favor of the amendment request with recommended changes to clarify language.

FINANCIAL IMPACT:
There is no fiscal impact associated with this item.

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 2: Anna – Great Place to Live

Goal 3: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:
Staff recommends this item for approval as written within the attached Ordinance.

ATTACHMENTS:
1. Ordinance FINAL
2. CC Final write-up

APPROVALS:

Lauren Mecke, Planner II	Created/Initiated - 1/21/2021
Ross Altobelli, Director of Development Services	Approved - 1/21/2021
Jim Proce, City Manager	Final Approval - 1/22/2021

CITY OF ANNA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS); PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED $2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the subdivision of land and signs in the City and its extraterrirotial jurisdiction, and zoning in the City; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City of Anna ("City Council") have given the requisite notices and have held the public hearings as required by law and afforded a full and fair hearing to all interested persons, the City Council has concluded that Article 9.02 Subdivision Regulations, Article 9.04 Zoning Ordinance, and Article 9.05 Signs of the City should be amended as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

Section 1. **Recitals Incorporated**

The above recitals are incorporated herein by reference for all purposes.

Section 2. **Amendment**

In accordance with Article 1.01 of the Anna City Code of Ordinances ("Anna Code"), Chapter 9 (Planning and Development Regulations) are hereby amended as follows.[1]

ARTICLE 9.02 SUBDIVISION REGULATIONS

[…]

Sec. 9.02.016 Definitions

[…]

Lot or lot of record means a divided or undivided tract or parcel of land having frontage on a public or private street ~~or other form of approved~~

[1] Additionally, throughout Chapter 9 (Planning and Development Regulations), this Ordinance shall permit Franklin Publishing to update references as necessary, such as:

The numbering of Appendix 3. Descriptions/Definitions and any references to them in Appendix 2. Schedule of Uses and throughout the Zoning Ordinance.

~~public or private access~~, 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.

[…]

Sec. 9.02.081 Streets

[…]

(c) Adequacy of streets and thoroughfares.

[…]

(4) Approach streets and access. All subdivisions must have at least two points of vehicular access, and must be connected via improved streets (streets that meet the city standards) to the city's improved thoroughfare and street system by one or more approach streets of such dimensions and improved to such standards as required herein. All residential subdivisions shall provide no less than one entrance for each 50 lots including stubs for future development and in no case shall have more than 150 lots for each connection to an existing street.

[…]

(D) Adequate emergency access. The subdivision shall be designed to provide adequate emergency access for public safety vehicles. ~~Each residential lot in the subdivision shall have a minimum frontage (measured at the property line) of at least 40 feet on a dedicated public street or approved private access, unless other provisions have been authorized through a planned development district. Each nonresidential lot shall have a minimum frontage on a dedicated public street or approved private access of at least 50 feet, unless other provisions have been authorized through a planned development district.~~

[…]

Sec. 9.02.087 Lots

[…]

(b) Minimum frontage on a public street. Each lot on a subdivision plat shall front onto a dedicated, improved public street, ~~or approved~~

~~commercial private access~~ unless platted as an approved private street subdivision in accordance with these subdivision regulations. All lots shall have a minimum of 40 feet of frontage along the property line of a dedicated, improved street ~~or access~~ unless other provisions have been authorized under article 9.04 or an approved planned development district.

[…]

Sec. 9.02.135

[…]

(c) General requirement: Dedication of land and payment of park development fee.

[…]

(3) Impractical size. The city council declares that development of an area of less than five acres for neighborhood park purposes is impractical. Therefore, if fewer than ~~665~~ 250 dwelling units are proposed by a plat filed for approval, the city council may require the developer to pay the applicable cash in lieu of land amount, as provided in subsection ~~(4)~~ (d) below.

[…]

(d) Cash in lieu of land.

(1) Requirement. A developer responsible for land dedication under these subdivision regulations shall be required, at the city council's option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land, in the amount set forth below. Such payment in lieu of land shall be made ~~prior to the issuance of a building permit. Where no building permit is required, the fee shall be paid~~ prior to filing of the final plat for record.

(2) Fee. The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by ordinance of the city council sufficient to acquire neighborhood park land. Cash payment fees in lieu of land dedication are found in the fee schedule in appendix A of this code. Such fee shall be paid by the developer prior to filing of the final plat for properties located within the ETJ.

(3) Park ~~developer~~ development fee. A cash payment in lieu of land dedication, as set forth in this section, does not relieve the

developer of its obligation to pay the park development fee set forth in subsection (c)(4) above. The cash payment in lieu of land dedication is in addition to the required park development fee.

[…]

Sec. 9.02.166

[…]

(c) Retaining wall maintenance. Retaining walls shall be maintained by the owner of the property where such retaining wall is located <u>or HOA as designated by the recorded final plat and/or applicable declarations, covenants and/or deed restrictions. If an HOA is designated and is later dissolved ownership reverts back to the owner of the property.</u>

[…]

ARTICLE 9.04 ZONING ORDINANCE

[…]

Sec. 9.04.030 THOR Thoroughfare Overlay District

(a) General purpose and description. This district is designed to provide for greater safety, larger development sites, and enhanced aesthetics in high traffic volume areas adjacent and/or in close proximity to major thoroughfares.

(b) Definition. 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) ~~Permitted uses. A building or premises in a THOR district shall be used~~

~~only for the following purposes:~~

~~(1) Uses as listed in appendix 2 of this article.~~

~~(d) Permitted specific uses. A building or premises in a THOR district shall be used only for the following purposes:~~

~~(1) Uses as listed in appendix 2 of this article.~~

~~(e)~~ Height and area regulations apply to all THOR streets unless specified or restricted herein.

(1) Building lots along U.S. Highway 75, Sam Rayburn Memorial Highway (SH 121), and Collin County Outer Loop shall be a minimum of one acre.

(2) Minimum lot width shall be 100 feet.

(3) Front yard setbacks shall be a minimum of 50 feet.

(4) Side yard setbacks along U.S. Highway 75, Sam Rayburn Memorial Highway (SH 121), and Collin County Outer Loop shall be a minimum of 10 feet.

(5) Driveway entries and exits on the same tract shall be separated by at least 150 feet.

~~(f) Parking regulations. Off-street parking shall be provided as set forth in section 9.04.037.~~

~~(g)~~(d) Masonry regulations.

(1) Except as otherwise authorized in this section, the exterior walls (excluding doors, door frames, windows, and window frames) of buildings in the THOR district shall use only stone, brick, and/or split face concrete masonry units (CMU) in the construction of the exterior facade that is visible to the public. The use of other high-quality materials for building trim, architectural decoration, and other design elements shall not be precluded; however, they are subject to approval by the zoning administrator and should contribute to the overall design concept.

(2) Where the function of an individual business, or the recognized identity of a brand dictates a specific style, image, or building material associated with that company, the masonry provision may be modified; however, the development shall maintain harmony in terms of overall project design and appearance, and such design shall be subject to approval by the city council after

recommendation from the planning and zoning commission.

(3) The front facade only (excluding doors, door frames, windows, and window frames) of municipal government buildings shall be required to consist of 100 percent masonry (stone, brick, and/or split face CMU).

~~(h) Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses (appendix 2 of this article).~~

~~(i) Signs. Signs in this district shall comply with the requirements of the city ordinance (as amended).~~

Sec. 9.04.031 ~~F-B Food-Beverage Overlay District~~ [Reserved]

~~(a) This section governs the "F-B - Food-Beverage Overlay District" (also referred to in this code as "F-B overlay district").~~

~~(b) The F-B overlay district shall apply within the corporate limits of the city in all areas described in appendix 4 and in all districts designated as C-1, C-2, C-3, I-1, I-2, CBRD and PD (where commercial uses are allowed).~~

~~(c) The regulations contained in this section are intended to be overlay zoning and will be applied in conjunction with all underlying zoning that currently exists within an F-B overlay district. The regulations of the underlying zoning, and all other applicable regulations, remain in effect. If provisions of the F-B overlay district conflict with provisions of the underlying zoning or any other regulations, the provisions of the F-B overlay district shall prevail.~~

~~(d) It shall be unlawful for any food-beverage store to be constructed, erected, or placed within 500 feet of another existing food-beverage store unless the city council grants a special use permit for a particular establishment that wishes to develop a food-beverage store within 500 feet of an existing food-beverage store. An establishment is considered to be an "existing food-beverage store" once the city has issued a valid certificate of occupancy for a use that falls under the definition of a food and beverage store.~~

~~(e) The measurement of the distance between food-beverage stores shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.~~

~~(Ordinance 390-2008 adopted 6/24/08; Ordinance 496-2010 adopted 5/25/2010; 2008 Code, pt. III-C, sec. 32)~~

Sec. 9.04.033 Special uses

[…]

(e) ~~Garden (patio)~~ Patio homes.

(1) Location on lot. ~~Garden (patio)~~ Patio home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of 10 feet. A minimum ~~three~~ five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of 10 feet shall be provided. The combined area of all structures shall not exceed 65% of the lot area.

[…]

(4) Side yard setback. The minimum side yard shall be zero feet except that there shall be at least 10 feet of separation between structures. When ~~garden (patio)~~ patio homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access easement for the zero setback ~~garden (patio)~~ patio home. There shall be a minimum of 20 feet from any property line adjacent to a street.

(5) Lot frontage. The minimum frontage of any ~~garden (patio)~~ patio home shall be 25 feet on residential streets and 35 feet on collector and thoroughfare streets.

(6) Lot area. The minimum lot area for any development lot for ~~garden (patio)~~ patio homes shall be 2,800 feet.

[…]

(l) Sale of alcoholic beverages

(6) It shall be unlawful for any person who operates an alcoholic beverage store to sell alcoholic beverages within 300 feet of any existing day-care or child-care facility. The measurement of the distance between said alcoholic beverage store and the day-care center or child-care facility shall be in a direct line from the property line of said alcoholic beverage store to the property line of the day-care center or child-care facility. For the purposes of this subsection and subsections (7) and (8), below, the terms “day-care center” and “child-care facility” have the meanings defined under section 42.002, Texas Human

Resources Code.

(7) Subsection ~~(k)~~(l)(6) of this section only applies to a permit or license holder under chapter 25, 28, 32, 69, or 74 of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate. Subsection (l)(6) does not apply to a permit or license holder who sells alcoholic beverages if:

(A) The permit or license holder and the day-care center or child-care facility are located on different stories of a multi-story building; or

(B) The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multi-story building.

[…]

(9) An establishment that derives 75% or more of the establishment's gross revenue from the sale of alcoholic beverages for on-premises consumption may not be located within a THOR Thoroughfare Overlay District ~~nor an F-B Food-Beverage Overlay District~~ as ~~those areas are~~ defined in this article, as amended.

[…]

(n) Drive throughs

(1) Drive throughs 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 & zoning commission may recommend and the 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.

(2) 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-through 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-through facility. An escape lane may be part of a circulation aisle.

(A) For drive-through restaurants, 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-through lane from the beginning of the drive-through lane to the pick-up window.

(B) For dry cleaners, banks and financial services, pharmacies, and retail uses with drive-through facilities, a minimum of 5 total stacking spaces shall be required if one or 2 drive through lanes are provided. For 3 or more drive through lanes, a minimum of 4 total stacking spaces shall be required. An escape lane shall be provided in all instances.

(C) For kiosks, a minimum of 2 stacking spaces for each service window shall be provided.

[…]

Sec. 9.04.037 Park space regulations

(a) Automobile parking space regulations. Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(1) Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Land Use	**Minimum**	**Additional Provisions**
[…]		
Commercial uses		
[…]		
Amusement facilities	10 per 1000 sf GFA	
[…]		
Banks and financial services	3.5 per 1000 sf GFA	~~Stacking for at least 3 vehicles per drive-through lane.~~ See Sec. 9.04.033(n)

		Drive throughs
Bars and pubs; brewpubs, private clubs, and tasting rooms	10 per 1,000 sf GFA	
Brewery, Distillery, Winery	2 per 1,000 sf GFA	See tasting room for areas where customers drink or sample the products.
[…]		
Dry cleaners	4 per 1000 sf GFA	~~Plus 3 stacking spaces per pickup lane.~~ See Sec. 9.04.033(n) Drive throughs
[…]		
Gyms, spas, studios; health clubs	8 per 1000 sf GFA	See below: Swimming pool/deck
[…]		
Restaurants;	10 per 1,000 sf GFA; Parking may be reduced during site plan review to no less than 3 per 1,000 sf GFA by the planning & zoning commission for drive through service	~~If drive-through service is provided, require an additional 5 stacking spaces from where order is placed.~~ See Sec. 9.04.033(n) Drive throughs
~~Restaurants primarily for takeout~~	~~3 per 1,000 sf GFA~~	~~If drive-through service is provided, require an additional 5 stacking spaces from where order is placed.~~
[…]		

[…]

APPENDIX 2. Schedule of Uses

Table 1. Residential uses

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	MH-1	MH-2	TF	MF-1	MF-2
~~Garden (patio)~~ Patio home (2)	3.1.7							Y	Y	S	S		S	S

[…]														
~~Zero-lot line house~~	~~3.1.29~~									~~Y~~	~~Y~~		~~Y~~	~~Y~~
[…]														

* The number in this column references a description/definition listed in appendix 3.

(1) See section 9.04.033(h) for additional regulations.

(2) See section 9.04.033(e) for additional regulations.

[…]

Table 2. Educational, Institutional, and special uses

Type of Use	**Def ***	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
[…]									
~~Health club; gymnasium~~	~~3.5.36 [sic]~~	~~Y~~		~~Y~~		~~Y~~		~~Y~~	
[…]									

[…]

Table 5. Office, retail, commercial and service type uses

Type of Use	**Def ***	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
[…]									
Amusement, commercial (indoor)	3.5.3a	S	S	~~S~~ Y	Y	~~S~~ Y	S	Y	S
[…]									
~~Barber shop~~	~~3.5.8a~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~			
[…]									
~~Beauty Shop~~	~~3.5.9a~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~			
[…]									
~~Bowling alley~~	~~3.5.39 [sic]~~	~~Y~~		~~Y~~		~~S~~		~~Y~~	

[…]									
Brewpub or Winery (1)	3.5.##			S	Y	Y	Y	Y	Y
[…]									
~~Custom personal service shop~~	~~3.5.16~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~S~~	
[…]									
~~Drapery, needlework, or weaving shop~~		~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~Y~~	
[…]									
Gymnastic or dance studio; health club	3.5.##	Y	Y	Y	Y	Y		S	
[…]									
~~Handcraft shop~~		~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~S~~	
[…]									
Intradermal Studio	3.5.XX	S	S	S	S	S		Y	
[…]									
Personal service shop	3.5.36	Y	Y	Y	Y	Y		S	
[…]									
Private clubs (1)	3.5.##	S		S	S	S		S	
[…]									
~~Racquetball facilities~~	~~3.5.43~~	~~S~~		~~Y~~	~~Y~~	~~Y~~		~~Y~~	
Restaurant or cafeteria~~, with drive-in or drive-through~~	3.5.44 ~~a~~	Y	~~S~~ Y	Y	~~S~~ Y	~~S~~ Y		Y	

~~service~~ (1)									
~~Restaurant or cafeteria, without drive-in or drive-through service~~	~~3.5.44 b~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~Y~~	
~~Restaurant, with drive-in service~~	~~3.5.44 c~~	~~Y~~		~~Y~~				~~Y~~	
~~Restaurant, with drive-through service~~	~~3.5.44 d~~	~~Y~~		~~Y~~				~~Y~~	
[…]									
~~Tanning salon~~		~~Y~~	~~Y~~	~~Y~~		~~Y~~			
Tasting Room (1)	3.5.##			S	Y	Y	Y	Y	Y
[…]									
Veterinarian clinic (no outside pens)	3.5.##	S		S	S	Y		Y	S
Veterinarian clinic (outside pens)	3.5.##			S				Y	S
[…]									

(1) See Sec. 9.04.033 Special Uses

[…]

Table 6. Manufacturing, storage and warehousing uses

Type of Use	**Def ***	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
[…]									

Brewery/Distillery	3.6.##						S	Y	Y
[…]									

[…]

APPENDIX 3. Descriptions/Definitions

[…]

3.1 Residential uses

[…]

3.1.7 ~~Garden (patio)~~ Patio home: A single-family dwelling, detached residence allowed to have little or no side yard on one side, built in accordance with standards set out in Section 9.04.33(e), where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

[…]

3.1.29 Zero lot line house: See 3.1.7 Patio home. ~~A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.~~

[…]

3.5 Retail and service type uses

[…]

3.5.3a Amusement, commercial (indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, escape rooms, ice or roller skating rinks, ~~racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas,~~ bingo parlors~~, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks~~.

[…]

3.5.## Brewpub or Winery: 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); See Sec. 9.04.033 Special Uses, (l) Sale of Alcoholic Beverages;

[…]

~~3.5.16 Custom personal service shop: Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.~~

[…]

~~3.5.22 Food-beverage store: An establishment engaged in the sale of food or beverages–of any kind whatsoever–for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.~~

[…]

3.5.## Gymnastic/dance studio and 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.

[…]

3.5.XX Intradermal Studio (Body Piercing, Permanent Cosmetics, and Tattooing): The practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment.

[…]

3.5.36 Personal service shop: An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pickup stations, intradermal cosmetics, shoe repair, tanning salon, or tailor ~~and reducing salons/health clubs~~. Intradermal Studio services may be offered as an accessory service.

[…]

3.5.## 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. See Sec. 9.04.033 Special Uses, (i) Private Clubs

[…]

~~3.5.43 Racquetball facilities: Courts housed in an acoustically treated building and designed for one to four persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of 40% of the total floor area.~~

~~3.5.44a Restaurant or cafeteria, with drive-in or drive-through service: An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises but providing service to persons in cars.~~

~~3.5.44b Restaurant or cafeteria, without drive-in or drive-through service: An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises.~~

~~3.5.44c Restaurant, with drive-in service: An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.~~

~~3.5.44d Restaurant, with drive-through service: An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.~~

3.5.44 Restaurant or cafeteria: An establishment where food and drink are prepared and may be consumed on the premises. See Sec. 9.04.033.XXX for additional requirements pertaining to drive throughs;

[…]

3.5.## Tasting Room – A retail establishment associated with a brewery, brewpub, distillery, or winery for the sale of beer, wine or liquors. See Sec. 9.04.033 Special Uses, (l) Sale of Alcoholic Beverages;

[…]

3.5.## Veterinarian clinic (no outside pens): An establishment with indoor

pens in which dogs and/or other domesticated animals are housed during the day or overnight, groomed, bred, boarded, exercised, trained, or sold for commercial purposes as well as examination and medical treatment. Animal transportation service may be provided. Fenced outdoor space may be provided with appropriate screening. The planning & zoning commission may recommend and the city council may 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 noise and odor on surrounding uses.

3.5.## Veterinarian clinic (outside pens): An establishment with outdoor pens in which dogs and/or other domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes as well as examination and medical treatment. The planning & zoning commission may recommend and the city council may 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 noise and odor on surrounding uses.

[…]

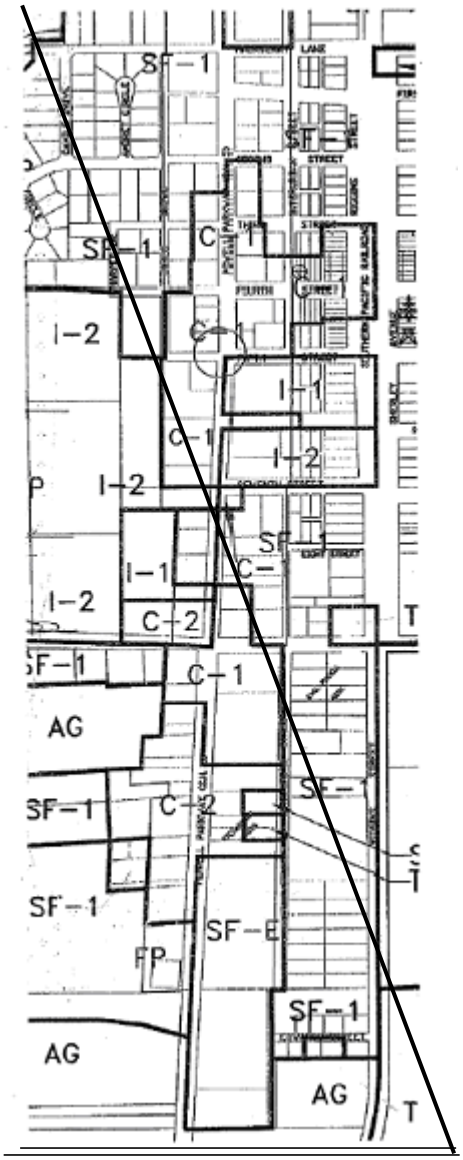
3.6 Manufacturing, storage, and warehouse uses

[…]

3.6.## Brewery/Distillery: The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

[…]

~~APPENDIX 4. Food and beverage overlay district map~~



[…]

ARTICLE 9.05 SIGNS

[…]

Sec. 9.05.008 Exemptions

The following signs and related objects are generally allowed to be erected and publicly displayed at any location within the city's municipal boundaries or its extraterritorial jurisdiction, except as otherwise specifically proscribed within these sign regulations, and a city-issued sign permit is not required in order to erect and display any of the following signs unless specifically set forth in this section.

[…]

(6) Flags of governmental, nonprofit and/or tax-exempt organizations~~, provided that the flag does not exceed 35 feet in height~~. Flag poles must follow the height and setbacks of the zoning district it is within. Flag poles are exempt from setbacks when part of a Class 6 monument sign or entry feature.

[…]

Sec. 9.05.086 Summary of districts

[…]

Table 3. Residential Districts (Single- and Multi-Family)

Districts	**Permissible Classes**	**Max. Area**	**Max. Height**	**Max. Number**
Single-family and duplex district	1, 3, 4	*	*	*
	Subdivision sign	~~24~~ 32 sq. ft.	6 ft.	2 per adjacent public street
Educational institutions	Bulletin board	25 sq. ft.	Below roof line	1 per building
	Attached sign	12 inch letter	Below roof line	1 per building
Public, charitable, or religious institutions	Free-standing sign	24 sq. ft.**	6 ft.	1 per site
	Attached sign	24 sq. ft.	Below roof line	1 per site
Apartment district	1, 3, 4	*	*	*
	5	25 sq. ft.	8 ft.	1 of either class per adjacent public street
	7	40 sq. ft.	8 ft. below roof line	

* Refer to division 2 of this article.

** Religious institution - 60 square feet.

Class 1–Minor signs; Class 2–Window signs; Class 3–Traffic-related signs; Class 4–Temporary promotional signs; Class 5–Major free-standing signs; Class 6–Monument signs; Class 7–Major attached signs

[…]

Section 3. **Savings, Repealing and Severability Clauses**

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

Section 4. **Penalty**

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed the lesser of $2,000 or the highest amount allowed by applicable law for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

Section 5. **Publication of the Caption and Effective Date**

This ordinance shall be effective upon its passage by the City Council and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas this 26th day of January 2021.

ATTESTED: APPROVED:

Carrie L. Land, City Secretary

Nate Pike, Mayor

CITY OF ANNA

CITY COUNCIL

January 26, 2021

Agenda Item Text Amendments

DESCRIPTION:

Request a recommendation to amend Article 9.02 Subdivision Regulations, Article 9.04 Zoning Ordinance, and Article 9.05 Signs of Chapter 9 Planning & Development Regulations of the City of Anna Code of Ordinances in order to amend various sections in order to improve staff efficiency, modernize language, and provide general clean-up of regulations.

REMARKS:

One of the Planning & Zoning Commission's duties is to hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations. Changes to the zoning regulations may only be amended by ordinance which requires a public hearing before the Planning & Zoning Commission and City Council.

The Planning & Zoning Commission held a public hearing at the January 4, 2021 and recommended approval, 6 - 0 in favor of the amendment request with recommended changes to clarify language.

ITEMS:

a. Minimum frontage requirement
b. Retaining wall ownership
c. Clarify "Impractical size" and fee collection for Park Land Dedication
d. Consistency with the Texas Alcoholic Beverage Code (TABC), Chapter 109 Miscellaneous Regulatory Provisions
e. Thoroughfare Overlay District
f. Food and beverage overlay district
g. Uses: garden (patio) homes & zero-lot line
h. Uses: indoor commercial amusement, health club, gymnasiums, gymnastic or dance studio
i. Uses: restaurants, private clubs, brewpubs, tasting rooms, wineries, and breweries
j. Uses: personal service shops
k. Uses: veterinarian clinics
l. Flag Poles
m. Subdivision signage maximum copy area

SUMMARY:

The requested amendments to the subdivision regulations, design standards, zoning ordinance, and landscape regulations will improve staff efficiency, clarify the City's development regulations and standards, and reduce costs to neighbors, developers, and property owners.

RECOMMENDATION:

Recommended for approval as follows: (additions are indicated in underlined text; deletions are indicated in strikethrough text; text in bold following each is an explanation for the change and is not part of the ordinance language).

a. Minimum frontage requirement

Sec. 9.02.016 Definitions

Lot or lot of record means a divided or undivided tract or parcel of land having frontage on a public or private street ~~or other form of approved public or private access~~, 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.

Sec. 9.02.081 Streets

[…]

(c) Adequacy of streets and thoroughfares.

[…]

(4) Approach streets and access. All subdivisions must have at least two points of vehicular access, and must be connected via improved streets (streets that meet the city standards) to the city's improved thoroughfare and street system by one or more approach streets of such dimensions and improved to such standards as required herein. All residential subdivisions shall provide no less than one entrance for each 50 lots including stubs for future development and in no case shall have more than 150 lots for each connection to an existing street.

[…]

(D) Adequate emergency access. The subdivision shall be designed to provide adequate emergency access for public safety vehicles. ~~Each residential lot in the subdivision shall have a minimum frontage (measured at the property line) of at least 40 feet on a dedicated public street or approved private access, unless other provisions have been authorized through a planned development district. Each nonresidential lot shall have a minimum frontage on a dedicated public street or approved private~~

~~access of at least 50 feet, unless other provisions have been authorized through a planned development district.~~

Sec. 9.02.087 Lots

(b) Minimum frontage on a public street. Each lot on a subdivision plat shall front onto a dedicated, improved public street, ~~or approved commercial private access~~ unless platted as an approved private street subdivision in accordance with these subdivision regulations. All lots shall have a minimum of 40 feet of frontage along the property line of a dedicated, improved street ~~or access~~ unless other provisions have been authorized through the Zoning Ordinance or a planned development district.

Frontage along a Public or Private Street

As large tracts are divided and developed, the creation of lots that do not have direct access and/or frontage onto a dedicated, improved public or private street should be avoided. In certain situations, such as property along TXDOT roadways, there will be times when a driveway will not be permitted. However, the lot should still have frontage along a street.

Allowing lots to meet the frontage requirement by only having frontage on an access easement creates difficulty for addressing which will lead to an issue for public safety response. Additionally, a lot that does have frontage on a road creates a problem for signage as off-site signage is not permissible and major-freestanding sign regulations are based on the size of the right-of-way frontage.

Minimum Frontage Requirement

The current frontage requirements contain conflicting direction, complicate addressing, and are not in conformance with zoning requirements for certain zoning districts.

The Subdivision Regulations currently state that every lot shall have 40 feet of frontage for residential and 50 feet for nonresidential. The Townhome District (SF-TH) and the Central Business Redevelopment District (CBRD) each have a minimum lot width requirement of 25 feet and the Office District (O-1) district does not have a minimum lot width requirement. For the purpose of development in the extraterritorial jurisdiction, staff recommends keeping the 40-foot minimum lot width in the Subdivision Regulations but also noting that Zoning within the city limits supersedes this regulation.

b. Retaining wall

Sec. 9.02.166

[…]

(c) Retaining wall maintenance. Retaining walls shall be maintained by the owner of the property where such retaining wall is located <u>or HOA as designated by the recorded final plat and/or applicable declarations, covenants and/or deed restrictions.. If an HOA is designated and is later dissolved ownership reverts back to the owner of the property</u>.

The current regulation states that property owners are the sole responsibility of retaining walls. Walls that are over 4 feet in height are typically maintained by a private Homeowners' Association as it provides benefit to more than the single property owner.

c. Clarify City's definition of "Impractical size" and collection of fees for Park Land Dedication

Sec. 9.02.135 Park land and public facility dedication

[…]

(c) General requirement: Dedication of land and payment of park development fee.

(3) Impractical size. The city council declares that development of an area of less than five acres for neighborhood park purposes is impractical. Therefore, if fewer than ~~665~~ 250 dwelling units are proposed by a plat filed for approval, the city council may require the developer to pay the applicable cash in lieu of land amount, as provided in subsection ~~(4)~~ (d) below.

(d) Cash in lieu of land.

(1) Requirement. A developer responsible for land dedication under these subdivision regulations shall be required, at the city council's option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land, in the amount set forth below. Such payment in lieu of land shall be made ~~prior to the issuance of a building permit. Where no building permit is required, the fee shall be paid~~ prior to filing of the final plat for record.

(2) Fee. The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by ordinance of the city council sufficient to acquire neighborhood park land. Cash payment fees in lieu of land dedication are found in the fee schedule in appendix A of this code. Such fee shall be paid by the developer prior to filing of the final plat.

[…]

The 665 dwelling units is not equivalent to five acres. Five acres would be required for dedication of 250 dwelling units. 665 dwelling units would require 13.3 acres of dedication. For comparison, Sherley Heritage Park is approximately 1.5 acres including the water tower and storage tanks.

The reference to subsection 4 should be a reference subsection d which explains the process of payment in lieu of park land dedication. The Cash in lieu of land fee would be easiest to track during the building permitting process rather than when the final plat is recorded.

d. Update Zoning Ordinance for consistency with the Texas Alcoholic Beverage Code (TABC), Chapter 109 Miscellaneous Regulatory Provisions

Sec. 9.04.033(l) Sale of alcoholic beverages

[…]

(6) It shall be unlawful for any person who operates an alcoholic beverage store to sell alcoholic beverages within 300 feet of any existing day-care or child-care facility. The measurement of the distance between said alcoholic beverage store and the day-care center or child-care facility shall be in a direct line from the property line of said alcoholic beverage store to the property line of the day-care center or child-care facility. For the purposes of this subsection and subsections (7) and (8), below, the terms “day-care center” and “child-care facility” have the meanings defined under section 42.002, Texas Human Resources Code.

(7) Subsection ~~(k)~~(l)(6) of this section only applies to a permit or license holder under chapter 25, 28, 32, 69, or 74 of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate.

[…]

TABC 109.331 defines the distance measurement as from property line to property line for day-care centers. This amendment will align with the TABC code.

Correction of numbering error for subsection 7.

e. Thoroughfare Overlay District

Sec. 9.04.030 THOR Thoroughfare Overlay District

(a) General purpose and description. This district is designed to provide for greater safety, larger development sites, and enhanced aesthetics in high traffic volume areas adjacent and/or in close proximity to major thoroughfares.

(b) Definition. 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) Permitted uses. A building or premises in a THOR district shall be used only for the following purposes:~~

~~(1) Uses as listed in appendix 2 of this article.~~

~~(d) Permitted specific uses. A building or premises in a THOR district shall be used only for the following purposes:~~

~~(1) Uses as listed in appendix 2 of this article.~~

~~(e)~~(c) Height and area regulations apply to all THOR streets unless specified or restricted herein.

(1) Building lots along U.S. Highway 75. Sam Rayburn Memorial Highway (SH 121), and Collin County Outer Loop shall be a minimum of one acre.

(2) Minimum lot width shall be 100 feet.

(3) Front yard setbacks shall be a minimum of 50 feet.

(4) Side yard setbacks along U.S. Highway 75. Sam Rayburn Memorial Highway (SH 121), and Collin County Outer Loop shall be a minimum of 10 feet.

(5) Driveway entries and exits on the same tract shall be separated by at least 150 feet.

~~(f) Parking regulations. Off-street parking shall be provided as set forth in section 9.04.037.~~

~~(g)~~(d) Masonry regulations.

(1) Except as otherwise authorized in this section, the exterior walls (excluding doors, door frames, windows, and window frames) of buildings in the THOR district shall use only stone, brick, and/or split face concrete masonry units (CMU) in the construction of the exterior facade that is visible to the public. The use of other high-quality materials for building trim, architectural decoration, and other design elements shall not be precluded; however, they are subject to approval by the zoning administrator and should contribute to the overall design concept.

(2) Where the function of an individual business, or the recognized identity of a brand dictates a specific style, image, or building material associated with that company, the masonry provision may be modified; however, the development shall maintain harmony in terms of overall project design and appearance, and such design shall be subject to approval by the city council after recommendation from the planning and zoning commission.

(3) The front facade only (excluding doors, door frames, windows, and window frames) of municipal government buildings shall be required to consist of 100 percent masonry (stone, brick, and/or split face CMU).

~~(h) Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses (appendix 2 of this article).~~

~~(i) Signs. Signs in this district shall comply with the requirements of the city ordinance (as amended).~~

The purpose of an overlay district is to provide design standards above and beyond the zoning district for specific corridors. Appendix 2. Schedule of uses does not have the THOR overlay district as a separate column therefore subsections c, d, and h are not required. Similarly, subsection f and l do not provide additional standards.

Additionally, the one-acre lot requirement seems excessive for White Street (FM 455) and Powell Parkway (SH 5) as both have existing properties less than one acre. It is not uncommon for a commercial strip center or office complex to develop on one lot then in the future to subdivide the lot for multiple property owners. The THOR overlay regulations would not allow these types of properties to be subdivided although it would be in conformance with the commercial zoning.

f. Food and beverage overlay district

Sec. 9.04.031 ~~F-B Food-Beverage Overlay District~~ [Reserved]

~~(a) This section governs the "F-B - Food-Beverage Overlay District" (also referred to in this code as "F-B overlay district").~~

~~(b) The F-B overlay district shall apply within the corporate limits of the city in all areas described in appendix 4 and in all districts designated as C-1, C-2, C-3, I-1, I-2, CBRD and PD (where commercial uses are allowed).~~

~~(c) The regulations contained in this section are intended to be overlay zoning and will be applied in conjunction with all underlying zoning that currently exists within an F-B overlay district. The regulations of the underlying zoning, and all other applicable regulations, remain in effect. If provisions of the F-B overlay district conflict with provisions of the underlying zoning or any other regulations, the provisions of the F-B overlay district shall prevail.~~

~~(d) It shall be unlawful for any food-beverage store to be constructed, erected, or placed within 500 feet of another existing food-beverage store unless the city council grants a special use permit for a particular establishment that wishes to develop a food-beverage store within 500 feet of an existing food-beverage store. An establishment is considered to be an "existing food-beverage store" once the city has issued a valid certificate of occupancy for a use that falls under the definition of a food and beverage store.~~

~~(e) The measurement of the distance between food-beverage stores shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.~~

Sec. 9.04.033 Special uses

(l) Sale of alcoholic beverages

(9) An establishment that derives 75% or more of the establishment's gross revenue from the sale of alcoholic beverages for on-premises consumption may not be located within a THOR Thoroughfare Overlay District ~~nor an F-B Food-Beverage Overlay District~~ as ~~those areas are~~ defined in this article, as amended.

Appendix 3 Descriptions/Definitions

[…]

3.5 Retail and service type uses

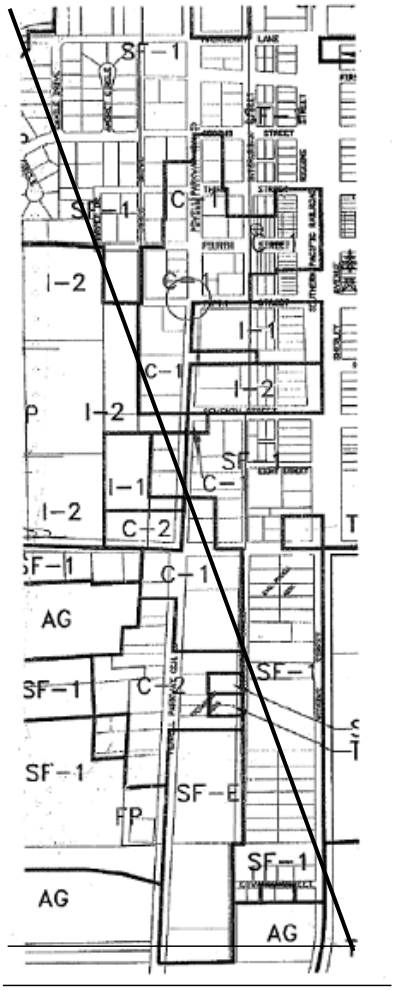
[…]

~~3.5.22 Food-beverage store: An establishment engaged in the sale of food or beverages–of any kind whatsoever–for off-premises consumption. This definition does not include~~

~~restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.~~

[…]

~~Appendix 4. Food and beverage overlay district map~~



The Food-Beverage Overlay District applies to all districts designated as C-1, C-2, C-3, I-1, I-2, CBRD and PD's (where commercial uses are allowed). This includes all properties along current and future major throughfares zoned for commercial uses. Additionally, there is a referenced Appendix 4 map. However, it is not supplemented with corresponding text to clearly provide staff direction. The overlay states that it is unlawful for any food beverage store to be constructed, erected or placed within 500 feet of another existing food-beverage store unless a special use permit is granted by Council.

A Food-Beverage store is defined as an establishment engaged in the sale of food or beverages of any kind for off-premises consumption. This definition does not include

restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption"

Existing businesses that fall under this broad definition include any business that sells alcoholic and non-alcoholic beverages for off-premises consumption (Brookshire's, Walmart, CVS, Frazzy's, convenience stores, etc.). Additionally, most of Anna's fast-food restaurants that have drive-through facilities typically lead to off-premises consumption which would exceed the 10% allowance for off-premises consumption for that business to be considered a restaurant.

The current regulations as written place additional restrictions and regulation requirements on businesses looking to locate and operate within the city. This places an unnecessary burden on commercial property owners and deters new businesses from operating within the City of Anna. Additionally, the current regulations are difficulty for staff and elected official to monitor and regulate as the city grows.

An example of the unintended consequences is if a local farmer wanted to open a shop to sell their honey, they would be required to obtain a specific use permit in order to operate within 500 feet of any existing grocery stores, specialty food retail stores, or convenience stores.

g. Uses: garden (patio) homes & zero-lot line

Sec. 9.04.033

[…]

(e) ~~Garden (patio)~~ Patio homes.

(1) Location on lot. ~~Garden (patio)~~ Patio home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of 10 feet. A minimum ~~three~~ five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of 10 feet shall be provided. The combined area of all structures shall not exceed 65% of the lot area.

(2) Front yard setback. The minimum front yard shall be 15 feet, provided that in no case shall a garage or carport fronting onto a street be less than 20 feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of 10 feet for lots facing cul-de-sac or loop streets not exceeding 400 feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be 25 feet. A minimum lot depth of 65 feet, as measured from front building line to rear lot line, shall be maintained.

(3) Rear yard setback. The minimum rear yard shall be five feet for a single-story structure and 15 feet for any two-story structure. If access is from an alley, the minimum setback will be 20 feet for garages or carports.

(4) Side yard setback. The minimum side yard shall be zero feet except that there shall be at least 10 feet of separation between structures. When ~~garden (patio)~~ patio homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access easement for the zero setback ~~garden (patio)~~ patio home. There shall be a minimum of 20 feet from any property line adjacent to a street.

(5) Lot frontage. The minimum frontage of any ~~garden (patio)~~ patio home shall be 25 feet on residential streets and 35 feet on collector and thoroughfare streets.

(6) Lot area. The minimum lot area for any development lot for ~~garden (patio)~~ patio homes shall be 2,800 feet.

(7) Maximum length of structures. No zero lot line structure shall have an overall length exceeding 250 feet.

(8) Maximum height of structures. No structure shall exceed two stories or 35 feet in height.

(9) Parking. Two off-street spaces per dwelling unit plus 1/2 space per dwelling unit for visitor parking within 600 feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

(10) Common area maintenance. To insure the long-term maintenance of common land and facilities in patio home developments, the following shall be required:

(A) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect. A homeowners' association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(B) The HOA or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

(11) Usable open space requirements. Each parcel of land developed under patio home standards shall provide usable open space totaling 15% of the area of a patio home development. Such open space shall have a maximum slope of 10% and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The 15% shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current comprehensive plan). At the time of site plan and/or subdivision plat approval, the city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

(12) Additional landscaping. In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

[…]

Appendix 2 Schedule of Uses

Table 1. Residential uses

Type of Use	Def *	AG	SF-E	SF-1	SF-84	SF-72	SF-60	SF-Z	SF-TH	MH-1	MH-2	TF	MF-1	MF-2
~~Garden (patio)~~ Patio home (2)	3.1.7							Y	Y	S	S		S	S
[…]														
~~Zero-lot-line house~~	~~3.1.29~~									~~Y~~	~~Y~~		~~Y~~	~~Y~~
[…]														

* The number in this column references a description/definition listed in appendix 3.

(1) See section 9.04.033(h) for additional regulations.

(2) See section 9.04.033(e) for additional regulations.

[…]

Appendix 3 Descriptions/Definitions

[…]

3.1 Residential uses

[…]

3.1.7 ~~Garden (patio)~~ Patio home: A single-family dwelling, detached residence allowed to have little or no side yard on one side, built in accordance with standards set out in Section 9.04.33(e), where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

[…]

3.1.29 Zero lot line house: See 3.1.7 Patio home. ~~A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.~~

[…]

There is not a clear distinction between the use types zero-lot line houses and garden (patio) homes. The Zoning Ordinance provides contradicting definitions and permissions of two types of dwelling units. Additionally, both zero-lot line and garden (patio) homes are not currently permitted in the Single-Family Residence District – Zero lot line homes (SF-Z) zoning district as detailed in Appendix 2. The two uses should be consolidated by amending the definitions and schedule of uses.

Within Section 9.04.033 (e) there is conflicting direction regarding the required access easement width that should be corrected.

h. Uses: indoor commercial amusement, health club, gymnasiums, gymnastic or dance studio

Sec. 9.04.037 Parking space regulations

(a) Automobile parking space regulations. Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(1) Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Land Use	**Minimum**	**Additional Provisions**
[…]		
Commercial uses		
Amusement facilities	10 per 1000 sf GFA	
Gyms, spas, studios; health clubs	8 per 1000 sf GFA	See below: Swimming pool/deck
[…]		

Appendix 2 Schedule of Uses

[…]

Table 2. Educational, Institutional and special uses

Type of Use	**Def ***	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
[…]									
~~Health club; gymnasium~~	~~3.5.36 [sic]~~	~~Y~~		~~Y~~		~~Y~~		~~Y~~	
[…]									

[…]

Table 5. Office, retail, commercial and service type uses

Type of Use	**Def ***	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
[…]									
Amusement, commercial (indoor)	3.5.3a	S	S	~~S~~ Y	Y	~~S~~ Y	S	Y	S

[…]									
~~Bowling alley~~	~~3.5.39 [sic]~~	~~Y~~		~~Y~~		~~S~~		~~Y~~	
[…]									
Gymnastic or dance studio; health club	3.5.##	Y	Y	Y	Y	Y		S	
[…]									
~~Racquetball facilities~~	~~3.5.43~~	~~S~~		~~Y~~	~~Y~~	~~Y~~		~~Y~~	
[…]									

Appendix 3 Descriptions/Definitions

[…]

3.5 Retail and service type uses

3.5.3a Amusement, commercial (indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, escape rooms, ice or roller skating rinks, ~~racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas,~~ bingo parlors~~, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks~~.

3.5.## Gymnastic/dance studio and 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 nautilus 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 recreation buildings.

~~3.5.43 Racquetball facilities: Courts housed in an acoustically treated building and designed for one to four persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of 40% of the total floor area.~~

There is contradicting information for anyone desiring to open a health club or dance studio within the city limit. In Appendix 2 Schedule of Uses, “Health Club; gymnasium” and “Gymnastic or dance studio” are listed as uses. However, in Appendix 3 Descriptions/Definitions, there is no definition for these uses but are included in other definitions. The parking section, Sec. 9.04.037(a)(1), lists “gyms, spas, and studios” separately from amusement facilities, personal services, and the recreational uses section. By consolidating these uses and creating a broad definition, it will assist these businesses to know where they may operate.

i. Uses: restaurants, private clubs, brewpubs, tasting rooms, wineries, and breweries

Sec. 9.04.037 Parking space regulations

(a) Automobile parking space regulations. Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(2) Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Land Use	**Minimum**	**Additional Provisions**
[…]		
Commercial uses		
[…]		
Banks and financial services	3.5 per 1000 sf GFA	~~Stacking for at least 3 vehicles per drive-through lane.~~ See Sec. 9.04.044(n) Drive throughs
Bars and pubs; brewpubs, private clubs, and tasting rooms	10 per 1,000 sf GFA	
Brewery, Distillery, Winery	2 per 1,000 sf GFA	See tasting room for areas where customers drink or sample the products.
[…]		
Dry cleaners	4 per 1000 sf GFA	~~Plus 3 stacking spaces per pickup lane.~~ See Sec. 9.04.044(n) Drive throughs
[…]		
Restaurants;	10 per 1,000 sf GFA; Parking may be reduced during site plan review to no less than 3 per 1,000 sf GFA by the Planning & Zoning Commission for drive through service	~~If drive-through service is provided, require an additional 5 stacking spaces from where order is placed.~~ See Sec. 9.04.044(n) Drive throughs
~~Restaurants primarily for takeout~~	~~3 per 1,000 sf GFA~~	~~If drive-through service is provided, require an additional 5 stacking spaces from where order is placed.~~

[…]

Sec. 9.04.044 Special Uses

(n) Drive throughs

(1) Drive throughs with individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened. The Planning & Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(2) A stacking space shall be an area on a site measuring 8 feet by 20 feet with direct forward access to a service window or station of a drive-through 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 8 feet wide that provides access around the drive-through facility. An escape lane may be part of a circulation aisle.

(A) For drive-through restaurants, 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-through lane from the beginning of the drive-through lane to the pick-up window.

(B) For dry cleaners, banks and financial services, pharmacies, and retail uses with drive-through facilities, 5 stacking spaces shall be required if one or 2 drive through lanes are provided. For 3 or more drive through lanes, 4 stacking spaces shall be required. An escape lane shall be provided in all instances.

(C) For kiosks, a minimum of 2 stacking spaces for each service window shall be provided.

[…]

Appendix 2 Schedule of Uses

[…]

Table 5. Office, retail, commercial and service type uses

Type of Use	**Def ***	**C-1**	**NC**	**C-2**	**CBRD**	**C-3**	**O-1**	**I-1**	**I-2**
[…]									
Brewpub or Winery (1)	3.5.##			S	Y	Y	Y	Y	Y
[…]									
Private clubs (1)	3.5.##	S		S	S	S		S	

Restaurant or cafeteria~~, with drive-in or drive-through service~~ (1)	3.5.44~~a~~	Y	~~S~~ Y	Y	~~S~~ Y	~~S~~ Y		Y	
~~Restaurant or cafeteria, without drive-in or drive-through service~~	~~3.5.44b~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~Y~~	
~~Restaurant, with drive-in service~~	~~3.5.44c~~	~~Y~~		~~Y~~				~~Y~~	
~~Restaurant, with drive-through service~~	~~3.5.44d~~	~~Y~~		~~Y~~				~~Y~~	
[…]									
Tasting Room (1)	3.5.##			S	Y	Y	Y	Y	Y
[…]									

(1) See 9.04.033 Special Uses

[…]

Table 6. Manufacturing, storage and warehousing uses

Type of Use	Def *	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
[…]									
Brewery/Distillery	3.6.##						S	Y	Y
[…]									

[…]

Appendix 3 Descriptions/Definitions

[…]

3.5 Retail and service type uses

[…]

3.5.## Brewpub or Winery: 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); See Sec. 9.04.033 Special Uses, (l) Sale of Alcoholic Beverages;

[…]

3.5.## 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. See Sec. 9.04.033 Special Uses, (i) Private Clubs

[…]

~~3.5.44a Restaurant or cafeteria, with drive-in or drive-through service: An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises but providing service to persons in cars.~~
~~3.5.44b Restaurant or cafeteria, without drive-in or drive-through service: An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises.~~
~~3.5.44c Restaurant, with drive-in service: An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.~~
~~3.5.44d Restaurant, with drive-through service: An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.~~
3.5.44 Restaurant or cafeteria: An establishment where food and drink are prepared and may be consumed on the premises. See Sec. 9.04.033.XXX for additional requirements pertaining to drive throughs;

[…]

3.5.## Tasting Room – A retail establishment associated with a brewery, brewpub, distillery, or winery for the sale of beer, wine or liquors. See Sec. 9.04.033 Special Uses, (l) Sale of Alcoholic Beverages;

[…]

3.6 Manufacturing, storage, and warehouse uses

3.6.## Brewery/Distillery: The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

[…]

Use types

The current regulations are difficult to discern the differences between the restaurant types especially as restaurants have evolved in their services. The regulations also

would not permit brewpubs and tasting rooms, which are similar in nature to a restaurant with an industrial component. Additionally, while regulations are adopted for private clubs, it was not referenced properly in the schedule of uses to review Sec. 9.04.044 Special Uses nor defined in definitions/descriptions.

<u>Drive throughs</u>

The current regulations provide a vague description of the necessary design for drive throughs. The addition to Sec. 9.04.044 Special Uses will help to preserve enjoyment of residential properties by including the 150' distance requirement. Requiring an escape lane will assist in emergency situations to allow unaffected vehicles to escape the drive through and improve overall traffic circulation of the site.

j. Uses: personal service shops

Appendix 2 Schedule of Uses

Table 5. Office, retail, commercial and service type uses

Type of Use	Def *	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
[…]									
~~Barber shop~~	~~3.5.8a~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~			
[…]									
~~Beauty Shop~~	~~3.5.9a~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~			
[…]									
~~Custom personal service shop~~	~~3.5.16~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~S~~	
[…]									
~~Drapery, needlework, or weaving shop~~		~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~Y~~	
[…]									
~~Handcraft shop~~		~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~		~~S~~	
[…]									
Intradermal Studio	3.5.XX	S	S	S	S	S		Y	
[…]									
Personal service shop	3.5.36	Y	Y	Y	Y	Y		S	
[…]									
~~Tanning salon~~		~~Y~~	~~Y~~	~~Y~~		~~Y~~			
[…]									

Appendix 3 Descriptions/Definitions

[…]

3.5 Retail and service type uses

[…]

3.5.XX Intradermal Studio (Body Piercing, Permanent Cosmetics, and Tattooing): The practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment.

[…]

~~3.5.16 Custom personal service shop: Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.~~

3.5.36 Personal service shop: An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pickup stations, intradermal cosmetics, shoe repair, tanning salon, or tailor ~~and reducing salons/health clubs~~. Intradermal Studio services may be offered as an accessory service.

[…]

Staff and potential businesses will better understand where a business may operate within the City of Anna if there are broad uses within the Schedule of Uses that cover multiple business types. Having a Barber Shop and Beauty Salon separate from a Personal Service Shop creates a longer table than is necessary. Appendix 2. Schedule of Uses and Appendix 3. Descriptions/Definitions have many uses that could be consolidated under the Personal Service Shop use.

Additionally, the current regulations are vague on intradermal studios. As many places like beauty salons and retail stores have begun offering intradermal services, the ordinance needs to be clear that it is allowed as an accessory use but there may be a desire to limit stand-alone intradermal studios.

k. Uses: veterinarian clinics

Appendix 2 Schedule of Uses

Table 5. Office, retail, commercial and service type uses

Type of Use	Def *	C-1	NC	C-2	CBRD	C-3	O-1	I-1	I-2
[…]									
Veterinarian clinic (no outside pens)	3.5.##	S		S	S	Y		Y	S
Veterinarian clinic (outside pens)	3.5.##			S				Y	S
[…]									

Appendix 3 Descriptions/Definitions

[…]

3.5 Retail and service type uses

[…]

3.5.## Veterinarian clinic (no outside pens): An establishment with indoor pens in which dogs and/or other domesticated animals are housed during the day or overnight, groomed, bred, boarded, exercised, trained, or sold for commercial purposes as well as examination and medical treatment. Animal transportation service may be provided. Fenced outdoor space may be provided with appropriate screening. The Planning & Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact to residential uses.

3.5.## Veterinarian clinic (outside pens): An establishment with outdoor pens in which dogs and/or other domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes as well as examination and medical treatment. The Planning & Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact to residential uses.

[…]

A definition for Veterinarian Clinics is necessary to define that this use may have an outdoor space associated with indoor pens. Daycares for dogs has become a popular, independent business in neighboring cities, therefore it should also be permitted by specific use permit in the CBRD district

l. Flagpoles over 35 feet

Sec. 9.05.008 Exemptions

The following signs and related objects are generally allowed to be erected and publicly displayed at any location within the city's municipal boundaries or its extraterritorial jurisdiction, except as otherwise specifically proscribed within these sign regulations, and a city-issued sign permit is not required in order to erect and display any of the following signs unless specifically set forth in this section.

[…]

(6) Flags of governmental, nonprofit and/or tax-exempt organizations~~, provided that the flag does not exceed 35 feet in height~~. Flag poles must follow the height and setbacks of the zoning district it is within. Flag poles are exempt from setbacks when part of a Class 6 monument sign or entry feature.

[…]

Currently the Planning & Development regulations do not provide clear direction for flagpoles. The intent is to clarify erection of flagpoles within the City of Anna.

m. Subdivision signage maximum copy area

Sec. 9.05.086 Summary of districts

[…]

Table 3. Residential Districts (Single- and Multi-Family)

Districts	**Permissible Classes**	**Max. Area**	**Max. Height**	**Max. Number**
Single-family and duplex district	1, 3, 4	*	*	*
	Subdivision sign	~~24~~ 32 sq. ft.	6 ft.	2 per adjacent public street
Educational institutions	Bulletin board	25 sq. ft.	Below roof line	1 per building
	Attached sign	12 inch letter	Below roof line	1 per building
Public, charitable, or religious institutions	Free-standing sign	24 sq. ft.**	6 ft.	1 per site
	Attached sign	24 sq. ft.	Below roof line	1 per site
Apartment district	1, 3, 4	*	*	*
	5	25 sq. ft.	8 ft.	1 of either class per adjacent public street
	7	40 sq. ft.	8 ft. below roof line	

* Refer to division 2 of this article.

** Religious institution - 60 square feet.

Class 1–Minor signs; Class 2–Window signs; Class 3–Traffic-related signs; Class 4–Temporary promotional signs; Class 5–Major free-standing signs; Class 6–Monument signs; Class 7–Major attached signs

[…]

Update language associated with size and copy area for decorative structures of subdivision signage to align with the Neighborhood Design Guidelines as adopted in 2019. Sec. 9.02.167(b)(3) states that the max size for subdivision identification signage is 32 square feet.

Item No. 7.b.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Greg Peters

AGENDA ITEM:
Consider a Resolution awarding the Foster Crossing Roadway Improvement Project to Reliable Paving, Incorporated, in an amount not to exceed $795,769.04. (Director of Public Works Greg Peters, P.E.)

SUMMARY:
Foster Crossing Road is shown to be a future 4-lane divided roadway in the City of Anna Master Thoroughfare Plan. The development of Pecan Grove Phase 2-4 along the north side of the road was required to include the construction of the north half of this future 4-lane road along the development's frontage of Foster Crossing. A location map for the project is attached as Exhibit "A."

The developers of Pecan Grove Phase 2-4 chose to escrow the construction funding for the road in lieu of constructing the road themselves. As such, City staff has bid the project and will manage the project as a City CIP roadway improvement project. The scope of the road improvements are shown in a partial set of the engineering plans attached as Exhibit "B."

The City completed a public bid process for the project in accordance with Local Government Code. Four bids were received, with the lowest qualified bid being received from Reliable Paving, Incorporated, for $795,769.04. The bid tabulation is attached as Exhibit "C".

Staff has reviewed Reliable Paving, Inc.'s experience and references and finds Reliable Paving, Inc. to have the necessary experience, staff, and equipment to perform the job. Therefore, staff is recommending that the City Council approve a resolution awarding the project to Reliable Paving, Inc.

Staff has notified neighbors who reside on Foster Crossing Road of this agenda item. The project includes concrete driveway connections for each existing home on the road within the project limits. In addition, staff has offered to each neighbor the opportunity to have a meeting with the contractor and City staff to discuss specific details related to their driveways, access, and the construction schedule when the contractor is ready to proceed. Staff will ensure that all neighbors in the area have access to their property

throughout construction, and that all driveways and adjacent right-of-way is returned to existing condition or better.

FINANCIAL IMPACT:

The total project cost is $795,760.04. The developers of the adjacent project (Pecan Grove Phase 2-4) have escrowed construction funding for the project. The project funding will be paid for through Roadway Impact Fees collected from the development, with the escrow being reimbursed to the developer as impact fees are collected from the development to reimburse the City for the road construction.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing:

Goal 3: Sustainable Anna Community Through Planned Managed Growth

STAFF RECOMMENDATION:

Staff recommends approval of a resolution awarding the Foster Crossing Roadway Improvement project to Reliable Paving, Incorporated, in an amount not to exceed $795,769.04.

ATTACHMENTS:

1. Resolution - Award Foster Crossing Pecan Grove 2-4
2. Exhibit A - Location Map - Foster Crossing Road Improvements
3. Exhibit B - Construction Scope
4. Exhibit C - Bid Tabulation - 1-20-2021

APPROVALS:

Greg Peters, Director of Public Works Created/Initiated - 1/22/2021

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDING THE FOSTER CROSSING ROADWAY IMPROVEMENT PROJECT ADJACENT TO PECAN GROVE PHASE 2-4 TO RELIABLE PAVING, INCORPORATED, IN THE AMOUNT NOT TO EXCEED SEVEN HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-NINE DOLLARS AND FOUR CENTS ($795,769.04); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Foster Crossing Road is identified as a capital roadway improvement project in the City of Anna, Texas; and,

WHEREAS, the Developer of the Pecan Grove Phase 2-4 development have escrowed funds for the construction of Foster Crossing Road; and,

WHEREAS, new residential homes in Pecan Grove Phase 2-4 are required to pay Roadway Impact Fees at time of building permit to fund roadway improvements in accordance with the Master Thoroughfare Plan of the City of Anna, Texas; and,

WHEREAS, The City has publicly bid the construction project in accordance with Texas Local Government Code; and,

WHEREAS, the lowest qualified bid was received from Reliable Paving, Incorporated, in the amount of $795,769.04; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

Section 1. **Recitals Incorporated**

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. **Authorization of Payment and Funding.**

That the City Council of the City of Anna hereby awards the Foster Crossing Roadway Improvement Project adjacent to Pecan Grove Phase 2-4 to Reliable Paving, Incorporated, in an amount not to exceed $795,769.04.

That funding for the project shall come from the escrow funds and Roadway Impact Fees collected from new residential construction in Pecan Grove Phase 2-4 Subdivision.

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this ___ day of January 2021.

ATTEST:

_____

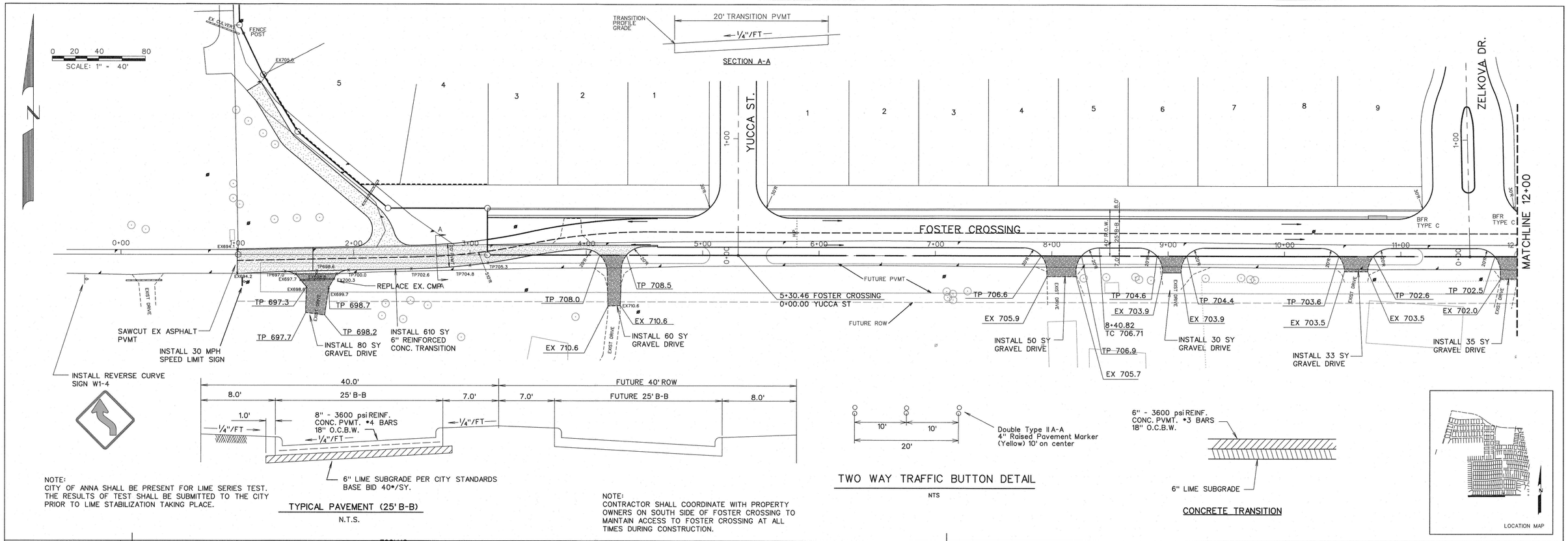
City Secretary, Carrie L. Smith

APPROVED:

_____

Mayor, Nate Pike

Foster Crossing Road Improvements – Location Map



NOTE:
CITY OF ANNA SHALL BE PRESENT FOR LIME SERIES TEST. THE RESULTS OF TEST SHALL BE SUBMITTED TO THE CITY PRIOR TO LIME STABILIZATION TAKING PLACE.

TYPICAL PAVEMENT (25' B-B)

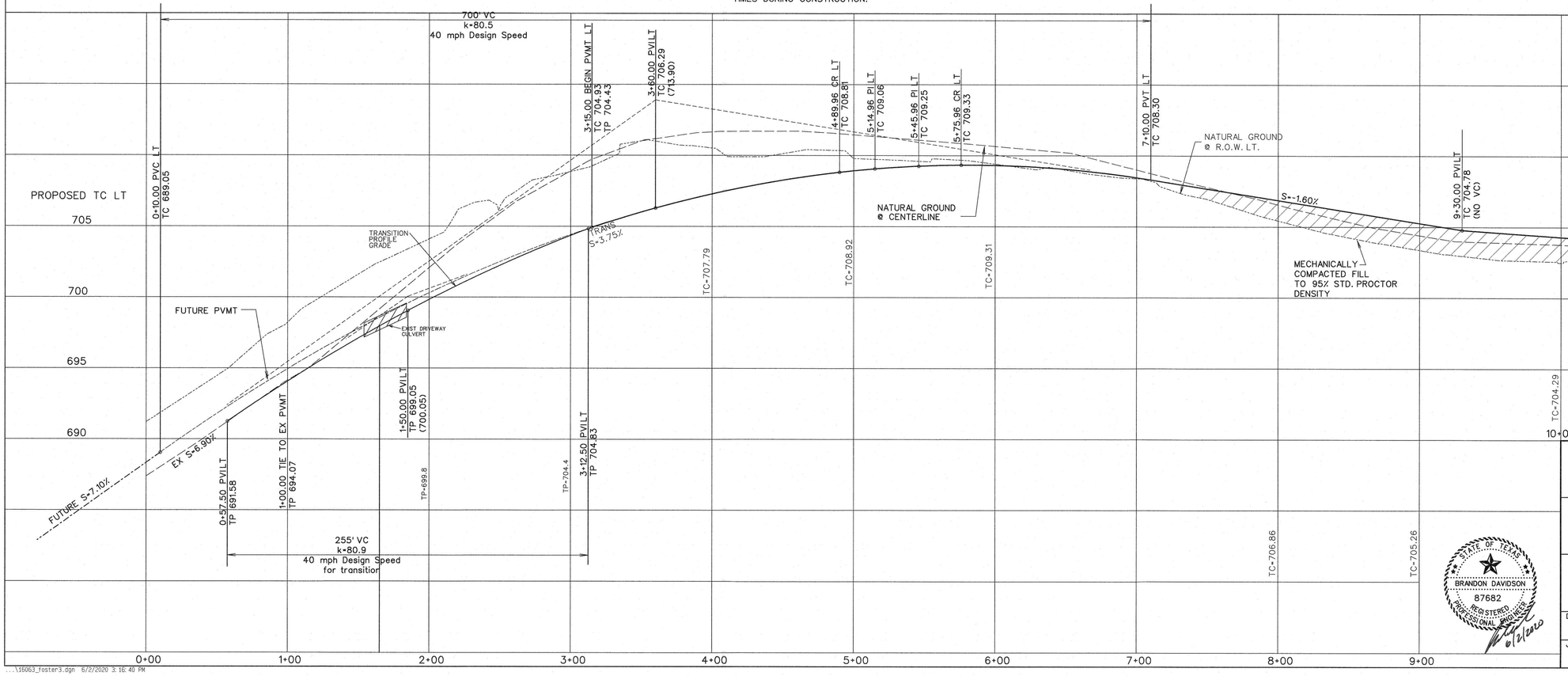
N.T.S.

NOTE:
CONTRACTOR SHALL COORDINATE WITH PROPERTY OWNERS ON SOUTH SIDE OF FOSTER CROSSING TO MAINTAIN ACCESS TO FOSTER CROSSING AT ALL TIMES DURING CONSTRUCTION.

TWO WAY TRAFFIC BUTTON DETAIL

NTS

CONCRETE TRANSITION



CORWIN ENGINEERING, INC.
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013 (972)396-1200
TBPE FIRM #5951

DEVELOPMENT PLANS FOR
PECAN GROVE
PHASE II
ANNA, TEXAS

FOSTER CROSSING
PHASE 2

DRAWN BY	DESIGNED BY	CHECKED BY	SHEET NO.
JOB NUMBER 16063	DATE OCTOBER 2019	SCALE: HOR: 1"=40' VER: 1"=4'	5

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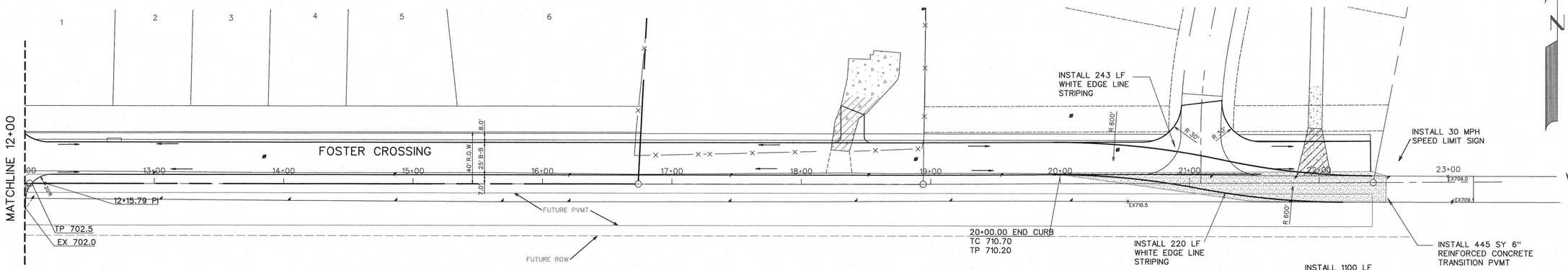
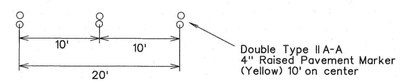


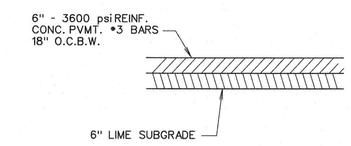
0 20 40 80
SCALE: 1" = 40'

NOTE:
EXISTING NORTH COLLIN SUD WATER LINE ON NORTH SIDE OF EXISTING FOSTER CROSSING MUST BE RELOCATED.

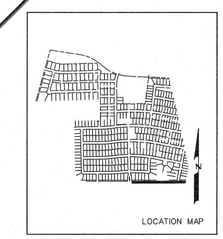


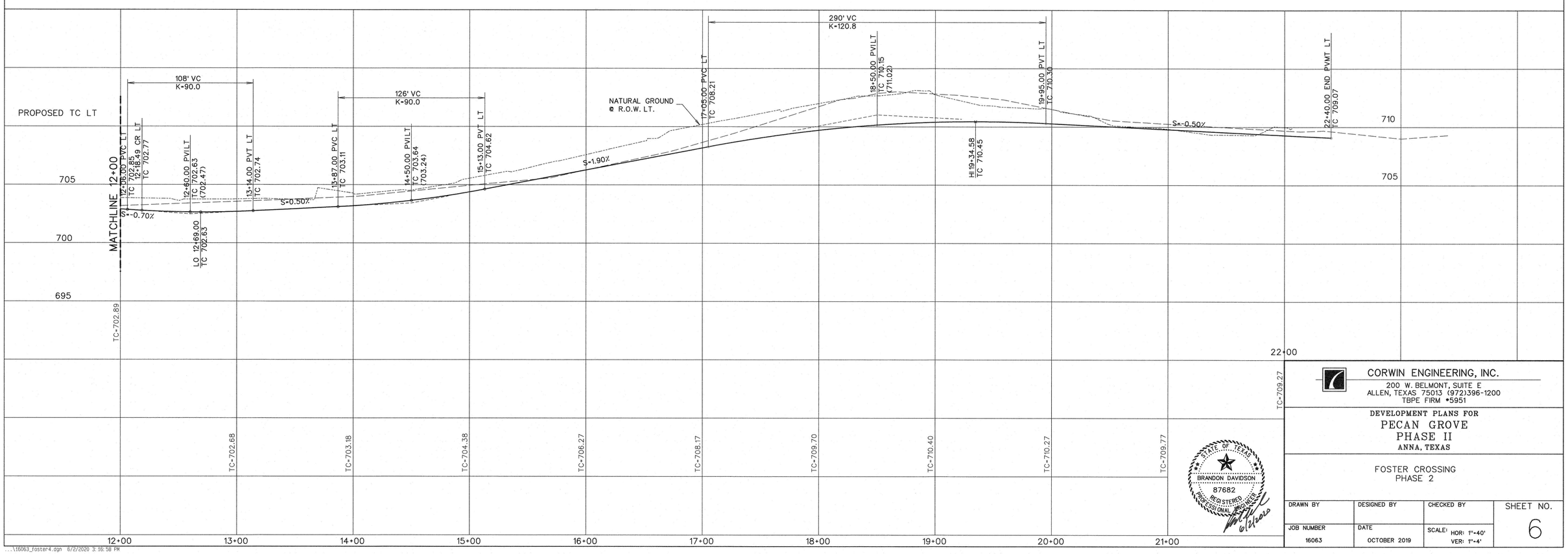
TWO WAY TRAFFIC BUTTON DETAIL

NTS



CONCRETE TRANSITION





CORWIN ENGINEERING, INC.
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013 (972)396-1200
TBPE FIRM #5951

DEVELOPMENT PLANS FOR
PECAN GROVE
PHASE II
ANNA, TEXAS

FOSTER CROSSING
PHASE 2

STATE OF TEXAS
BRANDON DAVIDSON
87682
REGISTERED PROFESSIONAL ENGINEER
6/27/2020

DRAWN BY	DESIGNED BY	CHECKED BY	SHEET NO.
JOB NUMBER 16063	DATE OCTOBER 2019	SCALE: HOR: 1"=40' VER: 1"=4'	6

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Prepared By: Greg Peters, P.E.

Date: 1/20/2021

Bid Tabulation - Foster Crossing Roadway Improvements (Pecan Grove Phase 2-4)

				Reliable Paving, Inc.		Ed Bell Construction		HQS Construction		Pavecon	
Bid Item #	Description	Unit	Quantity	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal
1	Mobilization, Bonding, and Project Initiation.	LS	1	$ 48,700.00	$ 48,700.00	$ 30,000.00	$ 30,000.00	$ 37,500.00	$ 37,500.00	$ 85,899.41	$ 85,899.41
2	Clearing and Grubbing, including removal of existing fencing.	AC	2.86	$ 339.00	$ 969.54	$ 4,000.00	$ 11,440.00	$ 10,000.00	$ 28,600.00	$ 810.02	$ 2,316.66
3	4'x8' Project Sign with Project Name, City Logo, and City Council Information	EA	2	$ 535.00	$ 1,070.00	$ 400.00	$ 800.00	$ 1,000.00	$ 2,000.00	$ 516.67	$ 1,033.34
4	Traffic Control Plan and Devices, including signage, delineators, 2 digital message boards, complete and in place.	LS	1	$ 22,138.00	$ 22,138.00	$ 84,000.00	$ 84,000.00	$ 45,000.00	$ 45,000.00	$ 30,566.68	$ 30,566.68
5	Install and maintain temporary mailboxes during construction.	EA	5	$ 230.00	$ 1,150.00	$ 100.00	$ 500.00	$ 150.00	$ 750.00	$ 104.76	$ 523.80
6	Install new steel mailboxes on wooden posts to USPS standards after substantial completion of the project.	EA	5	$ 288.00	$ 1,440.00	$ 250.00	$ 1,250.00	$ 300.00	$ 1,500.00	$ 156.74	$ 783.70
7	Install 6" thick temporary flex base driveway across Lot 7, Block A of Pecan Grove Phase II (3012 Redwood Street), with asphalt bags at curb line. Remove material and return to existing grade at substantial completion of the project.	SY	210	$ 53.30	$ 11,193.00	$ 20.00	$ 4,200.00	$ 30.00	$ 6,300.00	$ 50.50	$ 10,605.00
8	Tree Removal, Disposal, and Demolition of existing materials in the public right-of-way.	LS	1	$ 7,853.00	$ 7,853.00	$ 7,500.00	$ 7,500.00	$ 1,000.00	$ 1,000.00	$ 18,848.01	$ 18,848.01
9	Unclassified Street Excavation and Grading per Construction Plans.	CY	17,000	$ 8.25	$ 140,250.00	$ 4.00	$ 68,000.00	$ 10.00	$ 170,000.00	$ 28.52	$ 484,840.00
10	Remove and dispose of existing Asphalt street pavement.	SY	5,000	$ 2.80	$ 14,000.00	$ 4.00	$ 20,000.00	$ 18.00	$ 90,000.00	$ 3.60	$ 18,000.00
11	Remove and dispose of existing concrete driveway.	SY	164	$ 16.00	$ 2,624.00	$ 20.00	$ 3,280.00	$ 21.00	$ 3,444.00	$ 13.63	$ 2,235.32
12	Erosion Control, including silt fence, inlet protection, BMP's, and stabilized construction entrance, complete and in place.	LS	1	$ 6,325.00	$ 6,325.00	$ 25,000.00	$ 25,000.00	$ 3,000.00	$ 3,000.00	$ 7,206.66	$ 7,206.66
13	Seeding of Disturbed Areas, complete and in place.	SY	30,000	$ 1.35	$ 40,500.00	$ 0.30	$ 9,000.00	$ 1.00	$ 30,000.00	$ 1.36	$ 40,800.00
14	Subgrade Preparation per plans, complete and in place.	SY	7,000	$ 4.00	$ 28,000.00	$ 0.50	$ 3,500.00	$ 8.00	$ 56,000.00	$ 7.56	$ 52,920.00
15	Hydrated Lime, placed & mixed in accordance with specifications, complete and in place.	TON	130	$ 190.00	$ 24,700.00	$ 275.00	$ 35,750.00	$ 175.00	$ 22,750.00	$ 183.70	$ 23,881.00
16	8" thick, 3600 psi reinforced concrete street paving on 6" lime stabilized subgrade (min. 40#/SY) per plans, complete and in place.	SY	5,450	$ 55.00	$ 299,750.00	$ 88.00	$ 479,600.00	$ 67.00	$ 365,150.00	$ 57.84	$ 315,228.00
17	6" thick, 3600 psi concrete street transition paving on 6" lime stabilized subgrade (min. 40#/SY) per plans, complete and in place.	SY	1,100	$ 53.00	$ 58,300.00	$ 84.00	$ 92,400.00	$ 62.00	$ 68,200.00	$ 71.15	$ 78,265.00
18	6" thick, 3600 psi private concrete drive and drive approaches per plans along North Side of Foster Crossing Road, complete, in place.	SY	430	$ 56.40	$ 24,252.00	$ 84.00	$ 36,120.00	$ 65.00	$ 27,950.00	$ 89.14	$ 38,330.20
19	Construct Gravel Drive approaches per plans along south side of Foster Crossing Road, complete and in place	SY	230	$ 16.55	$ 3,806.50	$ 20.00	$ 4,600.00	$ 12.00	$ 2,760.00	$ 59.51	$ 13,687.30
20	White Edge Pavement Striping, per plans, complete and in place.	LF	600	$ 1.20	$ 720.00	$ 1.20	$ 720.00	$ 5.00	$ 3,000.00	$ 1.17	$ 702.00
21	Yellow 4" Double Line Centerline Pavement Striping	LF	1,100	$ 2.40	$ 2,640.00	$ 2.40	$ 2,640.00	$ 8.00	$ 8,800.00	$ 2.33	$ 2,563.00
22	Two-Way Traffic Buttons, per plans, complete and in place.	LF	1,100	$ 0.90	$ 990.00	$ 1.00	$ 1,100.00	$ 8.00	$ 8,800.00	$ 1.62	$ 1,782.00
23	Remove existing concrete headwall, construct 15' concrete curb inlet, and connect to existing 18" RCP storm pipe, per plans, complete and in place.	EA	1	$ 9,200.00	$ 9,200.00	$ 8,000.00	$ 8,000.00	$ 17,000.00	$ 17,000.00	$ 9,611.11	$ 9,611.11
24	Construct 10' concrete curb inlet, remove plug and connect to existing 18" RCP storm pipe, per plans, complete and in place.	EA	1	$ 5,198.00	$ 5,198.00	$ 5,000.00	$ 5,000.00	$ 12,000.00	$ 12,000.00	$ 7,722.22	$ 7,722.22
25	Project Contingency for Owner-approved changes to the project if desired.	LS	1	$ 40,000.00	$ 40,000.00	$ 40,000.00	$ 40,000.00	$ 40,000.00	$ 40,000.00	$ 40,000.00	$ 40,000.00
TOTAL					**$ 795,769.04**		**$ 974,400.00**		**$ 1,051,504.00**		**$ 1,288,350.41**

Item No. 7.c.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Carrie Land

AGENDA ITEM:
Consider/Discuss/Action on appointment of the 2021 Boards and Commissions Interview Committee. (City Secretary Carrie Land)

SUMMARY:
The Interview Committee consists of three Council Members to review Boards and Commissions applications and conduct interviews for 2021 appointments.

The deadline for submitting applications is April 2 by 5:00 PM. Applications will be available in the February water bill, on the City website and in the City Secretary's Office.

Interviews will be conducted Saturday, April 24th beginning at 8:30 AM.

FINANCIAL IMPACT:
N/A

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Approve appointment of 3 Council Members to the Interview Committee.

ATTACHMENTS:
1. Appointments Calendar

APPROVALS:
Carrie Land, City Secretary Created/Initiated - 1/19/2021

BOARDS AND COMMISSIONS APPOINTMENT CALENDAR

January	Application is updated. Application is placed on website and copies made for front office. Current appointees who will have served their term limits are identified. Staff liaisons are notified of those whose terms are complete. Current appointees whose terms expire May 31st and are eligible for reappointment are identified. Letters (with applications) are sent to those asking if they wish to serve another term. Mayor appoints 3 Council Members to the Interview Committee.
February-April	Applications are mailed in utility billing during February billing cycle. Article submitted to Newspaper in March. As applications are received, voter registration numbers and addresses are verified. Applications are sent to City Attorney for background check. Applications are due **April 2 by 5 pm in City Secretary's Office**. Applications are provided to the Interview Committee. Interviews conducted by Interview Committee on **Saturday, April 24 beginning at 8:30 AM.**
April 27	Recommendations are presented to Council by Interview Committee, **April 27 or May 11.** Appointments are held by City Council.
May	Letters of appointment and reappointment are sent to appointees. Termed out members are sent letters of recognition and certificates (signed by Mayor). Acknowledgement letters are sent to those not selected asking them to apply again next year. (Signed by City Secretary's office). New rosters & copies of applications for each board or commission are sent to each staff liaison. City Secretary's office keeps master copies of rosters and applications in case of vacancies through the year. Website updated for each board. City Secretary or Notary administers oaths to each new board/ commission member.

City of Anna Charter

ARTICLE 8—BOARDS AND COMMISSIONS SECTION

8.01 Authority, Composition and Procedures

(a) The City Council may create, establish or appoint, as may be required by state law or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council may, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(b) Individuals who are qualified voters in the City may be appointed by the City Council to serve on one or more boards, commissions or committees. Such appointees serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission or committee serve without compensation but may be reimbursed for actual expenses as approved by the City Council.

(c) All boards, commissions or committees of the City must keep and maintain minutes of any proceedings held and must submit a written report of such proceedings to the City Council no more than three weeks following each meeting.

(d) No City officer or employee nor any person who holds a compensated appointive position with the City may be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.

(e) Any member of a board, commission or committee who is absent from three consecutive regular meetings, or 25% of regularly scheduled meetings during the 12-month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, must forfeit his or her position on the board, commission, or committee.

Item No. 7.d.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact:

AGENDA ITEM:
Consider/Discuss/Action on EDC/CDC Appointments. (City Manager Jim Proce)

SUMMARY:

FINANCIAL IMPACT:

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:

STAFF RECOMMENDATION:

ATTACHMENTS:

APPROVALS:
Carrie Land, City Secretary Created/Initiated - 1/22/2021

Item No. 7.e.

City Council Agenda
Staff Report

Meeting Date: 1/26/2021
Staff Contact: Terri Doby

AGENDA ITEM:
Approve an Ordinance Amending the FY2020 - 2021 Budget to add 4.5 FTEs and funding for a Fire Apparatus to the General Fund and unfreeze 2.0 FTEs in the Utility Fund. (City Manager Jim Proce)

SUMMARY:
The proposed budget amendment includes funding for the following purposes:

Revenue for building permits is exceeding FY2021 budget projections as a result of the explosive growth in our community. This explosive growth is also resulting in the need for additional staff in order to maintain the quality of services for our neighbors.

This budget amendment will add additional staffing as noted:

• Convert a part-time Administrative Assistant to full-time in the City Manager's Office to assist with human resources needs and administrative help. (0.5 FTEs)
• The position of IT Desk Help will be added to Information Technology to help with the additional technology needs of the growing staff, virtual meetings management and record keeping of same, and integration of off-site hardware to facilitate telecommuting needs as a result of COVID-19 impacts. (1.0 FTEs)
• A Development Services Technician will be added to Development Services Department to help with the addition workload associated with the consistently large number of building permits expected and experienced. (1.0 FTEs)
• Two Police Officers to expand patrol capabilities and fund the development of diversity in hiring in public safety through the use of the police academy. (2.0 FTEs)

Additionally, the Utility Department will be unfreezing 2.0 FTEs. These positions were frozen to ensure that the new utility rate structure would provide adequate funding to keep the Utility Fund fiscally sound. After an analysis of the first quarter, staff has determined that the population growth and the new utility rate structure will allow for these positions to be unfrozen, resuming the prior staffing levels to support construction inspection and utility maintenance needs. These would be hired immediately.

Lastly, this amendment includes funding for fire pumper truck that was purchased that was formerly owned by the City of Coppell. The expectation was for this expenditure to be recorded before the end of FY2020. Because the truck was not delivered until October, the expense was recorded against the FY2021 budget. Funding is available in the General Fund fund balance.

FINANCIAL IMPACT:
Amend the FY2021 Adopted Budget

STRATEGIC CONNECTIONS:
This item supports the City of Anna Strategic Plan, specifically advancing:
Goal 4: High Performing, Professional City

STAFF RECOMMENDATION:
Approve the FY2020 - 2021 First Quarter Budget Amendment Ordinance.

ATTACHMENTS:
1. First Quarter Budget Amendment Ordinance
2. First Quarter Budget Amendment Exhibit

APPROVALS:
Terri Doby, Budget Manager Created/Initiated - 1/22/2021

CITY OF ANNA

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 875-2020 ADOPTING THE BUDGET FOR THE 2020-2021 FISCAL YEAR; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, on September 8, 2020, the City Council of the City of Anna, Texas ("City Council"), after a duly noticed public hearing as required under Texas Local Gov't Code §102.106, and in accordance with applicable provisions of the City of Anna, Texas Home-Rule Charter ("Charter"), adopted a budget of all municipal appropriations and expenditures for the 2020-2021 fiscal year; and

WHEREAS, the City is authorized to make this budget amendment by majority vote of the City Council under Section 7.09 of the Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

SECTION 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council with respect to the budget amendments described herein.

SECTION 2. The City Council of the City officially finds, determines, and declares that the City of Anna 2020-2021 fiscal year budget is hereby amended with respect to its General Fund (10) as set forth in the original budget adopted under Ordinance No. 875-2020 by replacing the information regarding said funds with the information relating to said funds set forth in the attached Exhibit A, incorporated herein for all purposes.

SECTION 4. Upon adoption and execution of this ordinance, the City Secretary is directed to attach same and its exhibits to the original City of Anna 2020-2021 fiscal year budget in all places where said budget is filed as of public record or posted for public inspection.

SECTION 5. If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this ordinance would have been enacted without such invalid provision.

SECTION 6. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including

this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PASSED, APPROVED, AND ADOPTED on first and final reading on this 26th day of January, 2021.

ATTESTED:	APPROVED:
_____	_____
City Secretary, Carrie Smith	Mayor, Nate Pike

CITY OF ANNA
DETAIL OF RECOMMENDED FY2020-21 BUDGET AMENDMENTS

GENERAL FUND

Revenue:

Account	Dept	Account Title	Budget	Change	Revised Budget
10-420-5300		Zoning and Subdivision Fees	$ -	$ 25,000	$ 25,000
10-420-5305		Residential Building Permits	$ -	$ 2,241,000	$ 2,241,000
10-420-5310		Commerical Building Permits	$ -	$ 25,000	$ 25,000
10-420-5313		Building Permits	$ 2,066,000	$ (2,066,000)	$ -
10-420-5314		Zoning Fees	$ 15,000	$ (15,000)	$ -
10-420-5315		Subdivision Plat Fees	$ 10,000	$ (10,000)	$ -
		TOTAL		**$ 200,000**	

Expense:

Account	Dept	Account Title	Budget	Change	Revised Budget
10-406-6101	City Manager	Salaries	$ 633,451	$ 8,750	$ 642,201
10-406-6114	City Manager	Payroll Taxes-City Part FICA	$ 48,460	$ 670	$ 49,130
10-406-6121	City Manager	Health Insurance	$ 75,940	$ 4,963	$ 80,903
10-406-6125	City Manager	TMRS Retirement	$ 90,076	$ 1,244	$ 91,320
10-406-6126	City Manager	Unemployment	$ 1,625	$ 125	$ 1,750
10-406-6127	City Manager	Worker's Compensation	$ 2,851	$ 39	$ 2,890
10-410-6101	Information Technology	Salaries	$ 89,659	$ 25,000	$ 114,659
10-410-6114	Information Technology	Payroll Taxes-City Part FICA	$ 6,859	$ 1,913	$ 8,772
10-410-6121	Information Technology	Health Insurance	$ 9,927	$ 4,963	$ 14,890
10-410-6125	Information Technology	TMRS Retirement	$ 12,750	$ 3,555	$ 16,305
10-410-6126	Information Technology	Unemployment	$ 250	$ 125	$ 375
10-410-6127	Information Technology	Worker's Compensation	$ 403	$ 113	$ 516
10-410-6708	Information Technology	IT Support Services	$ 95,816	$ 34,169	$ 129,985
10-420-6101	Development	Salaries	$ 502,091	$ 19,500	$ 521,591
10-420-6114	Development	Payroll Taxes-City Part FICA	$ 38,666	$ 1,492	$ 40,158
10-420-6121	Development	Health Insurance	$ 79,416	$ 4,963	$ 84,379
10-420-6125	Development	TMRS Retirement	$ 71,872	$ 2,773	$ 74,645
10-420-6126	Development	Unemployment	$ 2,000	$ 125	$ 2,125
10-420-6127	Development	Worker's Compensation	$ 2,877	$ 88	$ 2,965
10-550-6101	Police	Salaries	$ 1,805,226	$ 59,126	$ 1,864,352
10-550-6114	Police	Payroll Taxes-City Part FICA	$ 142,985	$ 4,708	$ 147,693
10-550-6121	Police	Health Insurance	$ 258,102	$ 9,927	$ 268,029
10-550-6125	Police	TMRS Retirement	$ 265,785	$ 8,752	$ 274,537
10-550-6126	Police	Unemployment	$ 6,500	$ 250	$ 6,750
10-550-6127	Police	Worker's Compensation	$ 71,045	$ 2,667	$ 73,712
				$ 200,000	

Justification:
Add staffing to provide services in light of the explosive growth in our community.

Account	Dept	Account Title	Budget	Change	Revised Budget
10-543-6910	Fire	Motor Vehicle	$ 67,326	$ 249,000	$ 316,326

Justification:
To pay for fire apparatus; delivery was expected in FY2020 and arrived late.