AGENDA
Planning & Zoning Commission

Monday, July 6, 2026 @ 6:30 PM

Anna Municipal Complex - Council Chambers
120 W. 7th Street, Anna, Texas 75409

The Planning & Zoning Commission of the City of Anna will meet on Monday, July 6, 2026 at 6:30 PM, in the Anna Municipal Complex – Council Chambers, located at 120 W. 7th Street, to consider the following items.

If you wish to speak on an Open Session Agenda Item, please fill out the Speaker Registration Form and turn it in to city staff before the meeting starts.

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

2. **Invocation and Pledge of Allegiance.**
American Pledge*: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

Texas Pledge*: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

3. **Neighbor Comments:** At this time, any person may address the Planning & Zoning Commission regarding an item on this meeting Agenda that is not scheduled for public hearing. Also, at this time, any person may address the Commission regarding an item that is not on this meeting Agenda. 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 neighbor's inquiry or to recite existing policy in response to the inquiry.

4. **Director's Report.**

   a. Development Services Updates

b. Overall Location Map.

5. **Consent Items.**

   a. Approve minutes of the June 6, 2026 Planning & Zoning Commission Meeting.

b. Approve Anna Elementary No. 3, Block 1, Lot 1, Replat (RP 26-0006)

c. Approve Leonard Commercial, Block A, Lot 1, Preliminary Site Plan (PSP 26-0009)

d. Approve Shadowbend Commercial, Block A, Lot 7, Replat (RP 26-0007)

e. Approve Liberty Hills, Phase 3, Final Plat (FP 26-0009)

f. Approve Liberty Hills, Phase 4, Final Plat (FP 26-0010)

g. Approve Leonard Avenue Minor Plat (MP 26-0002)

6. **Items For Individual Consideration and Public Hearings.**

At the time and place of any public hearing held during this meeting, all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance, application, or other proposed item.

a. Conduct a Public Hearing/Consider/Discuss/Action on Amendments to Chapter 9 (Planning & Development Regulations) of the City of Anna Code of Ordinances.

7. **Future Agenda Items:** At this time, the Planning & Zoning Commission may identify issues or topics that they wish to schedule for discussion at a future meeting.

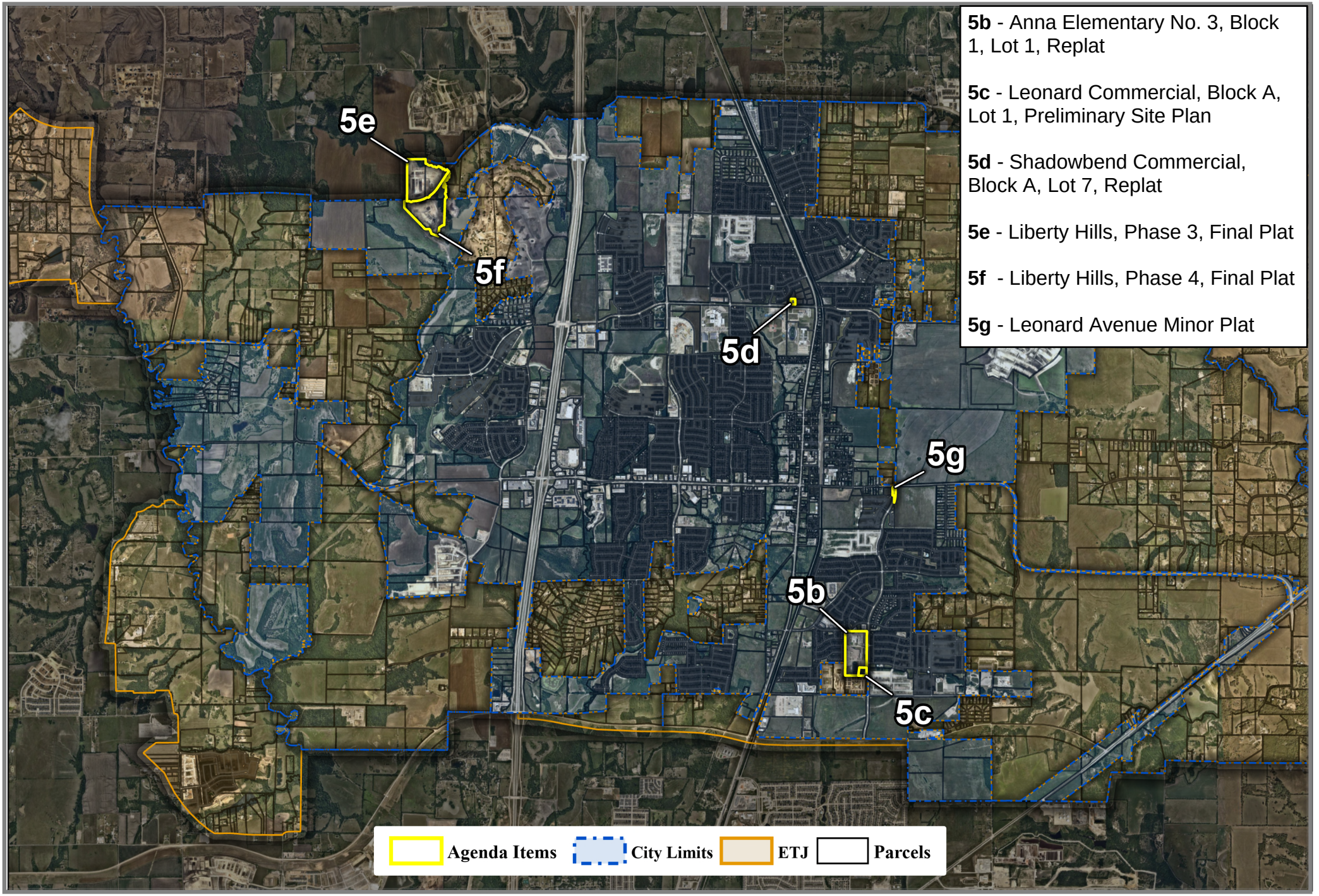
8. **Adjourn.**

This is to certify that I, Lauren Mecke, Planning & Zoning Administrator, posted this Agenda on the City's website (www.annatexas.gov) and at the Anna Municipal Complex bulletin board at or before 5:00 p.m. on 07/02/2026.

Lauren Mecke, Planning & Zoning Administrator

In accordance with the Americans with Disabilities Act, it is the policy of the City of Anna to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Email adacompliance@annatexas.gov. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at https://annatexas.gov/ada

P&Z	City Council	Application Type	Project Status	Project Type	Project Name
6/1/2026	N/A	Site Plan	Staff Approved	Auto Repair-Light	Valvoline
6/1/2026	N/A	Amending Plat	Approved	45 SF Lots/18 HOA Lots	Villages of Hurricane Creek
6/1/2026	N/A	Preliminary Plat	Approved	Mixed Density/SF/HOA Lots	Liberty Hills Phase 10 & 11
6/1/2026	N/A	Conveyance Plat	Approved	Retail/Restaurant	Hurricane Creek Commercial, Block A, Lots 1-2
6/1/2026	N/A	Final Plat	Approved	Self-Storage	Blacklock Storage, Block A, Lot 1
6/1/2026	N/A	Preliminary Site Plan and Replat	Approved	Financial Institution	Shadowbend Retail, Block S, Lots 1-3
6/1/2026	N/A	SUP	Approved	Auto-Repair Light	Standridge Retail, Block D, Lot 1
6/1/2026	N/A	Final Plat	Approved	Electrical Substation	TXNM Westminster Addition, Block A, Lot 1
6/1/2026	N/A	Final Plat	Approved	28 SF/2 HOA Lots	Coyote Meadows, Phase 2B
			On Agenda Projects		
P&Z	**City Council**	**Application Type**	**Project Status**	**Project Type**	**Project Name**
7/6/2026	N/A	Site Plan	Staff Approved	Financial Institution	Rosamond Crossing Southeast Corner(Bank of America)
7/6/2026	N/A	Site Plan	Staff Approved	Auto repair-light	Standridge Retail (Discount Tire)
7/6/2026	N/A	Site Plan	Staff Approved	One retail/Restaurant	Hurricane Creek Commercial
7/6/2026	N/A	Replat	On Agenda	Auto repair-light	Shadowbend Commercial (Jiffy Lube)
7/6/2026	N/A	Final Plat	On Agenda	148 Single family residential lots	Liberty Hills Phase 3
7/6/2026	N/A	Final Plat	On Agenda	96 Single family residential lots	Liberty Hills Phase 4
7/6/2026	N/A	Preliminary Site Plan	On Agenda	Two retail buildings	Leonard Commercial
7/6/2026	N/A	Final Plat	Staff Approved	A single family residence	413 W. Third Street
7/6/2026	N/A	Revised Site Plan/Replat	On Agenda	Two schools	Anna Elementary No. 3
7/6/2026	N/A	Revised Site Plan	Staff Approved	One school	Rosamond Sherley Elementary Addition
7/6/2026	N/A	Replat	Staff Approved	One park	Slayter Creek Park Addition



5b - Anna Elementary No. 3, Block 1, Lot 1, Replat

5c - Leonard Commercial, Block A, Lot 1, Preliminary Site Plan

5d - Shadowbend Commercial, Block A, Lot 7, Replat

5e - Liberty Hills, Phase 3, Final Plat

5f - Liberty Hills, Phase 4, Final Plat

5g - Leonard Avenue Minor Plat

N

0 0.5 1 2 Miles

1:60,000

July 2026
Planning & Zoning Meeting Map

Source: City of Anna GIS
Date: 6/29/2026

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Anna. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Anna, its officials or employees for any discrepancies, errors, or variances which may exist.

THE CITY OF Anna

MINUTES
Planning & Zoning Commission

Monday, June 1, 2026 @ 6:30 PM

Anna Municipal Complex - Council Chambers
120 W. 7th Street, Anna, Texas 75409

The Planning and Zoning Commission of the City of Anna held a meeting at 6:30 PM on June 1, 2026, at the Municipal Complex located at 120 W. 7th Street to consider the following items.

1. **Call to Order, Roll Call, and Establishment of Quorum.**
   The meeting was called to order at 6:31 PM.
   Commissioners present: Tom Longmire, Doug Hermann, Scott Gentry, and Gretchen Stewart
   Commissioners absent: Staci Martin, and Aquita DeJarnette
   Staff present: Lauren Mecke, Everett Johnson, and Nancy Reynolds

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

   Invocation given by Commissioner Longmire.

3. **Neighbor Comments:**

   There were no Neighbor Comments.

4. **Director's Report.**

   Ms. Mecke shared the monthly report on recent and upcoming projects and updated the commissioners on the planner position interviews.

5. **Consent Items.**
   a. Approve minutes of the May 4, 2026 Planning & Zoning Commission Meeting
   b. Approve Rosamond Crossing Southeast Corner Addition, Block A, Lot 2, Site Plan (SP 26-0007)
   c. Approve Liberty Hills, Phase 10 & 11, Preliminary Plat (PP 26-0004)
   d. Approve The Villages of Hurricane Creek, Phase 3, Amending Plat (AP 26-0001)
   e. Approve Blacklock Storage, Block A, Lot 1, Final Plat (FP 26-0006)
   f. Approve Shadowbend Retail, Block S, Lots 1-3, Replat (RP 26-0005)
   g. Approve Shadowbend Retail, Block S, Lot 3, Preliminary Site Plan (PSP 26-0008)
   h. Approve TXNM Westminster Addition, Block A, Lot 1, Final Plat (FP 26-0005)
   i. Approve Coyote Meadows, Phase 2B, Final Plat (FP 26-0007)
   j. Approve Hurricane Creek Commercial, Block A, Lots 1 & 2, Conveyance Plat (CVP 26-0005)

   Shawn Smith spoke about 5c.His concern is where Liberty Hills' sewer go and that their plans have no retention ponds. He is not in favor of this plan.

Mo Manouchehripour spoke about 5e. He is concerned that there is no buffer; the houses are too close to each other.

Commissioner Stewart made a motion to approve items A through J.
Commissioner Hermann seconded the motion.
Motion passed unanimously.

Ms. Mecke gave a brief summary of items F and G.

Commissioner Stewart made a motion to approve items F and G.
Commissioner Hermann seconded the motion.
Motion passed unanimously.

6. **Items For Individual Consideration and Public Hearings.**

At the time and place of any public hearing held during this meeting, all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance, application, or other proposed item.

a. Conduct a Public Hearing/Consider/Discuss/Action for a recommendation regarding a request for a Specific Use Permit for an Auto Repair, Light on 1.2± acres on the west side of US Highway 75, 1,250± feet north of W. Rosamond Parkway. (SUP 26-0003)

Ms. Mecke gave a brief summary of the project.

Public Hearing was opened at 6:41 PM.

The engineer Mr. Vasquez spoke and gave the commissioners a brief summary about Brake Masters.
Matt Moore spoke about the overall development on Rosamond and 75, Liberty Hills Commercial Corridor.

Public Hearing was closed at 6:46 PM.

Commissioner Hermann made a motion to approve.
Commissioner Stewart seconded the motion.
Motion passed unanimously.

7. **Future Agenda Items:** At this time, the Planning & Zoning Commission may identify issues or topics that they wish to schedule for discussion at a future meeting.

8. **Adjourn.**

Commissioner Longmire made a motion to adjourn.
Commissioner Stewart seconded the motion.
Motion passed unanimously at 6:56 PM.

_____
Chairman Tom Longmire

ATTEST:

_____
Lauren Mecke, Planning Manager

Item No. 5.b.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Approve Anna Elementary No. 3, Block 1, Lots 1R & 2, Replat (RP 26-0006)

SUMMARY:
Two schools on 34.9± acres on the west side of Leonard Avenue, 1,000± feet south of Sharp Street. Zoned Single-Family Estate (SF-E)

Recommended for approval subject to correcting the title on the plat.

BACKGROUND:

Date Submitted	6/8/2026	**Jurisdiction**	City of Anna
Owner	Anna ISD		
Representative/Applicant	RLK Engineering, Inc		
Requested Action	Approval of Replat		
Purpose	To divide one lot into two		
Land Area	34.9± acres		
Location	The west side of Leonard Avenue, 1,000± feet south of Sharp Street		
Comp Plan Designation	Schools		
Existing Zoning	Single-Family Estate (SF-E)		
Public Notice	N/A		

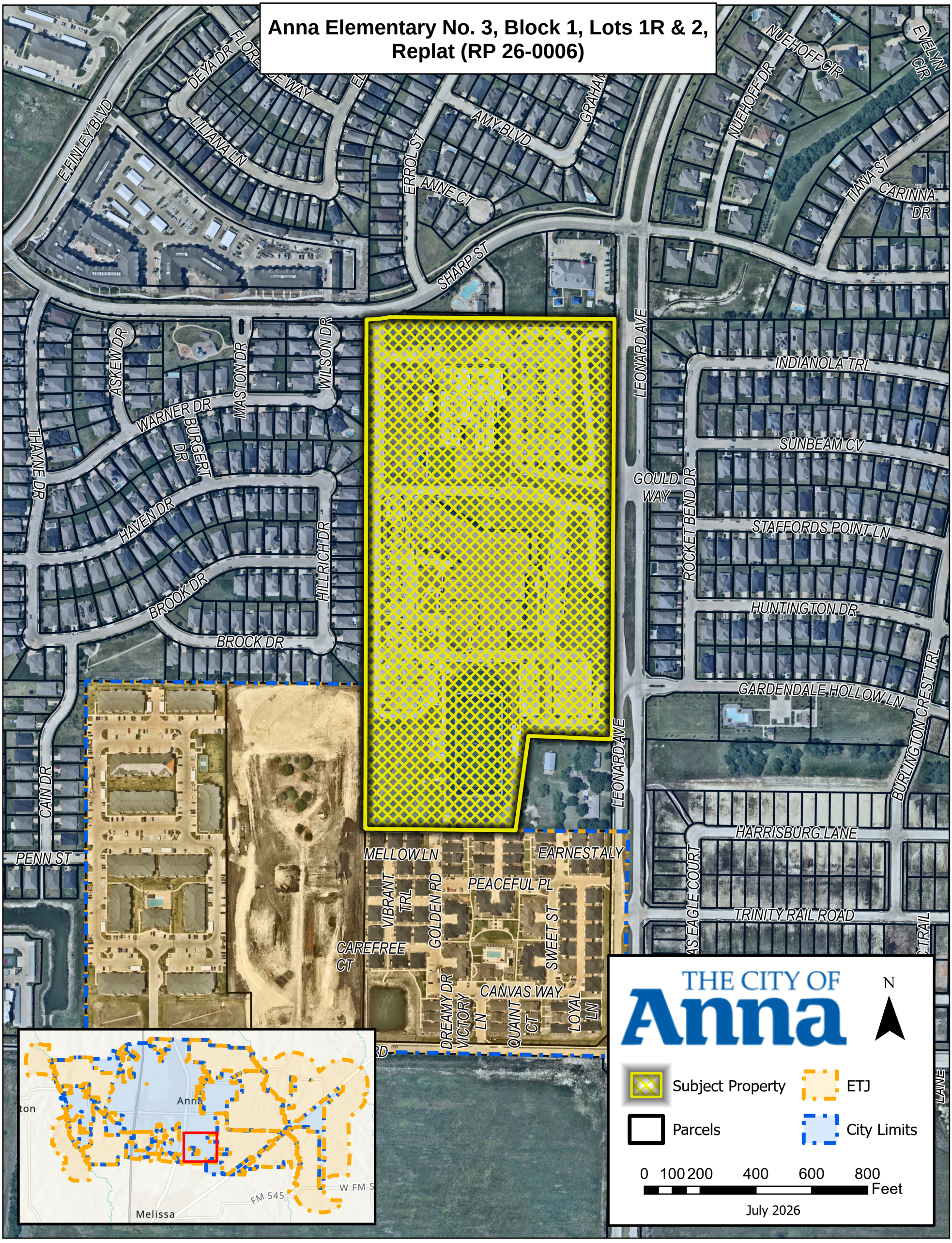
Surrounding Properties

	Land Use	**Zoning**	**Comp Plan Designation**
North	Commercial	Local Commercial (C-1)	Suburban Living
East	Single Family Residential	Single Family Residential 6.0	Suburban Living
South	Multifamily & Commercial	Local Commercial (C-1) & ETJ	Suburban Living
West	Single Family Residential	Single Family Residential 6.0	Suburban Living

ATTACHMENTS:

1. Locator Map - Anna Elementary No. 3, Block 1, Lots 1R & 2, Replat (RP 26-0006)
2. Exhibit A - Anna Elementary No. 3, Block 1, Lot 1, Replat (RP 26-0006)

Anna Elementary No. 3, Block 1, Lots 1R & 2, Replat (RP 26-0006)



THE CITY OF Anna

N

Subject Property

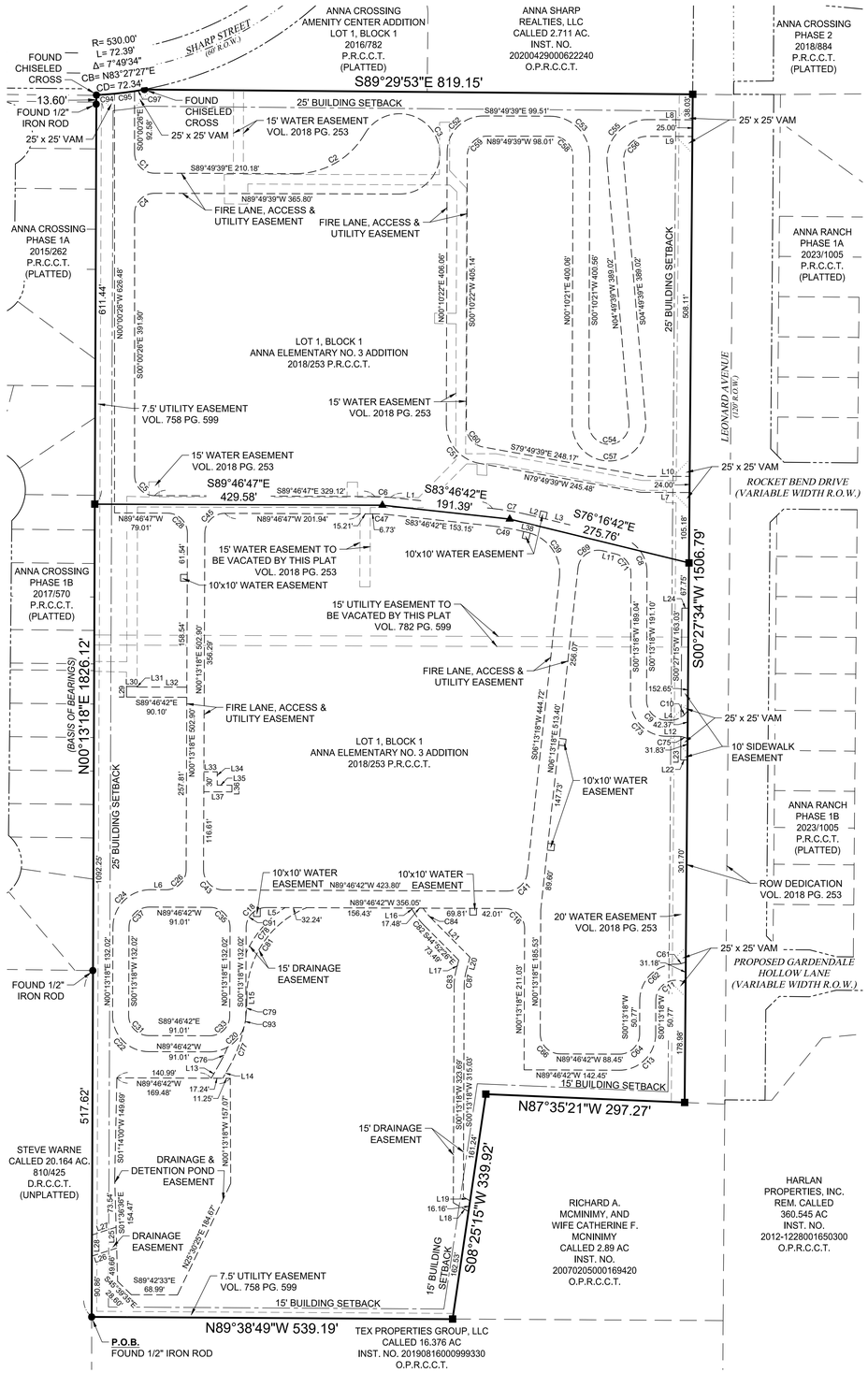
ETJ

Parcels

City Limits

0 100 200 400 600 800 Feet

July 2026



Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Length
C1	30.00'	47.04'	089°49'12"	S44°55'02"E	42.37'
C2	120.02'	125.68'	060°00'00"	N60°10'21"E	120.02'
C3	60.01'	251.36'	240°00'00"	S29°49'39"E	103.94'
C4	30.00'	47.23'	090°10'48"	S45°04'58"W	42.50'
C5	30.00'	47.01'	089°46'20"	S44°53'37"E	42.35'
C6	226.03'	23.68'	006°00'05"	S86°46'44"E	23.66'
C7	426.06'	55.77'	007°30'00"	S80°01'42"E	55.73'
C8	54.01'	72.11'	076°30'00"	S38°01'42"E	66.87'
C9	30.00'	47.13'	090°00'00"	S44°46'42"E	42.43'
C10	30.00'	31.27'	059°42'32"	N60°22'02"E	29.87'
C11	30.00'	62.15'	118°40'52"	S59°33'44"W	51.62'
C13	54.01'	84.84'	090°00'00"	S45°13'18"W	76.38'
C16	30.00'	47.13'	090°00'00"	N44°46'42"W	42.43'
C18	30.00'	47.13'	090°00'00"	S45°13'18"W	42.43'
C20	54.01'	84.84'	090°00'00"	S45°13'18"W	76.38'
C22	54.01'	84.84'	090°00'00"	N44°46'42"W	76.38'
C24	56.01'	87.98'	090°00'00"	N45°13'18"E	79.21'
C26	30.00'	47.13'	090°00'00"	N45°13'18"E	42.43'
C28	30.00'	47.13'	090°00'05"	N44°46'44"W	42.43'
C31	30.00'	47.13'	090°00'00"	S44°46'42"E	42.43'
C33	30.00'	47.13'	090°00'00"	N45°13'18"E	42.43'
C35	30.00'	47.13'	090°00'00"	N44°46'42"W	42.43'
C37	30.00'	47.13'	090°00'00"	S45°13'18"W	42.43'
C39	62.01'	89.29'	082°30'00"	S35°01'42"E	81.77'
C41	30.00'	43.99'	084°00'00"	S48°13'18"W	40.15'
C43	30.00'	47.13'	090°00'00"	N44°46'42"W	42.43'
C45	30.00'	47.13'	089°59'55"	N45°13'16"E	42.43'
C47	200.03'	20.95'	006°00'05"	S86°46'44"E	20.94'
C49	400.06'	52.37'	007°30'00"	S80°01'42"E	52.33'
C51	60.01'	83.79'	080°00'00"	N39°49'39"W	77.15'
C52	54.01'	84.84'	090°00'00"	N45°10'21"E	76.38'
C53	59.51'	93.48'	090°00'00"	S44°49'39"E	84.16'
C54	30.00'	96.88'	185°00'00"	N87°40'21"E	59.95'
C55	60.01'	99.50'	095°00'00"	N42°40'21"E	88.49'
C56	35.01'	58.04'	095°00'00"	S42°40'21"W	51.62'
C57	55.01'	177.61'	185°00'00"	S87°40'21"W	109.91'
C58	30.00'	47.13'	090°00'00"	N44°49'39"W	42.43'
C59	30.00'	47.13'	090°00'00"	S45°10'21"W	42.43'
C60	30.00'	41.89'	080°00'00"	S39°49'39"E	38.57'
C61	30.00'	14.80'	028°15'09"	S76°25'14"W	14.65'
C62	54.01'	85.14'	090°19'31"	S45°23'03"W	76.60'
C64	30.00'	47.13'	090°00'00"	S45°13'18"W	42.43'
C66	30.00'	47.13'	090°00'00"	N44°46'42"W	42.43'
C69	30.00'	51.06'	097°30'00"	N54°58'18"E	45.12'
C71	30.00'	40.06'	076°30'00"	S38°01'42"E	37.15'
C73	54.01'	84.84'	090°00'00"	S44°46'42"E	76.38'
C75	30.00'	14.62'	027°55'13"	S75°49'06"E	14.48'
C76	192.53'	26.49'	007°53'04"	N25°46'27"E	26.47'
C77	207.53'	66.56'	018°22'30"	N20°31'44"E	66.27'
C78	157.52'	90.85'	033°02'38"	N40°38'21"E	89.59'
C79	207.53'	25.02'	006°54'31"	N03°40'33"E	25.01'
C81	142.52'	168.82'	067°52'03"	N34°09'20"E	159.12'
C82	107.52'	28.33'	015°05'44"	S37°19'34"E	28.24'
C83	102.51'	26.67'	014°54'16"	S07°40'26"W	26.59'
C84	92.51'	19.37'	011°59'45"	S38°52'33"E	19.33'
C87	87.51'	22.77'	014°54'16"	S07°40'26"W	22.70'
C91	30.00'	26.55'	050°42'13"	S25°34'24"W	25.69'
C93	54.01'	15.30'	016°13'54"	N09°14'09"E	15.25'
C94	530.00'	27.08'	002°55'40"	N85°54'24"E	27.08'
C95	530.00'	30.25'	003°16'11"	N82°48'28"E	30.24'
C97	530.00'	15.06'	001°37'43"	N80°21'31"E	15.06'

Line Table		
Line #	Direction	Length
L1	S83°46'42"E	153.15'
L2	S76°16'42"E	15.14'
L3	S76°16'42"E	113.44'
L4	S89°46'42"E	5.81'
L5	N89°46'42"W	28.08'
L6	S89°46'42"E	23.00'
L7	N89°49'39"W	72.36'
L8	S89°49'39"E	67.69'
L9	N89°49'39"W	67.57'
L10	S89°49'39"E	64.62'
L11	S76°16'42"E	19.87'
L12	S89°46'42"E	17.49'
L13	N29°42'58"E	26.08'
L14	N29°42'58"E	17.59'
L15	N00°13'18"E	5.89'
L16	S29°46'42"E	3.74'
L17	S15°07'34"W	12.90'
L18	S59°46'42"E	26.22'
L19	S59°46'42"E	11.56'
L20	S15°07'34"W	21.56'
L21	S44°52'26"E	82.15'
L22	N89°32'45"W	10.00'
L23	N00°27'15"E	35.01'
L24	N89°32'45"W	10.02'
L25	N01°36'36"W	31.26'
L26	N72°05'43"E	38.88'
L27	N72°05'43"E	37.83'
L28	S00°13'18"W	31.57'
L29	S00°13'18"W	15.84'
L30	N89°46'42"W	15.77'
L31	N00°13'18"E	0.84'
L32	N89°46'42"W	74.33'
L33	S89°46'42"E	20.00'
L34	S00°13'18"W	20.00'
L35	S89°46'42"E	22.00'
L36	S00°13'18"W	10.00'
L37	N89°46'42"W	42.00'
L38	S76°16'42"E	4.36'

REPLAT OF LOT 1 , BLOCK 1 ANNA ELEMENTARY NO. 3

PLAT SHOWING A 34.89 ACRE SUBDIVISION OF LOT 1, BLOCK 1, ANNA ELEMENTARY NO. 3, A SUBDIVISION RECORDED IN VOLUME 2018, PAGE 253 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS SITUATED IN THE GRANDERSON STARK SURVEY, ABSTRACT NO. 798, COLLIN COUNTY TEXAS

OWNER
ANNA INDEPENDEDNT SCHOOL DISTRICT
BRAD DUNCAN
501 SOUTH SHERLY AVENUE
ANNA, TEXAS 75409
(972) 904-1000

ENGINEER
RLK ENGINEERING, INC.
SETH KELLY, PE
111 WEST MAIN STREET
ALLEN, TEXAS 75013
(972) 359-1733

SURVEYOR
WSB
L. BRAD OSWALD
3522 SAM RAYBURN HWY
MELISSA, TEXAS 75454
(469) 907-5500

DATE PREPARED:
JULY 21, 2025

EXHIBIT A

wsb
3522 Sam Rayburn HWY
Melissa, Texas 75454
(469) 907-5500
www.wsbeng.com
Firm No. 10194714

Crew: SR
Checked: LBO
Drawn: KMA
Drawing date: 07-21-2025
Project No.: 6009881

Revisions:
REPLAT 1ST SUBMITAL 5-30-2025
REPLAT 2ND SUBMITAL 7-22-2025

N
0 50 100
1" = 100'

LEGEND

- FOUND MONUMENT
- SET NAIL & WASHER STAMPED "WSB"
- SET 1/2" IRON ROD & CAP STAMPED "WSB"
- BOUNDARY
- RIGHT OF WAY
- PLATTED EASEMENT
- EXISTING EASEMENT
- LOT LINE
- ADJOINING LOT LINE
- BUILDING SETBACK
- VISIBILITY ACCESS MAINTENANCE (VAM) EASEMENT

RP 26-0006
CITY OF ANNA
COUNTY OF COLLIN
STATE OF TEXAS

REPLAT OF LOT 1R & 2, BLOCK 1 ANNA ELEMENTARY NO. 3

Call 48 Hours before digging:
Texas One Call
CALL: 1-800-344-8377 or 811

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ANNA INDEPENDENT SCHOOL DISTRICT ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS REPLAT LOT 1, BLOCK 1, ANNA ELEMENTARY NO.3, 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.

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 A, 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.

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___.

_____

STATE OF:

COUNTY OF

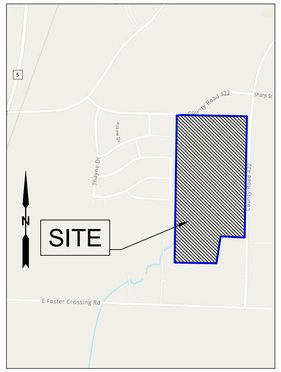
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON OR PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY HEREIN STATED AND THE ACT AND DEED OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20___.

_____

NOTARY PUBLIC IN AND FOR _____ COUNTY

MY COMMISSION EXPIRES: _____



VICINITY MAP
NOT TO SCALE

SURVEYORS CERTIFICATE:

THAT I, L. BRAD OSWALD, REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF ANNA, TEXAS.

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

L. BRAD OSWALD, R.P.L.S. NO. 6680

DATE 9/24/2025

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED L. BRAD OSWALD, 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 PURPOSES AND CONSIDERATION AND UNDER THE AUTHORITY THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20 .

_____
NOTARY PUBLIC FOR AND IN THE STATE OF TEXAS

CERTIFICATE OF APPROVAL:

APPROVED ON THIS THE _____DAY OF _____,20_____, BY THE PLANNING & ZONING COMISSION, CITY OF ANNA, TEXAS.

_____
PLANNING & ZONING COMMISSION CHAIR

_____
DIRECTOR OF DEVELOPMENT SERVICES

BOUNDARY DESCRIPTION:

ALL THAT CERTAIN 34.90 ACRE LOT, TRACT OR PARCEL OF LAND SITUATED IN THE GRANDERSON STARK SURVEY, ABSTRACT NO. 798, COLLIN COUNTY, TEXAS, AND BEING ALL OF LOT 1, BLOCK 1, ANNA ELEMENTARY NO. 3 ADDITION, AN ADDITION TO THE CITY OF ANNA, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2018, PAGE 253, PLAT RECORDS, COLLIN COUNTY, TEXAS, (P.R.C.C.T.); SAID 34.89 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2'' IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, AT A NORTHWEST CORNER OF A CALLED 16.376 ACRE TRACT DESCRIBED IN A DEED TO TEX PROPERTIES GROUP, LLC AS RECORDED IN INSTRUMENT NO. 20190816000999330, O.P.R.C.C.T. AND ON AN EAST LINE OF A CALLED 20.164 ACRE TRACT DESCRIBED IN A DEED TO STEVE WARNE AS RECORDED IN VOLUME 810, PAGE 425, DEED RECORDS, COLLIN COUNTY, TEXAS, (D.R.C.C.T.)

THENCE N 00°13'18'' E ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1 AND AN EAST LINE OF SAID 20.164 ACRE TRACT, AT 517.62 FEET PASSING A 1/2'' IRON ROD FOUND AT A NORTHEAST CORNER OF SAID 20.164 ACRE TRACT AND A SOUTHEAST CORNER OF ANNA CROSSING, PHASE 1B ACCORDING THE PLAT THEREOF RECORDED IN VOLUME 2017, PAGE 570, P.R.C.C.T., CONTINUING ALONG SAID COURSE AND THE EAST LINE OF SAID ANNA CROSSING, PHASE 1B AND THE EAST LINE OF ANNA CROSSING, PHASE 1A ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2015, PAGE 262, P.R.C.C.T., AT 1812.52 FEE PASSING A 1/2'' IRON ROD AND YELLOW CAP STAMPED ''CORWIN'' FOUND FOR REFERENCE, CONTINUING ALONG SAID COURSE IN ALL A TOTAL DISTANCE OF 1826.12 FEET TO AN X-CUT IN CONCRETE FOUND AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, ON AN EAST LINE OF SAID ANNA CROSSING, PHASE 1A AND ON THE SOUTH RIGHT-OF-WAY LINE OF SHARP STREET;

THENCE ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 1 AND SAID SOUTH RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07°49'34'', A RADIUS OF 530.00 FEET, A CHORD BEARING AND DISTANCE OF N 83°27'27'' E, 72.34 FEET, THROUGH AN ARC LENGTH OF 72.39 FEET, TO AN X-CUT IN CONCRETE FOUND AT AN ANGLE POINT ON THE NORTH LINE OF SAID LOT 1, BLOCK 1, ON SAID SOUTH RIGHT-OF-WAY LINE AND AT A SOUTHWEST CORNER OF LOT 1, BLOCK 1, ANNA CROSSING AMENITY CENTER ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2016, PAGE 782, P.R.C.C.T.;

THENCE S 89°29'53'' E ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 1, ANNA ELEMENTARY NO. 3 ADDITION, THE SOUTH LINE OF SAID LOT 1, BLOCK 1, ANNA CROSSING AMENITY CENTER ADDITION AND THE SOUTH LINE OF SAID 2.711 ACRE TRACT A DISTANCE OF 819.15 FEET TO A SET 1/2'' IRON ROD AND CAP STAMPED ''WSB'' FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, AT THE SOUTHEAST CORNER OF A CALLED 2.711 ACRE TRACT DESCRIBED IN A DEED TO ANNA SHARP REALTIES, LLC AS RECORDED IN INSTRUMENT NO. 20200429000622240, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY,TEXAS, (O.P.R.C.C.T.), AND ON THE WEST RIGHT-OF-WAY LINE OF LEONARD AVENUE;

THENCE S 00°27'34'' W ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1 AND SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1506.79 FEET TO A SET 1/2'' IRON ROD AND CAP STAMPED ''WSB'' FOUND AT A SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, AT A SOUTHWEST CORNER OF LEONARD AVENUE, AND ON THE NORTH LINE OF A CALLED 2.89 ACRE TRACT DESCRIBED IN A DEED TO RICHARD A. MCMINIMY, AND WIFE CATHERINE F. MCMINIMY AS RECORDED IN INSTRUMENT NO. 20070205000169420, O.P.R.C.C.T.;

THENCE N 87°35'21'' W ALONG A SOUTH LINE OF SAID LOT 1, BLOCK 1 AND THE NORTH LINE OF SAID 2.89 ACRE TRACT A DISTANCE OF 297.27 FEET TO A SET 1/2'' IRON ROD AND CAP STAMPED ''WSB'' AT AN INTERNAL CORNER OF SAID LOT 1, BLOCK 1 AND AT THE NORTHWEST CORNER OF SAID 2.89 ACRE TRACT;

THENCE S 08°25'15'' W ALONG AN EAST LINE OF SAID LOT 1, BLOCK 1 AND THE WEST LINE OF SAID 2.89 ACRE TRACT A DISTANCE OF 339.92 FEET TO A 1/2'' IRON ROD FOUND AT A SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, AT THE SOUTHWEST CORNER OF SAID 2.89 ACRE TRACT AND ON THE NORTH LINE OF A CALLED 16.376 ACRE TRACT DESCRIBED IN A DEED TO TEX PROPERTIES GROUP, LLC AS RECORDED IN INSTRUMENT NO. 20190816000999330, O.P.R.C.C.T.;

THENCE N 89°38'49'' W ALONG A SOUTH LINE OF SAID LOT 1, BLOCK 1 AND THE NORTH LINE OF SAID 16.376 ACRE TRACT A DISTANCE OF 539.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.89 ACRES OR 1,520,220 SQUARE FEET OF LAND, MORE OR LESS.

NOTES:

1. THE PURPOSE OF THIS REPLAT IS TO PROVIDE EASEMENTS NECESSARY FOR DEVELOPMENT.
2. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS US A VIOLATION OF CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
3. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
4. ON THE ISSUE DATE OF THIS SURVEY, THE SURVEYED PROPERTY SHOWN HEREON IS ZONED SF-E (SINGLE FAMILY RESIDENTIAL) ACCORDING TO THE CITY OF ANNA ZONING ORDINANCE MAPS. REFER TO SAID ZONING ORDINANCE FOR MINIMUM AND MAXIMUM SETBACK REQUIREMENTS.
5. BEARINGS ARE BASED ON THE TEXAS STATE PLANE NAD 83, TEXAS NORTH CENTRAL ZONE, FIPSZONE 4202.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT OR TITLE COMMITMENT. THERE MAY BE ADDITIONAL EASEMENTS OR ENCUMBRANCES AFFECTING THIS TRACT THAT ARE NOT SHOWN HEREON.
7. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY DOES NOT APPEAR TO LIE WITHIN A 100 YEAR FLOOD ZONE AREA, ACCORDING TO FLOOD INSURANCE RATE MAP NO. 48085C0160J, DATED JUNE 2, 2009, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

REPLAT OF LOT 1 , BLOCK 1 ANNA ELEMENTARY NO. 3

PLAT SHOWING A 34.89 ACRE SUBDIVISION OF LOT 1, BLOCK 1, ANNA ELEMENTARY NO. 3, A SUBDIVISION RECORDED IN VOLUME 2018, PAGE 253 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS SITUATED IN THE GRANDERSON STARK SURVEY, ABSTRACT NO. 798, COLLIN COUNTY TEXAS

THE PURPOSE OF THIS REPLAT IS TO PROVIDE EASEMENTS NECESSARY FOR DEVELOPMENT.

OWNER
ANNA INDEPENDEDNT SCHOOL DISTRICT
BRAD DUNCAN
501 SOUTH SHERLY AVENUE
ANNA, TEXAS 75409
(972) 904-1000

ENGINEER
RLK ENGINEERING, INC.
SETH KELLY, PE
111 WEST MAIN STREET
ALLEN, TEXAS 75013
(972) 359-1733

SURVEYOR
WSB
L. BRAD OSWALD
3522 SAM RAYBURN HWY
MELISSA, TEXAS 75454
(469) 907-5500

DATE PREPARED:
JULY 21, 2025

wsb
3522 Sam Rayburn HWY
Melissa, Texas 75454
(469) 907-5500
www.wsbeng.com
Firm No. 10194714

Crew: SR
Checked: LBO
Drawn: KMA
Drawing date: 07-21-2025
Project No.: 6009881

Revisions:
REPLAT 1ST SUBMITAL 5-30-2025
REPLAT 2ND SUBMITAL 7-22-2025

LEGEND

- FOUND MONUMENT
- SET NAIL & WASHER STAMPED "WSB"
- SET 1/2" IRON ROD & CAP STAMPED "WSB"
- BOUNDARY
- RIGHT OF WAY
- PLATTED EASEMENT
- EXISTING EASEMENT
- LOT LINE
- ADJOINING LOT LINE
- BUILDING SETBACK
- VISIBILITY ACCESS MAINTENANCE (VAM) EASEMENT

RP 26-0006
CITY OF ANNA
COUNTY OF COLLIN
STATE OF TEXAS

REPLAT OF LOT 1R & 2, BLOCK 1 ANNA ELEMENTARY NO. 3

Call 48 Hours before digging:
Texas One Call
CALL: 1-800-344-8377 or 811

Item No. 5.c.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Approve Leonard Commercial, Block A, Lot 1, Preliminary Site Plan (PSP 26-0009)

SUMMARY:
Three retail buildings on 2.4± acres on the west side of Leonard Avenue, 950± ft north of E. Foster Crossing Road. Zoned Local Commercial (C-1) (Ord. No. 1190-2026-02)

Recommended for approval subject to the following changes:

- 250 ft hose lay requirement
- Add riser room location
- Add left turn pocket on the northbound lane of Leonard Avenue

BACKGROUND:

Date Submitted	6/8/2026	**Jurisdiction**	City of Anna
Owner	Richard & Catherine McMinimy		
Representative/Applicant	Optima Design and Engineering PLLC		
Requested Action	Approval of the Preliminary Site Plan		
Purpose	To build three retail/restaurant buildings		
Land Area	2.4± acres		
Location	The west side of Leonard Avenue, 950± ft north of E. Foster Crossing Road		
Comp Plan Designation	Suburban Living		
Existing Zoning	Local Commercial (C-1)		
Public Notice	N/A		
Surrounding Properties			
	Land Use	**Zoning**	**Comp Plan Designation**
North	School	Single Family Estate (SF-E)	Schools

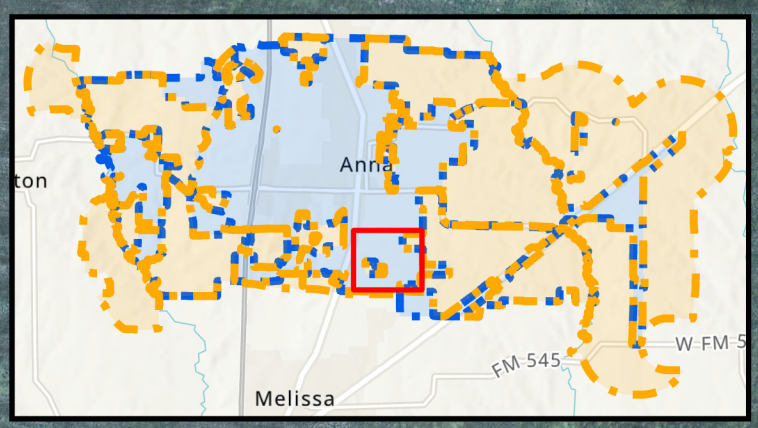
East	Single-Family Residential	Single-Family Residential 6.0 (SF 6.0)	Suburban Living
South	Single-Family Residential	ETJ	Suburban Living
West	School	Single Family Estate (SF-E)	Schools

ATTACHMENTS:

1. Locator Map - Leonard Commercial, Block A, Lot 1, Preliminary Site Plan (PSP 26-0009)
2. Exhibit A - Leonard Commercial, Block A, Lot 1, Preliminary Site Plan (PSP 26-0009)

Leonard Commercial, Block A, Lot 1, Preliminary Site Plan (PSP 26-0009)

HAVEN DR
HILLRICH DR
BROOK DR
BROCK DR
STAFFORDS POINT LN
ROCKET BEND DR
HUNTINGTON DR
GARDENDALE HOLLOW LN
HARRISBURG LANE
MELLOW LN
EARNEST ALY
LEONARD AVE
PEACEFUL PL
PARADISE PL
VIBRANT TRL
GOLDEN RD
SWEET ST
CAREFREE CT
CANVAS WAY
DREAMY DR
VICTORY LN
QUAINT CT
LOYAL LN
TEXAS EAGLE COURT
TRINITY RAIL ROAD
STOCKYARD PLACE
E FOSTER CROSSING RD



THE CITY OF Anna

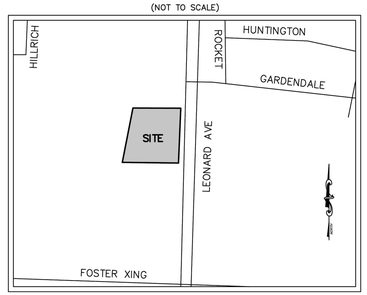
N

Subject Property
ETJ
Parcels
City Limits

0 62.5125 250 375 500
Feet

July 2026

VICINITY MAP
(NOT TO SCALE)



OPEN IRON FENCE

OPEN IRON FENCE

1/2" IRF CONTROLLING MONUMENT

297.27'(P)
S87°36'52"E 297.06'(M)

POINT OF BEGINNING

RIGHT-OF-WAY DEDICATION VOL. 2018, PG. 253

STORAGE OFFICE RETAIL 1925 SQFT

RETAIL 15015 SQFT PHASE 2

RETAIL 15003 SQFT PHASE 1

DETENTION POND

20' LS

SIGN PANEL

DUMPSTER

DUMPSTER

SCHOOL ZONE SIGN

SITE BENCHMARK
'X' CUT SET ON CURB NOSE
ELEVATION =727.46'

LEONARD AVENUE
(PREVIOUSLY KNOWN AS COUNTY ROAD 422)
(A 120' RIGHT-OF-WAY)

LOT 1, BLOCK 1
ANNA ELEMENTARY NO. 3
VOL. 2018, PG. 253

N08°26'32"E 340.17'
339.92'(P)

CITY OF ANNA
INST. NO.
20230000038481

S00°29'58"W 326.21'

7.5' UTILITY EASEMENT
VOL. 782, PG. 599

N89°39'39"W
539.19'

N89°39'16"W 343.91'

POWER POLE AT PROPERTY CORNER

UNDERGROUND GAS SIGN

24' FIRE LANE, ACCESS, UTILITY & DRAINAGE EASEMENT VOL. 2023, PG. 976

LOT 1, BLOCK A
CANVAS AT ANNA
VOL. 2023, PG. 976

EXISTING WOOD FENCE

EXHIBIT A

NOTE:
THESE CIVIL DRAWINGS HAVE BEEN PREPARED FOR CIVIL DESIGN ONLY. STRUCTURAL, ARCHITECT, MECHANICAL, AND OTHER RELATED ENGINEERING DESIGN AND SPECIFICATIONS ARE THE RESPONSIBILITY OF THE RESPECTIVE ENGINEERS. COMPLIANCE TO THESE DRAWINGS WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. ALL MEASUREMENTS SHALL BE VERIFIED BY THE CONTRACTORS DOING THE RESPECTIVE WORK.

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LEGEND:

- ACCESS ROADS
- SIDEWALK
- GREEN SPACE AREA
- RETAIL
- RETAIL
- DETENTION POND

0 10 20 40

OPTIMA
DESIGN & ENGINEERING PLLC

2808 WILDCREEK CT,KELLER TEXAS
TEL. (817) 466-6503
TEXAS FIRM REGISTRATION NO. F-23565
EMAIL:P.ALIKHANI@OPTIMAENGINEER.COM

REVISION NO.	REVISION	REV. DATE

PRELIMINARY PLAT

LEONARD COMMERCIAL
2808 LEONARD AVENUE, ANNA, TX 75409

GROSS ACREAGE: 2.441 AC
CITY OF ANNA, COLLIN COUNTY, TEXAS
PEISER & MANKIN SURVEYING

DATE OF PREPARATION: MAY 6, 2026

SHEET TITLE
SITE PLAN

DRAWN BY:	ISSUE	ISSUE DATE
HASTI		06.25.2026

PROJECT DATE	PROJECT NO.	REV. NO:
JUNE 2026	001	1

SCALE: 1" = 20'
SHEET NO. 3

Item No. 5.d.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Approve Shadowbend Commercial, Block A, Lot 7, Replat (RP 26-0007)

SUMMARY:
Auto repair – light, on 1.0± acre on the north side of W. Rosamond Parkway, 950± feet west of N. Powell Parkway.

Recommended for approval as submitted.

BACKGROUND:

Date Submitted	6/8/2026	**Jurisdiction**	City of Anna
Owner	JL Anna 2148, LLC		
Representative/Applicant	Shield Engineering group		
Requested Action	Approval of Replat		
Purpose	To add easements to the lot		
Land Area	1.0± acre		
Location	The north side of W. Rosamond Parkway		
Comp Plan Designation	Suburban Living		
Existing Zoning	Planned Development/Local Commercial (PD/C-1) (Ord. No. 797-2018)		
Public Notice	N/A		

Surrounding Properties

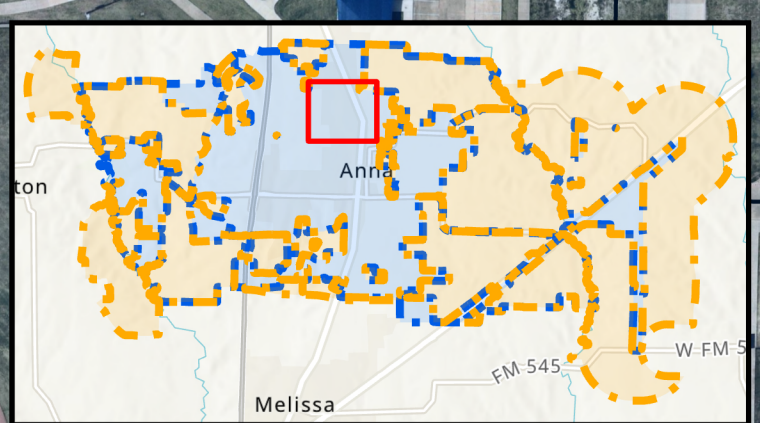
	Land Use	**Zoning**	**Comp Plan Designation**
North	Commercial	Planned Development/Local Commercial (PD/C-1)	Suburban Living
East	Commercial	Planned Development/Local Commercial (PD/C-1)	Suburban Living
South	School	Agriculture (AG)	Schools
West	Commercial	Planned Development/Local Commercial (PD/C-1)	Suburban Living

ATTACHMENTS:

1. Locator Map - Shadowbend Commercial, Block A, Lot 7, Replat (RP 26-0007)
2. Exhibit A - Shadowbend Commercial, Block A, Lot 7, Replat (RP 26-0007)

Shadowbend Commercial, Block A, Lot 7, Replat (RP 26-0007)

ROBINSON DR
ACEVES CT
HARBOR OAKS DR
LIAM DR
W ROSAMOND PKWY



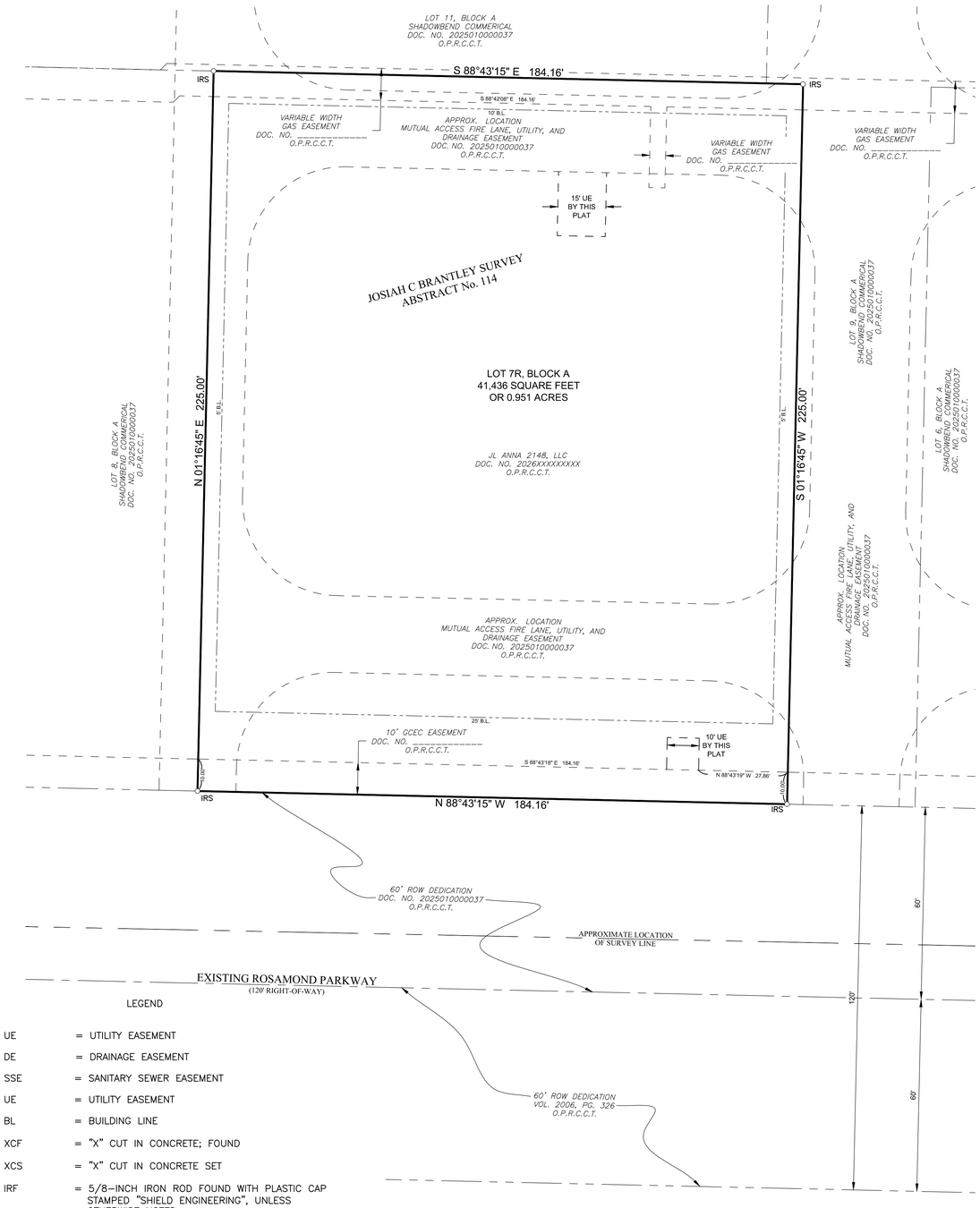
THE CITY OF Anna

N

Subject Property
ETJ
Parcels
City Limits

0 40 80 160 240 320
Feet

July 2026



LEGEND

UE	=	UTILITY EASEMENT
DE	=	DRAINAGE EASEMENT
SSE	=	SANITARY SEWER EASEMENT
UE	=	UTILITY EASEMENT
BL	=	BUILDING LINE
XCF	=	"X" CUT IN CONCRETE; FOUND
XCS	=	"X" CUT IN CONCRETE SET
IRF	=	5/8–INCH IRON ROD FOUND WITH PLASTIC CAP STAMPED "SHIELD ENGINEERING", UNLESS OTHERWISE NOTED
IRS	=	5/8–INCH IRON ROD SET WITH PLASTIC CAP STAMPED "SHIELD ENGINEERING"
O.P.R.C.C.T.	=	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
P.R.C.C.T.	=	PLAT RECORDS, COLLIN COUNTY, TEXAS

SHIELD ENGINEERING
TBPELS ENGINEERING #F-11039, SURVEYING #10193890

EXHIBIT A

DRAWING: 2500601 RP-1.DWG SAVED: 08/22/2026
COPYRIGHT © 2026 by SHIELD ENGINEERING GROUP, LLC

LEGAL DESCRIPTION

LOT 7, BLOCK A, SHADOWBEND COMMERCIAL, AN ADDITION TO THE CITY OF ANNA, COLLIN COUNTY, TEXAS, AS SHOWN ON THE PLAT THEREOF AND RECORDED IN DOCUMENT NUMBER 2025010000037, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.T.C.T.).

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.

A CONVEYANCE PLAT IS A RECORD OF PROPERTY APPROVED BY THE CITY FOR THE PURPOSE OF SALE OR CONVEYANCE IN ITS ENTIRETY OR INTERESTS THEREON DEFINED. NO BUILDING PERMIT SHALL BE ISSUED NOR PERMANENT PUBLIC UTILITY SERVICE PROVIDED UNTIL A FINAL PLAT IS APPROVED, FILED OF RECORD, AND PUBLIC IMPROVEMENTS ACCEPTED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF ANNA. SELLING A PORTION OF THIS PROPERTY BY METES AND BOUNDS, EXCEPT AS SHOWN ON AN APPROVED, FILED, AND ACCEPTED CONVEYANCE PLAT, FINAL PLAT, OR REPLAT IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW.

THE PROPERTY OWNER IS RESPONSIBLE FOR SUFFICIENT CAPACITY OF UTILITIES.

NOTES:

1. ALL DISTANCES ALONG ARCS ARE GIVEN AS ARC LENGTHS.
2. BEARINGS BASED ON NAD83 TxNC GPS OBSERVATIONS.
3. ALL CORNERS ARE MARKED WITH A 5/8" IRON ROD WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" UNLESS OTHERWISE NOTED.
4. NO ABSTRACTING HAS BEEN PERFORMED BY THE SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS OR ENCUMBRANCES AFFECTING THE SUBJECT TRACT WHICH THE SURVEYOR IS UNAWARE OF AND THEREFORE ARE NOT SHOWN HEREON.
5. BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83, VERTICAL DATUM NAVD88.
6. BY GRAPHICAL PLOTTING, THE PARCEL DESCRIBED HEREIN LIES WITHIN ZONE "X" AS DELINEATED ON THE COLLIN COUNTY, TEXAS AND INCORPORATED AREAS FLOOD INSURANCE RATE MAP, NO. 48085C0160J, EFFECTIVE JUNE 2, 2009, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ZONE "X" IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN." THE SURVEYOR DOES NOT CERTIFY THAT REVISED FLOODPLAIN INFORMATION HAS OR HAS NOT BEEN PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR ANY OTHER SOURCE
7. THE SURVEYOR, AS REQUIRED BY STATE LAW, IS RESPONSIBLE FOR SURVEYING INFORMATION ONLY AND BEARS NO RESPONSIBILITY FOR THE ACCURACY OF THE ENGINEERING DATA, SUCH AS FLOODPLAIN AND FLOODWAY LOCATIONS AND MINIMUM FINISHED FLOOR ELEVATIONS DATA PLACED ON THE SURVEY.
8. ALL DISTANCES ARE SURFACE DISTANCES SCALED BY A COMBINED SCALE FACTOR OF 1.0001433304 REFERENCED FROM NORTHING: 71848852.60 EASTING: 2563316.82
9. THE BOUNDARY LINES AS SHOWN ON THE SURVEY FORM A MATHEMATICALLY CLOSED FIGURE WITHIN ±0.1 FEET, WITH NO GAPS OR GORES.
10. THE PURPOSE OF THIS REPLAT IS TO CREATE A DEVELOPABLE LOT AND ADD REQUIRED EASEMENTS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT JL ANNA 2148, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH IT'S DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS SHADOW BEND COMMERCIAL LOT 7, BLOCK A, 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. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF ANNA. 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

BY: _____

PRINTED NAME: _____

TITLE: _____
JL ANNA 2148, LLC

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, 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 CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS_____DAY OF_____, 2026.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:_____

ACCESS EASEMENTS

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.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, CODY WATSON, 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 SET UNDER MY PERSONAL SUPERVISION

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

_____
CODY WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION No. 7056

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CODY WATSON, 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 CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS_____DAY OF_____, 2026.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

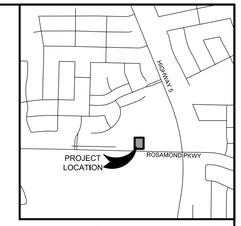
MY COMMISSION EXPIRES:_____

CERTIFICATE OF APPROVAL

APPROVED ON THIS THE _____DAY OF _____, 20_____,
BY THE PLANNING & ZONING COMMISSION, CITY OF ANNA, TEXAS.

_____
PLANNING & ZONING COMMISSION CHAIR

_____
DIRECTOR OF DEVELOPMENT SERVICES



VICINITY MAP
NOT TO SCALE

SCALE 1:20

RP 26-0007
REPLAT

OF LOT 7R, BLOCK A SHADOWBEND COMMERCIAL

BEING A REPLAT OF LOT 7, BLOCK A,
SHADOWBEND COMMERCIAL,
AN ADDITION TO THE CITY OF ANNA, TEXAS
DOCUMENT NUMBER 2025010000037
O.P.R.C.C.T.
BEING 0.951 ACRES OF LAND
CITY OF ANNA, COLLIN COUNTY, TEXAS
JOSIAH C BRANTLEY SURVEY, ABSTRACT NUMBER 114
MARCH, 2026

SURVEYOR	OWNER	DEVELOPER
SHIELD ENGINEERING 1600 W 7TH ST, SUITE 400 FORT WORTH, TX 76102 817–810–0696 ATTN: CODY WATSON	JL ANNA 2148, LLC 3000 INTERNET BLVD, SUITE 570 FRISCO, TX 75034 214–872–4000 ATTN: JESSE KENT	GUGGENHEIM DEVELOPMENT SERVICES, LLC 3000 INTERNET BLVD, SUITE 570 FRISCO, TX, 75034 214–872–4000 ATTN: JESSE KENT

Item No. 5.e.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Approve Liberty Hills, Phase 3, Final Plat (FP 26-0009)

SUMMARY:
148 Single-Family Residential lots and seven Homeowners' Association lots on 49.2± acres on the south side of County Road 290, 4,500± ft east of County Road 289.

Recommended for approval as submitted.

BACKGROUND:

Date Submitted	6/8/2026	**Jurisdiction**	City of Anna
Owner	Veritas Communities		
Representative/Applicant	LJA Engineering		
Requested Action	Approval of Final Plat		
Purpose	To build single-family residential homes		
Land Area	49.2± acres		
Location	The south side of County Road 290, 4,500± ft east of County Road 289		
Comp Plan Designation	Suburban Living		
Existing Zoning	Planned Development/Single Family Residential (PD/SF) (Ord. No. 1111-2024-08)		
Public Notice	N/A		

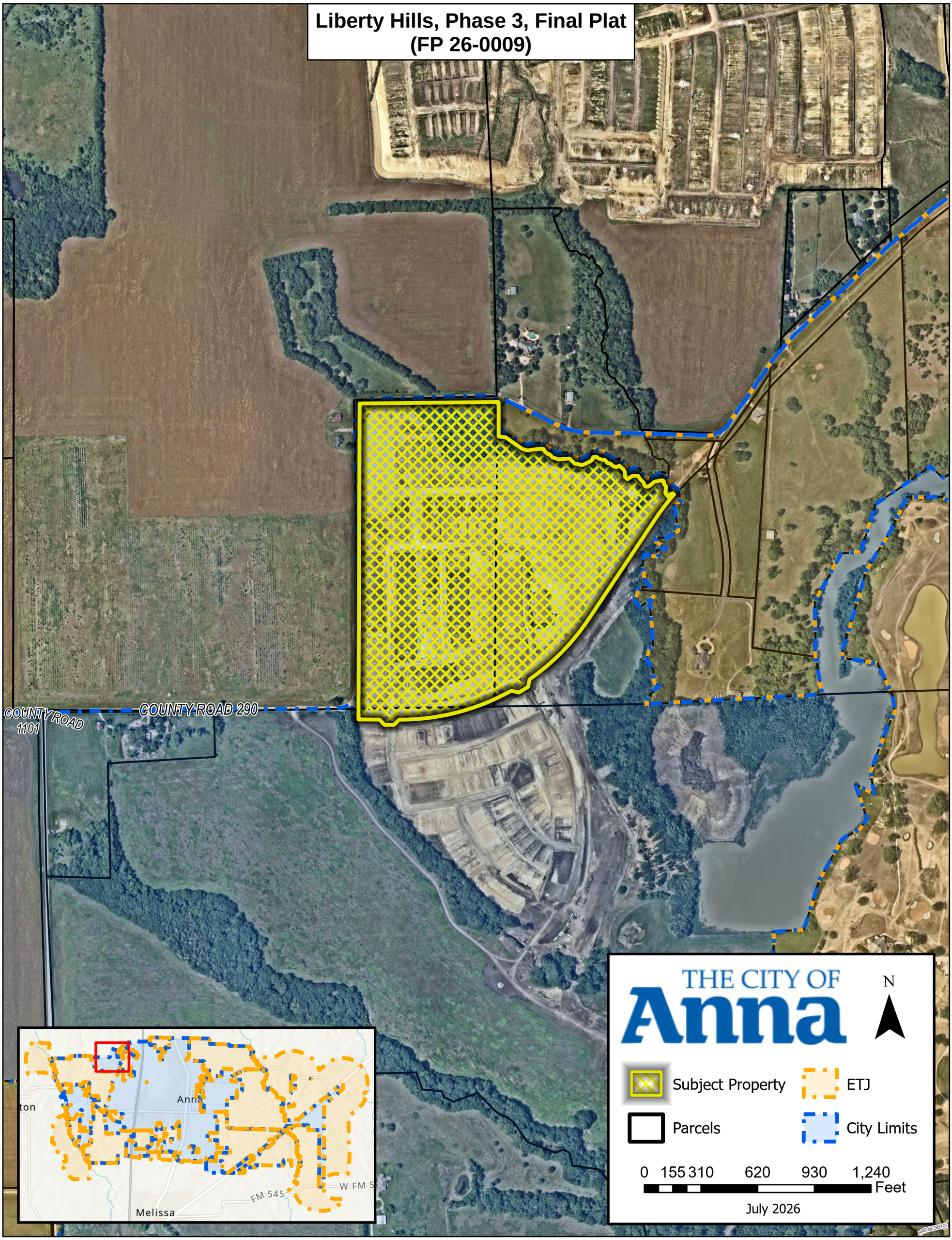
Surrounding Properties

	Land Use	**Zoning**	**Comp Plan Designation**
North	Agriculture	ETJ	N/A
East	Agriculture	ETJ	Estate Residential
South	Single Family Residential	Planned Development Single-Family Residential	Suburban Living
West	Agriculture	ETJ	N/A

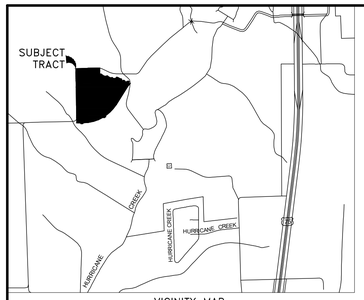
ATTACHMENTS:

1. Locator Map - Liberty Hills, Phase 3, Final Plat (FP 26-0009)
2. Exhibit A - Liberty Hills, Phase 3, Final Plat (FP 26-0009)

Liberty Hills, Phase 3, Final Plat
(FP 26-0009)



LIBERTY HILLS, PHASE 3



VICINITY MAP
NOT TO SCALE

SCALE 1" =100'

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	7°59'56"	1140.00'	S36°38'32"W	159.02'	159.15'
C2	21°42'58"	1260.00'	S45°29'53"W	474.59'	477.44'
C3	29°29'45"	1260.00'	S74°33'30"W	641.51'	648.65'
C4	56°39'49"	1200.00'	N60°58'28"E	1138.98'	1186.76'
C5	8°18'26"	1200.00'	N36°47'47"E	173.83'	173.99'
C6	28°52'27"	964.00'	N74°52'09"E	480.68'	485.81'
C7	12°38'50"	285.00'	N66°45'21"E	62.78'	62.91'
C8	32°13'28"	275.00'	N16°48'21"W	152.64'	154.67'
C9	15°00'23"	565.00'	N08°11'49"W	147.56'	147.98'
C10	33°20'11"	235.00'	S74°01'32"E	134.81'	136.73'
C11	33°20'11"	535.00'	S74°01'32"E	306.91'	311.28'
C12	180°00'00"	7.00'	N32°38'34"E	14.00'	21.99'
C13	180°00'00"	7.00'	S32°38'34"W	14.00'	21.99'
C14	141°41'02"	50.00'	N12°21'26"W	94.46'	123.64'
C15	270°00'00"	50.00'	N45°41'36"W	70.71'	235.62'
C16	141°41'02"	50.00'	N45°41'37"W	94.46'	123.64'
C17	141°41'02"	50.00'	N44°18'23"E	94.46'	123.64'
C18	141°41'02"	50.00'	N77°38'34"E	94.46'	123.64'

LINE	BEARING	DISTANCE
L1	S85°33'48"E	38.17'
L2	S56°34'17"E	114.66'
L3	S73°39'14"E	29.10'
L4	N80°55'30"E	49.80'
L5	N84°10'17"E	35.20'
L6	S71°30'51"E	6.41'
L7	S23°37'31"E	11.94'
L8	S48°57'54"E	22.31'
L9	S78°22'44"E	11.77'
L10	S44°57'16"E	23.99'
L11	S72°03'20"E	36.45'
L12	N83°45'09"E	60.49'
L13	S45°51'25"E	42.03'
L14	S88°20'49"E	17.06'
L15	S70°55'50"E	17.71'
L16	N79°53'05"E	13.68'
L17	N62°26'21"E	46.40'
L18	N43°42'20"E	14.49'
L19	N13°18'36"E	11.48'
L20	N82°07'05"E	10.03'
L21	S86°09'24"E	11.23'
L22	S49°44'51"E	13.10'
L23	S70°30'13"E	13.52'
L24	S84°22'03"E	23.33'
L25	S35°35'31"E	20.91'
L26	S84°29'02"E	15.59'
L27	S51°00'33"E	27.17'
L28	S78°25'01"E	15.92'
L29	N58°51'30"E	16.62'
L30	S49°41'08"E	32.18'
L31	S29°08'01"E	14.80'
L32	S5°40'16"E	30.35'
L33	S51°27'12"E	16.84'
L34	N55°07'54"E	35.31'
L35	N89°52'19"E	29.08'
L36	S31°29'55"E	19.97'
L37	S47°09'08"E	27.66'
L38	S18°55'35"E	20.76'
L39	S63°16'02"E	9.33'
L40	N87°41'54"E	12.80'
L41	N49°59'39"E	43.53'
L42	N77°10'32"E	43.67'
L43	S57°38'18"E	10.00'
L44	S5°42'20"E	16.81'
L45	S42°16'02"E	18.23'
L46	S6°44'28"W	37.06'
L47	S38°50'25"E	22.72'
L48	N57°28'10"E	27.21'
L49	S50°28'32"E	10.57'

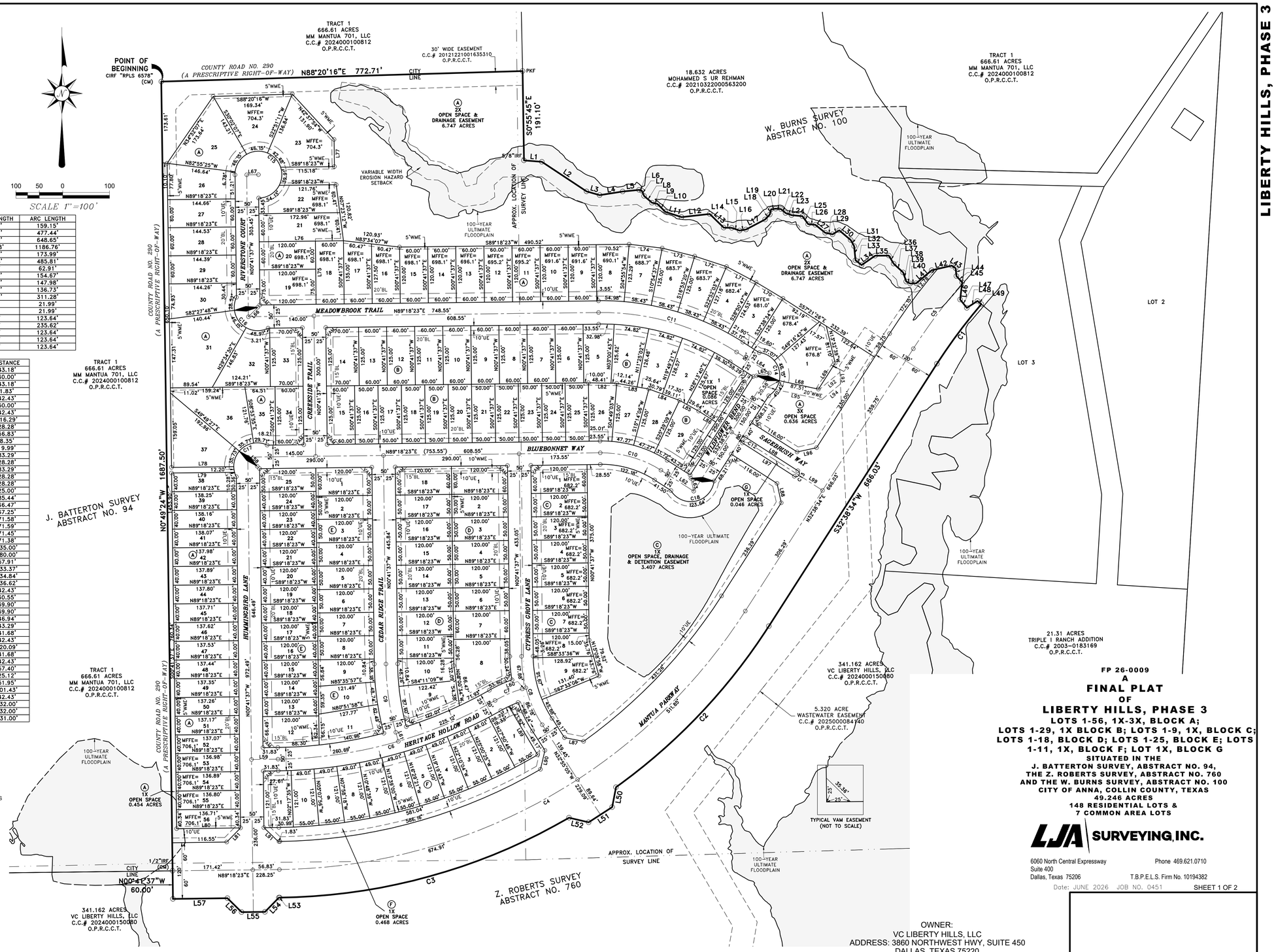
LINE	BEARING	DISTANCE
L50	S11°03'31"W	43.18'
L51	S57°04'55"W	60.00'
L52	N76°53'41"W	43.18'
L53	S89°18'23"W	1.83'
L54	S44°18'23"W	42.43'
L55	S89°18'23"W	50.00'
L56	N45°41'37"W	42.43'
L57	S89°18'23"W	116.29'
L58	S45°41'37"E	28.28'
L59	N89°18'23"E	56.83'
L60	N73°04'46"E	8.35'
L61	N15°27'05"W	19.99'
L62	S57°21'26"E	83.29'
L63	N12°21'26"W	28.28'
L64	S57°21'26"E	83.29'
L65	S77°38'34"W	28.28'
L66	S44°18'23"W	28.28'
L67	N89°18'22"E	25.00'
L68	N77°50'00"W	85.44'
L69	N32°38'34"E	66.47'
L70	N59°02'22"W	67.25'
L71	N62°01'12"W	71.58'
L72	N71°52'01"W	71.59'
L73	N76°06'02"W	71.45'
L74	N83°26'59"W	71.38'
L75	N00°41'37"W	135.00'
L76	S89°18'23"W	180.00'
L77	N00°41'37"W	57.91'
L78	S89°18'23"W	133.37'
L79	N89°18'23"E	134.84'
L80	N89°18'23"E	136.62'
L81	S44°18'23"W	42.43'
L82	S89°00'34"E	60.55'
L83	S79°58'25"E	69.90'
L84	S69°33'22"E	69.90'
L85	S60°51'09"E	46.94'
L86	S57°21'26"E	43.29'
L87	S78°55'24"E	41.68'
L88	N12°21'26"W	42.43'
L89	N30°41'08"W	120.09'
L90	S13°05'14"W	41.68'
L91	N45°41'37"W	42.43'
L92	N50°12'36"E	57.40'
L93	S02°33'40"E	25.12'
L94	S50°12'36"W	51.55'
L95	N77°50'00"W	101.43'
L96	N77°38'34"E	42.43'
L97	N57°21'26"W	132.00'
L98	S57°21'26"E	132.00'
L99	N57°21'26"W	231.00'

NOTES:

1. BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE NAD83, DETERMINED BY GPS OBSERVATIONS UTILIZING THE ALLTERRA RTKNET.
2. ALL CORNERS ARE 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET, UNLESS OTHERWISE NOTED.
3. THE HOMEOWNERS ASSOCIATION (HOA) WILL OWN AND MAINTAIN ALL COMMON AREA (X) LOTS
4. ALL EASEMENTS (EXCEPT WALL MAINTENANCE EASEMENTS) ARE PUBLIC UNLESS OTHERWISE NOTED. WATER, SEWER AND DRAINAGE EASEMENTS SHALL BE EXCLUSIVE OF FRANCHISE UTILITIES.
5. 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.
6. NO APPURTENANCE BETWEEN THE HEIGHT OF 2.5' AND 10' MAY BE PLACED IN SIGHT VISIBILITY EASEMENTS.
7. RETAINING WALLS UNDER 4' WILL BE MAINTAINED BY THE PROPERTY OWNER. RETAINING WALLS OVER 4' WILL BE MAINTAINED BY THE HOA WITHIN A WALL MAINTENANCE EASEMENT.

LEGEND

O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
D.R.C.C.T.	DEED RECORDS, COLLIN COUNTY, TEXAS
C.C.#	COUNTY CLERK'S FILE NO.
CIRF	CAPPED IRON ROD FOUND
PKF	PK NAIL FOUND
IRF	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
BL	BUILDING LINE
SF	SQUARE FEET
WWE	WASTE WATER EASEMENT
VAM	VISIBILITY, ACCESS & MAINTENANCE EASEMENT
WME	WALL MAINTENANCE EASEMENT
MFFE	MINIMUM FINISHED FLOOR ELEVATION
	STREET NAME CHANGE



FP 26-0009

A

FINAL PLAT

OF

LIBERTY HILLS, PHASE 3

LOTS 1-56, 1X-3X, BLOCK A;
LOTS 1-29, 1X BLOCK B; LOTS 1-9, 1X, BLOCK C;
LOTS 1-18, BLOCK D; LOTS 1-25, BLOCK E; LOTS 1-11, 1X, BLOCK F; LOT 1X, BLOCK G

SITUATED IN THE
J. BATTERTON SURVEY, ABSTRACT NO. 94,
THE Z. ROBERTS SURVEY, ABSTRACT NO. 760
AND THE W. BURNS SURVEY, ABSTRACT NO. 100
CITY OF ANNA, COLLIN COUNTY, TEXAS
49.246 ACRES
148 RESIDENTIAL LOTS &
7 COMMON AREA LOTS

LJA SURVEYING, INC.

6060 North Central Expressway
Suite 400
Dallas, Texas 75206

Phone 469.621.0710
T.B.P.E.L.S. Firm No. 10194382

Date: JUNE 2026 JOB NO. 0451 SHEET 1 OF 2

OWNER:
VC LIBERTY HILLS, LLC
ADDRESS: 3860 NORTHWEST HWY, SUITE 450
DALLAS, TEXAS 75220
PHONE: 408-348-2944

EXHIBIT A

S:\NTX-LAN\0451\2005SURVEY\290 Mapping\PLAT CHECK\PHASE 3\0451PAD1-PH3.dwg 6/22/2026

LIBERTY HILLS, PHASE 3

LOT	BLOCK	SF		LOT	BLOCK	SF
1	A	11450		19	B	6250
2	A	9055		20	B	6250
3	A	7850		21	B	6250
4	A	8136		22	B	6250
5	A	8153		23	B	6250
6	A	8075		24	B	6250
7	A	8014		25	B	6250
8	A	7803		26	B	6789
9	A	7200		27	B	7255
10	A	7200		28	B	7255
11	A	7200		29	B	10307
12	A	7200		1X	C	148407
13	A	7200		1	C	7200
14	A	7200		2	C	6000
15	A	7200		3	C	6000
16	A	7425		4	C	6000
17	A	7875		5	C	6000
18	A	8100		6	C	6000
19	A	9000		7	C	6000
20	A	7200		8	C	6218
21	A	10589		9	C	8884
22	A	9331		1	D	7200
23	A	13984		2	D	6000
24	A	13240		3	D	6000
25	A	13995		4	D	6000
26	A	9831		5	D	6000
27	A	8676		6	D	6000
28	A	8668		7	D	7200
29	A	8659		8	D	13713
30	A	9455		9	D	8828
31	A	20388		10	D	6493
32	A	10824		11	D	6000
33	A	8750		12	D	6000
34	A	7500		13	D	6000
35	A	6831		14	D	6000
36	A	13653		15	D	6000
37	A	13693		16	D	6000
38	A	5513		17	D	6000
39	A	5528		18	D	7200
40	A	5525		1	E	7200
41	A	5521		2	E	6000
42	A	5517		3	E	6000
43	A	5514		4	E	6000
44	A	5510		5	E	6000
45	A	5507		6	E	6000
46	A	5503		7	E	6000
47	A	5499		8	E	6000
48	A	5496		9	E	6370
49	A	5492		10	E	6691
50	A	5488		11	E	8790
51	A	5485		12	E	7857
52	A	5481		13	E	4800
53	A	5478		14	E	4800
54	A	5474		15	E	4800
55	A	5470		16	E	4800
56	A	5514		17	E	4800
1X	A	19797		18	E	4800
2X	A	293881		19	E	4800
3X	A	27718		20	E	4800
1X	B	3750		21	E	4800
1	B	9737		22	E	4800
2	B	8257		23	E	4800
3	B	8259		24	E	4800
4	B	8262		25	E	6000
5	B	7839		1	F	6287
6	B	7500		2	F	6293
7	B	7500		3	F	6293
8	B	7500		4	F	6293
9	B	7500		5	F	6293
10	B	7500		6	F	6293
11	B	7500		7	F	6293
12	B	7500		8	F	6293
13	B	7500		9	F	6293
14	B	8750		10	F	6293
15	B	7500		11	F	7397
16	B	6250		1X	F	20364
17	B	6250		1X	G	2002
18	B	6250				

STATE OF TEXAS)(
COUNTY OF COLLIN)(

WHEREAS, VC LIBERTY HILLS, LLC ARE THE SOLE OWNER'S OF A 49.246 ACRE TRACT OF LAND SITUATED IN THE W. BURNS SURVEY, ABSTRACT NO. 100, THE J. BATTERTON SURVEY, ABSTRACT NO. 94 AND THE Z. ROBERTS SURVEY, ABSTRACT NO. 760, CITY OF ANNA, COLLIN COUNTY, TEXAS, AND BEING PART OF A 341.162 ACRE TRACT OF LAND CONVEYED TO VC LIBERTY HILLS, LLC, AS RECORDED IN COUNTY CLERK'S FILE NO. 20240001500080, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID 49.246 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE NAD83, DETERMINED BY GPS OBSERVATIONS UTILIZING THE ALLTERRA RTKNET, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND WITH CAP STAMPED "RPLS 6578" FOUND FOR A NORTHWEST CORNER OF SAID 341.162 ACRE TRACT AND A COMMON INTERIOR ELL CORNER OF A 666.61 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO MM MANTUA 701, LLC., AS RECORDED IN COUNTY CLERK'S FILE NO. 20240001100812, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 88 DEGREES 20 MINUTES 16 SECONDS EAST, ALONG A NORTH LINE OF SAID 341.162 ACRE TRACT, A COMMON SOUTH LINE OF SAID 666.61 ACRE TRACT AND WITH THE APPROXIMATE CENTER OF COUNTY ROAD NO. 290 (A PRESCRIPTIVE RIGHT-OF-WAY), A DISTANCE OF 772.71 FEET TO A PK NAIL FOUND FOR AN EXTERIOR ELL CORNER OF SAID 341.162 ACRE TRACT AND A COMMON EXTERIOR ELL CORNER OF SAID 666.61 ACRE TRACT. SAID POINT BEING ON THE WEST LINE OF AN 18.632 ACRE TRACT OF LAND CONVEYED TO MOHAMMED S UR REHMAN, AS RECORDED IN VOLUME COUNTY CLERK'S FILE NO. 20210322000563200, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, SOUTH 00 DEGREES 55 MINUTES 45 SECONDS EAST, ALONG AN EAST LINE OF SAID 341.162 ACRE TRACT AND THE COMMON WEST LINE OF SAID 18.632 ACRE TRACT, A DISTANCE OF 191.10 FEET TO A 5/8 INCH IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 341.162 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID 18.632 ACRE TRACT. SAID POINT BEING IN THE APPROXIMATE CENTER OF A CREEK;

THENCE, ALONG A NORTH LINE OF SAID 341.162 ACRE TRACT AND THE COMMON SOUTH LINE OF SAID 18.632 ACRE TRACT AND WITH SAID CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 85 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 38.17 FEET TO A POINT FOR CORNER;

SOUTH 56 DEGREES 34 MINUTES 17 SECONDS EAST, A DISTANCE OF 114.66 FEET TO A POINT FOR CORNER;

SOUTH 73 DEGREES 39 MINUTES 14 SECONDS EAST, A DISTANCE OF 29.10 FEET TO A POINT FOR CORNER;

NORTH 80 DEGREES 55 MINUTES 30 SECONDS EAST, A DISTANCE OF 49.80 FEET TO A POINT FOR CORNER;

NORTH 84 DEGREES 10 MINUTES 17 SECONDS EAST, A DISTANCE OF 35.20 FEET TO A POINT FOR CORNER;

SOUTH 71 DEGREES 30 MINUTES 51 SECONDS EAST, A DISTANCE OF 6.41 FEET TO A POINT FOR CORNER;

SOUTH 23 DEGREES 37 MINUTES 31 SECONDS EAST, A DISTANCE OF 11.94 FEET TO A POINT FOR CORNER;

SOUTH 48 DEGREES 57 MINUTES 54 SECONDS EAST, A DISTANCE OF 22.31 FEET TO A POINT FOR CORNER;

SOUTH 78 DEGREES 22 MINUTES 44 SECONDS EAST, A DISTANCE OF 11.77 FEET TO A POINT FOR CORNER;

SOUTH 44 DEGREES 57 MINUTES 16 SECONDS EAST, A DISTANCE OF 23.99 FEET TO A POINT FOR CORNER;

SOUTH 72 DEGREES 03 MINUTES 20 SECONDS EAST, A DISTANCE OF 36.45 FEET TO A POINT FOR CORNER;

NORTH 83 DEGREES 45 MINUTES 09 SECONDS EAST, A DISTANCE OF 60.49 FEET TO A POINT FOR CORNER;

SOUTH 45 DEGREES 51 MINUTES 25 SECONDS EAST, A DISTANCE OF 42.03 FEET TO A POINT FOR CORNER;

SOUTH 88 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 17.06 FEET TO A POINT FOR CORNER;

SOUTH 70 DEGREES 55 MINUTES 50 SECONDS EAST, A DISTANCE OF 17.71 FEET TO A POINT FOR CORNER;

NORTH 79 DEGREES 53 MINUTES 05 SECONDS EAST, A DISTANCE OF 13.68 FEET TO A POINT FOR CORNER;

NORTH 62 DEGREES 26 MINUTES 21 SECONDS EAST, A DISTANCE OF 46.40 FEET TO A POINT FOR CORNER;

NORTH 43 DEGREES 42 MINUTES 20 SECONDS EAST, A DISTANCE OF 14.49 FEET TO A POINT FOR CORNER;

NORTH 13 DEGREES 18 MINUTES 36 SECONDS EAST, A DISTANCE OF 11.48 FEET TO A POINT FOR CORNER;

NORTH 82 DEGREES 07 MINUTES 05 SECONDS EAST, A DISTANCE OF 10.03 FEET TO A POINT FOR CORNER;

SOUTH 86 DEGREES 09 MINUTES 24 SECONDS EAST, A DISTANCE OF 11.23 FEET TO A POINT FOR CORNER;

SOUTH 49 DEGREES 44 MINUTES 51 SECONDS EAST, A DISTANCE OF 13.10 FEET TO A POINT FOR CORNER;

SOUTH 70 DEGREES 30 MINUTES 13 SECONDS EAST, A DISTANCE OF 13.52 FEET TO A POINT FOR CORNER;

SOUTH 84 DEGREES 22 MINUTES 03 SECONDS EAST, A DISTANCE OF 23.33 FEET TO A POINT FOR CORNER;

SOUTH 35 DEGREES 35 MINUTES 31 SECONDS EAST, A DISTANCE OF 20.91 FEET TO A POINT FOR CORNER;

SOUTH 84 DEGREES 29 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.59 FEET TO A POINT FOR CORNER;

SOUTH 51 DEGREES 00 MINUTES 33 SECONDS EAST, A DISTANCE OF 27.17 FEET TO A POINT FOR CORNER;

SOUTH 78 DEGREES 25 MINUTES 01 SECOND EAST, A DISTANCE OF 15.92 FEET TO A POINT FOR CORNER;

NORTH 58 DEGREES 51 MINUTES 30 SECONDS EAST, A DISTANCE OF 16.62 FEET TO A POINT FOR CORNER;

SOUTH 49 DEGREES 41 MINUTES 08 SECONDS EAST, A DISTANCE OF 32.18 FEET TO A POINT FOR CORNER;

SOUTH 29 DEGREES 08 MINUTES 01 SECOND EAST, A DISTANCE OF 14.80 FEET TO A POINT FOR CORNER;

SOUTH 05 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 30.35 FEET TO A POINT FOR CORNER;

SOUTH 51 DEGREES 27 MINUTES 12 SECONDS EAST, A DISTANCE OF 16.84 FEET TO A POINT FOR CORNER;

NORTH 55 DEGREES 07 MINUTES 54 SECONDS EAST, A DISTANCE OF 35.31 FEET TO A POINT FOR CORNER;

NORTH 89 DEGREES 52 MINUTES 19 SECONDS EAST, A DISTANCE OF 29.08 FEET TO A POINT FOR CORNER;

SOUTH 31 DEGREES 29 MINUTES 55 SECONDS EAST, A DISTANCE OF 19.97 FEET TO A POINT FOR CORNER;

SOUTH 47 DEGREES 09 MINUTES 08 SECONDS EAST, A DISTANCE OF 27.66 FEET TO A POINT FOR CORNER;

SOUTH 18 DEGREES 55 MINUTES 35 SECONDS EAST, A DISTANCE OF 20.76 FEET TO A POINT FOR CORNER;

SOUTH 63 DEGREES 16 MINUTES 02 SECONDS EAST, A DISTANCE OF 9.33 FEET TO A POINT FOR CORNER;

NORTH 87 DEGREES 41 MINUTES 54 SECONDS EAST, A DISTANCE OF 12.80 FEET TO A POINT FOR CORNER;

NORTH 49 DEGREES 59 MINUTES 39 SECONDS EAST, A DISTANCE OF 43.53 FEET TO A POINT FOR CORNER;

NORTH 77 DEGREES 10 MINUTES 32 SECONDS EAST, A DISTANCE OF 43.67 FEET TO A POINT FOR CORNER;

SOUTH 57 DEGREES 38 MINUTES 18 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

SOUTH 05 DEGREES 42 MINUTES 20 SECONDS EAST, A DISTANCE OF 16.81 FEET TO A POINT FOR CORNER;

SOUTH 42 DEGREES 16 MINUTES 02 SECONDS EAST, A DISTANCE OF 18.23 FEET TO A POINT FOR CORNER;

SOUTH 06 DEGREES 44 MINUTES 28 SECONDS WEST, A DISTANCE OF 37.06 FEET TO A POINT FOR CORNER;

SOUTH 38 DEGREES 50 MINUTES 25 SECONDS EAST, A DISTANCE OF 22.72 FEET TO A POINT FOR CORNER;

NORTH 57 DEGREES 28 MINUTES 10 SECONDS EAST, A DISTANCE OF 27.21 FEET TO A POINT FOR CORNER;

SOUTH 50 DEGREES 28 MINUTES 32 SECONDS EAST, A DISTANCE OF 10.57 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07 DEGREES 59 MINUTES 56 SECONDS, A RADIUS OF 1140.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 36 DEGREES 38 MINUTES 32 SECONDS WEST, A DISTANCE OF 159.02 FEET;

THENCE, OVER AND ACROSS SAID 341.162 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 159.15 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 32 DEGREES 38 MINUTES 34 SECONDS WEST, A DISTANCE OF 666.03 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21 DEGREES 42 MINUTES 38 SECONDS, A RADIUS OF 1260.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 43 DEGREES 29 MINUTES 53 SECONDS WEST, A DISTANCE OF 474.59 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 477.44 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 11 DEGREES 03 MINUTES 31 SECONDS WEST, A DISTANCE OF 43.18 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 57 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 76 DEGREES 53 MINUTES 41 SECONDS WEST, A DISTANCE OF 43.18 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29 DEGREES 29 MINUTES 45 SECONDS, A RADIUS OF 1260.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 74 DEGREES 33 MINUTES 30 SECONDS WEST, A DISTANCE OF 641.51 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 648.65 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 89 DEGREES 18 MINUTES 23 SECONDS WEST, A DISTANCE OF 1.83 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 44 DEGREES 18 MINUTES 23 SECONDS WEST, A DISTANCE OF 42.43 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 89 DEGREES 18 MINUTES 23 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 45 DEGREES 41 MINUTES 37 SECONDS WEST, A DISTANCE OF 42.43 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 89 DEGREES 18 MINUTES 23 SECONDS WEST, A DISTANCE OF 116.29 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 00 DEGREES 41 MINUTES 37 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 341.162 ACRE TRACT AND A COMMON EXTERIOR ELL CORNER OF AFORESAID 666.61 ACRE TRACT;

THENCE, NORTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, ALONG A WEST LINE OF SAID 341.162 ACRE TRACT AND A COMMON EAST LINE OF SAID 666.61 ACRE TRACT, WITH THE APPROXIMATE CENTER OF AFORESAID COUNTY ROAD NO. 290, A DISTANCE OF 1687.50 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 2,145,142 SQUARE FEET OR 49.246 ACRES OF LAND.

OWNERS CERTIFICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, **VC LIBERTY HILLS, LLC**, ACTING HEREIN BY AND THROUGH IT'S DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS **LIBERTY HILLS, PHASE 3**, AN ADDITION TO THE CITY OF ANNA, TEXAS, AND DOES HEREBY DEDICATE 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 ARTS 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 PURPOSES 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.

THIS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, AND REGULATIONS OF THE CITY OF ANNA, TEXAS.
WITNESS MY HAND THIS THE ___ DAY OF _____ A.D. 2026

VC LIBERTY HILLS, LLC

_____

BY: _____

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 _____, 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 CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ___ DAY OF _____, A.D. 2026.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ID NUMBER: _____

MY COMMISSION EXPIRES: _____

EASEMENT LANGUAGE

ACCESS EASEMENTS

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.

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.

DRAINAGE AND DETENTION EASEMENTS

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 LOT 1X BLOCK C, 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.

SURVEYOR'S CERTIFICATE

I, CHRIS MATTEO, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON ACCURATELY REPRESENTS THE PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY, MADE UNDER MY DIRECTION AND THE SUPERVISION IN JULY 2025, AND THAT ALL CORNERS ARE AS SHOWN.

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.

CHRIS MATTEO
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6501

DATE: _____

STATE OF TEXAS
REGISTERED
CHRIS MATTEO
6501
PROFESSIONAL
LAND SURVEYOR

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 CHRIS MATTEO 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 CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ___ DAY OF _____, A.D. 2026.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ID NUMBER: _____

MY COMMISSION EXPIRES: _____

FP 26-0009
A
FINAL PLAT
OF
LIBERTY HILLS, PHASE 3
LOTS 1-56, 1X-3X, BLOCK A;
LOTS 1-29, 1X BLOCK B; LOTS 1-9, 1X, BLOCK C;
LOTS 1-18, BLOCK D; LOTS 1-25, BLOCK E; LOTS 1-11, 1X, BLOCK F; LOT 1X, BLOCK G
SITUATED IN THE
J. BATTERTON SURVEY, ABSTRACT NO. 94,
THE Z. ROBERTS SURVEY, ABSTRACT NO. 760
AND THE W. BURNS SURVEY, ABSTRACT NO. 100
CITY OF ANNA, COLLIN COUNTY, TEXAS
49.246 ACRES
148 RESIDENTIAL LOTS &
7 COMMON AREA LOTS

LJA SURVEYING, INC.
6060 North Central Expressway Phone 469.621.0710
Suite 400
Dallas, Texas 75206 T.B.P.E.L.S. Firm No. 10194382

Date: JUNE 2026 JOB NO. 0451 SHEET 2 OF 2

OWNER:
VC LIBERTY HILLS, LLC
ADDRESS: 3860 NORTHWEST HWY, SUITE 450
DALLAS, TEXAS 75220
PHONE: 408-348-2944

S:\NTX-LAND\0451\2025\SRVEY\290 Mapping\PLAT CHECK\PHASE 3\0451PA01--Ph3.dwg 6/22/2026

Item No. 5.f.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Approve Liberty Hills, Phase 4, Final Plat (FP 26-0010)

SUMMARY:
96 Single-Family Residential lots and five Homeowners' Association lots on 48.1± acres on the south side of County Road 290, 4,500± ft east of County Road 289.

Recommended for approval as submitted.

BACKGROUND:

Date Submitted	6/8/2026	**Jurisdiction**	City of Anna
Owner	Veritas Communities		
Representative/Applicant	LJA Engineering		
Requested Action	Approval of Final Plat		
Purpose	To build single family residential homes		
Land Area	48.1± acres		
Location	The south side of County Road 290, 4,500± ft east of County Road 289		
Comp Plan Designation	Suburban Living		
Existing Zoning	Planned Development/Single Family Residential (PD/SF) (Ord. No. 1111-2024-08)		
Public Notice	N/A		

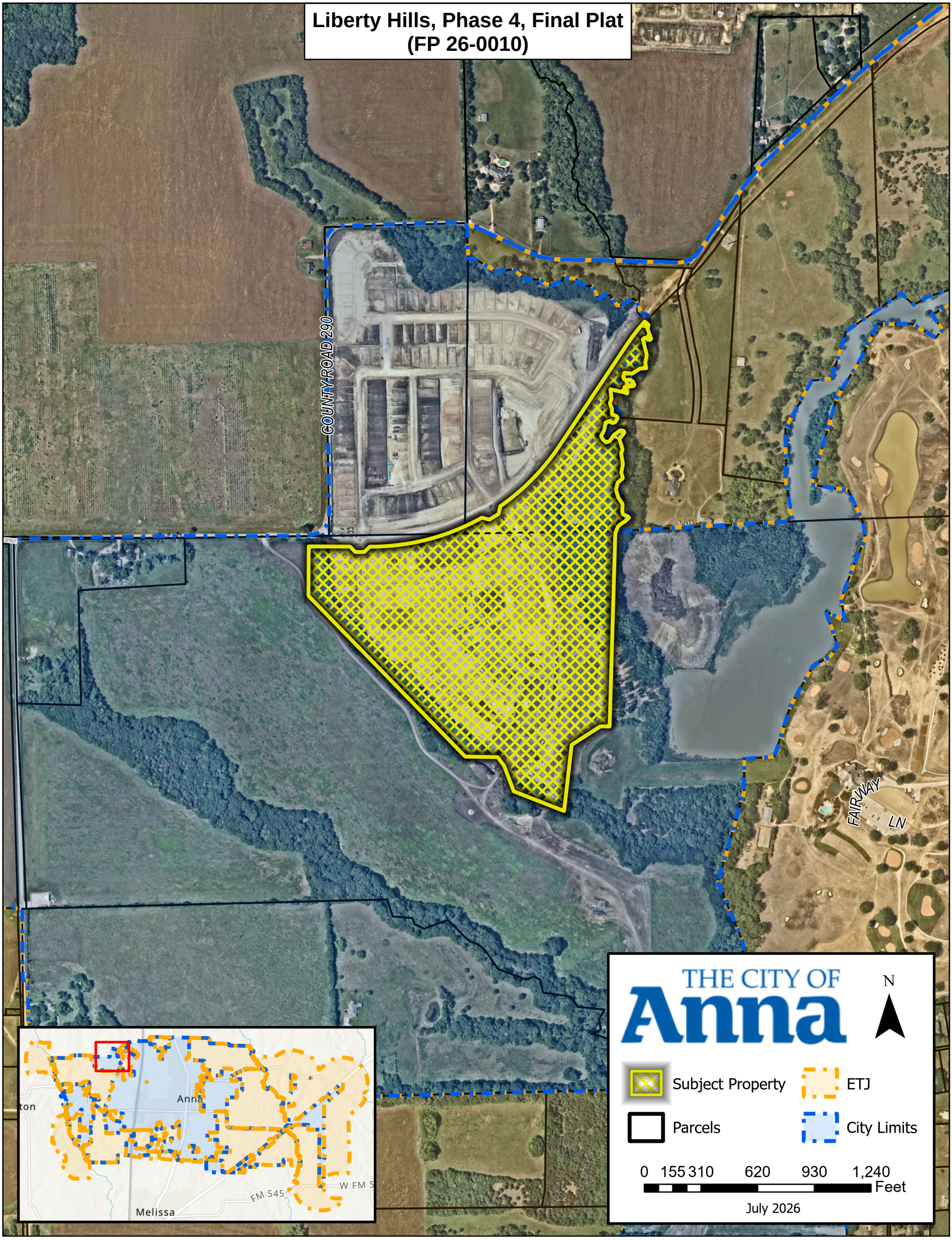
Surrounding Properties

	Land Use	**Zoning**	**Comp Plan Designation**
North	Single Family Residential	Planned Development/Single Family Residential	Suburban Living
East	Single Family Residential	Planned Development/Single Family Residential	Suburban Living
South	Single Family Residential	Planned Development/Single Family Residential	Suburban Living
West	Single Family Residential	Planned Development/Single Family Residential	Suburban Living

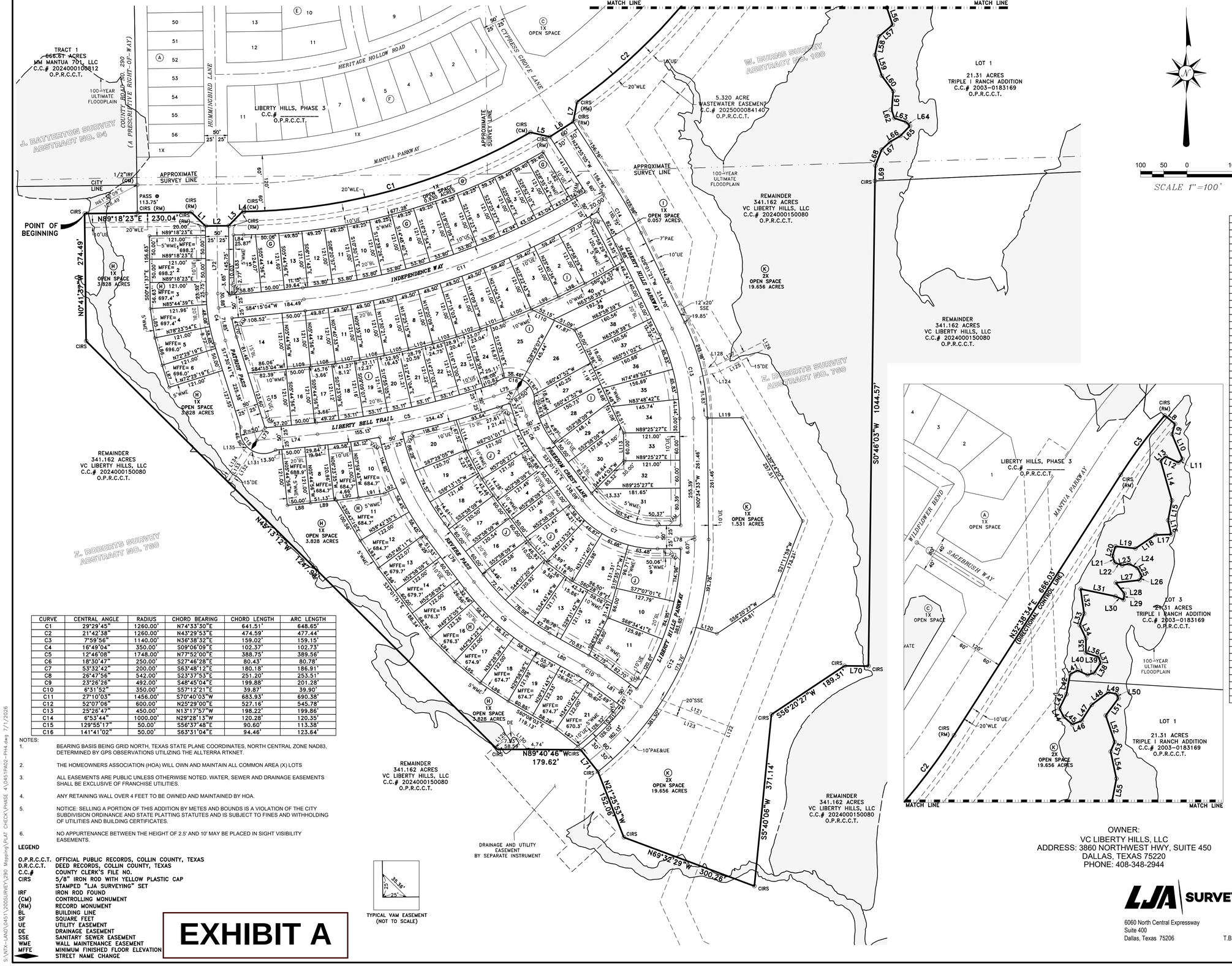
ATTACHMENTS:

1. Locator Map - Liberty Hills, Phase 4, Final Plat (FP 26-0010)
2. Exhibit A - Liberty Hills, Phase 4, Final Plat (FP 26-0010)

Liberty Hills, Phase 4, Final Plat
(FP 26-0010)



LIBERTY HILLS, PHASE 4



LINE	BEARING	DISTANCE
L1	S45°41'37"E	42.43'
L2	N89°18'23"E	50.00'
L3	N44°18'23"E	42.43'
L4	N89°18'23"E	1.83'
L5	S76°53'41"E	43.18'
L6	N57°04'55"E	60.00'
L7	N11°03'31"E	43.18'
L8	S50°28'32"E	28.85'
L9	S16°41'39"W	23.29'
L10	S23°04'58"E	57.84'
L11	S49°49'02"W	11.63'
L12	N64°30'49"W	30.50'
L13	S50°42'11"W	13.78'
L14	S15°45'26"E	89.36'
L15	S10°53'35"W	43.60'
L16	S12°28'08"E	31.05'
L17	S88°00'34"W	34.12'
L18	S56°01'46"W	51.74'
L19	N84°06'45"W	43.29'
L20	S16°45'37"W	21.78'
L21	S18°30'22"E	15.05'
L22	S70°51'54"E	17.06'
L23	N77°40'40"E	15.14'
L24	S63°09'50"E	20.43'
L25	S27°41'10"E	19.98'
L26	S31°30'58"W	9.86'
L27	S83°47'46"W	51.58'
L28	S38°54'19"E	29.87'
L29	S7°53'15"W	13.82'
L30	N65°47'39"W	19.26'
L31	N78°08'54"W	76.63'
L32	S8°27'48"E	53.59'
L33	S20°42'26"W	26.91'
L34	S25°09'45"E	31.09'
L35	S0°12'02"W	31.14'
L36	S71°20'53"E	29.06'
L37	S18°54'03"E	13.15'
L38	S32°18'04"W	25.49'
L39	S72°43'07"W	15.31'
L40	N64°42'33"W	23.37'
L41	S63°34'24"W	18.33'
L42	S10°14'08"W	43.90'
L43	S26°13'56"W	34.33'
L44	S27°13'02"E	20.15'
L45	S49°22'10"E	24.64'
L46	N69°07'39"E	21.11'
L47	N32°40'48"E	40.78'
L48	N52°43'43"E	44.54'
L49	S79°02'31"E	17.91'
L50	S25°14'13"E	10.50'
L51	S36°33'49"W	45.96'
L52	S18°38'57"E	60.30'
L53	S23°11'17"W	22.34'
L54	S12°06'39"E	59.69'
L55	S10°53'13"W	48.67'
L56	S18°15'42"E	38.78'
L57	S49°42'55"W	38.39'
L58	S12°09'41"W	41.04'
L59	S18°18'43"E	46.98'
L60	S36°12'31"E	41.45'
L61	S4°18'51"W	40.66'
L62	S17°20'59"E	18.23'
L63	S71°38'45"E	27.15'
L64	S42°57'19"E	11.61'
L65	S44°03'41"W	29.44'
L66	S59°56'34"W	26.44'
L67	S47°10'58"W	23.76'
L68	S21°19'02"W	37.17'
L69	S1°44'52"W	33.11'
L70	N89°13'57"W	51.51'
L71	N38°27'27"W	60.00'
L72	S00°41'37"E	145.75'
L73	N33°22'12"E	25.78'
L74	N84°15'04"E	131.19'
L75	N71°28'56"E	52.61'
L76	S26°28'56"W	28.28'
L77	S18°31'04"E	62.41'
L78	N89°25'27"E	80.37'
L79	S37°01'51"E	138.09'
L80	S60°28'17"E	97.61'
L81	S53°56'25"E	113.25'
L82	S30°18'57"E	121.00'
L83	S00°41'37"E	125.75'
L84	N89°18'23"E	21.83'
L85	N08°47'31"W	63.61'
L86	N15°01'50"W	60.90'
L87	N17°30'41"W	50.00'
L88	N84°15'04"E	50.00'
L89	N84°04'07"E	55.79'
L90	N82°44'07"E	48.31'
L91	N80°44'03"E	56.78'
L92	N65°36'59"E	28.58'
L93	S33°11'06"E	71.00'
L94	S44°51'52"E	72.11'
L95	S50°19'29"E	72.03'
L96	S56°47'44"E	72.03'
L97	S51°39'17"E	59.64'
L98	S63°10'28"W	64.25'
L99	S65°28'20"W	64.25'
L100	S67°46'13"W	64.25'
L101	S69°52'36"W	53.54'
L102	S71°47'30"W	53.54'
L103	S73°42'24"W	53.54'
L104	S75°37'18"W	53.54'
L105	S77°32'12"W	53.54'
L106	S79°27'06"W	53.54'
L107	S81°22'00"W	53.54'
L108	S83°17'15"W	53.88'
L109	S84°15'04"W	50.00'
L110	S64°29'35"E	55.37'
L111	S26°01'21"E	78.77'
L112	S25°12'40"E	48.93'
L113	S00°34'33"E	60.00'
L114	S19°15'20"E	70.75'
L115	S27°55'15"E	68.27'
L116	S35°38'47"E	43.46'
L117	S42°28'30"E	52.32'
L118	S53°11'54"E	63.22'
L119	N89°25'27"E	75.07'
L120	N73°08'05"W	47.02'
L121	S68°48'01"E	152.17'
L122	S21°11'59"W	20.00'
L123	N68°48'01"W	156.56'
L124	N77°38'43"E	32.40'
L125	N63°21'36"E	115.35'
L126	N26°38'24"W	15.00'
L127	S63°21'36"W	113.47'
L128	S77°38'49"W	30.54'
L129	N47°50'08"E	48.35'
L130	S42°09'52"E	47.09'
L131	S62°29'19"W	7.19'
L132	S32°29'18"W	80.53'
L133	N45°13'12"W	15.35'
L134	N32°29'18"E	81.28'
L135	N62°29'19"E	3.33'
L136	N37°04'15"W	50.00'

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	29°29'45"	1260.00'	N74°33'30"E	641.51'	648.65'
C2	21°42'38"	1260.00'	N43°29'53"E	474.59'	477.44'
C3	7°59'56"	1140.00'	N36°38'32"E	159.02'	159.15'
C4	16°49'04"	350.00'	S09°06'09"E	102.37'	102.73'
C5	12°46'08"	1748.00'	N77°52'09"E	388.75'	389.56'
C6	18°30'47"	250.00'	S27°46'28"E	80.43'	80.78'
C7	53°32'42"	200.00'	S63°48'12"E	180.18'	186.91'
C8	26°47'56"	542.00'	S23°37'53"E	251.20'	253.51'
C9	23°26'26"	492.00'	S48°45'04"E	199.88'	201.28'
C10	6°31'52"	350.00'	S57°12'21"E	39.87'	39.90'
C11	27°10'03"	1456.00'	S70°40'03"W	683.93'	690.38'
C12	52°07'06"	600.00'	N25°29'00"E	527.16'	545.78'
C13	25°26'47"	450.00'	N13°17'57"W	198.22'	199.86'
C14	6°53'44"	1000.00'	N29°28'13"W	120.28'	120.35'
C15	129°55'17"	50.00'	S56°37'48"E	90.60'	113.38'
C16	141°41'02"	50.00'	S63°31'04"E	94.46'	123.64'

NOTES:

1. BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE NAD83, DETERMINED BY GPS OBSERVATIONS UTILIZING THE ALLTERRA RTKNET.
2. THE HOMEOWNERS ASSOCIATION (HOA) WILL OWN AND MAINTAIN ALL COMMON AREA (X) LOTS
3. ALL EASEMENTS ARE PUBLIC UNLESS OTHERWISE NOTED. WATER, SEWER AND DRAINAGE EASEMENTS SHALL BE EXCLUSIVE OF FRANCHISE UTILITIES.
4. ANY RETAINING WALL OVER 4 FEET TO BE OWNED AND MAINTAINED BY HOA.
5. 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.
6. NO APPURTENANCE BETWEEN THE HEIGHT OF 2.5' AND 10' MAY BE PLACED IN SIGHT VISIBILITY EASEMENTS.

LEGEND

O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
D.R.C.C.T.	DEED RECORDS, COLLIN COUNTY, TEXAS
C.C.#	COUNTY CLERK'S FILE NO.
CIRS	5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET
IRF	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
(RM)	RECORD MONUMENT
BL	BUILDING LINE
SF	SQUARE FEET
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
WME	WALL MAINTENANCE EASEMENT
MFFE	MINIMUM FINISHED FLOOR ELEVATION
	STREET NAME CHANGE

EXHIBIT A

FP 26-0010
A
FINAL PLAT
OF
LIBERTY HILLS, PHASE 4
LOTS 1-15, 1X, BLOCK G; LOTS 1-21, 1X BLOCK H; LOTS 1-40, 1X BLOCK I; LOTS 1-20, BLOCK J; LOTS 1X-2X, BLOCK K
SITUATED IN THE J. BATTERTON SURVEY, ABSTRACT NO. 94, THE Z. ROBERTS SURVEY, ABSTRACT NO. 760 AND THE W. BURNS SURVEY, ABSTRACT NO. 100 CITY OF ANNA, COLLIN COUNTY, TEXAS
48.040 ACRES
96 RESIDENTIAL LOTS & 5 COMMON AREA LOTS

Date: JUNE 2026 JOB NO. 0451

OWNER:
VC LIBERTY HILLS, LLC
ADDRESS: 3860 NORTHWEST HWY, SUITE 450
DALLAS, TEXAS 75220
PHONE: 408-348-2944

LJA SURVEYING, INC.
6060 North Central Expressway
Suite 400
Dallas, Texas 75206
Phone 469.621.0710
T.B.P.E.L.S. Firm No. 10194382

S:\NTX-LAND\0451\2025SURVEY\290 Mapping\PLAT CHECK\PHASE 4\0451PA02-PH4.dwg 7/1/2026

LOT	BLOCK	SF		LOT	BLOCK	SF
1X	G	40520		13	I	6050
1	G	4987		14	I	11899
2	G	4987		15	I	8445
3	G	4987		16	I	6050
4	G	4976		17	I	6198
5	G	6234		18	I	6208
6	G	6234		19	I	6208
7	G	6234		20	I	6208
8	G	6234		21	I	6208
9	G	6234		22	I	6208
10	G	6234		23	I	6208
11	G	6234		24	I	6407
12	G	6234		25	I	12271
13	G	6096		26	I	12001
14	G	6134		27	I	7355
15	G	6713		28	I	8067
1X	H	166733		29	I	7146
1	H	6050		30	I	9112
2	H	6050		31	I	12316
3	H	6402		32	I	9080
4	H	6743		33	I	7260
5	H	6583		34	I	8651
6	H	6050		35	I	8188
7	H	6050		36	I	8495
8	H	6102		37	I	8139
9	H	6199		38	I	8028
10	H	8641		39	I	7058
11	H	9378		40	I	8606
12	H	7858		1X	I	2493
13	H	7402		1	J	7761
14	H	7320		2	J	6966
15	H	7690		3	J	6467
16	H	7950		4	J	6074
17	H	7904		5	J	6072
18	H	7904		6	J	6982
19	H	7374		7	J	7168
20	H	7741		8	J	9747
21	H	9121		9	J	12554
1	I	9295		10	J	9633
2	I	7467		11	J	13315
3	I	7467		12	J	8150
4	I	7467		13	J	7717
5	I	6226		14	J	8086
6	I	6226		15	J	8025
7	I	6226		16	J	7234
8	I	6226		17	J	7231
9	I	6226		18	J	7786
10	I	6226		19	J	7998
11	I	6226		20	J	9198
12	I	6265		1X	K	66690
				2X	K	856221

OWNER'S CERTIFICATION

STATE OF TEXAS)(
COUNTY OF COLLIN)(

WHEREAS, VC LIBERTY HILLS, LLC ARE THE SOLE OWNER'S OF A 48.040 ACRE TRACT OF LAND SITUATED IN THE W. BURNS SURVEY, ABSTRACT NO. 100, THE J. BATTERTON SURVEY, ABSTRACT NO. 94 AND THE Z. ROBERTS SURVEY, ABSTRACT NO. 760, CITY OF ANNA, COLLIN COUNTY, TEXAS, AND BEING PART OF THE REMAINDER OF A 341.162 ACRE TRACT OF LAND CONVEYED TO VC LIBERTY HILLS, LLC, AS RECORDED IN COUNTY CLERK'S FILE NO. 20240000150080, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID 48.040 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE NAD83, DETERMINED BY GPS OBSERVATIONS UTILIZING THE ALLTERRA RTKNET, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET, FROM WHICH A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID REMAINDER OF A 341.162 ACRE TRACT AND A COMMON EXTERIOR ELL CORNER OF A 666.61 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO MM MANTUA 701, LLC, AS RECORDED IN COUNTY CLERK'S FILE NO. 20240000100812, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, AND BEING ON THE WEST LINE OF LIBERTY HILLS, PHASE 3, AN ADDITION TO THE CITY OF ANNA, AS RECORDED IN COUNTY CLERK'S FILE NO. _____, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, AND BEING IN THE APPROXIMATE CENTER OF MANTUA PARKWAY, (A 120' RIGHT-OF-WAY), OF SAID LIBERTY HILLS, PHASE 3, BEARS NORTH 61 DEGREES 28 MINUTES 09 SECONDS EAST, A DISTANCE OF 128.49 FEET;

THENCE, NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST, OVER AND ACROSS THE REMAINDER OF SAID 341.162 ACRE TRACT, PASSING AT A DISTANCE OF 113.75 FEET A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN INTERIOR ELL CORNER OF THE REMAINDER OF SAID 341.162 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID LIBERTY HILLS, PHASE 3, SAME BEING THE SOUTHWEST CORNER OF SAID MANTUA PARKWAY, AND CONTINUING ALONG THE NORTH LINE OF THE REMAINDER OF SAID 341.162 ACRE TRACT AND THE COMMON SOUTH LINE OF SAID LIBERTY HILLS, PHASE 3 AND SAID MANTUA PARKWAY, IN ALL, A TOTAL DISTANCE OF 230.04 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

THENCE, CONTINUING ALONG SAID COMMON LINES, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 45 DEGREES 41 MINUTES 37 SECONDS EAST, A DISTANCE OF 42.43 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST, A DISTANCE OF 50.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 44 DEGREES 18 MINUTES 23 SECONDS EAST, A DISTANCE OF 42.43 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST, A DISTANCE OF 1.83 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29 DEGREES 29 MINUTES 45 SECONDS, A RADIUS OF 1260.00 FEET, AND A LONG CHORD THAT BEARS NORTH 74 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 641.51 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 648.65 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 76 DEGREES 53 MINUTES 41 SECONDS EAST, A DISTANCE OF 43.18 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 57 DEGREES 04 MINUTES 55 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 11 DEGREES 03 MINUTES 31 SECONDS EAST, A DISTANCE OF 43.18 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21 DEGREES 42 MINUTES 38 SECONDS, A RADIUS OF 1260.00 FEET, AND A LONG CHORD THAT BEARS NORTH 43 DEGREES 29 MINUTES 53 SECONDS EAST, A DISTANCE OF 474.59 FEET;

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 477.44 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 32 DEGREES 38 MINUTES 34 SECONDS EAST, A DISTANCE OF 666.03 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07 DEGREES 59 MINUTES 56 SECONDS, A RADIUS OF 1140.00 FEET, AND A LONG CHORD THAT BEARS NORTH 36 DEGREES 38 MINUTES 32 SECONDS EAST, A DISTANCE OF 159.02 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 159.15 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER ON A NORTHEAST LINE OF THE REMAINDER OF SAID 341.162 ACRE TRACT AND THE COMMON WEST LINE OF LOT 3, OF THE TRIPLE I RANCH ADDITION, AN ADDITION TO COLLIN COUNTY, AS RECORDED IN COUNTY CLERK'S FILE NO. 2003-0183169, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID POINT BEING THE EAST CORNER OF SAID LIBERTY HILLS, PHASE 3 AND SAID MANTUA PARKWAY;

THENCE, ALONG THE COMMON LINES OF THE REMAINDER OF SAID 341.162 ACRE TRACT AND SAID LOT 3, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 50 DEGREES 28 MINUTES 32 SECONDS EAST, A DISTANCE OF 28.85 FEET TO A POINT FOR CORNER;

SOUTH 16 DEGREES 41 MINUTES 39 SECONDS WEST, A DISTANCE OF 23.29 FEET TO A POINT FOR CORNER;

SOUTH 23 DEGREES 04 MINUTES 58 SECONDS EAST, A DISTANCE OF 57.84 FEET TO A POINT FOR CORNER;

SOUTH 49 DEGREES 49 MINUTES 02 SECONDS WEST, A DISTANCE OF 11.63 FEET TO A POINT FOR CORNER;

NORTH 64 DEGREES 30 MINUTES 49 SECONDS WEST, A DISTANCE OF 30.50 FEET TO A POINT FOR CORNER;

SOUTH 50 DEGREES 42 MINUTES 11 SECONDS WEST, A DISTANCE OF 13.78 FEET TO A POINT FOR CORNER;

SOUTH 15 DEGREES 45 MINUTES 26 SECONDS EAST, A DISTANCE OF 89.36 FEET TO A POINT FOR CORNER;

SOUTH 10 DEGREES 53 MINUTES 35 SECONDS WEST, A DISTANCE OF 43.60 FEET TO A POINT FOR CORNER;

SOUTH 12 DEGREES 28 MINUTES 08 SECONDS EAST, A DISTANCE OF 31.05 FEET TO A POINT FOR CORNER;

SOUTH 88 DEGREES 00 MINUTES 34 SECONDS WEST, A DISTANCE OF 34.12 FEET TO A POINT FOR CORNER;

SOUTH 56 DEGREES 01 MINUTE 46 SECONDS WEST, A DISTANCE OF 51.74 FEET TO A POINT FOR CORNER;

NORTH 84 DEGREES 06 MINUTES 45 SECONDS WEST, A DISTANCE OF 43.29 FEET TO A POINT FOR CORNER;

SOUTH 16 DEGREES 45 MINUTES 37 SECONDS WEST, A DISTANCE OF 21.78 FEET TO A POINT FOR CORNER;

SOUTH 18 DEGREES 30 MINUTES 22 SECONDS EAST, A DISTANCE OF 15.05 FEET TO A POINT FOR CORNER;

SOUTH 70 DEGREES 51 MINUTES 54 SECONDS EAST, A DISTANCE OF 17.06 FEET TO A POINT FOR CORNER;

NORTH 77 DEGREES 40 MINUTES 40 SECONDS EAST, A DISTANCE OF 15.14 FEET TO A POINT FOR CORNER;

SOUTH 63 DEGREES 09 MINUTES 50 SECONDS EAST, A DISTANCE OF 20.43 FEET TO A POINT FOR CORNER;

SOUTH 27 DEGREES 41 MINUTES 10 SECONDS EAST, A DISTANCE OF 19.98 FEET TO A POINT FOR CORNER;

SOUTH 31 DEGREES 30 MINUTES 58 SECONDS WEST, A DISTANCE OF 9.86 FEET TO A POINT FOR CORNER;

SOUTH 83 DEGREES 47 MINUTES 46 SECONDS WEST, A DISTANCE OF 51.58 FEET TO A POINT FOR CORNER;

SOUTH 38 DEGREES 54 MINUTES 19 SECONDS EAST, A DISTANCE OF 29.87 FEET TO A POINT FOR CORNER;

SOUTH 07 DEGREES 53 MINUTES 15 SECONDS WEST, A DISTANCE OF 13.82 FEET TO A POINT FOR CORNER;

NORTH 65 DEGREES 47 MINUTES 39 SECONDS WEST, A DISTANCE OF 19.26 FEET TO A POINT FOR CORNER;

NORTH 78 DEGREES 08 MINUTES 54 SECONDS WEST, A DISTANCE OF 76.63 FEET TO A POINT FOR CORNER;

NORTH 65 DEGREES 47 MINUTES 39 SECONDS WEST, A DISTANCE OF 19.26 FEET TO A POINT FOR CORNER;

NORTH 78 DEGREES 08 MINUTES 54 SECONDS WEST, A DISTANCE OF 76.63 FEET TO A POINT FOR CORNER;

SOUTH 08 DEGREES 27 MINUTES 48 SECONDS EAST, A DISTANCE OF 53.59 FEET TO A POINT FOR CORNER;

SOUTH 20 DEGREES 42 MINUTES 26 SECONDS WEST, A DISTANCE OF 26.91 FEET TO A POINT FOR CORNER;

SOUTH 25 DEGREES 09 MINUTES 45 SECONDS EAST, A DISTANCE OF 31.09 FEET TO A POINT FOR CORNER;

SOUTH 00 DEGREES 12 MINUTES 02 SECONDS WEST, A DISTANCE OF 31.14 FEET TO A POINT FOR CORNER;

SOUTH 71 DEGREES 20 MINUTES 53 SECONDS EAST, A DISTANCE OF 29.06 FEET TO A POINT FOR CORNER;

SOUTH 18 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 13.15 FEET TO A POINT FOR CORNER;

SOUTH 32 DEGREES 18 MINUTES 04 SECONDS WEST, A DISTANCE OF 25.49 FEET TO A POINT FOR CORNER;

SOUTH 72 DEGREES 43 MINUTES 07 SECONDS WEST, A DISTANCE OF 15.31 FEET TO A POINT FOR CORNER;

NORTH 64 DEGREES 42 MINUTES 33 SECONDS WEST, A DISTANCE OF 23.37 FEET TO A POINT FOR CORNER;

SOUTH 63 DEGREES 34 MINUTES 24 SECONDS WEST, A DISTANCE OF 18.33 FEET TO A POINT FOR CORNER;

SOUTH 10 DEGREES 14 MINUTES 08 SECONDS WEST, PASSING THE SOUTHWEST CORNER OF SAID LOT 3 AND THE COMMON NORTHWEST CORNER OF LOT 1 OF SAID TRIPLE I RANCH ADDITION, AND CONTINUING ALONG SAID LOT 1, IN ALL A TOTAL DISTANCE OF 43.90 FEET TO A POINT FOR CORNER;

THENCE, CONTINUING ALONG THE COMMON LINES OF THE REMAINDER OF SAID 341.162 ACRE TRACT AND SAID LOT 1, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 26 DEGREES 13 MINUTES 56 SECONDS WEST, A DISTANCE OF 34.33 FEET TO A POINT FOR CORNER;

SOUTH 27 DEGREES 13 MINUTES 02 SECONDS EAST, A DISTANCE OF 20.15 FEET TO A POINT FOR CORNER;

SOUTH 49 DEGREES 22 MINUTES 10 SECONDS EAST, A DISTANCE OF 24.64 FEET TO A POINT FOR CORNER;

NORTH 69 DEGREES 07 MINUTES 38 SECONDS EAST, A DISTANCE OF 21.11 FEET TO A POINT FOR CORNER;

NORTH 32 DEGREES 40 MINUTES 48 SECONDS EAST, A DISTANCE OF 40.78 FEET TO A POINT FOR CORNER;

NORTH 52 DEGREES 43 MINUTES 43 SECONDS EAST, A DISTANCE OF 44.54 FEET TO A POINT FOR CORNER;

SOUTH 79 DEGREES 02 MINUTES 31 SECONDS EAST, A DISTANCE OF 17.91 FEET TO A POINT FOR CORNER;

SOUTH 25 DEGREES 14 MINUTES 13 SECONDS EAST, A DISTANCE OF 10.50 FEET TO A POINT FOR CORNER;

SOUTH 36 DEGREES 33 MINUTES 49 SECONDS WEST, A DISTANCE OF 45.96 FEET TO A POINT FOR CORNER;

SOUTH 18 DEGREES 38 MINUTES 57 SECONDS EAST, A DISTANCE OF 60.30 FEET TO A POINT FOR CORNER;

SOUTH 23 DEGREES 11 MINUTES 17 SECONDS WEST, A DISTANCE OF 22.34 FEET TO A POINT FOR CORNER;

SOUTH 12 DEGREES 06 MINUTES 39 SECONDS EAST, A DISTANCE OF 59.69 FEET TO A POINT FOR CORNER;

SOUTH 10 DEGREES 53 MINUTES 13 SECONDS WEST, A DISTANCE OF 48.67 FEET TO A POINT FOR CORNER;

SOUTH 18 DEGREES 15 MINUTES 42 SECONDS EAST, A DISTANCE OF 38.78 FEET TO A POINT FOR CORNER;

SOUTH 49 DEGREES 42 MINUTES 55 SECONDS WEST, A DISTANCE OF 38.39 FEET TO A POINT FOR CORNER;

SOUTH 12 DEGREES 09 MINUTES 41 SECONDS WEST, A DISTANCE OF 41.04 FEET TO A POINT FOR CORNER;

SOUTH 18 DEGREES 18 MINUTES 43 SECONDS EAST, A DISTANCE OF 46.98 FEET TO A POINT FOR CORNER;

SOUTH 36 DEGREES 12 MINUTES 31 SECONDS EAST, A DISTANCE OF 41.45 FEET TO A POINT FOR CORNER;

SOUTH 04 DEGREES 18 MINUTES 51 SECONDS WEST, A DISTANCE OF 40.66 FEET TO A POINT FOR CORNER;

SOUTH 17 DEGREES 20 MINUTES 59 SECONDS EAST, A DISTANCE OF 18.23 FEET TO A POINT FOR CORNER;

SOUTH 71 DEGREES 38 MINUTES 45 SECONDS EAST, A DISTANCE OF 27.15 FEET TO A POINT FOR CORNER;

SOUTH 42 DEGREES 57 MINUTES 19 SECONDS EAST, A DISTANCE OF 11.61 FEET TO A POINT FOR CORNER;

SOUTH 44 DEGREES 03 MINUTES 41 SECONDS WEST, A DISTANCE OF 29.44 FEET TO A POINT FOR CORNER;

SOUTH 59 DEGREES 56 MINUTES 34 SECONDS WEST, A DISTANCE OF 26.44 FEET TO A POINT FOR CORNER;

SOUTH 47 DEGREES 10 MINUTES 58 SECONDS WEST, A DISTANCE OF 23.76 FEET TO A POINT FOR CORNER;

SOUTH 21 DEGREES 19 MINUTES 02 SECONDS WEST, A DISTANCE OF 37.17 FEET TO A POINT FOR CORNER;

SOUTH 01 DEGREE 44 MINUTES 52 SECONDS WEST, A DISTANCE OF 33.11 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN INTERIOR ELL CORNER OF THE REMAINDER OF SAID 341.162 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID LOT 1;

THENCE, OVER AND ACROSS THE REMAINDER OF SAID 341.162 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 46 MINUTES 03 SECONDS WEST, A DISTANCE OF 1044.57 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 89 DEGREES 13 MINUTES 57 SECONDS EAST, A DISTANCE OF 51.51 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 56 DEGREES 20 MINUTES 27 SECONDS WEST, A DISTANCE OF 189.31 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 05 DEGREES 40 MINUTES 06 SECONDS WEST, A DISTANCE OF 371.14 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 69 DEGREES 32 MINUTES 29 SECONDS WEST, A DISTANCE OF 300.26 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 21 DEGREES 25 MINUTES 53 SECONDS WEST, A DISTANCE OF 152.06 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 38 DEGREES 27 MINUTES 27 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 89 DEGREES 40 MINUTES 46 SECONDS WEST, A DISTANCE OF 179.62 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 45 DEGREES 13 MINUTES 12 SECONDS WEST, A DISTANCE OF 1247.94 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 00 DEGREES 41 MINUTES 37 SECONDS WEST, A DISTANCE OF 274.49 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 2,092,610 SQUARE FEET OR 48.040 ACRES OF LAND.

OWNERS CERTIFICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, **VC LIBERTY HILLS, LLC**, ACTING HEREIN BY AND THROUGH IT'S DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS **LIBERTY HILLS, PHASE 4**, AN ADDITION TO THE CITY OF ANNA, TEXAS, AND DOES HEREBY DEDICATE, 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 ARTS 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 PURPOSES 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.

THIS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, AND REGULATIONS OF THE CITY OF ANNA, TEXAS.
WITNESS MY HAND THIS THE ___ DAY OF _____, A.D. 2026.

VC LIBERTY HILLS, LLC

_____

BY: _____
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 _____ 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 CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ___ DAY OF _____ _____, A.D. 2026.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ID NUMBER: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, CHRIS MATTEO, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON ACCURATELY REPRESENTS THE PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY, MADE UNDER MY DIRECTION AND THE SUPERVISION IN JULY 2025, AND THAT ALL CORNERS ARE AS SHOWN.

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.

CHRIS MATTEO
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6501

DATE: _____

STATE OF TEXAS · REGISTERED · CHRIS MATTEO · 6501 · PROFESSIONAL LAND SURVEYOR

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 CHRIS MATTEO 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 CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ___ DAY OF _____, A.D. 2026.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ID NUMBER: _____

MY COMMISSION EXPIRES: _____

EASEMENT LANGUAGE

ACCESS EASEMENTS

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.

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.

FP 26-0010
A
FINAL PLAT
OF
LIBERTY HILLS, PHASE 4
LOTS 1-15, 1X, BLOCK G; LOTS 1-21, 1X BLOCK H; LOTS 1-40, 1X BLOCK I; LOTS 1-20, BLOCK J; LOTS 1X-2X, BLOCK K
SITUATED IN THE J. BATTERTON SURVEY, ABSTRACT NO. 94, THE Z. ROBERTS SURVEY, ABSTRACT NO. 760 AND THE W. BURNS SURVEY, ABSTRACT NO. 100 CITY OF ANNA, COLLIN COUNTY, TEXAS
48.040 ACRES
96 RESIDENTIAL LOTS & 5 COMMON AREA LOTS
Date: JUNE 2026 JOB NO. 0451

OWNER:
VC LIBERTY HILLS, LLC
ADDRESS: 3860 NORTHWEST HWY, SUITE 450
DALLAS, TEXAS 75220
PHONE: 408-348-2944

LJA SURVEYING, INC.
6060 North Central Expressway
Suite 400
Dallas, Texas 75206
Phone 469.621.0710
T.B.P.E.L.S. Firm No. 10194382

LIBERTY HILLS, PHASE 4

S:\NTX-LAND\0451\200SURVEY\290 Mapping\PLAT CHECK\PHASE 4\0451PAD2-PH4.dwg 7/1/2026

Item No. 5.g.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Approve Leonard Avenue Minor Plat (MP 26-0002)

SUMMARY:
A public right-of-way on 1.2± acres on the south side of E. White Street, 1,750± feet east of Smith Street.

Recommended for approval as submitted.

BACKGROUND:

Date Submitted	6/8/2026	**Jurisdiction**	City of Anna
Owner	Qualico Developments (US) Inc		
Representative/Applicant	BGE		
Requested Action	Approval of Minor Plat		
Purpose	To dedicate right-of-way		
Land Area	1.2± acres		
Location	The south side of E. White Street, 1,750± feet east of Smith Street		
Comp Plan Designation	N/A		
Existing Zoning	N/A		
Public Notice	N/A		

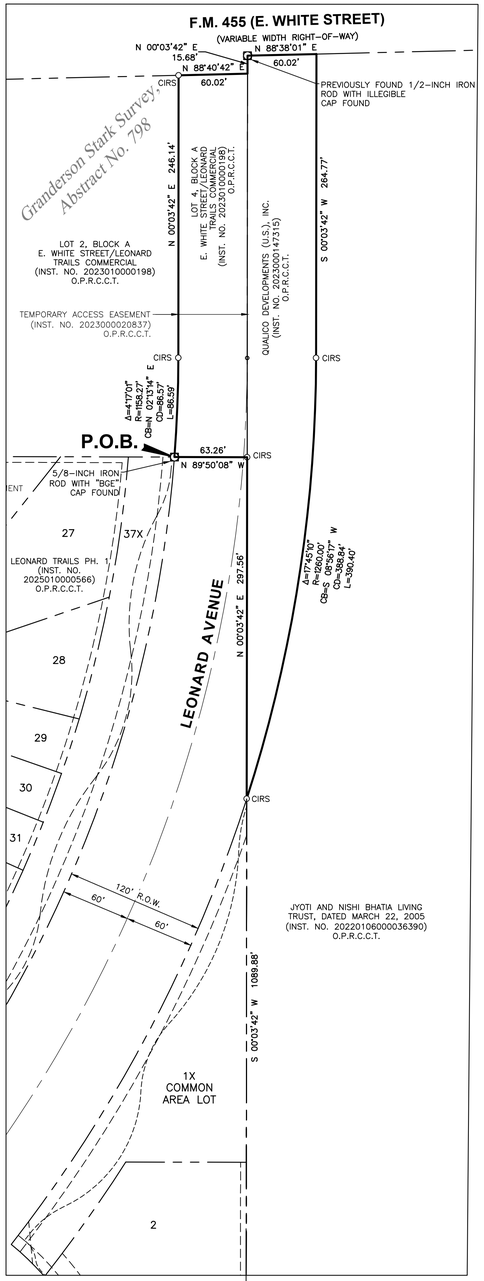
Surrounding Properties

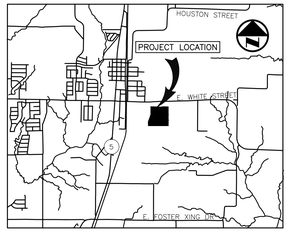
	Land Use	**Zoning**	**Comp Plan Designation**
North	Vacant	ETJ	Suburban Living
East	Vacant	Regional Commercial	Suburban Living
South	Single Family Residential	Single Family Town home	Suburban Living
West	Single Family Residential	Single Family Town home	Suburban Living

ATTACHMENTS:

1. Locator Map - Leonard Avenue Minor Plat (MP 26-0002)
2. Exhibit A - Leonard Avenue Minor Plat (MP 26-0002)

Leonard Avenue Minor Plat (MP 26-0002)





VICINITY MAP

(NOT TO SCALE)

0 30 60 120

SCALE: 1" = 60'

LEGEND

CIRS	5/8" IRON ROD SET WITH "BGE" CAP
▢	MONUMENT OF RECORD DIGNITY
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY TEXAS
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY TEXAS
P.O.B.	POINT OF BEGINNING
INST.	INSTRUMENT
NO.	NUMBER
VAM	VISIBILITY, ACCESS AND MAINTENANCE EASEMENT
— — —	PROPERTY LINE
— – — – —	EASEMENT LINE

GENERAL NOTES:

1. Bearing system for this survey is based on the North American Datum of 1983, NA2011 (Epoch 2010.00), Texas State Plane Coordinate System, North Central Zone (4202) with an applied combined scale factor of 1.00015271. Distances and areas shown are surface values in U.S. Survey Feet.
2. The square footage value shown hereon is a mathematical value calculated from the boundary data shown hereon. This value in no way represents the precision of closure of this survey or the accuracy of corner monuments found or placed.
3. 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.
4. No appurtenances between the heights of 2.5-feet and 10-feet shall be placed within the areas shown on the plat as "VAM" (Visibility, Access, and Maintenance) easements.

OWNER'S CERTIFICATE

STATE OF TEXAS ~

COUNTY OF COLLIN ~

BEING, all of that 1.179 acre (51,384.17 square foot) tract of land situated in the Granderson Stark Survey, Abstract No. 798, in the City of Anna, Collin County, Texas; being part of that tract of land described to Qualico Developments (U.S.), Inc. as recorded in Instrument No. 2023000147315 of Official Public Records Collin County, Texas; and being all of Lot 4, Block A, E. White Street/Leonard Trails Commercial, an addition to the City of Anna as recorded in Instrument Number 2023010000198 of said Official Public Records; said 1.179 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at a 5/8-inch iron rod with "BGE" cap found at the southwest corner of said Lot 4, Block A; said point being in the west right-of-way line of Leonard Avenue, said point being the southeast corner of Lot 2, Block A, of said E. White Street/Leonard Trails Commercial, an addition to the City of Anna and said point being the northeast corner of Lot 37X, Block A of Leonard Trails Phase 1, as recorded in Instrument No. 2025010000566 of Official Public Records Collin County, Texas;

THENCE, with the common line of said Lot 2, Block A and Lot 4, Block A, the following two (2) courses and distances:

In a northwesterly direction along a curve to the left, an arc length of 86.59 feet, having a radius of 1158.27 feet, a central angle of 04 degrees 17 minutes 01 seconds, and a chord which bears North 02 degrees 13 minutes 14 seconds East, 86.57 feet to a 5/8-inch iron rod with "BGE" cap set;

North 00 degrees 03 minutes 42 seconds East, a distance of 246.14 feet to a 5/8-inch iron rod with "BGE" cap set for corner;

THENCE, North 88 degrees 40 minutes 12 seconds East, departing the common line of said Lot 2&4 Block A , a distance of 60.02 feet to a point for corner, said point being the northeast corner of said Lot 4, Block A and being in the west line of said Qualico Developments Inc. tract;

THENCE, North 00 degrees 03 minutes 42 seconds East, along said west line, a distance of 15.68 feet to a point for corner; said point previously being a 1/2-inch iron rod with an illegible cap set;

THENCE, North 88 degrees 38 minutes 01 seconds East, along the common north line of said Qualico Developments Inc. tract and the south line of F.M. 455 (E. White Street) a variable width right-of-way, a distance of 60.02 feet to a point for corner;

THENCE, South 00 degrees 03 minutes 42 seconds West, along the common east line of said Qualico Developments Inc. tract and the west line of a tract of land owned by the Jyoti and Nishi Bhatia Living Trust, as recorded in Instrument Number 20220106000036390, Official Public Records Collin County, Texas, a distance of 264.77 feet to a 5/8-inch iron rod with "BGE" cap set for the beginning of a curve to the right;

THENCE, in a southwesterly direction along said curve to the right, an arc length of 390.40 feet, having a radius of 1260.00 feet, a central angle of 17 degrees 45 minutes 10 seconds, and a chord which bears South 08 degrees 56 minutes 17 seconds West, 388.84 feet to a 5/8-inch iron rod with "BGE" cap set for corner, from which a 1/2 inch iron rod with "ROOME" cap set for the southeast corner of said Leonard Trails Phase 1 and being in the north line of Anna Crossing Phase 8, Block B as recorded in Instrument No. 2023010000108 of Official Public Records Collin County, Texas, bears South 00 degrees 03 minutes 42 seconds West, a distance of 1089.88 feet;

THENCE, North 00 degrees 03 minutes 42 seconds East, along the west line of said Qualico Developments Inc. tract, a distance of 297.56 feet to a 5/8-inch iron rod with "BGE" cap set for corner;

THENCE, North 89 degrees 50 minutes 08 seconds West, with the north line of said Leonard Trails Phase 1, a distance of 63.26 feet to the POINT OF BEGINNING and containing an area of 1.179 acres or 51,384.17 square feet of land, more or less.

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.

CERTIFICATE OF APPROVAL

APPROVED on this the _____day of _____, 20____, by the Planning & Zoning Commission, City of Anna, Texas.

_____
Planning & Zoning Commission Chair

_____
Director of Development Services

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, QUALICO DEVELOPMENTS (U.S.), INC. acting herein by and through it's duly authorized officers, does hereby adopt this plat designating the herein above described property as LEONARD AVENUE, 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. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Anna. 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.

WITNESS MY HAND, THIS THE _____ DAY OF _____ , 20__.

_____ _____
Signature John Vick / Assistant Secretary

NOTARY CERTIFICATE

STATE OF TEXAS ~

COUNTY OF COLLIN ~

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared John Vick 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 consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____ , 20__.

_____
NOTARY PUBLIC in and for the STATE OF TEXAS

SURVEYOR'S CERTIFICATE

STATE OF TEXAS ~

COUNTY OF COLLIN ~

That I, René Silvas, do hereby certify that I prepared this Plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Anna, Texas.

Dated this the ____ day of _____ , 20__.

Released for city review purposes only on June 26, 2026.

_____
René Silvas, RPLS No. 5921

STATE OF TEXAS
RENE
SILVAS
5921
REGISTERED
PROFESSIONAL
LAND SURVEYOR

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.

NOTARY CERTIFICATE

STATE OF TEXAS ~

COUNTY OF COLLIN ~

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared René Silvas, 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 consideration thereof expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 20__.

_____
NOTARY PUBLIC in and for the STATE OF TEXAS

MP 26-0002

MINOR PLAT

LEONARD AVENUE

1.179 ACRES SITUATED IN THE GRANDERSON STARK SURVEY, ABSTRACT NO. 798, CITY OF ANNA, COLLIN COUNTY, TEXAS

JUNE 2026

OWNER

QUALICO DEVELOPMENTS (U.S.), INC.
6950 TPC Drive, Suite 150
McKinney, Texas 75070
Contact: Mr. John Vick
Phone: 469-659-6150
Email: john.vick@qualico.com

SURVEYOR

BGE, Inc.
777 Main Street, Suite 1900, Fort Worth, TX 76102
Tel: 817-887-6130 • www.bgeinc.com
TBPELS Firm No. 10106500

Copyright 2026

Contact: René Silvas, R.P.L.S.
Telephone: 817-752-4183 • Email: rsilvas@bgeinc.com

EXHIBIT A

\\bgeinc\data\TXN\Projects\Qualico\10335-02-Leonard_Trails_Phase_1\SV\04_CAD\10335-02_RPLT Leonard Dr..dwg 2026-06-26-07:46 rtidwell

Item No. 6.a.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Lauren Mecke

AGENDA ITEM:
Conduct a Public Hearing/Consider/Discuss/Action on Amendments to Chapter 9 (Planning & Development Regulations) of the City of Anna Code of Ordinances.

SUMMARY:
Staff will be providing a presentation of the proposed changes.

BACKGROUND:
City staff is currently reviewing Article 9.02 (Subdivision Regulations), Article 9.04 (Zoning Ordinance), and Article 9.05 (Sign Code) to provide modern regulations tailored for Anna's future development and redevelopment.

Improvements include:

- Changing the process for the subdivision of land and site planning to streamline the process, remove redundancy, and save infrastructure costs.
- Removing conflicts between the regulations.
- Providing definitions of terminology that is often misinterpreted.

ATTACHMENTS:
1. Planning and Zoning Outline - Subdivision Regulations Update 2026
2. Article 9.02 Subdivision Regulations
3. Article 9.04 Zoning Ordinance
4. Article 9.05 Sign Code

City of Anna Platting Process Outline

Planning Director (or Designee) as Delegated Plat-Approval Authority • Consistent with Texas Local Government Code Chapter 212

This outline summarizes the plating process for land within the City of Anna's corporate limits and extraterritorial jurisdiction, under the administrative model in which the Planning Director (or designee) is the default approving authority for plats, subject to appeal, and Commission/Council backstops. It is intended as a quick reference to provide further direction for staff in the update of the subdivision ordinance.

1. Delegation of Approval Authority

- City Council delegates to the Planning Director, or designee, the authority to approve, approve with conditions plats of any type contained within the subdivision regulations.
- The Director may, for any reason, elect to refer a plat to the Planning & Zoning Commission instead of acting administratively.
- If the Director declines to approve a plat, it must be referred to the Commission within the same statutory period that would otherwise apply (30 day shot clock).
- Applicants retain the right to appeal.

2. Plat Types the Director Reviews

- Preliminary Plat — for major subdivisions of large acreages or complicated parcels of land being subdivided – includes feasibility/layout review existing and future conditions; not recordable; precedes final plat.
- Final Plat — recordable instrument; creates lots, dedicates right-of-way/easements, or provides corrections or simple combinations.
- Conveyance Plat — conveys property, however, it does not constitute approval for development of property and is not intended for immediate development; precedes a final plat.
- Development Plat – May be a substitute for a plat in the ETJ for four lots or less. Provides details of a final plat and locations of existing structures.

3. Step-by-Step Process

1. **Pre-Application Conference —** Applicant meets with Director and staff to confirm plat type, applicable design standards, and required submittal items. (Typically required prior to a Formal Application Meeting)
2. **Formal Application Filed —** Applicant submits application, fee, surveyor-sealed plat, and supporting technical materials to the Director.
3. **Completeness Review —** Director determines completeness within 10 business days; incomplete applications are returned with written deficiencies noted. (Within 12 business days)
4. **Technical Distribution —** Complete application routed to the City Engineer and other departments/agencies for design-standard and infrastructure review.
5. **Director Determination —** Within 30 days of filing, Director approves, approves with conditions, in writing, with specific reasons, or refers the plat to the Commission and Council for consideration.
6. **Recordation —** Upon final approval, the plat is endorsed with a certificate and recorded in the county real property records.

City of Anna, Texas

Article 9.02 Subdivision Regulations

9/26/2023

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Division 1. GENERALLY

Sec. 9.02.001. Authority; Extension to Extraterritorial Jurisdiction

(a) Authority

The following rules and regulations (sometimes referred to herein as “subdivision regulations”), adopted and codified as Article 9.02 of the Anna Code, are adopted under the authority of the constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code, being adopted after a public hearing on the matter and in a duly noticed meeting open to the public as required by law.

(b) Application in the ETJ

The City Council hereby extends the application of these subdivision regulations to the extraterritorial jurisdiction (“ETJ”) of the City, as that area may exist from time to time. These subdivision regulations shall be applicable to the filing of plats and the subdivision of land, as those terms or activities are defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the City and its Extraterritorial Jurisdiction as they may be from time to time adjusted by annexation, disannexation, or otherwise. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions, plats, and other development both within the City and within its Extraterritorial Jurisdiction.

(c) Interlocal Agreement with Collin County

The City has executed an interlocal cooperation agreement with Collin County as authorized under Chapter 242 of the Texas Local Government Code. Collin County has assigned the City its respective authority to approve subdivision plats in the City's ETJ. The agreement generally provides for the City to enforce its subdivision regulations, within the applicable areas of the ETJ. These subdivision regulations will therefore be enforced to the fullest extent possible in the ETJ as agreed upon with Collin County.

(d) The authority to review, approve, conditionally approve, and disapprove applications for the platting or subdivision of land, including development plats, conveyance plats, preliminary plats, final plats, amended plats, replats, and vacations of plats, is the Planning and Zoning Commission (hereinafter “Commission”), in accordance with Chapter 212 of the Texas Local Government Code. The City Council of the City of Anna (hereinafter “Council”) may grant replats variances from these regulations pursuant to a public hearing as required in Chapter 212 of the Texas Local Government Code.

(e) The Director of Development Services is vested with the authority to approve minor plats, development plats, and replats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or the extension of municipal facilities. The Director of Development Services may, for any reason, elect to present a minor plat to the Commission for approval. The Director of Development Services may not disapprove a minor plat and shall refer any minor plat refused for approval by the Commission within 30 days of the official date of application.

(f) The exclusion of such activities from these regulations does not waive any jurisdiction the City now exercises or may exercise over such matters.

(g) Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Council in accordance with these regulations.

(h) Except as provided above and lots of record established prior to the effective date of this ordinance, no land shall be sold, leased, or transferred until the property owner has obtained approval of a minor plat, final plat, or conveyance plat from the Director of Development Services or the Commission as required by these regulations.

(i) The City shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots, or additions, the platting of which has not been officially approved by the Director of Development Services or the Commission.

(j) Except as provided in Sec. 9.02.003, no certificate of occupancy shall be issued for any parcel or tract of land inside the City limits until such property has received final plat approval and is in substantial conformity with the provisions of these regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.

(k) A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access to a public right-of-way and no public improvement is required.

Sec. 9.02.002. Interpretation and Purpose

(a) Minimum Requirements

In the interpretation and application of the provisions of these subdivision regulations, it is the intention of the City that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the City and its ETJ.

(b) Purpose

(1) These regulations are adopted for the following purposes:

(A) To protect and provide for the public health, safety, and general welfare of the City.

(B) To guide the future growth and development of the City in accordance with the Comprehensive Plan.

(C) To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, stormwater quality, and other public requirements and facilities.

(E) To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the City.

(F) To establish reasonable standards of design and procedures for platting and replatting to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of platted land.

(G) To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.

(H) To prevent the pollution and sedimentation of streams and ponds; ensure the adequacy of drainage facilities; safeguard the water table, encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of the land.

(I) To provide for open spaces through the most efficient design and layout of the land.

(J) To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision, and scattered subdivision.

(c) Minimum Standards

Minimum standards for development are contained in the City design standards, the building regulations in Chapter 4 of this code, and the other development regulations in this chapter. In addition, the comprehensive plan (including the future land use plan, thoroughfare plan, parks master plan, and other related plans, and amendments) contains policies designed to achieve an optimum quality of development in the City and its extraterritorial jurisdiction. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous municipal setting and physical environment within the community. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the comprehensive plan and within this Article, and shall be encouraged to exceed the minimum standards required herein.

Sec. 9.02.003. Compliance with Regulations

(a) Recordation of Subdivision Plat

(1) No subdivision plat shall be recorded until a final plat, accurately describing the property, has been approved by the Commission in accordance with these subdivision regulations and:

(A) All improvements required by these subdivision regulations have been constructed and accepted by the City; or

(B) Adequate security for completion of improvements has been provided in accordance with Division 6 of this Article.

(2) Except as otherwise specifically authorized in these subdivision regulations, no certificate of occupancy shall be issued by the City for any parcel of land until a final plat or development plat, as applicable–of the land has been recorded.

(3) Compliance with the Comprehensive Plan and all City ordinances pertaining to the subdivision of land shall be required prior to approval of any development application governed by this Article. It is the developer's responsibility to be familiar with, and to comply with, City ordinances and the Comprehensive Plan. Applicable ordinances and other requirements include, but are not limited to, the following:

(A) The Comprehensive Plan, which includes the future land use plan, thoroughfare plan, park master plan, and all other associated maps and plans;

(B) The building regulations in Chapter 4 of this code;

(C) The development regulations in Chapter 9 of this code;

(D) All applicable design standards; and

(E) Other applicable sections in this code and any other applicable ordinances.

Sec. 9.02.004. Adequate Public Facilities Policy

(a) Adequate Service for Areas Proposed for Development, Generally

(1) Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, streets and pedestrian facilities, drainage facilities, and park facilities consistent with the requirements of these subdivision regulations. Where the development of land requires the submission and approval of a

conveyance plat or final plat under these subdivision regulations, such land shall not be approved for recording unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

(2) New development must be supported by adequate levels of public facilities and services.

(3) It is necessary and desirable to provide for dedication of rights-of-way and easements for capital improvements to support new development at the earliest stage of the development process.

(4) Requirements for dedication and construction of public infrastructure improvements to serve a proposed new development should be attached as conditions of approval of any development application that contains a specific layout of the development.

(5) There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

(6) The City desires to ensure both that development impacts are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a development project contributes not more than its proportionate share of such costs.

(b) Conformance to Plans

Proposed capital improvements serving new development shall conform to and be properly related to the public-facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

(c) Adequacy of Facilities, Generally

(1) Water

All lots, tracts, or parcels shown on a preliminary or final plat and on which development is proposed shall be connected to a public water system that has capacity to provide water for domestic use and emergency purposes, including adequate fire protection. The City may require the phasing of development and/or improvements in order to maintain adequate water system capacity.

(2) Wastewater

All lots, tracts, or parcels shown on a preliminary or final plat and on which development is proposed shall be served by an approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater system capacity.

(3) Streets

Proposed streets serving new development shall provide a safe, convenient, and functional system for vehicular, bicycle, and pedestrian circulation and shall be properly related to the applicable master thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New developments shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network.

(4) Drainage

Drainage improvements serving new developments shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed development. All drainage shall further comply with the City's floodplain damage prevention ordinance (Article 4.12 of this code) and related regulations.

(d) City Options

In order to maintain prescribed levels of public facilities and services for the health, safety, and general welfare of its citizens, and in accordance with these subdivision regulations, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public infrastructure improvements for water, wastewater, street, drainage or park facilities to serve a proposed development, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrently with the schedule of development proposed, the City may deny the development until the public facilities and services can be provided, or require that the development be phased so that the delivery of facilities and services coincides with the demands for the facilities created by the development. The City may impose any conditions relating to the provision of public improvements specified by an ordinance or regulation establishing or amending the zoning for the property.

(e) Property Owner's Obligation

(1) Dedication and Construction of Improvements

In accordance with these subdivision regulations, and other applicable ordinances and regulations, the property owner shall dedicate all rights-of-way and easements for, and shall construct, capital improvements within the rights-of-way or easements for those water, wastewater, street, or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.

(A) Adjacent Road Improvements

In the case of adjacent or abutting streets, the City may require that the entire right-of-way be dedicated and improved to City design standards if the project is approved and funded through a City Capital Improvement Plan (CIP) or a similar County adopted plan as dictated in Texas House Bill 3699, depending on factors such as the impact of the development on the street, the timing of development in relation to the need for the street, and the likelihood that adjoining property will develop in a timely manner.

(B) Substandard Road Improvements

Where an existing street that does not meet the City's right-of-way or design standards abuts a proposed development, the City may require the property owner to dedicate the right-of-way for a standard width, and to improve the street according to the dimensions and specifications in the applicable thoroughfare plan, depending on factors such as the impact of the development on streets and traffic, the timing of development in relation to the need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

(2) Acquisition

Where the acquisition of any real property for right-of-way or easement purposes (or other public purposes) is necessary to serve the development and the real property is not owned or controlled by the developer, the developer must make a reasonable effort to negotiate the acquisition or purchase of the property, right-of-way or easement on behalf of the City.

(A) A reasonable effort must, at a minimum, include an offer to secure the property, right-of-way or easement where the offer amount is equal to or greater than the appraised value of the property, right-of-way or easement to be acquired as determined in a written appraisal performed by a Texas certified General Real Estate Appraiser.

(B) If the owner of the property sought to be acquired does not accept a developer's offer within 30 days, the developer may request in writing, on a form prepared by the City Attorney, that the City Council exercise available legal remedies to acquire the property. The City Council may take any action it deems appropriate in accordance with federal and state law.

(C) The developer must pay for any necessary appraisal, all acquisition costs, and all legal fees necessary to acquire the property, and any eminent domain procedures shall be prosecuted by the City Attorney or the City Attorney's designee.

(3) Facilities Impact Studies

The City may require that a property owner prepare a comprehensive traffic impact study, drainage study, sewer capacity study, water capacity study, or other public facilities study in order to assist the City in determining whether a proposed development will be supported with levels of public facilities and services necessary to meet the demand and offset the impact created by the development. The study shall identify, at a minimum, the adequacy of existing facilities and the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the City Engineer. The City also may require, at the time of consideration of the approval of any subsequent permit that is part of the series of permits that is required for the completion of a project, an update of a public facilities study approved.

(f) Timing of Dedication and Construction

(1) Initial Provision for Dedication or Construction

The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district, or other overlay zoning district; a petition for an annexation agreement or a subdivision development agreement; an application for a preliminary or final subdivision plat, or a preliminary or final development plat. As a condition of approval of the development application, the City may require provision for dedication of property, rights-of-way, or easements for, and construction of, capital improvements to serve the proposed development in a manner consistent with federal and state law.

(2) Deferral of Obligation

The obligation to dedicate rights-of-way for or to construct one or more capital improvements to serve a new development may be deferred until approval of a subsequent phase of the subdivision, at the sole discretion of the City Manager, upon written request of the property owner, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into a subdivision

improvement agreement approved by City Council, specifying the time for dedication of property, rights-of-way, easements, or construction of capital improvements serving the development.

Sec. 9.02.005. Jurisdiction

(a) Applicability

The provisions of these subdivision regulations shall apply to the following forms of land subdivision and development activity within the City limits and its extraterritorial jurisdiction:

(1) The division of land into two or more tracts, lots, sites, or parcels;

(2) All subdivisions of land, whether by metes and bounds division or by plat, that were outside the jurisdiction of these subdivision regulations in Collin County, Texas and that subsequently came within the jurisdiction of these subdivision regulations through annexation or extension of the city's extraterritorial jurisdiction;

(3) The combining of two or more contiguous tracts, lots, sites, or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein;

(4) When a building permit or other permit is required for the following uses:

(A) Construction of a new single-family or two-family dwelling unit(s);

(B) Additions that increase the square footage of an existing single-family or two-family home by more than 20% of its gross floor area;

(C) Construction of a new nonresidential or multiple-family structure;

(D) Additions that increase the square footage of an existing nonresidential or multiple-family building;

(E) Moving a residential dwelling unit or nonresidential structure onto a piece of property;

(5) Tracts where any public improvements are proposed;

(6) Development that requires a development plat to be submitted; and

(7) Development that is governed by other City ordinances or regulations that reference and make applicable these subdivision regulations

(b) Exemption

The following types of subdivision do not require approval by the City of Anna; however, the City shall not extend utilities, provide access to public roads, or issue a certificate of occupancy for the development of any property that has not received final plat approval, except as otherwise provided by this ordinance.

(1) Development of land legally platted and approved prior to the effective date of these subdivision regulations, except as otherwise provided for herein (construction of facilities and structures shall conform to design and construction standards in effect at the time of construction) and for which no re-subdivision is sought; or

(2) Existing cemeteries complying with all state and local laws and regulations; or

(3) Divisions of land created by order of a court of competent jurisdiction; or

(4) Divisions of land created solely by the erection of one or more fences on otherwise undivided land; or

(5) When a permit is requested for parcels, whether or not previously platted, for one or more of the following activities:

(A) Additions that increase the square footage of an existing single-family or two-family home by less than 20% of its gross floor area; or

(B) Construction of agricultural accessory buildings and residential accessory buildings smaller than 300 square feet, fences, and outdoor swimming pools; or

(C) Remodel or repair of a building that involves no expansion of the building footprint; or

(D) Moving a structure off a lot or parcel, or demolition of a structure; or

(E) Construction of a temporary field or sales office not exceeding 600 square feet, and located within the same property or development as the site under construction; or divisions of land created by the acquisition of property by the State of Texas or the City.

(6) The division of land into two or more parts where all parts are larger than five (5) acres and where no new building or improvement is proposed and no required public improvement is to be dedicated.

(7) The creation of a remainder of a tract caused by the platting of a portion of the tract provided the remainder is larger than 20 acres unless previously platted.

Sec. 9.02.006. Pending Applications

All applications for plat approval, including for final plats, that are pending on the effective date of these subdivision regulations and have not lapsed or expired shall be reviewed under the regulations in effect immediately preceding the effective date of these subdivision regulations.

Sec. 9.02.007. Determination of Vested Rights

(a) Purpose, Application, and Effect

(1) Purpose

The purpose of a vested rights petition is to determine whether one or more standards of these subdivision regulations should not be applied to a preliminary or final plat application by operation of state law, or whether certain plats are subject to expiration.

(2) Applicability

A vested rights petition may be filed with an application for a preliminary or final plat application. A vested rights petition also may be filed to prevent or determine the date of the expiration of certain plats.

(3) Effect

To the extent that a vested rights petition is granted, and as applicable, the plat application shall be decided in accordance with the standards specified in the order granting the petition based on prior subdivision requirements or development standards, or the approved plat otherwise subject to expiration shall be extended.

(b) Petition Requirements

(1) Who may petition

A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with a preliminary or final plat application, or by the holder of a plat subject to expiration.

(2) Form of Petition

The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the plat application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

(A) A narrative description of the grounds for the petition;

(B) A copy of each approved or pending development application that is the basis for the contention that the City may not apply current standards to the plat application that is the subject of the petition;

(C) The submission date of the plat application, or of a development plan pursuant to which the plat was subsequently filed, if different from the completion filing date;

(D) The date the project for which the application for the plat was submitted was commenced;

(E) Identification of all standards otherwise applicable to the plat application from which relief is sought;

(F) Identification of the standards that the petitioner contends apply to the plat application;

(G) Identification of any current standards that the petitioner agrees can be applied to the plat application at issue;

(H) A copy of any prior vested rights determination by the City involving the same land; and

(I) Where the petitioner alleges that a plat subject to expiration should not be terminated, a description of the events, including any plat or other development applications on file that should prevent such termination.

(3) Time for Filing Petition

A vested rights petition shall be filed with a plat application for which a vested right is claimed, except that the petition may be filed at any time before the date of expiration of a plat subject to expiration to prevent expiration or determine the date of expiration.

(c) Processing of Petition and Decision

(1) Delivery of Petition.

The petitioner shall file the petition with the Director of Development Services, who shall assess same for compliance with Subsection (b) of this section. A copy of the petition shall be forwarded to the City Attorney following acceptance.

(2) Decision by City Council

The City Council shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the plat application imposed under these subdivision regulations pending decision by the Council, which shall stay further proceedings on the application. The Council shall decide the petition, after considering the Director of Development Service's report, within 30 calendar days of receipt of the notice of appeal.

(d) Action on Petition and Order

(1) Action on the Petition

The City Council may take any of the following actions on the vested rights petition:

(A) Deny the relief requested in the petition, and direct that the plat application shall be reviewed and decided under currently applicable standards;

(B) Grant the relief requested in the petition, and direct that the plat application shall be reviewed and decided in accordance with the standards contained in identified prior subdivision regulations;

(C) Grant the relief requested in part, and direct that certain identified current standards shall be applied to the plat application, while standards contained in identified prior subdivision regulations also shall be applied; or

(D) For petitions filed to prevent or determine the date of the expiration of an approved plat, determine whether the approved plat should be terminated, or specify the expiration date or the conditions of expiration for such plat.

(2) Order on the petition.

Each decision on the vested rights petition shall be memorialized in an order issued by the City Council identifying the following:

(A) The nature of the relief granted, if any;

(B) The approved or filed plat application(s) or other development application(s) upon which relief is premised under the petition;

(C) Current standards that shall apply to the plat application for which relief is sought;

(D) Prior standards that shall apply to the plat application for which relief is sought, including any procedural standards;

(E) The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;

(F) For petitions filed to prevent or determine the date of the expiration of an approved plat, determine whether the approved plat should be terminated, and specify the expiration date or the conditions of expiration for the plat.

(e) Criteria for Approval.

The City Council shall decide the vested rights petition based on the following factors:

(1) The nature and extent of prior plat or other development applications filed or approved for the land subject to the petition;

(2) Whether any prior vested rights determinations have been made with respect to the property subject to the petition;

(3) Whether any prior approved applications for the property have expired or have been terminated in accordance with law;

(4) Whether any statutory exception applies to the standards in the current subdivision regulations from which the applicant seeks relief;

(5) Whether any prior approved plat or other development applications relied upon by the petitioner have expired;

(6) For petitions filed to prevent or determine the date of the expiration of an approved plat, whether any of the events preventing expiration have occurred.

(f) Application Following Relief Order

Following the City Council's final decision on the vested rights petition, the property owner shall conform the plat application for which relief is sought to such decision. If the plat application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary. Where proceedings have been stayed on the plat application pending a decision by the City Council on the vested rights petition, proceedings on the application shall resume after the council's decision on the vested rights petition.

(g) Expiration

Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

(1) The petitioner or property owner fails to submit a required revised plat application consistent with the relief granted within 30 days of the final decision on the petition;

(2) The plat application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or

(3) The plat application for which relief was granted on the vested rights petition expires.

Sec. 9.02.008. Interpretation; Conflict; Severability

(a) Interpretation

In their interpretation and application, these subdivision regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare and shall be construed broadly to promote the purposes for which they are adopted.

(b) Conflict with Other Laws

To the extent that these subdivision regulations promulgate standards or impose restrictions or duties that differ from those imposed by other City ordinances, rules, or regulations, the regulations that are most stringent or restrictive shall prevail.

(c) Severability

If any part or provision of these subdivision regulations, or the application of these subdivision regulations to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application that is judged to be invalid.

Sec. 9.02.009. Saving Provision

These subdivision regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these subdivision regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided in these subdivision regulations.

Sec. 9.02.010. Waivers, Suspensions, Amendments

(a) Generally

(1) Where the City Council finds that undue hardships will result from strict compliance with a certain provision(s) of these subdivision regulations, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, the City Council may approve a waiver, suspension, or amendment from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver, suspension, or amendment shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City Council shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:

(A) Granting the waiver/suspension will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property, and the waiver, suspension, or amendment will not prevent the orderly subdivision of other property in the vicinity;

(B) The conditions upon which the request for a waiver, suspension, or amendment is based are unique to the property for which the waiver, suspension, or amendment is sought, and are not applicable generally to other property;

(C) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular undue hardship to the property owner would result, as distinguished from a mere inconvenience or increased expense, if the strict letter of these regulations is carried out;

(D) The waiver, suspension, or amendment will not in any manner vary the provisions of the zoning ordinance, Comprehensive Plan (as amended), or any other adopted plan(s) or ordinance(s) of the City; and

(E) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

(2) Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official record of the City Council meeting at which a waiver, suspension, or amendment is considered.

(b) Procedures

(1) A petition for a waiver, suspension, or amendment shall be submitted in writing to the City Manager or the City Manager's designee by the property owner before the plat is officially filed and submitted for the consideration by the Commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.

(2) All waivers/suspensions shall be approved or disapproved by the Commission.

(3) All waivers/suspensions shall have final approval or disapproval by the City Council.

(c) Criteria for Waivers/Suspensions from Development Dedications.

Where the City Council finds that the imposition of any development dedication pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, it may approve a full or partial, at its discretion, waiver/suspension to such requirements, so as to prevent such excess. In order to qualify for such a waiver/suspension, the property owner shall demonstrate that the costs of the dedication imposed pursuant to these subdivision regulations substantially exceeds the proportionality standards as outlined in Sec. 9.02.011 of these subdivision regulations.

(d) Criteria for Waivers/Suspensions for Street Dedications.

Where the City Council finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve waivers/suspensions for such requirements so as to prevent such excess. In order to qualify for such a waiver/suspension, the property owner shall demonstrate that the costs of right-of-way dedication and construction of streets other than streets classified as local streets imposed pursuant to these regulations substantially exceeds the proportionality standards as outlined in Sec. 9.02.011 of these subdivision regulations.

(e) Conditions on Approved Waiver/Suspension.

In approving a waiver/suspension, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in section Sec. 9.02.002 of these subdivision regulations.

Sec. 9.02.011. Proportionality Appeal

(a) Definitions

For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meanings given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The words “shall” and “must” are deemed as mandatory. The word “may” is deemed as permissive.

Public facilities system means the collection of water, wastewater, street, drainage or park facilities owned or operated by or on behalf of the City for the purpose of providing services to the public, including existing and new developments.

Public infrastructure improvement means a water, wastewater, street, drainage, or park facility that is a part of one or more of the City's public facilities systems.

(b) Purpose, Applicability, and Effect.

(1) Purpose

The purpose of a proportionality appeal is to assure that a requirement to dedicate, construct or pay a fee for a public infrastructure improvement imposed on a proposed plat as a condition of approval does not result in a disproportionate cost burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's public facilities systems.

(2) Applicability

An appeal under this section may be filed by a property owner to contest any requirement to dedicate land, to construct improvements, or to pay development fees (other than impact fees adopted under Texas Local Government Code Chapter 395), for a public infrastructure improvement, which requirement is imposed under the City's subdivision regulations to a plat application pursuant to these subdivision regulations, whether the requirement is applicable under uniform standards, or is imposed pursuant to an individual evaluation of the proposed subdivision.

(c) Proportionality Determination by City Engineer

Prior to a decision by the Commission on a preliminary plat application, or if no preliminary plat application is required, on a final plat application, the City Engineer (who, for the purposes of this Subsection (c), must be a licensed professional engineer) shall affirm that public infrastructure improvements being imposed as a

condition of plat approval is roughly proportionate to the demand created by the development on the City's public facilities systems, taking into consideration the nature and extent of the development proposed.

(1) In making a proportionality determination, the City Engineer may rely upon categorical findings pertaining to on-site improvements; the proposed or potential use of the land; the timing and sequence of development in relation to availability of adequate levels of public facilities; impact fee studies or other studies that measure the demand for services created by the development and the impact on the City's public facilities systems; the function of the public infrastructure improvements in serving the proposed development; the degree to which public infrastructure improvements to serve the subdivision are supplied by other developments; the anticipated participation by the City in the costs of such improvements; any reimbursements for the costs of public infrastructure improvements for which the proposed development is eligible; or any other information relating to the mitigating effects of the public infrastructure improvements on the impacts created by the development on the City's public facilities systems.

(2) Based upon the proportionality determination, the City Engineer shall affirm that the public infrastructure improvement requirements of the subdivision regulations do not impose costs on the developer for such improvements that exceed those roughly proportionate to those incurred by the City in providing public facilities to serve the development.

(3) The City Engineer may promulgate any application requirements that may assist in making the proportionality determination required by this Section (c)

(d) Commission Determination

The Commission shall take into account the City Engineer's report concerning the proportionality of public infrastructure improvement requirements to be applied to a proposed conveyance, preliminary, or final plat application, as the case may be, in making its decision on the plat application, and shall identify any variation to the requirements that are to be included as conditions to plat approval.

(e) Appeals

(1) Who May Appeal

An appeal to the City Council under this Subsection (e) may be filed by a property owner or the applicant for a conveyance, preliminary, or final plat, in which a requirement to dedicate land for, construct or pay a fee, other than an impact fee, for a public infrastructure improvement has been applied or attached as a condition of approval, or as grounds for denying the plat application.

(2) Time for Filing and Request for Extension of Time

The appeal shall be filed in writing within 10 days of the date the Commission takes action to recommend applying the public infrastructure improvement requirement to the plat application. The appeal shall be filed with the City Manager and shall be forwarded to the City Council for consideration in conjunction with its deliberations on the plat application. The applicant may request postponement of consideration of the plat application by the City Council pending preparation of the study required by Subsection (4) below, in which case the applicant must officially withdraw the plat application from consideration.

(3) Form of Appeal

An appeal under this Subsection (e) shall allege that application of the standard or the imposition of conditions relating to the dedication, construction, or fee requirement (other than impact fees adopted under Texas Local Government Code Chapter 395) is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's public facilities systems, or does not reasonably benefit the proposed development.

(4) Study Required

(A) The appellant shall provide a study in support of the appeal that includes the following information within 30 days of the date of appeal, unless a longer time is requested:

(B) Total capacity of the City's water, wastewater, street, drainage, or park system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

(C) Total capacity to be supplied to the City's water, wastewater, street, drainage, or park facilities system by the dedication of an interest in land, construction of improvements, or fee contribution. If the plat application is proposed as a phased development, the information shall include any capacity supplied by prior dedication, construction, or fee payments.

(D) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of improvements, or fee payment. In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.

(E) The amount of any City participation in the costs of oversizing the public infrastructure improvement to be constructed in accordance with the City's requirements.

(F) Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication, construction, or fee requirement imposed by the City.

(f) Land in Extraterritorial Jurisdiction

Where the subdivision or the public infrastructure improvements are located in the extraterritorial jurisdiction of the City and are to be dedicated to a county under an interlocal agreement under Texas Local Government Code Chapter 242, an appeal or study in support of the appeal shall not be accepted as complete for filing by the City Manager unless the appeal or study is accompanied by verification that a copy has been delivered to Collin County.

(g) Decision

The City Council shall decide the appeal in conjunction with its decision on the plat application. The Council shall base its decision on the criteria listed in Subsection (h) of this section, and may take one of the following actions:

(1) Deny the appeal, and impose the standard or condition on the plat application in accordance with the City Engineer's recommendation or the Commission's recommendation on the plat; or

(2) Deny the appeal, upon finding that the proposed dedication, construction, or fee requirements are inadequate to offset the impacts of the subdivision on the public facilities system for water, wastewater, street, drainage, or park improvements, and either deny the plat application or require that additional public infrastructure improvements be made as a condition of approval of the application; or

(3) Grant the appeal, and waive in whole or in part any dedication, construction, or fee requirement for public infrastructure improvements to the extent necessary to achieve proportionality; or

(4) Grant the appeal, and direct that the City participates in the costs of acquiring land for or constructing the public infrastructure improvement under standard participation policies.

(h) Criteria for Approval

In deciding an appeal under this section, the City Council shall determine whether the application of the standard or condition requiring dedication of an interest in land for, construction of, or payment of a fee for public infrastructure improvements is roughly proportional to the nature and extent of the impacts created by the proposed subdivision on the City's public facilities systems for water, wastewater, street, drainage or park facilities, and reasonably benefits the development. In making such determination, the Council shall consider the evidence submitted by the appellant, the City Engineer's report and recommendation, considering in particular the factors identified in Subsection (c) of this section, and, where the property is located within the City's extraterritorial jurisdiction, any recommendations from the County.

(i) Action following Decision

If the relief requested under the proportionality appeal is granted in whole or in part by the City Council, the dedication, construction, or fee requirement initially recommended by the Commission as a condition of plat approval shall be modified accordingly, and the standards applied or the conditions attached to Commission's recommendation on the plat application shall be conformed to the relief granted. Thereafter, the appellant shall re-submit the plat application to the City Council within 90 days of the date relief under the appeal is granted, in whole or in part, showing conformity with the City Council's decision on the appeal.

(j) Expiration of Relief

If an applicant for plat approval prevails on a proportionality appeal, but fails to conform the plat to the relief granted by the City Council within the 90-day period provided, the relief granted by the City Council on the appeal shall expire and:

(1) The Council may extend the time for filing the revised plat application for good cause shown, but in any event, the expiration date for the relief granted shall not be extended beyond one year from the date relief was granted on the appeal.

(2) If the plat application is modified to increase the number of residential units or the intensity of nonresidential uses, the responsible official may require a new study to validate the relief granted by the City Council.

(3) If the plat application for which relief was granted is denied on other grounds, a new petition for relief shall be required on any subsequent application.

Sec. 9.02.012. Payment Of All Indebtedness Attributable to a Specific Property

No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the City, that are directly attributable to a piece of property, shall be allowed to receive approval for any plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City Manager has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts, or obligations have been paid at the time of submission for any application for approval under these subdivision regulations. A tax certificate shall also be provided as required by Section 12.002 of the Texas Property Code.

Sec. 9.02.013. Right To Deny Hearing and Plat

The City may deny a hearing and any application pursuant to these subdivision regulations if the applicant does not submit all information and fees required by these subdivision regulations.

Sec. 9.02.014. Misrepresentation of Facts

It shall be a violation of these subdivision regulations for any person to knowingly or willfully misrepresent, or fail to include, any information required by these subdivision regulations in any plat application or during any public hearing or meeting of the Commission or City Council. Such a violation shall constitute grounds for denial of the plat.

Sec. 9.02.015. Diversity Of Ownership

Where the desirable development of a residential neighborhood, business park, commercial center, or other planned development is dependent upon coordination of diverse land ownership (i.e., separate tracts of land owned by more than one person), the Director of Development Services may require that an overall area or neighborhood study be prepared prior to and as an additional requirement and condition of the submission of any plat application so that individual subdivisions may be developed in harmony with one another and their environs in accordance with the comprehensive plan.

Sec. 9.02.016. Definitions

For the purpose of these subdivision regulations, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). When words and terms are defined herein, and are also defined in another City ordinance, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in these subdivision regulations shall control. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. If no such customary usage exists, the definition found within the latest edition of Webster's Dictionary shall be used. The word “shall” is always mandatory, while the word “may” is merely directory.

(1) Addition

See Division 1.Sec. 9.04.016(73) Subdivision (also known as “Addition”).

(2) Administrative Officers or Officials

Any officer of the City referred to in these subdivision regulations by title–including but not limited to the Director of Development Services, City Manager, City Engineer, City Secretary, Fire Chief, Police Chief, Public Works Director, and Chief Building Official–shall be the person so retained in that position by the City, or his or her duly authorized representative.

(3) Alley

A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties that derive primary access from a street. The length of an alley segment is to be measured from the right-of-way lines of the streets from which the alley is provided access, or from the center point of an intersection with another alley that connects to a street.

(4) Amended or Amending Plat

A revised plat correcting errors or making minor changes to a recorded plat pursuant to Section 212.016 of the Texas Local Government Code.

(5) Amenity

An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational, or other benefit, other than those prescribed by these subdivision regulations.

(6) Anna Code

The Anna City Code of Ordinances.

(7) Applicant

A person or entity who submits an application for an approval required by these subdivision regulations. Also sometimes referred to as “owner,” “owner's agent,” “developer,” “subdivider,” or other similar term.

(8) Application or Development Application

A written request for an approval required by these subdivision regulations.

(9) Approach Street

A street other than a perimeter street that provides access to and from an improved street.

(10) Assurance

Any form of security that is submitted to the City for the purposes of ensuring that adequate monies are available for the construction of improvements in relation to an approved plat, an approved construction plan, or both.

(11) Base Flood

The flood having a 1% chance of being equaled or exceeded in any given year. The base flood shall be determined by using a fully developed watershed and the City's Storm Drainage Design Manual criteria for a 100-year storm.

(12) Block Length or Street Length

For a residential subdivision, that distance measured along the centerline of the street from the intersection center point of one through street to the intersecting center point of another street, or to the midpoint of a cul-de-sac. The through street referred to above shall not be a cul-de-sac, a dead-end street, or a looped street, but shall be a street that clearly has two points of ingress from two different directions.

(13) Bond

Any form of an obligation undertaken by a surety acceptable to the City and in an amount and form satisfactory to the City.

(14) Building Setback Line

The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way line, property line, a creek, or some other specific feature.

(15) Capital Improvements Program (CIP)

The official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

(16) City

The City of Anna, Texas unless otherwise expressly stated.

(17) City Attorney

Such attorney, or firm of attorneys, that has been specifically retained by the City to assist in legal matters. This term shall also apply if the City retains a person to perform the functions of City Attorney as an official City employee.

(18) City Council or Council

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

(19) City Engineer

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

(20) City Manager

The person holding the position of the City's chief executive officer (e.g., City Manager), as appointed by the City Council.

(21) City Standard Street

A street that meets or exceeds the minimum specifications for construction, street size, and right-of-way width in the City's subdivision regulations and design standards, and that is constructed to the ultimate configuration for the type of street it is designated for on the City's Thoroughfare Plan.

(22) Commission

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

(23) Completion Filing Date

The date upon which a submitted application is determined or deemed completed, with all necessary forms, fees, plans, information, and copies submitted to the City in accordance with the City's application requirements for the purposes of a development application and is accepted by the City for filing. The completion filing date is not necessarily the same as the submission date (see “Submission Date”).

(24) Comprehensive Plan or Master Plan

The Comprehensive Plan of the City and adjoining areas as adopted by the City Council, including all its revisions and plan elements (including, but not limited to, the future land use plan, thoroughfare plan, parks master plan, etc.). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

(25) Contiguous

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

(26) Conveyance Plat

An interim plat recording the subdivision of property or defining a remainder of property created by the approval of a final plat for a portion of property, where approval of final development plans is not sought.

(27) County Plat Records

The plat records of Collin County.

(28) Cul-de-sac

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

(29) Dead-end Street

A street, other than a cul-de-sac, with only one outlet.

(30) Design Standards

The collection of rules, regulations, criteria, standards, specifications, construction drawings, and general notes, including but not limited to those promulgated under the authority of these subdivision regulations, and other existing ordinances, including the design standards in Article 9.03 of this chapter and any applicable design standards and requirements in Chapter 4 of this code.

(31) Developer

The owner of land proposed to be developed as a residential or nonresidential subdivision, or the owner's authorized representative.

(32) Development

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

(33) Development Plat

A plat governed by these subdivision regulations in accordance with Subchapter B of Chapter 212 of the Texas Local Government Code, as amended.

(34) Easement

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

(35) Director of Development Services

A person hired or designated by the City Manager to supervise or oversee the Planning Department of the City, and to exercise the authority of the Director of Development Services as mentioned in these subdivision regulations.

(36) Engineer

A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

(37) Engineering Plans or Drawings

The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of approval of the plat.

(38) Escrow

A deposit of cash with the City in accordance with these subdivision regulations.

(39) Extraterritorial Jurisdiction (ETJ)

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

(40) FEMA

The Federal Emergency Management Agency of the U.S. government.

(41) Final Plat (also “Record Plat” or “As-Built Plat”)

The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a registered professional land surveyor (RPLS), with the subdivision location referenced to a survey corner, and with all boundaries, corners, and curves of the land division, and with all streets, rights-of-way, easements, dedications and other pertinent features, sufficiently described so that they can be reproduced without additional references. An amending plat and a replat are also final plats.

(42) Frontage

The side of a lot, parcel, or tract abutting a street right-of-way.

(43) Governing Body

The City Council of the City of Anna, Texas.

(44) Improved street

A street constructed to City standards or a City standard street.

(45) Land Planner

Persons, including registered professional land surveyors (RPLS) or engineers, who possess and can demonstrate a valid proficiency in the planning of residential, nonresidential, and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum, or by actual experience and practice in the field of land planning, and who may be certified as a member of the American Institute of Certified Planners (AICP).

(46) Lot or Lot of Record

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

(47) Major Plat

Any plat not classified as a minor plat, including but not limited to subdivisions of more than four lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by this Article or any other City ordinance.

(48) Major Subdivision

A subdivision that cannot be approved by means of an application for a minor plat.

(49) Median Width

The width of the portion of a street median including the entire width of the median's curbs.

(50) Minor Plat

A subdivision resulting in four or fewer lots, provided that the plat does not create any new street or the extension of any municipal facilities to serve any lot within the subdivision.

(51) Minor Subdivision

A subdivision that may be approved by means of an application for a minor plat.

(52) Off-Site Facilities or Improvements

The facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat or immediately adjacent to the property, and that may or may not be immediately required to serve the development to serve the development. These include oversizing for streets, sewer lines, water lines, and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.

(53) On-Site Facilities or Improvements

The existing or proposed facilities or improvements constructed within the property boundaries of the plat, and the existing or proposed facilities required to be constructed or improved immediately adjacent to the property that are needed to serve the development. Facilities and improvements include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, sidewalks, screening devices, and curbs and gutters.

(54) Overlength Street (or Alley)

A street segment, or a cul-de-sac or alley segment, that exceeds the maximum length allowed by these subdivision regulations, as measured along the centerline of the street from the intersection center point of one through street, which shall not be a cul-de-sac or dead-end or looped street, to the intersecting center point of another through street or, in the case of a cul-de-sac, to the midpoint of the cul-de-sac. For an alley segment, the measurement shall be to the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts, or from the center point of an intersection with another alley that connects to a street.

(55) Pavement Width

The width of the portion of a street that is available for vehicular traffic, combined with the width of any paved shoulder and–for streets with curbs–the width of the entire curb.

(56) Perimeter Street

Any existing or planned street that is adjacent to the subdivision or addition to be platted.

(57) Person

Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

(58) Planning Department

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

(59) Plat

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

(60) Preliminary Plat

The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract, showing in plain view the proposed street and lot layout, easements, dedications, and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development.

(61) Property Owner (may also be known as “Subdivider” or “Developer”)

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

(62) Public Improvements

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

(63) Recorded Final Plat

A final plat that has been duly recorded in the property records of Collin County, Texas.

(64) Replatting or replat

The re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot, or tract.

(65) Right-of-way or ROW

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

(66) RPLS

An acronym for registered professional land surveyor.

(67) Sign, Subdivision Entry

A specific monument sign located at the entry of a platted subdivision from a local, collector, or arterial street.

(68) Standard Street.

See “City Standard Street.”

(69) Street

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

(A) Highway

The Highway classification is reserved for Major Highways that have consistent speeds of 55 mph or more and have, or are planned to have, frontage roads for access. The network formed is integrated and generally offers connections to areas outside the City and its extraterritorial jurisdiction. U.S. 75 and the Collin County Outer Loop are highways.

(B) Major Arterial

Major Arterial roads provide mobility to nearby areas outside the City while also providing access to major developments. These streets generally move high volumes of traffic through the City and provide access to the highway network. FM 455 (White Street), State Highway 5 (Powell Parkway), State Highway 121 (Sam Rayburn Highway), Ferguson Parkway, Rosemond Parkway, Leonard Avenue, and Mantua Drive are major arterial streets.

(C) Minor Arterial

Minor Arterials provide connections between major developments and neighborhoods and are best suited for roads with moderate speeds. Generally, these do not include streets that penetrate residential areas.

(D) Major Collector Street

A street classification that receives traffic from other collectors and distributes it to major activity centers. It may also feed through traffic to arterial streets, freeways, or expressways. Uses served include but are not limited to major educational facilities, concentrations of high density commercial,

regional commercial facilities, other concentrated commercial facilities, and industrial complexes. Some major collector streets are also arterial streets.

(E) Minor Collector Street

A street classification that carries traffic from residential streets to major collector streets. It typically serves uses such as medium and high density residential, limited commercial facilities, elementary schools, offices, and direct access to industrial parks.

(F) Local Road

A street classification that functions primarily to provide property access. They are normally short in length and compose the highest percentage of total street miles within the City. Local streets are designed to serve low traffic volumes. Through traffic movement should be discouraged.

(G) Downtown Street Types

Street classifications that reinforce a pedestrian-friendly environment and foster an enhanced sense of place within the Downtown area

(H) Private Street

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

(70) Street Improvements

Any street, together with all appurtenances required by City regulations to be provided with such street, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic-control devices, streetlights, and street signs, for which facilities the city will ultimately assume the responsibility for maintenance and operation.

(71) Street Length

The same as “Block Length.”

(72) Subdivider

A person who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plot in a subdivision; or engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development, a subdivision or an interest, lot, parcel, site, unit, or plot in a subdivision.

(73) Subdivision (also known as “Addition”)

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

(74) Subdivision Improvement Agreement or SIA

A contract entered into by the applicant and the City, by which the applicant promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval, and that may, to the extent expressed in the agreement, modify or alter the application of these subdivision regulations.

(75) Submission Date

The date when forms, fees, plans, information, and copies have been submitted to the Director of Development Services (or other employee authorized to receive applications) for the purposes of meeting requirements for a development application. The submission date is not the same as the completion filing date (see “Completion Filing Date”).

(76) Substandard Street

An existing street that does not meet the minimum specifications in the City's standard street specifications, and which is not constructed to the ultimate configuration for the type of street it is designated for on the City's Master Thoroughfare Plan.

(77) Surveyor

A registered professional land surveyor (RPLS), as authorized by state statutes to practice the profession of surveying.

(78) SWPPP

An acronym for a storm water pollution prevention plan (as in a set of engineering construction plans).

(79) TCEQ

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

(80) Temporary Improvements

Improvements built and maintained by the developer that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or shortly thereafter.

(81) Thoroughfare

A street classified as a highway, or any type of arterial, or collector roadway.

(82) U.S. Army Corps of Engineers

The civil engineering branch of the U.S. government.

(83) Yard

The open area between building setback lines and lot lines.

(84) Zoning Ordinance

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

Section 9.02.017 through Section 9.02.040. (Reserved)

Division 2. PROCEDURES

Sec. 9.02.041. Introduction and Procedural Overview

The Subdivision Regulations of the City of Anna is designed to prepare land for development. Prior to submission of applications, a pre-application meeting is required. The purpose of the meeting is to review potential subdivision design before formal submittal. City of Anna engineering and planning staff will discuss stormwater impacts of the proposed development.

The process for gaining subdivision approval depends on the size and complexity of the subdivision. Minor subdivisions, which are subdivisions of four or fewer lots requiring no public improvements, may be approved by staff in a one-step process. Approval of major plats may involve from one to three steps depending on the nature of development. In addition, remainders of tracts being subdivided and parcels smaller than five acres but not proposed for improvement or development may in some instances be approved in a one-step process under the conveyance plat provisions of the ordinance. Some types of subdivisions are not regulated under this ordinance. These exempt subdivisions include divisions of property where no part being created is smaller than 20 acres, certain forms of leaseholds, and divisions created by the action of a court of law. However, no property may be developed without an approved plat, unless exempt as stated in Section 9.02.003. The general process of subdivision approval is described below. This description does not substitute for the actual regulations contained in Sections 9.02.020 – 9.02.027.

(a) Major Subdivision Approval Process

The approval process for a major subdivision typically begins with the preparation of a concept plan. This plan establishes a general schematic for the site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development. A concept plan may be as simple as a plan defining the location of arterial or collector streets shown on the City's Thoroughfare Plan. However, a concept plan may also show the preliminary layout of local streets and lots. Approval of a concept plan showing the proposed street and lot layout is required prior to the submittal of a preliminary plat for a residential subdivision. Concept plans may be used to define a phasing plan for the development of property. In this case, areas proposed for immediate development will be more detailed than future phases of the development. Concept plans for multi-phased projects may be amended and refined as subsequent phases are ready to proceed through the subdivision approval process.

The approval of a preliminary plat is the second step in processing a major subdivision. The preliminary plat must generally conform to the approved concept plan for the property. The preliminary plat is a detailed, fully dimensional plat and engineered plan for the subdivision. Following the approval of the preliminary plat by the Commission and Council and the release of the engineering plans by the City Engineer, the developer may begin construction of the site improvements. The preliminary plat may not be filed with the County Clerk, nor may lots be sold with preliminary plat approval.

The final stage of the subdivision process is approval of the final plat. Once the improvements have been constructed, inspected, and approved for acceptance by the City Engineer, the final plat may be presented to the Commission for approval. All corrections and alterations to the plat are made prior to approval, thus eliminating the reasons for most replats. If improvements have not been completed or if minor corrections are needed, the developer and the City may enter into a subdivision improvement agreement, with a Commission recommendation and subsequent Council approval, specifying the work remaining and providing necessary surety for future performance. This agreement can be approved concurrent with a final plat, thereby allowing the plat to be filed and lots sold. If the developer elects to do so, he could enter into a development agreement with the City for all improvements. This would only be appropriate for small subdivisions, however.

(b) Minor Subdivision Approval Process

The ordinance provides a one-step process for minor plats. A minor plat is defined as a subdivision of four or fewer lots not requiring any public improvements. Minor plats can be processed for either residential or nonresidential subdivisions. Minor plats can be approved by staff without any action by the Commission.

(c) Conveyance Plats

The Subdivision Ordinance recognizes the need to subdivide and sell property without plans for its immediate development. In addition, a lot from a tract may be sold for development, leaving an unimproved remainder. A conveyance plat allows the recording of a subdivision without requiring the construction of public improvements. This alternative is an interim step in the subdivision process and may generally be used only where the parcels or lots being created are larger than five acres.

A conveyance plat is a boundary survey drawn as a plat. Easements, dedications, and reservations may be recorded on a conveyance plat. Engineering plans are not required to process a conveyance plat, unless the developer plans to construct limited improvements on the property. Development fees are not collected at the time of conveyance plat approval.

(d) Review Time

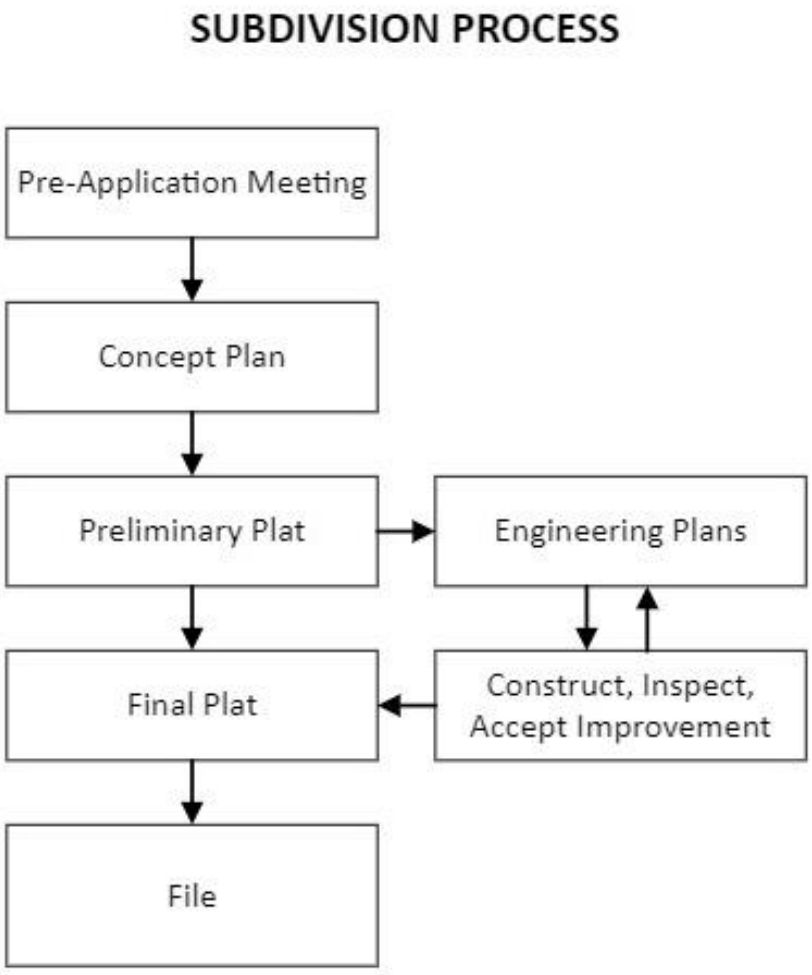
Conveyance plats, preliminary plats, replats, and final plats will be acted on within 30 days of filing. All plats not acted upon within this period will be considered approved. Certain minor plats may be processed in a shorter period, since they only require staff approval. (Division 1.Sec. 9.04.001(e)). All other approvals require approval by the Planning & Zoning Commission or City Council.

(e) Plat Signature

For Minor Plat approvals the signature on the plat shall be that of the Director of Development Services. Plats approved by the Commission will be signed of the Commission Chair. Plats approved by the City Council will be signed by the City Mayor.

(f) Appeals

The action of staff concerning a minor plat may be appealed to the City Council.



Sec. 9.02.042. General Requirements for Plats

(a) Zoning Requirements

(1) A property within the City's corporate limits that is being proposed for platting or development must be properly zoned by the City prior to submission of a development application. In addition, the proposed development layout or subdivision design shown on the proposed plat must be in conformance with all standards and requirements prescribed in the zoning ordinance and these subdivision regulations.

(2) Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, shall constitute grounds for denial of a development application.

(3) Any development application submitted for approval by the City shall be in accordance with the City's Zoning Ordinance, if the property is located within the City's corporate limits. For property located within the City's corporate limits or extraterritorial jurisdiction, any development application shall be in accordance with the City's Comprehensive Plan, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space, and thoroughfare plans. All plats shall be prepared by a registered professional land surveyor (RPLS).

(b) Classification of Subdivisions and Additions.

(1) Before a plat relating to any tract of land is filed for record with the County Clerk, the property owner shall apply for and secure approval of the required subdivision plat from the Commission, in accordance with the following procedures, unless otherwise provided within these subdivision regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

(A) Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and nonresidential properties. Conveyance plats may be approved under the procedure for minor subdivisions provided that they establish no more than four lots and do not require the creation of a new street or extend municipal facilities. Minor plat approval requires the submission of a final plat as described under Sec. 9.02.047 or the submission of a conveyance plat as described under Sec. 9.02.045. The Director of Development Services may approve minor plats or refer them to the Commission for their action, in accordance with Division 1.Sec. 9.04.001(e).

(B) Major subdivisions involve the creation of new streets, the extension of municipal facilities, or the creation of more than four lots. Major subdivisions may be approved for residential and nonresidential properties. Conveyance plats are considered major subdivisions if they create more than four lots or involve the creation of new streets or the extension of municipal facilities. The procedure for approving a major plat typically requires two steps: preliminary plat and final plat. A concept plan or preliminary site plan that contains sufficient information to provide for the proper coordination of the development may also be required.

(C) Except as otherwise permitted, the Commission’s approval of a preliminary plat is required prior to the construction of public improvements on or for the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the Council.

(D) Upon completion of the required public improvements, or the provision of a subdivision improvement agreement as described in the definitions, the owner may submit a corrected final plat for the development. Lots may be sold and building permits obtained after approval of the plat by the Commission and filing of the signed plat. The preliminary plat process may be omitted if the owner enters into a subdivision improvement agreement with the City and provides sufficient surety for all proposed public improvements. If the preliminary plat process is omitted, engineering plans must be submitted in conjunction with the final plat.

(c) Submission Requirements for All Types of Plat Applications

In addition to the requirements outlined herein for each type of development application, the City may maintain separate policies and procedures for the submission and processing of applications including, but not limited to, application forms, checklists for information to be shown on plats, language blocks for plats, and other similar items. The forms and paperwork are available in the Planning Department. These policies and procedures may be amended from time to time by the Director of Development Services, and it is the applicant's responsibility to be familiar with, and to comply with, these policies and procedures.

(d) Application Processing for All Types of Plats

(1) Review of Plat for Completeness.

Every application for approval of a conveyance plat, minor plat, preliminary plat, final plat, or development plat shall be subject to a determination of completeness by the Director of Development Services. No application shall be accepted for processing unless it is accompanied by all materials and

information required by and prepared in accordance with the requirements of these subdivision regulations. The Director of Development Services from time to time may identify additional requirements for a complete application that are consistent with the application content requirements and related standards set forth in these subdivision regulations. The Director of Development Services may also promulgate a reasonable fee for review of the application for completeness not to exceed $500.00.

(2) Incompleteness as Grounds for Denial.

The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing, and the incompleteness of the application if not cured in accordance with this section shall cause the application to expire. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of these subdivision regulations.

(3) Pre-Application Meeting

A property owner may request a pre-application meeting/pre-development meeting with the Planning Department for purposes of identifying requirements that are applicable to a proposed plat. The request shall be made in writing on a form prepared by the Planning Department and shall state that any proposed development concept discussed at the pre-application meeting/pre-development meeting is not intended as a plan of development or application for any type of approval.

(4) Time for Making a Determination

Following submission of a plan of development or plat application, the Director of Development Services shall make a determination in writing whether the plan or application constitutes a complete application for a conveyance plat, preliminary plat, replats, or a final plat not later than the 12th business day after the date the application is submitted. If the Director of Development Services determines that an application is incomplete, the written determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information is not provided.

(5) When Deemed Complete

An application for approval of a plat application filed shall be deemed complete on the 12th business day after the application has been received if the applicant has not been notified that the application is incomplete in accordance with this section.

(6) Time for Completing Application

If an applicant is timely notified that an application is incomplete, and the applicant fails to submit all materials and any other information specified in the Director of Development Services written determination on or before the 19th day after the application is submitted to the Director of Development Services for processing the application in accordance with his or her written notification, the application will be deemed to have expired and it will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval of the plat must be submitted. The City may retain any fee paid for reviewing the application for completeness.

In accordance with the Texas Local Government Code Chapter 212, the municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within thirty (30) days after the date the plan or plat is filed.

(7) Sequence of Applications

Notwithstanding any other provision of these subdivision regulations to the contrary, an application for a conveyance plat, preliminary plat, or final plat shall not be considered complete unless accompanied by a copy of the Zoning Ordinance or other certification verifying that the proposed use, lot sizes and lot dimensions for which the application is submitted are authorized by the zoning district in which the property is located.

(8) Vested Rights

No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied. No vested rights accrue based on a filing that does not provide fair notice of the project and the nature of the permit sought.

(e) Submission Procedures and City Review Process for All Types of Plats

(1) Submission Timing

In order to provide the City with adequate time to review plat applications for compliance with these subdivision regulations, an application for approval of any plat shall be submitted to the Director of Development Services during an application submission window that is at least 25 calendar days, but no more than 30 calendar days prior to the Commission regular meeting at which it is to be considered. The Director of Development Services may establish a deadline for the submission of plat applications that falls within the application submission window. Submission of an application outside the application submission window or after the application submission deadline, shall be grounds for denial of approval of the plat, unless the applicant agrees in writing that the date of filing of the plat shall be deemed to have occurred not more than 29 days prior to the next regular meeting of the Commission that follows a determination by the Director of Development Services that the application is complete.

(2) Submission Materials

The application shall include the following materials, which shall be submitted to the Director of Development Services (or such persons authorized by the planning department to accept applications) for review in order for the application to be deemed complete.

(A) A written application form that bears the original signature(s) of the property owner(s) of the subject property.

(B) The appropriate submission fee.

(C) The appropriate number of full-size sets as stated on the application form (available at the planning department) of full-size folded prints of the plat, as required by the City's current development review policies and requirements, and one black-and-white reduction of the plat. The size and number of these prints and reductions shall be determined by the Director of Development Services.

(D) A copy of any applicable development agreement pertaining to the subject property.

(E) If an application for approval of a final plat, a tax certificate from the Collin County tax assessor-collector showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property, as shown in the Collin County deed records. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the City and which are directly attributable to the subject property.

(F) An engineer's summary report which describes, in as much detail as necessary, the following:

(i) The overall nature and scope of the proposed development, including zoning of the property, proposed use(s) and acreage of each proposed use, minimum lot sizes, average lot size, widths, and depths, number of lots to be created, and special amenities or facilities that will be included in the development;

(ii) How the property will be served with required utilities and services;

(iii) How storm water drainage will be handled; and

(iv) An itemization and description of any waivers/suspensions from provisions of these subdivision regulations that will be sought.

(G) Construction plans prepared by a professional engineer for all of the infrastructure and site improvements required to serve the development (required only with the final plat application).

If located within the City's ETJ, letters shall also be provided from each of the applicable utility service providers, including water, wastewater, gas, electricity, telephone, cable TV, and solid waste, verifying their ability to provide an adequate level of service for the proposed development.

(H) Proof of land ownership as required in Subsection (f) of this section.

(3) Other Submission Requirements

(A) All plat drawings and other corresponding plans and drawings, including engineering plans and landscape and screening plans, shall be drawn to a standard engineering scale of no more than 100 feet to the inch (1" = 100'). In cases of large developments which would exceed the dimensions of the sheet at 100-foot scale, plats may be on multiple sheets and in a format that will be acceptable for eventual filing at Collin County. If there are multiple sheets, then a key sheet is required.

(B) Other applicable information and materials may be deemed appropriate by the City, and therefore may be required by the City. Such materials must also be submitted for an application to be determined as complete.

(C) All of the materials and plans specified within this Subsection (e) shall be submitted to the Director of Development Services for review in order for the application to be deemed complete.

(4) City Staff Review

Upon official submission of an application for plat approval, the City shall commence technical review of the development proposal by forwarding a copy of the application and plat to appropriate personnel from various City department and may include representatives of the Anna Independent School District (AISD), franchised utility companies, and TXDOT.

(A) City staff shall review the plat application and shall ascertain its compliance with these and other applicable City regulations.

(B) Following City staff review of the plat and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall re-submit additional copies of the corrected plat (and engineering plans, if applicable) to the planning department no later than seven days prior to the Commission meeting (or other deadline established by the planning department) for final staff review.

(5) Re-Submission and Scheduling

(A) Failure to re-submit corrected copies of the plat and other application materials (including engineering plans, if applicable) back to the City in time for adequate review prior to the Commission

meeting shall be cause for the Planning Department to forward the plat application to the Commission as it was originally submitted rather than the corrected version of the plat unless the applicant agrees in writing that the date of filing of the plat application shall be deemed to have occurred not more than 29 days prior to the next regular meeting of the Commission that follows a determination by the Director of Development Services that the application is complete. In accordance with Chapter 212 of the Texas Local Government Code, the applicant is limited to one thirty (30) day extension.

(B) If, upon re-submission of the corrected plat to the City, the Director of Development Services determines that the application does not comply with the technical requirements of the subdivision regulations, the plat application may be subject to expiration or denial in accordance with these subdivision regulations.

(C) After the plat has been scheduled on an agenda (or at any time prior), the applicant may request, in writing, to withdraw official filing of the plat in order to allow the applicant more time to correct deficiencies, address concerns, or otherwise improve the plat pursuant to these subdivision regulations. After receipt of the request, the City may delay action on the plat until 30 days after the applicant officially re-files the plat.

(6) Action by the Commission

All major plat applications that have not expired shall be reviewed by the Commission and upon finding that the plat is in complete conformance with the provisions of these subdivision regulations and with all other applicable regulations of the City, the Commission shall approve the plat.

(A) The Commission shall review each plat application and shall take action to either approve the plat application or approve the plat application subject to certain conditions, or vote to deny the plat application, within 30 calendar days following the completion filing date.

(B) The Commission shall approve or deny the plat application by a simple majority vote of the Commission members present and voting.

(C) If the Commission denies a plat application, the commission shall state such disapproval and the reasons therefor. The Commission's decision to deny a plat may be appealed to the City Council by the applicant or by the City Manager.

(f) Proof of Land Ownership

The City requires proof of land ownership prior to approval of any development application involving real property. Along with the application submission, the applicant shall provide evidence that he/she is the owner of record of the subject land parcel or parcels, or is the property owner's authorized agent. The Planning Development department shall have the authority to determine what document(s) the City will require to prove ownership, such as a letter of title guarantee from a licensed attorney, title policy, title commitment, or some other documentation that is acceptable to the City Attorney. If ownership cannot be conclusively established prior to the meeting date on which the development application will be heard, the City shall have the authority to deny the application on the basis of protecting the public interest. All owners and other persons, including any lienholders, whose consent is necessary to the effective dedication of the plat shall sign the owner's certificate before a final plat is filed for record with the County Clerk.

(g) Conveyance Plat Expiration

An approved conveyance plat shall expire and shall thereafter be deemed null and void if the conveyance plat has not been recorded as required in Sec. 9.04.044(c)(5)(A) within six months from the date of the

Commission's approval of the conveyance plat. Upon expiration, a new conveyance plat application shall be required to submitted, subject to requirements in effect at the time the new application is filed with the City.

(h) Preliminary Plat Expiration and Extension

(1) Expiration

An approved preliminary plat shall expire and shall thereafter be deemed null and void if a final plat application for all the land subject to the preliminary plat has not been approved within two years from the date of the Commission's approval of the preliminary plat. Any subsequent expiration of the final plat shall also result in expiration of the preliminary plat for the same land. Upon expiration, or upon denial of a timely submitted request for extension of plat approval, a new preliminary plat application shall be required to be submitted, subject to requirements in effect at the time the new application is filed with the City.

(2) Extension

The Commission may extend a preliminary plat for a period not to exceed one year on the written request of the applicant. The request must be filed before the preliminary plat expires and must document the reasons for the extension. In determining whether to grant a request, the Commission shall take into account the reasons for the requested extension, the ability of the applicant to comply with any conditions attached to the original approval, whether extension is likely to result in timely completion of the project, and the extent to which any newly adopted regulations should be applied to the proposed development. In granting an extension, the Commission may impose such conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served, including compliance with one or more newly adopted development standards.

(i) Construction Plans Expiration and Extension

(1) Expiration

Approved construction plans (and engineering plans, if required) for public improvements shall be valid for a period of two years from the date of final plat approval after which they shall expire and shall be deemed null and void. Upon expiration, or upon denial of a timely submitted request for extension of the approval of the construction plans, new construction plans shall be submitted, subject to requirements in effect at the time the construction plans are filed with the City.

(2) Extension

The City Council may extend the approval of construction plans (and engineering plans, if required) for public improvements for a period not to exceed one year on the written request of the applicant. The request must be filed before the construction plans expire and must document the reasons for the extension. In determining whether to grant a request, the Council shall take into account the reasons for the requested extension, the ability of the applicant to comply with any conditions attached to the original approval, whether extension is likely to result in timely completion of the project, and the extent to which any newly adopted regulations should be applied to the proposed development. In granting an extension, the Commission and Council may impose such conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served, including compliance with one or more newly adopted development standards.

(j) Plat Expiration and Extension

(1) Expiration

An approved final plat shall expire and shall thereafter be deemed null and void if the final plat has not been recorded as required in Sec. 9.04.046(i) within six months from the date of the Commission's approval of the final plat. Upon expiration, or upon denial of a timely submitted request for extension of plat approval, a new preliminary plat application shall be required to submitted, subject to requirements in effect at the time the new application is filed with the City.

Sec. 9.02.043. Expiration Of Permits, Generally, Dormant Projects, and Exemptions from Vesting

(a) Expiration of Individual Permits

If, after approval of any individual permit, no progress has been made towards completion of the project within two years of the approval of the permit, the permit shall expire and become null and void except to the extent otherwise expressly provided for in these subdivision regulations.

(b) Dormant Project

A project shall become dormant and expire and all permits previously issued in connection with the project shall be null and void if, on the fifth anniversary of the date the first permit application was filed, no progress has been made towards completion of the project. The phrase “progress towards completion of the project” or similar phrase as used in this section includes the activities constituting such progress as set forth in Texas Local Government Code Section 245.005.

(c) Effect of Expiration or Dormant Project

Following the expiration of a permit or a project, any new application shall be a wholly new and separate permit or project as compared with the dormant project that expired, and shall be subject to the regulations, rules, ordinances, and other laws in effect at the time of filing of the new application and shall further be subject to the assessment of new fees to the fullest extent permitted by law.

(d) Projects, Permits, and Other Activities that never Vest Rights

Notwithstanding any other provision of these subdivision regulations or other City rules, regulations or ordinances, the following are exempt from and not affected by any claim to vested rights:

(1) A permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(A) Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

(B) Local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

(2) The City's zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by the City;

(3) Regulations for sexually oriented businesses;

(4) Fees imposed in conjunction with development permits, including but not limited to impact fees;

(5) Regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;

(6) Regulations for utility connections;

(7) Regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a floodplain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;

(8) Construction standards for public works located on public lands or easements; or

(9) Regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:

(A) Affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or

(B) Change development permitted by a restrictive covenant required by a municipality.

Sec. 9.02.044. Conveyance Plats

(a) Purpose

A conveyance plat may be used solely for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property and is not intended for immediate development. A conveyance plat is an interim step in the subdivision and development of land.

(b) Applicability

Conveyance plats may be used in lieu of a final plat to record the subdivision of property in the following instances:

(1) To record the remainder of a tract larger than five (5) acres created by the final platting of a portion of the property provided that the remainder is not intended for immediate development.

(2) To record the subdivision of property into parcels five (5) acres or smaller in size that are not intended for immediate development, and where all public improvements exist prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of onsite improvements may be deferred, in accordance with Division 1.Sec. 9.04.004(f)(2), if development of other tracts is not affected.

(c) Application Procedure and Requirements

(1) Pre-Application Meeting

Before preparing the conveyance plat, the applicant shall schedule an appointment for a pre-application meeting with the staff of the Planning and Engineering Departments. The purposes of the pre-application meetings are to review the proposed development with regard to stormwater impacts, to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements.

(2) Application Requirements

The Director of Development Services may establish—not inconsistent with this Article—forms and standards with regard to the content, format, and graphics for conveyance plats. The proposed conveyance plat shall show information as specified on a form or packet provided by the Planning Department.

(3) Standard for Approval

(A) Access

All tracts, parcels, lots, or sites created by a conveyance plat shall have frontage and access to an existing or proposed public street or an existing standard street meeting City construction standards and accessing the existing City street system.

(B) Reservation of Rights-of-Way

Conveyance plats must provide for the reservation of future rights-of-way of planned roadways. Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified on the City's Thoroughfare Plan or on an approved concept plan. Reservation of right-of-way does not grant any right or interest in the property to the City or other entity. The final alignment may be adjusted upon final platting in order to meet engineering design standards.

(C) Dedication of Rights-of-Way

Dedication of right-of-way shall be required where a conveyance plat is used to record the remainder of a tract created by the final platting of a portion of the property. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for final plat approval and to complete turn lanes, intersections, and transitions in road pavement width resulting from development of the property proposed for final plat approval.

(4) Approval Procedure

A conveyance plat meeting all the requirements of the City shall be placed on the consent agenda of the Commission. Conveyance plats shall be approved provided they comply with all appropriate ordinances and the Comprehensive Plan. The Commission must approve, conditionally approve, or deny a conveyance plat no later than thirty (30) calendar days following the official submission date. If denied, the Commission shall provide a written explanation of the reason for denial. If the Commission fails to approve or deny the application within thirty (30) calendar days following the official submission date, the conveyance plat shall be deemed approved. A conveyance plat qualifying as a minor plat shall be reviewed and acted upon by the Director of Development Services, or by the Commission and Council if deferred by the Director, in accordance with Division 1.Sec. 9.04.001(e).

(5) Signing and Filing

(A) After the approval of the conveyance plat by the Commission, and the correction of the conveyance plat if required by the Commission, the property owner shall be responsible for filing the plat with the applicable County. The property owner may request a delay of filing the approved conveyance plat for up to six (6) months following the date of approval. Any conveyance plat which has not been filed with the County within six (6) months following the date of approval shall be void. Prior to filing with the County, the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn and/or voided, must be later resubmitted as a new project under then-current regulations and procedures and reapproved by the Commission and filed with the County. Prior to filing, the

Mayor shall endorse approval of the conveyance plat. One (1) copy of the recorded conveyance plat shall be returned to the Director of Development Services within seven (7) calendar days following its filing at the applicable county. Failure to record the conveyance plat and to submit a copy of the recorded plat to the Planning Department, within the respective time frames above, shall be deemed a violation pursuant to Sec. 9.04.042(g) of these regulations. The City shall have the right, but not the obligation, to cause an approved conveyance plat to be recorded with the applicable County.

(B) No final plat processed and approved in association with a conveyance plat shall be filed without the concurrent filing of the associated approved conveyance plat.

(6) Effect

(A) Conveyance plat approval and acceptance by the City does not relieve the owner from obligations, including fees, required by other sections of this or other ordinances of the City pertaining to the improvement of the property or extension of services as required to make the property suitable for development.

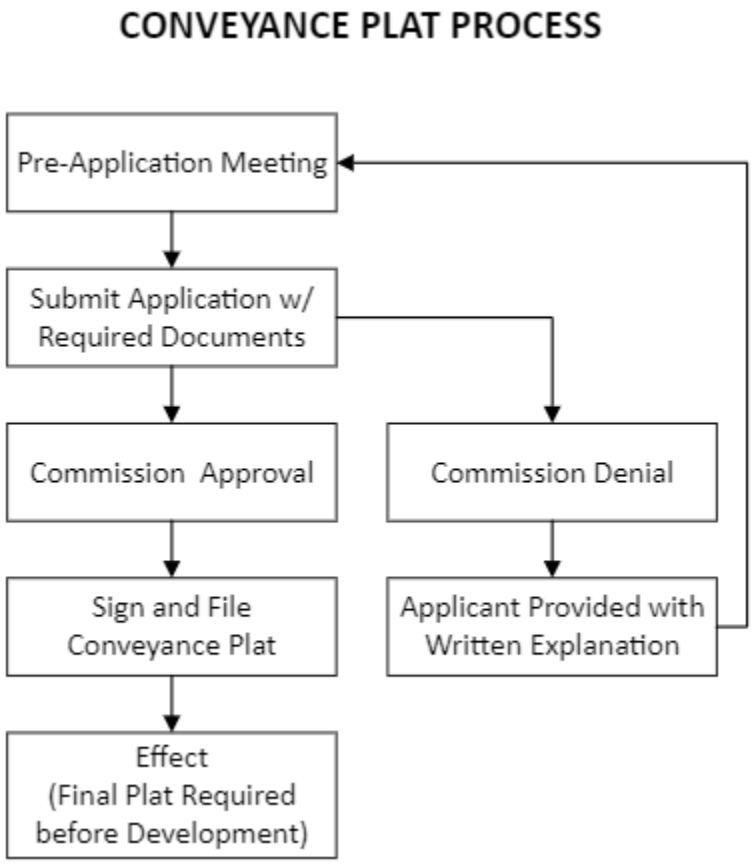
(B) Neither reservation nor dedication of rights-of-way shall relieve the property owner from obligations for street construction or assessments associated with public street improvement programs. Easements for access, utilities, and drainage may be recorded on conveyance plats.

(C) Final Platting Requirements

(i) No building permits shall be issued nor permanent utility service provided for land which has only received approval as a conveyance plat. Notwithstanding the above, the Director of Development Services and City Engineer may authorize temporary building permits, temporary occupancy permits, and temporary utility service.

(ii) A conveyance plat may be superseded by a preliminary plat or final plat in total or in part through compliance with the procedures and requirements of this ordinance.

(d) Conveyance Plat Approval Process



Sec. 9.02.045. Preliminary Plats

(a) Purpose

The purpose of the preliminary plat is to allow the Commission to evaluate the proposed plat for conformity with requirements and conditions identified at the time of concept plan, preliminary site plan, or conveyance plat approval and to evaluate construction plans for public improvements or to provide adequate security for construction of the same.

(b) Applicability

A preliminary plat is required for all major subdivisions prior to the construction of public improvements. If a preliminary plat is omitted, a final plat shall be required in conformance with Sec. 9.02.046.

(c) Generally

The applicant shall prepare a preliminary plat which shall include a utility layout and plans for the construction of the subdivision and all associated public improvements, together with other supplementary materials as required by these subdivision regulations or by the City.

(d) Preliminary Plat Contents, Generally

The Director of Development Services may establish—not inconsistent with this Article—forms and standards with regard to the content, format, and graphics for preliminary plats. The proposed preliminary plat shall show information as specified on a form or packet provided by the Planning Department.

(e) Approval, Generally

Approval of a preliminary plat by the Commission shall be deemed general approval of the street and lot layout shown on the preliminary plat, and shall not constitute acceptance or approval of the final plat.

(f) Application Procedure, Requirements, and Information Required upon or with Preliminary Plat

The Director of Development Services may establish—not inconsistent with this Article—forms and mandatory standards with regard to the content, format, and graphics for preliminary plats. The applicant shall file for approval of a preliminary plat, which conforms substantially with the concept plan, preliminary site plan, or conveyance plat submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Texas and shall bear his/her seal, signature, and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

(1) Pre-Application Meeting

Before preparing the preliminary plat, the applicant shall schedule an appointment and meet with the staff of the Planning and Engineering Departments. The purposes of the pre-application meetings are to review the proposed development with regard to stormwater requirements (see Sec. 9.02.041; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements.

(2) Timing of Public Improvements

(A) After approval of;

(i) The preliminary plat by the Commission;

(ii) Construction/Engineering plans by the City Engineer; and

(iii) Following procurement of all applicable permits from other appropriate agencies (such as TxDOT, railroad authorities, TCEQ, U.S. Army Corps of Engineers, FEMA and/or Collin County), the applicant shall cause a contractor(s) to install or construct the public improvements in accordance with the approved plans and the City's design standards and at the applicant's expense.

(B) The applicant shall employ professional engineers, professional registered land surveyors or other professionals as necessary to design, stake, supervise, perform, and complete the construction of such improvements, and shall cause his/her contractor to construct the said improvements in accordance with any approved construction plans and engineering plans, and with the City's design standards, and any other applicable agency's design standards. To the extent of any direct conflict between the foregoing requirements, the approved construction plans and engineering plans shall prevail.

(C) If the project will require a FEMA revision to a flood insurance rate map or other submittal required under the National Flood Insurance Program, or if the project otherwise triggers review under the City's flood damage prevention regulations set forth in this code at Article 4.12, then the application must be reviewed for compliance with said standards and requirements prior to approval of the final

plat and prior to any construction activities (including but not limited to grading, clearing, grubbing, brush removal, etc.) on the site.

(3) Approval Procedure

After review of the preliminary plat, the report and recommendations of the Director of Development Services concerning the preliminary plat and the application, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes and/or additions. The Commission shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval, and the reasons therefore accompanying the plat. If the Commission disapproves the proposed preliminary plat, the applicant may execute an appeal in the manner prescribed in Division 1.Sec. 9.04.011(e)

(4) Effect of Approval

Approval of a preliminary plat by the Commission constitutes authorization for the City Engineer to release construction plans subject to his/her final approval and for the City Engineer to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Commission. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the City Engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

"The preliminary plat for (insert name of the subdivision or addition) as approved by the City of Anna Commission on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat shall be approved by the Commission upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with Sec. 9.02.046 of the Subdivision Ordinance of the City of Anna."

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two (2) years following the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat.

(5) Lapse of Preliminary Plat Approval

The approval of a preliminary plat shall be effective for a period of two (2) years following the date that the preliminary plat is approved by the Commission, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then-existing zoning restrictions and subdivision regulations.

(g) Standards for Approval

No preliminary plat shall be approved by the Commission unless the following standards have been met:

(1) The plat substantially conforms with the approved concept plan, preliminary site plan, or conveyance plat.

(2) The construction plans have been reviewed by the City Engineer.

(3) Provision for installation and dedication of public improvements has been made.

(4) The plat conforms to applicable zoning and other regulations.

(5) The plat meets all other requirements of these regulations.

(h) Construction Plan Procedure and Requirements

(1) General Application Requirement

Construction/Engineering plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Texas as required by state law governing such professions. Plans submitted for review by the City shall be dated and bear the responsible engineer's or architect's name, serial number, and the designation of “engineer,” “professional engineer,” or “P.E.” or “architect” and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the City shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys, or easements that will be maintained by the City shall be designed by a professional engineer registered in the State of Texas.

(A) Engineering Plans

The applicant shall submit the required number of sets of the complete engineering or construction plans that have been approved by the City Engineer for all streets, alleys (if any), storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping, and irrigation, and any other required public improvements for the area covered by the preliminary plat. Engineering plans shall be in conformance with the design standards and with the requirements set forth within these subdivision regulations. The engineering plans shall also contain any plans deemed necessary to show or document compliance with any other applicable codes and ordinances of the City that are related to development of a land parcel. The engineering plans shall show information as specified on an application form or packet provided by the City Engineer.

(2) Construction Plan Review Procedure

Copies of the construction plans, and the required number of copies of the plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls, permanent BMPs, and other special features. All materials specified shall conform to the Engineering Construction Standards of the City. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Engineer will release the plans for construction, after approval of the preliminary plat by the Commission and payment of all inspection fees. Upon such release, each Contractor shall maintain one set of plans, stamped with City release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted. (Also see Sec. 9.02.046)

(3) Failure to Commence Construction

If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the City Engineer for meeting current standards and engineering requirements.

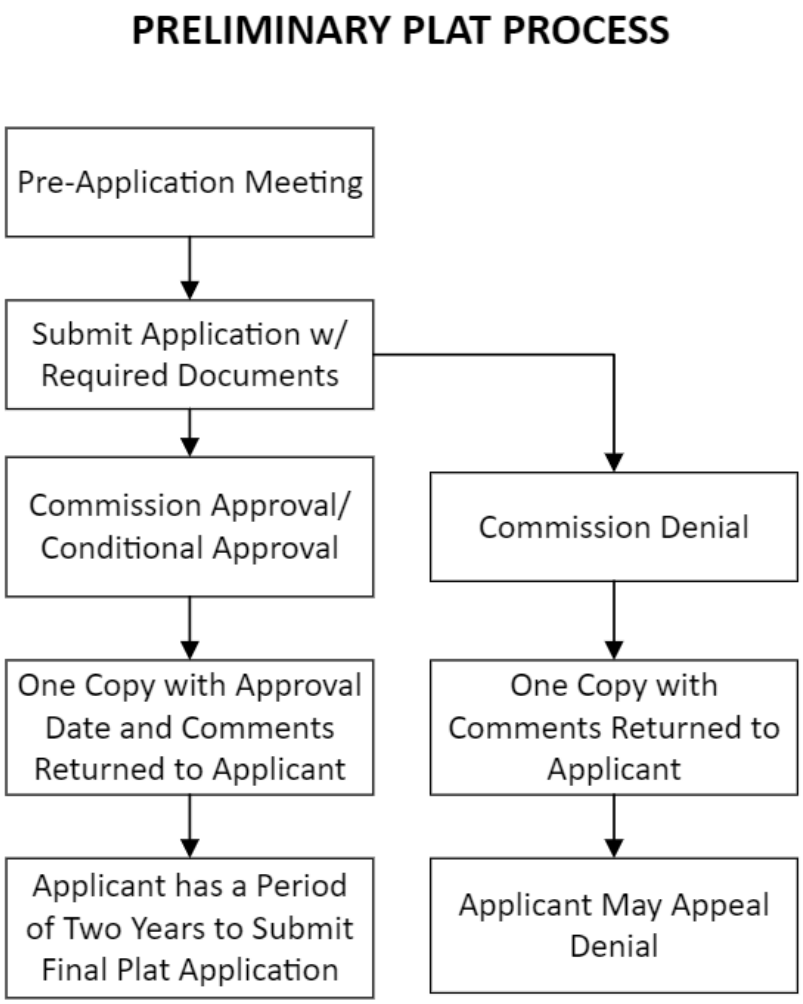
(i) Revisions to Approved Preliminary Plat

(1) Minor revisions to the preliminary plat are commonly required before the final plat is approved. Such minor revisions may include slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc., and such revisions may be

delineated on the final plat without having to re-approve the preliminary plat. Whether or not revisions are “minor” in nature shall be determined by the Director of Development Services and/or City Engineer.

(2) Major revisions, if required, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate re-submission and re-approval of the plat as a “revised preliminary plat”. The procedures for such re-approval shall be the same as for a preliminary plat. If an application for a revised preliminary plat expires due to failure to submit a complete application, or if the revised preliminary plat is complete, and considered by the Commission and is denied, the previously submitted preliminary plat(s) shall also be deemed to have been denied thus necessitating submission of a new application governed by the regulations, rules and other laws in effect at the time of the submission of the new application.

Preliminary Plat Approval Process Flowchart[1]



(a) [1] Waiver Procedures

(1) A petition for a waiver, suspension, or amendment shall be submitted in writing to the City Manager or the City Manager's designee by the property owner before the plat is officially filed and submitted for the consideration by the Commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.

(2) All waivers/suspensions shall be approved or disapproved by the Commission.

(3) All waivers/suspensions shall have final approval or disapproval by the City Council.

Sec. 9.02.046. Final Plats

(a) A final plat for minor subdivisions may be approved by the Director of Development Services in accordance with Division 1.Sec. 9.04.001(e). The final plat shall be in accordance with the preliminary plat, as approved, and shall incorporate all applicable conditions, changes, directions, and additions imposed by the Commission upon the preliminary plat. The final plat shall not be submitted prior to approval of the preliminary plat (when required).

(b) Only final plat applications that include the required data, completed application form, submission fee, number of copies of the plat, record drawings, approved engineering construction plans, and other required information will be considered complete, shall be accepted for filing by the City, and shall be scheduled on a Commission agenda. Incomplete final plat applications will not be accepted for filing and will not be scheduled on a Commission agenda until the proper information is provided to City staff.

(c) Information Required upon or with Final Plat

The Director of Development Services may establish—not inconsistent with this Article—forms and standards with regard to the content, format, and graphics for final plats. The proposed final plat shall show information as specified on a form or packet provided by the Planning Department.

(d) Standards for Approval

No final plat shall be approved by the Commission unless the following standards have been met:

(1) The plat substantially conforms with the approved preliminary plat, as revised if revisions were a necessary condition for approval, and other studies and plans, as applicable; and

(2) The plat and accompanying documents conform to these subdivision regulations, the comprehensive plan, and applicable zoning, subdivision and any other applicable codes or ordinances of the City that are related to development of a land parcel.

(3) Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been accepted by the City, providing for the subsequent completion of improvements.

(4) Provision has been made for adequate public facilities under the terms of this ordinance.

(e) Timing of Public Improvements

(1) When all of the public improvements have been constructed and a request is made for acceptance of same by the City, the City Engineer shall confirm that the public improvements have been completed in accordance with the approved plans and specifications and with all applicable City standards and regulations, and shall confirm receipt by the City of the required maintenance bond. In determining compliance, the City Engineer shall obtain from the applicant: one sealed set of “as-built” or “record drawing” and a digital copy of all plans (in a format as determined by the City Engineer); a signed letter bearing sealed certification by the design engineer confirming the contractors' compliance with these subdivision regulations, and with all City construction standards set forth in the design standards and other applicable City design documents; and certification signed by the property owner before a notary that all dedications required for the public improvements have been fully conveyed. After said materials are received, and the City Engineer confirms compliance as set forth above, the City Engineer shall inform the City Manager of same and the City Manager shall receive and accept for the City the title, use, and maintenance of the public improvements.

(A) The Commission may require that all public improvements be installed, offered for dedication, and ready for acceptance by the City prior to the approval of the final plat by the Commission and signing of the final plat.

The Commission may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and offsite public improvements. Any required public improvement(s) approved for deferred construction must be provided for prior to the approval of the final plat. (See Division 1.Sec. 9.04.004(f)(2).)

(B) If the Commission does not require that all public improvements be installed, offered for dedication and accepted by the City prior to the signing of the final plat by the Chairman, it shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in Section 9.02.018. This Subdivision Improvement Agreement will require final Council approval.

(C) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.

(f) Approval Procedure

After review of the final plat, the Director of Development Services shall place the final plat for consideration on the agenda of a public meeting of the Commission. Minor plats may be approved by the Director of Development Services or referred to the Commission in accordance with Division 1.Sec. 9.04.001(e). In the event of disapproval, reasons for disapproval shall be stated. One (1) copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

(g) Effect of Approval and Acceptance of Improvements

As soon as is practical after the final plat has been approved by the City for recordation in accordance with Subsection (d) of this section, or, alternatively, approved for recordation because the subdivider has provided sufficient security in accordance with Division 6 of this Article, the Director of Development Services or designee shall direct the applicant to file the final plat to be recorded with the Collin County Clerk. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the Commission and duly recorded by the applicant. It is the applicant's responsibility to confirm that the final plat has been duly recorded, and an applicant's failure to confirm same is at the applicant's sole risk.

(h) Revisions to Approved Final Plat prior to Filing at the County

(1) Occasionally, minor revisions are needed before the final plat can be recorded. Minor revisions such as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc., may occur on the record plat prior to filing it without the Commission having to re-approve the final plat. Whether or not revisions are “minor” in nature shall be determined by the Director of Development Services. Major revisions, such as obvious corrections or reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvements (including corresponding easement), shall necessitate re-submission and re-approval of the plat as a “revised final plat” unless otherwise approved by the Director of Development Services, as applicable. The procedures for such re-approval shall be the same as for a final plat. If an application for a revised final plat expires due to failure to submit a complete application, or if the revised final plat is complete, and considered by the Commission and is denied, the previously submitted final plat and any preliminary plat(s) shall also be deemed to have been denied thus necessitating submission of a new application governed by the regulations, rules and other laws in effect at the time of the submission of the new application.

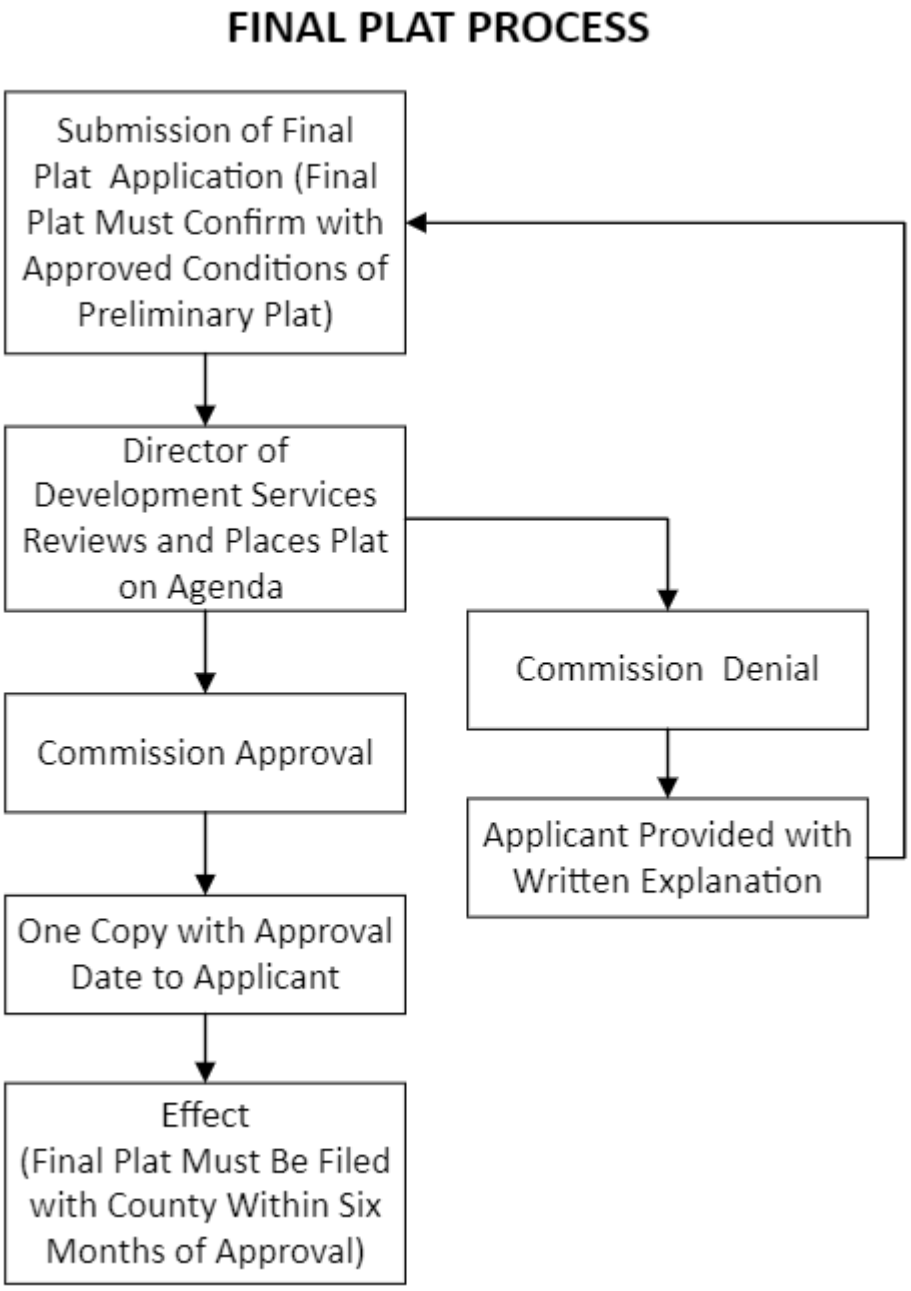
(2) Subsequent to final plat approval by the Commission, the applicant shall return signed and notarized copies of the final plat, as approved, along with any other required documents and fees necessary for filing the plat with the County Clerk, to the Planning Department within 45 calendar days following approval, in accordance with requirements established by the City; or if construction of any public improvement is required prior to the filing of a final plat, the owner or developer shall return signed and notarized copies of the final plat, as approved, along with any other required documents and fees necessary (including current documents required to show proof of ownership as outlined in Sec. 9.04.042(f) to the Planning Department before said public improvements will be accepted by the City and before said final plat will be recorded with the County Clerk.

(3) All easements shall be included on the final plat, including the recording information for those easements that are filed or recorded as separate instruments, as required by utility companies and the City prior to filing the final plat.

(i) Lapse of Final Plat Approval

The approval of a final plat shall be effective for a period of six (6) months following the date that the final plat is approved by the Commission, at the end of which time the applicant must have recorded the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has recorded the final plat with the County Clerk.

(j) Final Plat Approval Process Flowchart



Sec. 9.02.047. Development Plats

(a) Authority

This section is adopted pursuant to the Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.

(b) Applicability.

For purposes of this section, the term “development” means the construction of any building, structure, or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:

(1) The development of any tract of land that has not been platted or replatted prior to the effective date of these subdivision regulations, unless expressly exempted herein; or

(2) The development of any tract of land for which the property owner claims an exemption from the City's subdivision regulations, including requirements to replat, which exemption is not expressly provided for in such regulations; or

(3) The development of any tract of land for which the only access is a private easement or street; or

(4) The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated or constructed.

(c) Exceptions

No development plat shall be required where the land to be developed has received final plat, conveyance plat or replat approval prior to the effective date of these subdivision regulations or a final plat, conveyance plat, or replat has been filed in accordance with these subdivision regulations.

(d) Prohibition on Development

No development shall commence, nor shall any building permit be issued, for any development or land division subject to this section, until a development plat has been approved by the Commission.

(e) Standards of Approval

The development plat shall not be approved until the following standards have been satisfied:

(1) The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans, and applicable capital improvements plans;

(2) The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and these subdivision regulations;

(3) The proposed development is adequately served by public facilities and services, parks, and open space, to the extent necessary based on the nature of the development, and in conformance with City regulations;

(4) The proposed development will not create a safety hazard on a public street (such as by not providing adequate on-site parking or vehicle maneuvering space for a restricted-access/gated entrance);

(5) Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and

(6) The proposed development conforms to the design and improvement standards contained in these subdivision regulations and in the City's design standards, and to any other applicable codes or ordinances of the City that are related to development of a land parcel.

(f) Conditions

The Commission may impose such conditions on the approval of the development plat as are necessary to ensure compliance with the standards in Subsection (e) of this section.

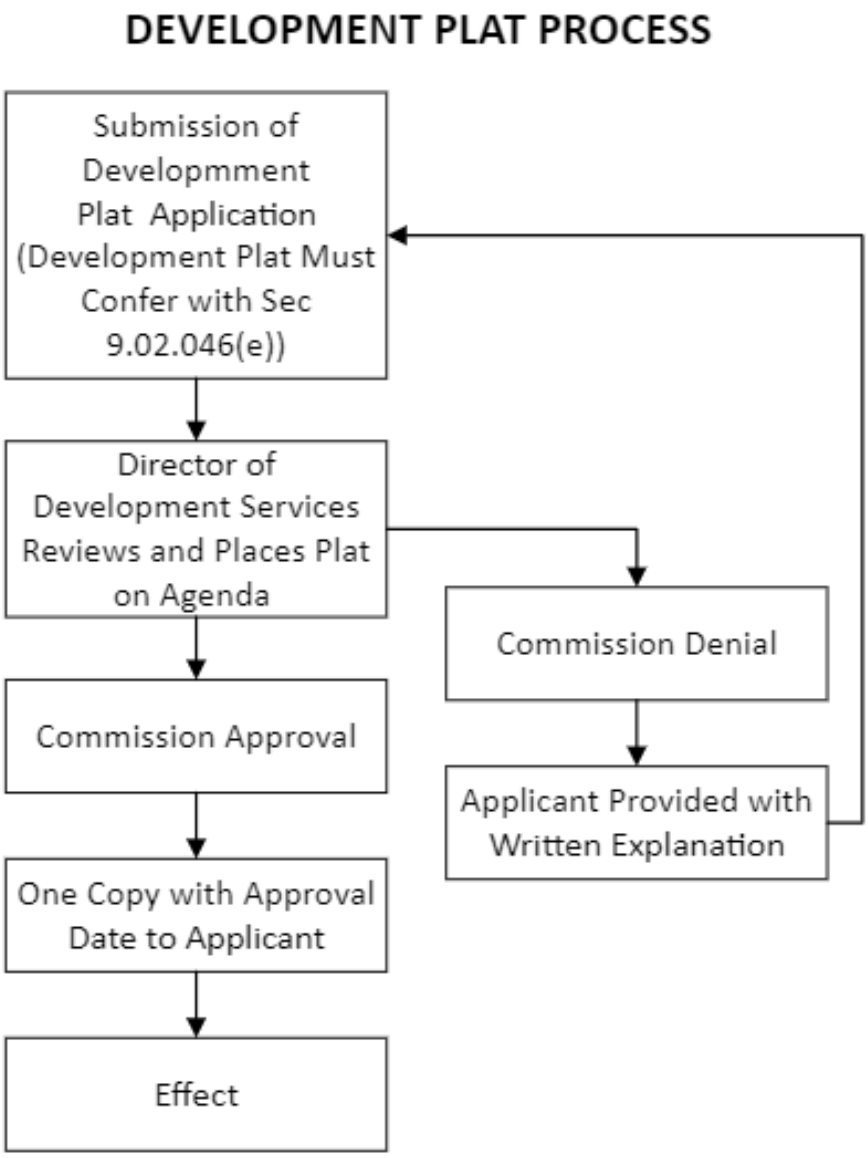
(g) Approval Procedure

The application for a development plat shall be submitted to the City in the same manner as a final plat, and shall be approved, conditionally approved, or denied by the Commission and in a similar manner as a final plat.

(h) Submittal Requirements

The Director of Development Services may establish—not inconsistent with this Article—forms and standards with regard to the content, format, and graphics for development plats. The proposed development plat shall show information as specified on a form or packet provided by the Planning Department.

(i) Development Plat Approval Process Flowchart



Sec. 9.02.048. Replatting

(a) Replat Required

Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by these subdivision regulations. All improvements shall be constructed in accordance with the same requirements as for a construction or final plat, as provided herein.

(b) Replatting without Vacating Preceding Plat.

A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that final plat if the replat:

(1) Is signed and acknowledged by only the owners of the property being replatted;

(2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the Commission; and

(3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(c) Previous Requirements or Conditions of Approval which are still Valid.

In addition to compliance with Subsection (b) of this section, a replat without vacation of the preceding plat must conform to the requirements of this Subsection (c) if: (i) during the preceding five years, any of the area to be replatted was limited by a zoning classification to residential use for not more than two residential units per lot; or (ii) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(1) Notice of the public hearing required under Subsection (b) of this section shall be given before the 15th calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Collin County. Notice of the public hearing shall also be given by written notice before the 15th calendar day before the date of the hearing, with a copy or description of any requested waivers/suspensions, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the City, of lots that are in the original subdivision and that are within 200 feet of the lot(s) to be replatted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved county tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the City.

(2) If the replat requires a waiver/suspension as defined in Sec. 9.02.010 of this Article, and if the property owner(s) of 20% or more of the total land area of lots to whom notice is required to be given under Subsection (1), above, file with the City a written protest of the replatting before or at the public hearing, then approval of the replat will require the affirmative vote of at least 3/4 of the members present of the Commission. For a legal protest, written instruments signed by the owners of at least 20% of the total land area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the City prior to the close of the public hearing. In computing the percentage of land area subject to the “20% rule” described above, the area of streets and alleys shall be included.

(3) Compliance with Subsection (2) above is not required for approval of a replat for any part of a preceding plat if the area to be replatted was designated or reserved for other than single- or two-family (i.e.,

duplex) residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. For example, for a replat involving nonresidential property, a public hearing must be held, pursuant to Subsection (2) above, but notice of the hearing does not have to appear in the newspaper and written notices do not have to be mailed to individual property owners within 200 feet of the subject property.

(d) Adding or Deleting Lots

Any replat that adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed “purpose for replat” statement.

(e) Vacation of Plat

If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, as amended, and as provided in Sec. 9.02.050 of this Article, a public hearing is not required for a replat of the area vacated. It would, instead, be submitted as a new subdivision plat and reviewed accordingly.

(f) Approval Requirements

The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein, including requirements that pertain to infrastructure, such as streets and utilities. Approval of a revised preliminary plat may be required prior to the approval of a replat if the replat necessitates the construction of public infrastructure or requires amendments to previously approved infrastructure construction plans.

(g) Title of Replat

The title shall identify the document as a “Final Plat” of the “_____ Addition, Block _____, Lot(s) _____, Being a Replat of Block _____, Lot(s) _____ of the _____ Addition, an Addition to the City of Anna, Texas, as recorded in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of Collin County, Texas”.

(h) Application for Replat

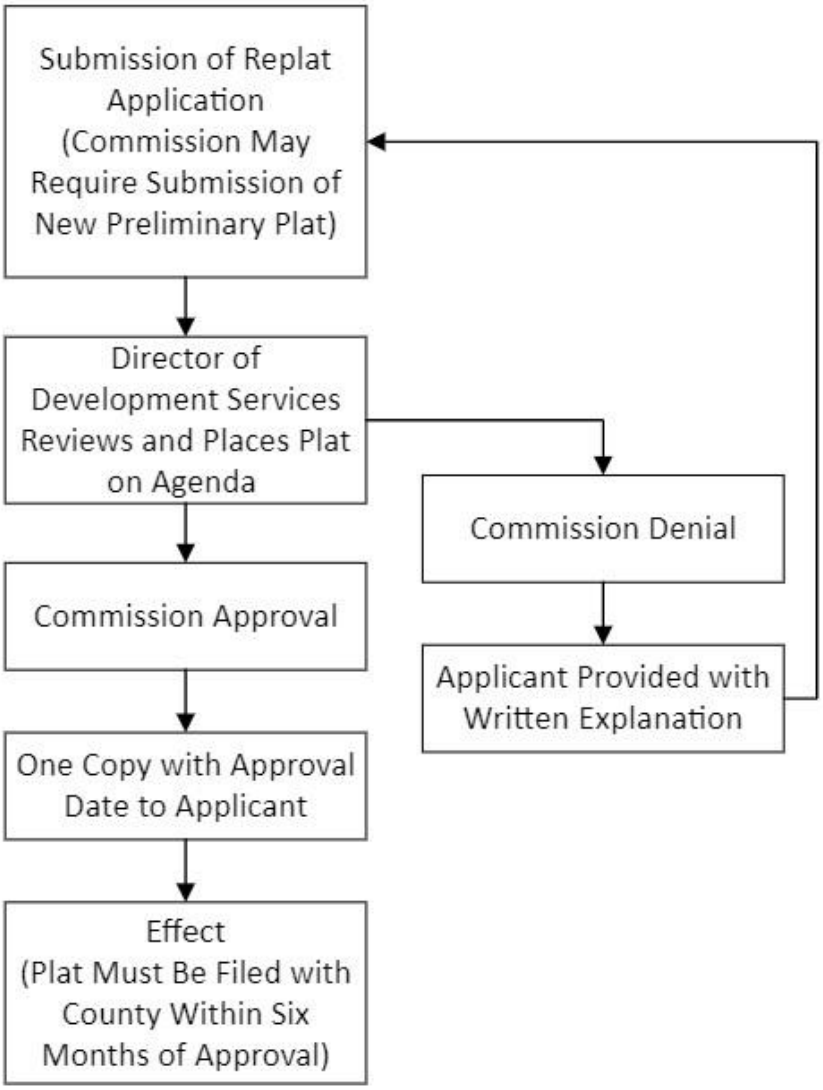
An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (per the City's current fee schedule), and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property. The replat shall also bear a detailed “purpose for replat” statement that describes exactly what has been changed on the plat since the original (or previous) plat was approved by the City and filed at the County. A copy of all application materials for a replat shall be simultaneously submitted to the Planning Department for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(i) Recording of Replat

The replat shall be recorded at the County in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the Planning Department and if the replat is not recorded within the time period specified for a final plat.

(j) Replat Approval Process Flowchart

REPLAT PROCESS



Sec. 9.02.049. Amending Plats

(a) An amending plat shall meet all of the informational, procedural, and relevant submission requirements set forth for a final plat.

(b) Submittal

A copy of all application materials for an amending plat shall be simultaneously submitted to the Director of Development Services for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(c) Permitted Purposes

An amending plat may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the plat being amended is signed by the applicants only and if the plat being amended is for one or more of the purposes set forth in this section. The procedures for amending a plat shall apply only if the sole purpose of amending the plat is to achieve at least one of the following:

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or registered professional land surveyor (RPLS) responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(A) Both lot owners join in the application for amending the plat;

(B) Neither lot is abolished;

(C) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(D) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(A) The owners of all those lots join in the application for amending the plat;

(B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(C) The amendment does not increase the number of lots; or

(10) Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(A) The changes do not affect applicable zoning and other regulations of the City;

(B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(C) The area covered by the changes is located in an area that the Commission has approved, after a public hearing, as a residential improvement area;

(11) Replat one or more lots fronting on an existing street if:

(A) The owners of all those lots join in the application for amending the plat;

(B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements;

(C) The amendment does not increase the number of lots; and

(D) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(d) No Requirement for Notice or Public Hearing

Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(e) Title

The amending plat shall be entitled and clearly state that it is an “Amending Plat,” and it shall include a detailed “Purpose for Amending Plat” statement that describes exactly what has been changed on the plat since the original (or previous) plat was approved by the City and filed at the County. It shall also state the specific lots affected or changed as a result of the amending plat, and shall include the original subdivision plat boundary.

(f) Procedure

Other than noted above, the procedure for approval of plat amendment(s) shall be the same as for a final plat.

(g) Recordation

The amending plat shall be recorded with the County Clerk in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all required recording filing materials are not submitted to the City and if the amending plat is not recorded within the time periods specified for a final plat.

Sec. 9.02.050. Plat Vacation

(a) By Property Owner

The property owner of the tract covered by a plat may vacate, upon approval by the Commission and City Council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) By All Lot Owners

If some or all of the lots covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) Criteria

The Commission shall approve the petition for vacation on such terms and conditions as are in accordance with Section 212.013 of the Texas Local Government Code (as amended), and as are reasonable to protect the public health, safety, and welfare. As a condition of vacation of the plat, the Commission may direct the petitioners to prepare and seek approval of a revised final plat in accordance with these subdivision regulations such that the property is not without a plat.

(d) Effect of Action

On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Commission's action on the petition, the property owner will have no right to a refund of any monies, fees, or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Commission.

(e) City-Initiated Plat Vacation

(1) General Conditions

The City Council, on its motion and following a public hearing on the matter, may vacate the plat of an approved or recorded subdivision or addition when:

(A) Construction on the improvements required for the development have not been completed within two years following the date the plat was approved by the City;

(B) No lots within the approved plat have been sold within five years following the date that the plat was approved by the City;

(C) The property owner has breached a subdivision improvement agreement (see Division 6) and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or

(D) The plat has been of record for more than five years and the City determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety or welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

(2) Procedure

After review and approval by the Commission, and upon any motion of the City Council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the City shall publish notice in a newspaper of general circulation in the City before the 15th day prior to the date of the public hearing at which the plat vacation shall be heard by the City Council. The City shall also provide written notice to all property owners within the subdivision or addition. The notice shall state the time and place for a public hearing before the Council on the motion to vacate the subdivision or addition plat. The Council shall approve the plat vacation only if the criteria and conditions cited above are satisfied.

(3) Record of Plat Vacation

If the City Council approves vacating a plat, the City shall cause a copy of the plat vacation instrument to be recorded in the office of the County Clerk of Collin County along with an exhibit showing a drawing of the area or plat vacated. The County Clerk shall write legibly on the vacated plat the word “Vacated” and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the City Council vacates only a portion of a plat, it shall cause a revised final plat drawing to also be recorded that shows that portion of the original plat that has been vacated and that portion that has not been vacated. Upon the execution and recording of the vacating instrument the vacated plat (or the vacated portion of the plat) has no effect.

Sec. 9.02.051. Minor Plats

(a) Submission Requirements

A minor plat shall meet all of the informational and relevant submission requirements set forth for a final plat.

(b) Application Materials

A copy of all application materials for a minor plat shall be simultaneously submitted to the Planning Department for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(c) No Requirement for Notice and Public Hearing

Notice, a public hearing, and the approval of other lot owners are not required for the approval of a minor plat.

(d) Title

The minor plat shall be entitled and clearly state that it is a “Minor Plat.”

(e) Recordation

The minor plat shall be recorded in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all required recording filing materials are not submitted to the City and if the minor plat is not recorded within the time periods specified for a final plat.

Section 9.02.052 through Section 9.02.080. (Reserved)

Division 3. SUBDIVISION DESIGN STANDARDS

Sec. 9.02.081. Streets

(a) Conformance With City's Policies and Regulations.

The construction, arrangement, character, extent, width, grade and location of all streets shall conform to the City's comprehensive plan and design standards, and shall be considered in their relation to the following, whether the streets are within the City, [or] within its ETJ area:

(1) Existing and planned streets or driveways;

(2) Topographical conditions (the street layout shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction);

(3) Public safety; and

(4) Their appropriate relation to the proposed uses of the land to be served by such streets.

(b) Residual Strips.

Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible [assessable] for improvements shall not be permitted in any subdivision unless such are required by the City in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with these subdivision regulations and with the City's design standards.

(c) Adequacy Of Streets and Thoroughfares.

(1) Responsibility for adequacy of streets and thoroughfares.

The property owner shall ensure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the City's cost participation policies on oversized facilities.

(2) General Policy.

Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the City's thoroughfare plan, other portions of the comprehensive plan and any amendments thereto, and any street classification system.

(3) Street Network

New subdivisions shall be supported by a street network having adequate capacity, ingress/egress, and safe and efficient traffic circulation.

(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, with the exception of multifamily dwellings and single-unit or duplex unit park

developments, 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.

(A) Required Improvements

Requirements for dedication of right-of-way and improvement of approach streets shall comply with section 9.02.082 of this article.

(B) Points of Access Defined and Related Requirements

"Two points of vehicular access" shall be construed to mean that the subdivision has at least two improved street entrances accessing the subdivision from the City's improved thoroughfare system.

(i) For nonresidential subdivisions and multifamily developments, cross access provided through an existing or future adjacent lot may count as one entrance if approved by the Director of Development Services.

(ii) For residential subdivisions, the Commission may, at their discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single, median-divided entrance from the City's improved thoroughfare system which provides at least two routes to the interior of the subdivision. For example, the entrance street is not a dead- end or cul-de-sac, and it does not create a "bottleneck" allowing only one emergency route into the interior of the subdivision. Residential lots may not front onto any median-divided entrances, and residential driveways may not be accessible to median divided entryways.

(iii) Dimensions associated with a median divided entryway shall be built in general accordance with Diagram B of Division 9 of this article.

(iv) All residential subdivisions will designate a primary entrance which must meet the base requirements listed below in addition to meeting a required 20-point total from the list of approved, additional point features located in Table 2 and Table 3 of division 9 of this article. (See diagram B for examples.)

a. The primary entrance for a residential subdivision must have a median divided entryway and have a minimum entryway length of one typical, residential lot depth from the community plus the minimum 20-foot landscape buffer/common area lot depth. In terms of subdivisions with a range of lot sizes, the median, typical lot depth will be required.

b. Primary subdivision entrances are prohibited from terminating at a "T-intersection" unless it terminates on an approved option from Table 2 in division 9 of this article, or on the base requirement of green space equal to one typical (or median) residential lot. It is prohibited for the T-intersection to terminate into a residential home lot.

(v) Secondary subdivision entrances are required to have subdivision signage except when the secondary entrance is from another residential subdivision. An additional 15-point total for the first 200 dwelling units plus 5 points for every 50 dwelling units over 200 must be met by adding upgraded secondary entrance features or features within the subdivision found in Table 4 and Table 5 of division 9 of this article.

(vi) As part of the zoning request or community's first phase preliminary plat submittal, an exhibit showing compliance with the Neighborhood Point Totals (from Tables 2, 3, 4, and 5 of division 9 of this article) for the overall community shall be provided and approved for compliance by the Director of Development Services.

(vii) As part of the Engineering Plan submittal for residential subdivisions, detailed information showing compliance with the Neighborhood Point Totals located within Tables 2, 3, 4, and 5 of division 9 of this article shall be provided on the landscape plan and approved for compliance by the Director of Development Services prior to final approval of the engineering plans.

(viii) For the purpose of this section multifamily dwellings and single unit or duplex unit park developments are not considered residential developments.

(C) Street Openings to Adjoining Properties

Subdivision design shall provide for a reasonable number and reasonable locations of street openings to adjoining properties. Such an opening shall occur at least every 1,000 feet or in alignment with abutting subdivision streets along each boundary of the subdivision.

(D) Adequate Emergency Access

The subdivision shall be designed to provide adequate emergency access for public safety vehicles.

(5) Off-Site and Adjacent Improvements Based on Traffic Impact Analysis (TIA)

(A) If in the opinion of the City Engineer or Director of Development Services, sufficient vehicular access and street capacity approaching and adjacent to the subdivision is not available to serve the proposed subdivision, the City may require the developer provide a traffic impact analysis of the proposed development. Such TIA when required shall be submitted to the City as part of the preliminary plat application.

(B) Where a traffic impact analysis demonstrates the need for off-site facilities or improvements to existing adjacent facilities, the developer shall make such improvements to adjacent streets, off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development consistent with section 9.02.082 of this article.

(6) Street Dedications

(A) Dedication of Right-of-Way

The developer shall dedicate all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach streets, as shown in the comprehensive plan and as required by the design standards or by other valid development plans approved by City Council.

(i) In the case of perimeter streets, 1/2 of the total required right-of-way width for such streets shall be dedicated, unless the proposed development is on both sides of the street, or unless there is some other compelling reason to require dedication of more than half of the right-of-way width (such as avoiding the infringement upon or demolition of existing structures, avoiding crossing a creek or floodplain or some other obstacle, or other similar circumstance).

(ii) When the proposed development is on both sides of the street, the full right-of-way width shall be dedicated.

(iii) In cases where construction of only one-half the street is deemed impractical or unsafe, more than 1/2 of the required width shall be dedicated and the full street shall be constructed by the developer.

(B) Perimeter Streets

Where an existing improved half-street is adjacent to a new subdivision or addition, the other half of the right-of-way shall be dedicated and improved by the developer of the new subdivision or addition in accordance with section 9.02.082 of this article.

(C) Slope Easements

The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet horizontal run to one-foot vertical height, or a 3:1 slope.

(7) General Construction

All improvements required to be constructed by these subdivision regulations shall be constructed to City standards and within rights-of-way as required by the thoroughfare plan and these subdivision regulations, and in accordance with the design standards and other City standards as may be from time to time amended or adopted.

(8) Intersection Improvements and Traffic-Control Devices

Intersection improvements and traffic-control devices shall be installed as may be required by the City for traffic safety and efficiency.

(9) Phased Development

Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the concept plan, shall provide a schedule of development.

(A) Intended Plan of Development and Dedication of Rights-of-Way

The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision.

(B) City Determination

The City shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or such phases as the City determines to be necessary to decide whether the subdivision will be adequately served by streets and thoroughfares.

(10) Private Streets

New subdivisions may be constructed with private streets that meet or exceed the specifications set forth in the design standards for similar public streets. The construction of private streets shall be subject to standard City inspections. Any private street subdivisions that were in existence (i.e., platted of record at the county) on the effective date of these subdivision regulations shall be allowed to remain as private street subdivisions provided that the conditions of the private streets and the maintenance thereof continues to meet or exceed City standards, and provided that a viable homeowners' association (HOA) or other similar organization continues to exist to maintain the private streets and all appurtenances. The City will not assist in enforcing deed restrictions. The City may periodically inspect private streets, and may require the HOA or other responsible organization to make any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.

(A) Private Streets: Construction and Maintenance Cost

The City shall not pay for any portion of the cost of constructing or maintaining a private street.

(B) Private streets: Traffic-Control Devices

All private traffic-control devices and regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices, as amended, and to City standards.

(C) Private Streets: Restricted Access

The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the City. All restricted access entrances shall be manned 24 hours every day, or they shall provide a reliable, alternative means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method to be used to ensure City and emergency access into the subdivision shall be approved by the City's fire department and by any other applicable emergency service providers. If the homeowners' association (HOA) fails to maintain reliable access as required herein, the City may enter the private street subdivision and remove any gate or device which is a barrier to access at the sole expense of the HOA.

(D) Private Streets: Waiver of Services

Certain city services may not be provided for private street subdivisions. Among the services which may not be provided include routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may also not be provided.

(E) Private Streets: Petition to Convert to Public Streets

The homeowners' association (HOA) may petition the City to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public. Should the City elect to accept the streets as public, then the City has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's or the lot owners' expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street right-of-way or within any other common area. The City may also require the dedication of additional street right-of-way.

(F) Private Streets: Hold Harmless

The homeowners' association (HOA), as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross-arms, or out of any use of the subdivision by the City or governmental or utility entity.

(d) Required Components of Traffic Impact Analysis (TIA)

Whenever a TIA is conducted, the following elements shall be included:

(1) General Site Description.

The TIA shall include a detailed description of the street network within one mile of the site, a description of the proposed land uses, the anticipated states of construction, and the anticipated completion date of the proposed land development. This description, which may be in the form of a map, shall include the following items:

(A) All major intersections;

(B) All proposed and existing ingress and egress locations;

(C) All existing street widths and rights-of-way; and

(D) All existing traffic signals and traffic-control devices.

(2) Proposed Capital Improvements

The TIA shall identify any changes to the street network within one mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed construction project that would alter the width or alignment of streets affected by the proposed development.

(3) Street Impact Analysis

(A) Trip Generation

For the proposed use, items required to determine trip generation shall be based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers' Trip Generation book, or shall be based upon data generated by actual field surveys of area uses comparable to the proposed use and approved by the City. The following items shall be required to determine trip generation:

(i) Average weekday trip generation rates (trip ends);

(ii) The average weekend trip generation rates (for uses other than residential or institutional);

(iii) The highest average a.m. and p.m. hourly weekday trip generation rates; and

(iv) The highest hourly weekend generation rates (for uses other than residential or institutional).

(B) Trip Distribution

Within the study area identified in subsection (d)(1) of this section (General site description), the distribution of trips to arterial and collector streets shall be in conformity with accepted traffic engineering principles, taking into consideration:

(i) The land use categories of the proposed development;

(ii) The area from which the proposed development will attract traffic;

(iii) Competing developments (if applicable);

(iv) The size of the proposed development;

(v) Development phasing;

(vi) Surrounding existing and anticipated land uses, population and employment;

(vii) Existing and projected daily traffic volumes; and

(viii) Existing traffic conditions identified pursuant to subsection (d)(1) of this section.

(4) Adequacy Determination

The street network included within the TIA shall be considered adequate to serve the proposed development if existing streets identified as arterials and collectors are basically satisfactory to good progression of traffic and can accommodate the following:

(A) The existing service volume; and

(B) The service volume of the proposed development; and

(C) The service volume of approved but un-built developments holding valid, unexpired building permits.

(5) Intersection Analysis

(A) Level of Service Analysis

For intersections within the street TIA area described in subsection (d)(1) of this section (General site description), a level of service analysis shall be performed for all arterial-to-arterial, arterial-to-collector, collector-to-arterial, and collector-to-collector intersections, and for any other pertinent intersections identified by the City. Also, level of service analyses will be required on all proposed site driveway locations for all nonresidential developments.

(i) The City may waive analysis of minor intersections and site driveway locations within the TIA's one-mile radius.

(ii) The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes.

(iii) The level of service analysis shall take into consideration:

a. Lane geometry;

b. Traffic volume;

c. Percentage of right-hand turns;

d. Percentage of left-hand turns;

e. Percentage (and typical size) of trucks;

f. Intersection width;

g. Number of lanes;

h. Signal timing and progression;

i. Street grades;

j. Pedestrian and bicycle flows;

k. School routes;

l. Number of accidents; and

m. Peak hour factor.

(B) Adequacy Analysis

The intersections included within the TIA shall be considered adequate to serve the proposed development if existing intersections can accommodate:

(i) The existing service volume;

(ii) The service volume of the proposed development; and

(iii) The service volume of approved but un-built developments holding valid, unexpired building permits.

(e) Arrangement of Streets Not Shown on the Thoroughfare Plan

For streets that are not shown on the City's comprehensive plan, such as local residential streets, the arrangement of such streets within a subdivision shall:

(1) Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;

(2) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;

(3) Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop; and

(4) Not conflict in any way with existing or proposed driveway openings, including those on the other side of an existing or planned median-divided arterial, in which case new streets shall align with such driveway openings such that median openings can be shared.

(f) Discouraging Through Traffic in Residential Development

(1) Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots (for a reasonable distance) and shall not occur within the street intersection itself. In other words, the right-of-way width shall be the same on both sides of the street intersection.

(2) Direct vehicular access from single-family or two-family residential lots onto any type of street other than a local street is prohibited, except for residential collector streets provided that neither side of the street runs along the vehicle-accessible side(s) of a lot(s) for a combined linear distance exceeding 20% of the total centerline length of the street. Such calculations shall be submitted with the preliminary plat application, thereby verifying that lots fronting onto a collector street do not exceed this allowed percentage.

(g) Residential Subdivision Abutting or Containing an Existing or Proposed Arterial Street

Where a residential subdivision abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots (lots which back onto the arterial), or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(h) Reserve Strips Prohibited

Reserve strips controlling access to streets shall be prohibited, except where their control is required by the City.

(i) Centerline Offsets

Intersecting, undivided streets with centerline offsets of less than 150 feet shall be prohibited. Intersecting streets onto an existing or future divided street shall be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided street, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided street (in order to share the median opening).

(j) Degree Required for Intersections

A street intersection with a major thoroughfare shall be at a 90-degree angle and shall be tangent for at least 100 feet. All other street intersections shall be laid out so as to intersect as nearly as possible at a 90-degree angle or radial to the centerline of the intersecting street for the full right-of-way width of the intersecting street, and tangent to the intersecting street for at least 50 feet. No street shall intersect at an angle that is less than 80 degrees.

(k) Spacing of Intersections

Intersections of arterial streets shall be at least 800 feet apart.

(l) Street Section Requirements

(1) Typical street sections shall be based upon projected traffic volume, existing soil conditions, and drainage condition and requirements. Street right-of-way widths, pavement widths, and median widths shall be as shown on the comprehensive plan, in the City's design standards, and shall specifically be as specified in Division 9, Table 1.

(2) Open-ditch streets shall have a right-of-way width and pavement width as required in the design standards. Open-ditch streets may be approved only within a single-family subdivision where all lots within the subdivision are one acre or larger. Approval by the Commission and City Council of open-ditch streets is not mandatory but rather discretionary.

(m) Street Loading Requirements

Refer to the City's design standards.

(n) Half-Streets

(1) Unless otherwise provided within these subdivision regulations, only full-width streets shall be constructed. If the exceptions outlined herein are applicable, the construction of half-streets shall comply with section 9.02.082 of this article.

(2) Construction of half-streets shall be prohibited, except:

(A) When essential to the reasonable development of the subdivision in conforming with the other requirements of these subdivision regulations and the thoroughfare plan;

(B) Where the City makes a determination that there is no immediate need to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question; or

(C) Where the City determines that it would be more practical, or cost effective, to delay construction of the other half of a street until the adjoining property is developed.

(3) Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the street's ultimate planned width.

(o) Maximum and Minimum Length of Block or Street Segments

The maximum length of any block or street segment, including a looped street, shall be 1,200 feet and the minimum length of any block or street segment shall be 400 feet, as measured along the street centerline and between the point(s) of intersection with other through streets. A cul-de-sac or dead-end street shall not be considered a through street. The block length is not measured along the side of a block that does not include the front of any lot.

(p) Maximum and Minimum Length of Cul-De-Sac Streets

A cul-de-sac street shall not be longer than 600 feet and be a minimum of 400 feet, and at the closed end a cul-de-sac shall have a turnaround bulb with an outside pavement diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the center point of the cul-de-sac bulb.

(q) City Council Waivers/Suspensions of Overlength Streets or Cul-De-Sacs

The City Council may approve waivers/suspensions (procedures for which are outlined in section 9.02.010 of this article) for overlength streets or cul-de-sacs, whether temporary or permanent, upon considering the following:

(1) Alternative designs;

(2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and

(3) Means of mitigation, including additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, points of emergency access, and additional fire protection measures.

(r) Dead-End Streets

(1) No dead-end streets shall be approved, except where no other alternative is available, and unless such dead-end streets are provided to connect with future streets on adjacent land (i.e., the dead-end street is a stub-out street).

(2) In the case of dead-end streets which will eventually be extended into the adjacent subdivision, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.

(3) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in subsection (p) of this section. The City Engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or “wing,” portions of the temporary turnaround bulb in order to minimize the cost of removing those portions when adjacent development occurs.

(4) A note shall be placed on the final plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property.

(5) Signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage and related lettering must be large enough to be legible by a person with normal vision at a 20-foot distance.

(6) Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or are established by separate instrument.

(s) New Streets Extending Existing Streets

New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.

(t) Driveway Access - Residential and Nonresidential

(1) Residential Driveways

Residential driveway cuts shall not be allowed on streets that are larger than a neighborhood or residential collector street (60-foot right-of-way). Residential driveways shall be at least 30 feet from any intersection. Rear and side driveway access to collector and thoroughfare streets shall be prohibited.

(2) Nonresidential Driveways – Number

The maximum number of nonresidential driveway cuts permitted shall not exceed the following, according to the nonresidential lot size:

(A) One driveway cut for lot frontages of 100 feet or less;

(B) Two driveway cuts for lot frontages of 101 feet to 400 feet or less;

(C) Three driveway cuts for lot frontages of 401 feet to 600 feet;

(D) Four driveway cuts for lot frontages greater than 600 feet.

(3) Nonresidential Driveways – Separation

The minimum separation between driveways shall not be less than the following distances:

(A) Fifty (50) feet on local streets;

(B) Ninety (90) feet on neighborhood collector streets;

(C) One hundred (100) feet on divided and undivided collector streets.

(D) One hundred and twenty (120) feet on arterial streets;

(E) One hundred (100) feet or a distance equal to 60% of the lot frontage (whichever is less) on any type of street from a through-street intersection.

(4) Nonresidential Driveways - Shared Access

Shared access driveways may be required by the City in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See division 9, diagram A.)

(A) A shared mutual access easement(s) for a driveway(s) may be required between adjacent lots fronting on an arterial or collector street, as designated on the comprehensive plan (as the street exists or is planned to be improved in the future).

(B) The location and dimensions of such easement(s) shall be determined by the Director of Development Services.

(C) Such easements shall be noted on the preliminary plat and final plat.

(5) Nonresidential Driveways - Cross Access Internal Driveways

Cross access easements for internal driveways may be required by the City in order to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See division 9, diagram A.)

(A) A cross access easement(s) for an internal driveway(s) may be required between adjacent lots.

(B) The location and dimensions of such easement(s) shall be determined by the Director of Development Services.

(C) Such easements shall be noted on the preliminary plat and final plat.

(6) Driveways (Residential and Nonresidential) on TxDOT Streets

All driveway cuts on streets and highways maintained by the Texas Department of Transportation (TxDOT) (e.g., state roads, highways) shall meet the requirements of TxDOT's Access Management Manual (as may be amended) and roadway design manual (as may be amended), as applicable for the spacing and design of the driveway, unless city standards are more stringent, in which case city standards shall be met.

(7) Maintenance Agreements

An agreement that provides for the perpetual maintenance of a shared driveway, cross access internal driveway, or any other common facility is required and must be filed at the time of final plat approval. All agreements are subject to review and approval by the City Attorney.

(8) Driveway Construction

All driveways that access streets or highways owned or maintained by the city shall be constructed in accordance with the driveway design standards outlined in the City's design standards. Notwithstanding any other provisions of this article or the design standards, rear and side residential driveway access to expressways, arterials and any type of collector streets shall be prohibited.

Sec. 9.02.082. Perimeter and Approach Streets

(a) Policy and Purpose

(1) It is the policy of the City that the developer or subdivider of a subdivision within the City or its extraterritorial jurisdiction shall be responsible for the dedication of right-of-way and the construction or improvement of appropriate portions of perimeter and approach streets which are necessitated by and attributable to that subdivision. The policy is based on the view that the developer of a subdivision should provide access and transportation facilities necessary to serve the new subdivision and that the perimeter and approach streets will provide access to and from the subdivision, thus increasing the marketability, utility, and ultimately the value of the property within the subdivision. The developer may be reimbursed for part of the cost of providing this access in accordance with this section.

(2) The purpose of this section is to establish responsibilities for the dedication of rights-of-way and the construction of street improvements on streets directly abutting and/or providing access to property undergoing the process of subdivision under laws and regulations of the City. This section is designed to be used in conjunction with the comprehensive plan to ensure an orderly development plan for the growth of the community and to ensure compatibility of street systems and the development of public works infrastructure necessary to support new growth and development.

(b) Requirement for Dedication and Construction of Perimeter Streets

(1) Dedication Requirement

(A) A subdivider shall dedicate a portion of the right-of-way for perimeter streets sufficient for the type of street that is reflected in the City's comprehensive at that location.

(B) The subdivider shall dedicate those portions of the right-of-way lying between the centerline of the perimeter street and the nearest property line of the subdivided property. If a subdivision borders only one side of a perimeter street, the subdivider is responsible for dedicating right-of-way needed for the one-half of the street right-of-way that is contiguous to the subdivider's property. If a subdivider owns a tract of land that is bordered by a perimeter street on more than one side, the subdivider is responsible for dedicating appropriate right-of-way for the entire width of the perimeter street.

(2) Additional Right-of-Way

When a subdivider is required to dedicate right-of-way for a perimeter street or to construct perimeter street improvements, the City may require the subdivider to dedicate right-of-way for ancillary drainage improvements and to construct necessary supporting drainage improvements.

(3) Required Paving/Construction

Minimum width of a two-lane thoroughfare section shall be 25 feet.

(c) Specific Perimeter Street Requirements

(1) Local Streets

When development occurs adjacent to a perimeter street that is not designated as an arterial or collector street on the comprehensive plan, the developer shall comply with the following requirements:

(A) Existing Street

If the local street adjacent to the subdivision is not already built to City standards, the developer shall, at the option of the City, prior to acceptance of the subdivision by the City:

(i) Dedicate any additional right-of-way or easements needed for the street and other public improvements directly adjacent to the developer's side of the existing street and right-of-way; and

(ii) Install, reinstall, or upgrade any street paving curb, gutter, drainage, sidewalks, signage, lighting, or other improvements as determined necessary by the Director of Development Services or City Engineer.

(B) Perimeter Street Fee for Existing Street

If the perimeter street was constructed by a prior developer under the provisions of a subdivision improvement agreement that allows for reimbursement (see section 9.02.202(i)), then the current developer shall be charged a perimeter street fee equal to the reimbursement amount described in the prior subdivision improvement agreement. The current developer shall pay this fee to the City before acceptance of the subdivision by the City.

(C) No Existing Street; Developer Responsibility for Construction

If the local street adjoining the development has not been constructed, or is in such condition that complete reconstruction is, in the opinion of the City Engineer or as determined by a traffic impact analysis necessary, the developer must construct a complete city standard street with curb, gutter,

drainage facilities, sidewalks, and signage in conformance with city standards. The initial developer is required to construct a complete street because it is impractical and unsafe to build only one-half of a two-lane street. The developer is responsible for all construction, engineering, testing, and inspection costs.

(2) Collector Streets

When development occurs adjacent to a perimeter street, which is designated as a major collector or minor collector street in the comprehensive plan, the developer shall comply with the following requirements:

(A) Existing Street

If the minor or major collector street adjacent to the subdivision is not already built to city standards, the developer shall:

(i) Dedicate any additional right-of-way or easements needed for other public improvements directly adjacent to the developer's side of the existing street surface and right-of-way; and

(ii) Install, reinstall, or upgrade any street paving, curb, gutter, drainage, sidewalks, signage, lighting, or other improvements as determined by the necessary by the Director of Development Services or City Engineer.

(B) Perimeter Street Fee for Existing Street

If the perimeter street was constructed by a prior developer under the provisions of a subdivision improvement agreement that allows for reimbursement (see section 9.02.202(i)), then the current developer shall be charged a perimeter street fee equal to the reimbursement amount described in the prior subdivision improvement agreement. The current developer shall pay this fee to the City before acceptance of the subdivision by the City.

(C) No Existing Street; Developer Responsibility for Construction

If the perimeter street adjoining the development is proposed to be a major or minor collector street, and the street has not been constructed or is in such condition that complete reconstruction is, in the opinion of the City Engineer or as determined by a traffic impact analysis necessary, the developers along each side of the street must construct at least two complete lanes with curb, gutter, signage, drainage and sidewalk facilities in conformance with city standards. The developer is responsible for all construction, engineering, testing, and inspection costs. Construction of the street or portion of the street, as required by the City, must be completed prior to acceptance by the City of the subdivision adjacent to the perimeter street.

(d) Requirement for Dedication and Construction of Approach Streets

(1) Non-Availability of Approach Street Access

If sufficient vehicular access approaching the subdivision is not available to serve the proposed subdivision as determined by the City Engineer or a traffic impact analysis, the developer must:

(A) Discontinue development until an adequate approach street has been installed providing access to and from an improved street/thoroughfare;

(B) Petition the City Council to expedite the construction or expansion of an approach street serving the proposed subdivision under its regular capital improvement program; or

(C) Construct or expand the approach street in order to provide required access to the proposed subdivision. The developer will be responsible for all costs associated with the construction of necessary approach streets, including, but not limited to engineering, surveying, testing, easement preparation easement and right-of-way acquisition, and inspection.

(e) Escrow Funds

(1) Established

The City shall establish an escrow fund for the deposit of all perimeter street fees. A separate escrow fund shall be established for each street constructed by the developer. All monies received from subsequent developments or subdivisions for pro-rata reimbursements shall be deposited into the specific escrow fund established. Funds in a specific escrow account shall be used only for the project for which the particular escrow fund was established.

(2) When City May Take Possession of Funds

In the event that the City collects a perimeter street fee under the terms of this section and the original developer no longer exists or cannot reasonably be located, the City may, after a period of six months, take possession of the funds and use them to make general street improvements in the City.

(f) Deadlines and Adjustments

(1) Time For Payment or Construction

All construction or escrow and payment of funds by a developer as required in this section shall be due and payable prior to acceptance of the subdivision by the City. Fees or construction requirements shall be paid for all property that is final platted at time of construction of the subdivision.

(2) Adjustment

The City Council may, in appropriate cases and based upon specific facts presented, authorize an adjustment, offset or waiver of any construction or fee payment requirements under this section where it is determined that such requirements place an unreasonable burden on the development, [or] do not bear a rough proportionality to the requirements necessary to serve the development or offset the impact of the development. All such requests for adjustments shall comply with the requirements in section 9.02.011 of this article.

Sec. 9.02.083. Alleys

(a) Application of Standards

The standards for alleys within this section shall be applicable to any alleys provided or constructed by a developer in any development in the City or its ETJ.

(b) Residential Alleys

In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall provide a minimum of 20 feet of right-of-way and 15 feet of pavement.

(c) Nonresidential Alleys

Service alleys in nonresidential districts shall have a minimum right-of-way width of 20 feet and a pavement width of 15 feet.

(d) General Design Standards for Alleys

(1) Pavement

Alleys shall be paved in accordance with the City's design standards and construction standards that are in effect at the time the preliminary plat application is officially submitted and deemed a complete application.

(2) Turnouts and Street Entrances

Alleys shall have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb having a minimum radius of 40 feet or a turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the Director of Development Services; in such case, the developer shall pay for and post a sign that meets City specifications at the entrance denoting the dead-end alley.

(3) Maximum Length and Waivers/Suspensions

Alleys shall not exceed a maximum length of 800 feet, as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance). The City Council may approve waivers/suspensions for overlength alleys upon consideration of the following:

(A) Alternative designs;

(B) The effect of overlength alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and

(C) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, points of access, and additional fire protection measures.

(4) Intersections

Alley intersections shall be perpendicular and at a 90-degree angle or radial to the intersecting alley centerline for the full alley right-of-way width. Intersection pavement design shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles. Intersections shall be three-way wherever possible, and four-way intersections shall be avoided. No alley intersection serving more than four directions shall be allowed.

Sec. 9.02.084. Easements

(a) Width of Easements

(1) Utility

The minimum width for utility easements shall be in accordance with the standards outlined in the design standards and shall be adequate for the installation and maintenance of utilities that are likely to be located in the easement.

(2) Drainage

The minimum width for City drainage easements shall be as required by the Director of Development Services and City Engineer.

(3) Storm Drainage or Floodway

Where a subdivision is traversed by a watercourse, drainageway, or channel, there shall be provided a storm drainage easement or right-of-way conforming substantially with such course and of such additional width as may be designated by the Director of Development Services and City Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the City. Parallel streets or parkways are encouraged adjacent to certain portions of creeks or drainageways to provide maintenance access and/or public access and visibility into public open space or recreation areas. Utilities may be permitted within a drainage or floodway easement only if approved by the Director of Development Services, City Engineer, and any other applicable entity requiring the drainage or floodway easement.

(4) Other

The width of easements for other utility providers, such as for gas, electric, telephone, or cable television, shall be as required by that particular entity. It shall be the developer's responsibility to determine appropriate easement widths required by other utility companies.

(b) Location of Easements

Easements shall be located to accommodate the optimal design (as determined by the City) of the various utility and drainage systems that will serve the subdivision, and shall be provided in locations to accommodate any public purpose deemed necessary to protect the public health, safety, and welfare. In residential subdivisions, where alleys are not provided, a minimum 10-foot wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.

(c) Computation of Lot and Buildable Area

A lot's area shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones, and setbacks for each lot. The minimum buildable area shall be an area one half of the required minimum lot size. If the City disputes the buildable area of any lot, the developer shall submit verification in writing that the buildable area is adequate for the type of housing product (or nonresidential building) proposed for that lot. Final approval of the allowed buildable area for any lot shall be by the City.

(d) On-Site Easements Shown on Plat

For new development, all necessary on-site easements and off-site easements shall be established on the plat and not by separate instrument, and they shall be labeled for a purpose, such as for franchised public utilities. Other examples include, but are not limited to, the following: a drainage easement, which is dedicated to the City for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and its fire suppression and emergency medical service providers for access purposes; and an electrical, gas, or telephone easement which is dedicated to the specific utility provider that requires the easement.

(e) Visibility of Easements

(1) Type of Intersection

Whenever an intersection of two or more public rights-of-way occurs, a triangular visibility area shall be created. The visibility easement for each type of intersection shall be as follows:

(A) Intersection of two arterial streets: 40 feet from the intersection right-of-way;

(B) Intersection of a collector or local street onto an arterial street: 25 feet from the intersection right-of-way;

(C) Intersection of two collector or local streets (or one of each): 25 feet from the intersection right-of-way; and

(D) Intersection of two alleys: 20 feet from the intersection right-of-way.

(E) Intersections larger than local to local intersections: Visibility easements shall be based on the sight visibility triangles based on stopping sight distance. (Diagram C of division 9 of this article)

(2) Fixed Items

The maximum height of fences, walls, signs, and other similar fixed items shall be thirty (30) inches within the visibility easement.

(3) Landscaping

All landscaping (and any other fixed feature) within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty (30) inches and ten (10) feet. Trees adjacent to this visibility area shall be trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. Landscaping, except grass and low ground cover, shall not be located closer than three (3) feet from the edge of any street pavement.

Sec. 9.02.085. Blocks

(a) Determination

The length, width and shapes of blocks shall be determined with due regard to the following:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;

(2) Zoning requirements as to lot sizes, setbacks and dimensions (if within the City's corporate limits); and

(3) Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site or other facility within or close to the neighborhood.

(b) Lengths and Widths

Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, block lengths shall be in accordance with section 9.02.081(o) of this article. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased (through issuance of a waiver/suspension by the City Council) or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

Sec. 9.02.086. Sidewalks.

(a) Provided In Residential and Nonresidential Areas

(1) Pedestrian concrete walkways (sidewalks) not less than the following width shall be provided along both sides of newly constructed streets as follows:

Street Type	Sidewalk Width
Arterial	6 feet
Divided and undivided collector	6 feet
Neighborhood collector	6 feet
Local residential	6 feet

(2) Construction standards for sidewalks shall be as set forth in the City's design standards.

(b) Provided Along Perimeter Streets

(1) All sidewalks along a perimeter street are considered part of the overall development's required public improvements. A certificate of occupancy will not be issued for any lot within the subdivision until the required sidewalks are in place or appropriate surety is provided.

(2) The cost and provision of any perimeter sidewalks, such as along major thoroughfares, may be escrowed as a part of a subdivision improvement agreement, if approved by the City Council. The City has the right to refuse escrow and to require paving of the sidewalks if, in its sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety, convenience or welfare.

(c) Pedestrian Access

The City may require, in order to facilitate access from the streets and streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements of up to 15 feet in width. The improved pedestrian surface that provides such access must be within the easement.

Sec. 9.02.087. Lots

(a) Requirements of the Zoning District if Applicable

Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits.

(b) Minimum Frontage on A Public Street

Each lot on a subdivision plat shall front onto a dedicated, improved public street, 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 unless other provisions have been authorized under Article 9.04 or an approved planned development district.

(c) Irregularly Shaped Lots

Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the City's limits). Such lots shall also provide a reasonable building pad without encroachment into front, side, or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways when alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated or tapered, "flag" or "panhandle" lots shall be avoided, and the City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended, which is an

obvious attempt to circumvent the purpose and intent of lot configuration or lot width minimums, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

(d) Side Lot Lines

Side lot lines shall be at 90-degree angles or radial to street right-of-way lines to the greatest extent possible. The City reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or that is not appropriately oriented toward its street frontage.

(e) Double Frontage Lots

Residential subdivisions with double frontage lots shall be avoided, except where they may be essential to provide separation from arterial or collector streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, appropriate building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Section 9.02.167 of this Article. Except as provided within this subsection, residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, and shall not have more than 1/2 of their perimeter boundaries along streets.

(f) Residential Corner Lots

(1) Corner lots with a width less than 65 feet are to be at least five feet wider than the average of interior lots in the block. Corner lots with a width less than 75 feet adjacent to an arterial or collector roadway (rights-of-ways greater than 60 feet) shall be at least 15 feet wider than the average of interior lots in the block.

(2) Where corner lots are key lots, the corner lot shall have a front building line on both streets, unless said key lot is separated from other lots by a dedicated street or alley.

(3) Where corner lots are also double frontage lots, consideration shall be given to providing adequate width and depth to ensure that adequate site visibility is provided at the rear corner intersection.

(g) Residential Lot Depth

(1) No lot shall be platted less than 100 feet in depth unless located within the Mixed Density Residential (MD) district, the Downtown (DT) district, or districts where minimum lot depth is N/A.

(2) Lots facing or backing on arterial or collector roadways (rights-of-way greater than 60 feet), shall be at least 10 feet deeper than the average depth of lots facing on the local streets within the development. This depth is in addition to the minimum 20-foot-wide landscape buffer requirement for residential developments when adjacent to arterial and collector roadways.

(h) Computation of Lot and Buildable Area

A lot's area and buildable area shall be computed as outlined in Section 9.02.084(c).

Sec. 9.02.088. Building Lines

(a) Platting

Front building lines shall be shown on all plats (i.e., all types) for all lots.

(b) Requirements in City

For property that is within the City, building lines shall be consistent with the zoning ordinance requirements for the district in which the development is located and with any other applicable City ordinance.

(c) Requirements in Extraterritorial Jurisdiction

For property that is within the City's extraterritorial jurisdiction, the minimum front building line for all lots (residential or nonresidential) shall be 25 feet.

Sec. 9.02.089. Utility Services Not Provided by City

(a) Meanings

For the purposes of this section of the code, the following terms, phrases, words, and their derivatives shall have the meanings given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word "shall" is deemed as mandatory. The word "may" is deemed as permissive.

Feeder or feeder/lateral line

means high voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.

Lateral lines

means those electric or telephone lines used to distribute service from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

Service lines

means those lines used to connect between the utility's system or lateral lines and the end user's meter box.

Utility services

means the facilities of any person, firm or corporation providing electric, natural gas, telephone, cable television, internet, or any other such item or service for public use approved but not provided by the City.

(b) Provision For Utility Services

(1) All subdivision plats and engineering plans submitted to the City for approval shall provide for utility services such as electrical, gas, telephone and cable television utility lines, including lateral or service distribution lines, and wires to be placed underground. Feeder and other major transmission lines may remain overhead within the appropriate easements. There shall be provided at street intersections underground conduits as approved by the City Engineer for utility public road right-of-way crossings. There shall be no other utility road crossings except as authorized by the Public Works Director or City Engineer. No utilities except those of the City may be installed in the rights-of-way of public roads except as provided in the City's regulations governing management of public rights-of-way set forth in article 10.03 of this code.

(2) Feeder Lines

(A) An applicant shall endeavor and, whenever practical, the City shall require that feeder lines are placed away from major or minor collectors or arterials, as shown on the comprehensive plan.

(B) Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way.

(3) Utility Companies

(A) The locations, widths and configurations of easements for any utility service provider other than the general utility easements dedicated to the City shall be determined, approved and acquired (if necessary) by the applicable utility service provider.

(B) Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities.

(C) Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the developer in accordance with the provisions of such utility's approved tariff.

(D) No utility company shall be required or permitted to begin construction of underground facilities unless and until the developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.

(c) Electrical and Telephone Support Equipment

All electrical and telephone support equipment, including amplifiers and switching devices necessary for underground installations, shall be pad- or ground-mounted, or shall be placed underground and not overhead, unless the subdivision is served from perimeter overhead electrical facilities.

(d) Temporary Overhead Lines And Facilities

Temporary construction service may be provided by overhead electric lines and facilities without obtaining a waiver/suspension or special exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.

(e) Existing Facilities

Nothing in this section shall be construed to require any existing facilities in place prior to the effective date of these subdivision regulations to be placed underground.

(f) Metering

The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s), such as "gang-box" style metering stations, unless specifically authorized by the Public Works Director.

(g) Inspection By the City and Conformance with City Standards

All utility installations shall be subject to inspection by the City, and shall be in conformance with any applicable City ordinance (including the design standards and management of public rights-of-way) related to their placement within public rights-of-way, within easements, or elsewhere in the City (including on private property).

(h) Location of Utilities Within Easements and Rights-of-Way

The City may designate or assign locations for the installation of utilities within easements or rights-of-way dedicated to the City.

(i) Required Utilities

No building permit shall be issued until all lots within any subdivision shall have readily available electricity, and telephone service.

Sec. 9.02.090. Water and Wastewater Facility Design

(a) Connections for Water

All new subdivisions shall be connected with the City's water system or other public water supply system approved by TCEQ. The water system shall be capable of providing water for health and emergency purposes, including fire protection. The design and construction of water system shall comply with the following standards:

(1) Applicable regulations of the Texas Commission on Environmental Quality (TCEQ).

(2) Standards in the City's design standards.

(3) Fire protection and suppression standards in accordance with the City's policies and ordinances including fire code adopted by the City.

(b) Connections for Wastewater

(1) All new subdivisions shall be served by a wastewater collection and treatment system authorized and permitted by the TCEQ, except as provided below. The design and construction of the wastewater system improvements shall be in accordance with the standards in the City's design standards, and in accordance with TCEQ standards.

(2) On-site sewage facilities such as septic or aerobic systems may be permitted by the Commission and City Council in subdivisions where each lot is one acre or more in area, if the subdivision is 1,000 feet or more from a connection to a wastewater collection system. The approval of an on-site sewage disposal facility by the Commission and City Council is not mandatory but rather discretionary.

(3) Exceptions to the lot size regulations in subsection (2) above may be approved by the Commission and City Council for properties existing on the effective date of these subdivision regulations that are less than one acre, and for residential cluster or conservation developments that group residential properties in the proposed subdivision closer together and that preserve at least 1/2 of the land in the subdivision for open space, recreation or agriculture.

(c) Subdivider Responsibilities

The subdivider shall be responsible for the following:

(1) Phasing of development or improvements in order to maintain adequate water and wastewater services;

(2) Extensions of utility lines (including any necessary on-site and off-site lines) to connect to existing utility mains of adequate capacity;

(3) Providing and/or procuring all necessary easements for the utilities (whether on-site or off-site);

(4) Providing proof to the City of adequate water and wastewater service;

(5) Providing for future expansion of the utilities if such will be needed to serve future developments, subject to the City's oversize participation policies (refer to sections 9.02.004 and 9.02.011 and section 9.02.202(c) of this article for information on adequate facilities and proportionality of developer participation), if applicable;

(6) Providing all operations and maintenance of the private utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;

(7) Providing all fiscal security required for the construction of the utilities;

(8) Obtaining approvals from the applicable utility providers if other than the City; and

(9) Complying with all requirements of the utility providers, including the City.

(d) Location of Lines

Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare in rights-of-way or dedicated easements.

(1) If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions.

(2) If new subdivisions are not likely to be developed beyond the proposed subdivision (due to physical constraints), the Director of Development Services and City Engineer may waive the requirement for adjacent utility line construction at the time of preliminary plat approval and prior to construction of the subdivision.

(3) The City shall determine the location and routing of water and sewer extensions and shall retain the authority to reject any extension not deemed to be in the best interest of the City.

(e) Utilities Not Specified

Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ and with any other applicable state rules and regulations, whichever is the most stringent.

(f) Dead-End Water Lines

(1) Dead-end water lines should be avoided, but when deemed necessary, they should be extended to, and then through, the property sought to be subdivided.

(2) All dead-end water lines shall be valved and provided with a valve and fire hydrant located at the extreme end of the line instead of the blow-off mechanism for their flushing, in accordance with current City standard specifications.

(g) Payment of Pro-Rata Charges

Where the proposed subdivision would abut and utilize an existing water main and/or sanitary sewer main of the City, the developer shall pay to the City any applicable “pro-rata” charge per requirements of the City or previous pro-rata agreement.

Sec. 9.02.091. Storm Water Collection and Conveyance Systems

(a) Drainage System Generally

(1) Drainage improvements shall accommodate runoff from the upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system or adversely impacting either upstream or downstream properties.

(2) The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development.

(3) No storm water collection system shall be constructed unless it is designed in accordance with this section and with the City’s design standards by a licensed professional engineer, and unless it is reviewed and approved by the City Engineer.

(4) All plans submitted to the City Engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system.

(b) Drainage Easements Clear

Drainage easements shall be kept clear of all obstructions, such as but not limited to, fences, buildings, trees and shrubs, or other structures or improvements which in any way endanger or interfere with the construction, maintenance, or operation of any drainage system.

(c) Off-Site Drainage

(1) The property owner to be developed shall be solely responsible for all storm drainage flowing on or from the property owner's property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography.

(2) Adequate consideration shall be given by the property owner in the development of property to determine how the discharge leaving the proposed development will affect downstream property. As part of any application by a property owner for development that will affect downstream property, the property owner shall furnish the City with a letter signed by a Texas professional engineer stating that the development as designed will not damage downstream property due to the development's impact on off-site drainage.

(3) On lots or tracts of three acres or more where storm water runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing creeks, channels or storm sewers, unless proper drainage easements or notarized letters of permission from the affected property owner are provided.

(d) Cross-Lot Drainage Prohibited

Drainage between residential lots is the responsibility of the affected property owner(s). Property owners are required to drain surface runoff from an individual lot to a public right-of-way or to an underground drainage system contained in a public easement and will not be allowed to surface drain onto another lot. The City Manager shall have the discretion to allow modifications to the lot-to-lot drainage requirements where adherence to these requirements would be in conflict with other City ordinances and/or regulations.

(e) Erosion And Sedimentation Control

All erosion and sedimentation controls shall conform to the design standards and the current National Pollution Discharge Elimination System (NPDES) regulations.

(f) Changing Existing Ditch, Channel, Stream or Drainageway

No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission of the City Engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The City Engineer may require preparation and submission of a CLOMAR, LOMR, other appropriate map revision or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

(g) Siting Of Lots and Building Sites

In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.

(h) Approval

Lots in any proposed subdivision shall not be approved until drainage facilities adequate to prevent flooding have been installed or necessary arrangements made for such installation as required under these subdivision regulations.

(i) Issuance of Building Permits

On any lot designated by the City Engineer as requiring completion or partial completion of drainage improvements prior to building construction, no building permits shall be issued prior to a release authorized by the Director of Development Services.

Sec. 9.02.092. Extension of Service of Utilities and Pro-Rata Agreements

(a) Definitions

For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Associated Facility

An apparatus or improvement that is used in conjunction with a water or wastewater line that provides water or wastewater service to a tract of land, regardless of where the associated facility is located. The term includes but is not limited to a lift station, a force main, a pump station, a storage tank, or an addition to an existing facility that increases the capability of the existing facility to provide water or wastewater service.

Developer

The person, business, corporation or association responsible for the development of a lot, parcel or tract, and includes the property owner or subdivider.

Oversize or Oversizing

With reference to a water or wastewater line or an associated facility, means an increase in the size or capacity of the line or associated facility above the standard size, including fire flow requirements, that is necessary to provide complete utility service to a particular development. With respect to any associated facility, “oversize” or “oversizing” means the size or capacity in excess of the size or capacity that would otherwise be necessitated by the particular development as determined by the City Engineer.

Pro-Rata Fee

A charge made against a lot, tract or parcel for the purpose of reimbursing the City or a developer a proportionate share of the service extension costs for extending a water or wastewater line and associated facilities that serve the property against which the charge is made.

Service Extension

A water or wastewater line or an associated facility that is necessary to extend water or wastewater service from a major City transmission main or collection main to a tract of land and across the tract or frontage of the tract to a point determined by the City Engineer to be consistent with further service extensions of the City, provided that the extension does not extend beyond the property boundaries of the tract.

Service Extension Application

A request in writing to the City for extension of water or wastewater service to a development.

Service Extension Contract

A legal document that defines the responsibilities and requirements of the entity requesting a service extension and the City with regard to the service extension. A service extension contract may be required at the sole discretion of the City.

Service Extension Costs

The total costs of any off-site service extension, as initially determined by the City's engineer, including but not limited to costs of land/easement acquisition, design and construction costs, and any permitting or administrative fees required for such extension, but not including amounts expended solely for oversizing.

Standard Size

With respect to a water or wastewater line, the standard size means an eight-inch diameter line. With respect to any associated facility, the standard size is the size or capacity needed to serve a particular development as determined by the City Engineer.

Water or Wastewater Line

A necessary appurtenance to a water distribution or wastewater collection system. The term includes a valve, manhole, connection, air release, diversion, and other equipment necessary to make the water distribution or wastewater collection system operable in compliance with the design criteria and standards of the City.

(b) Responsibilities of Developer; Application

(1) The developer shall extend all water and wastewater lines and associated facilities needed to connect the development or land use with the City's approved water distribution system and wastewater collection system. The developer shall further extend all lines across the property currently being developed or to the point on such property from which such lines will be extended to serve adjoining land as determined by the City. As a condition of acceptance of water or wastewater lines, the City may require conveyance of an easement across the property currently being developed as well as other contiguous property owned by the developer for purposes of future extension of the water or wastewater lines. All initial service extension costs and all initial costs of oversizing, shall be borne by the developer or property owner, subject to reimbursement from proceeds of pro-rata fees or cost participation pursuant to subsections (j) and (k) of this section. Requests for extension of water and wastewater lines shall be as provided for in this section.

(2) A service extension application is required to:

(A) Connect a tract of land to the existing City system; or

(B) Provide utility service to a tract of land if an existing line or associated facility is unsuitable or insufficient to provide service to the tract.

(3) A developer or property owner must submit an application for a service extension to the City Engineer.

(4) An application for a service extension must:

(A) Include a general description of the location, size, and capacity of the service extension; and

(B) If within the City's ETJ, be accompanied by an irrevocable petition to the City for voluntary annexation at such time and under such conditions as deemed appropriate by the City.

(5) If either water or wastewater service is to be provided by an entity other than the City, the application must be accompanied by evidence of a commitment from the other entity to provide the other required service. The evidence must be in the form of:

(A) A contract with the entity;

(B) A letter from the entity; or

(C) The minutes of the relevant meeting of the governing body of the entity.

(c) Administrative Approval

(1) The City Manager may approve an application or contract for a service extension if:

(A) The requested service extension does not include a request for establishment of pro-rata fees or cost participation by the City; and

(B) The City Manager determines that sufficient capacity exists or will be available to meet the projected demands of the development or land use to be served.

(2) If a requested service extension includes a request for establishment of pro-rata fees or cost participation by the City, or if the City Manager does not determine that sufficient capacity exists or will exist, the application must be processed under subsections (l) and (m) of this section and requires a service extension contract.

(d) Construction Standards; Submission of Construction Plans

(1) After a service extension application or service extension contract has been approved, an applicant must submit the construction plans for needed improvements to the City Engineer for review and approval of the size, capacity, and routing of the improvements.

(2) The City Engineer may approve the size, capacity, or routing of an improvement only if it complies with generally accepted engineering practices and each applicable City requirement.

(3) Water and wastewater lines shall be oversized where needed to provide capacity to other existing or new developments in the area to be served in order to avoid duplication of facilities, in conformity with the City's generally accepted engineering practices.

(4) The location and size of all water and wastewater lines necessary to serve land to be developed shall be in accordance with the City's generally accepted engineering practices and in accordance with the City's subdivision regulations.

(5) When an existing water or wastewater line provides service to a proposed development, the developer shall pay all applicable pro-rata fees pursuant to subsection (m) or (o) of this section for the water line or wastewater line before extension of or connection to such main is made.

(e) Submission of Additional Information

An applicant for a service extension shall provide information determined by the City Engineer to be necessary to demonstrate that construction of the service extension complies with the requirements of the City.

(f) Expiration of Approval

(1) Unless extended under subsection (2) or (3), the approval of a service extension application remains valid until the latest of:

(A) The date on which the preliminary plat expires for the property to be served by the service extension; or

(B) The second anniversary of the date on which the service extension application was approved, if on or before that date:

(i) A preliminary plat for the property to be served has not been approved; and

(ii) Construction of the service extension has not begun; or

(C) The date established in the service extension contract.

(2) If construction of a service extension begins before the approval expires under subsection (1), the City Manager may extend the approval of a service extension for the period of time estimated to be necessary to complete construction of the service extension.

(3) Under this section, if the approval of a service extension requires a service extension contract:

(A) Construction of the service extension shall not begin until fiscal security is posted or money is deposited in compliance with subsection (g) of this section; and

(B) The service extension approval is extended until construction of the service extension is complete and the City accepts the lines and associated facilities constructed under the contract.

(g) Fiscal Security

(1) For construction contracts administered by the City, fiscal security in an amount approved by the City Engineer to be equal to 100% of the estimated service extension costs and 100% of the costs of any oversizing, must be deposited in cash with the City prior to entering into a construction contract.

(2) For construction contracts administered by a party other than the City, the fiscal security must be posted prior to the execution of a construction contract and must be in the form of:

(A) An irrevocable letter of credit that has a minimum term of three years and is acceptable to the City;

(B) A performance bond; or

(C) A cash deposit.

(h) Hardship Policy for Extension to Single Dwelling Unit

(1) The City may, at its expense and in its sole discretion, upon written request of a property owner, extend a water or wastewater line of a size determined by the City to serve a single dwelling unit if funds are available to pay the cost of installing the line and the extension meets the standards in subsection (2).

(2) The person requesting the extension must demonstrate that:

(A) A substantial hardship would result if the extension is not made;

(B) Denial of the extension would result in potential water quality degradation; and

(C) The extension is necessary to provide like benefits as normally provided to similarly served property.

(3) The City may require that the property owner making the request share in the service extension costs, and that the property owner grant all necessary easements to continue line extensions to serve adjoining land.

(4) This policy has no application to circumstances in which multiple connections are requested or necessary to serve existing or proposed development, or in which the City determines to initiate construction of a water or wastewater line or associated facility that serves multiple users. This policy may not be invoked to finance serial connections to lots in an existing subdivision.

(i) Eligibility for Pro-Rata Fees

A developer that agrees to construct a water or wastewater line or an associated facility that on acceptance will become part of the City's water and wastewater system and which supplies capacity to other existing or new developments, and that is not a facility or a portion of a facility included on the capital improvements plan for water or wastewater facilities, may apply to the City to establish pro-rata fees to be paid by other

users of the facilities and to reimburse the developer a proportional amount of the service extension costs. The developer also may apply for cost participation by the City for the costs of oversizing water or wastewater lines or associated facilities in excess of the standard size.

(j) Calculation of Pro-Rata Fees

(1) The amount of the cost reimbursement for an extension, if any, shall be computed as the off-site length of a water or wastewater line that has been extended by a developer multiplied by the then-current average cost, per linear foot, of the service extension costs, as determined by the City Engineer. The amount of the pro-rata fee based upon such computation shall be established for each side of the line to which connections are to be made. For mains that can be connected to from both sides, the fee for each side shall be equivalent to 1/2 of the average linear foot cost referenced above, multiplied by the length of the water or wastewater line on or abutting the property being charged. For mains that can be connected to from one side only, the fee shall be equivalent to the average linear foot cost referenced above, multiplied by the length of the line on or abutting the property being charged.

(2) In the alternative, the developer may apply for a different cost reimbursement formula, based upon engineering cost estimates of the service extension costs agreed upon in writing by the City Manager and the applicant, and verified in a study provided by the applicant approved by the City Engineer. The study shall aggregate the costs of associated improvements where feasible. The City may establish guidelines for eligible costs to administer the policy in this section. The amount of the pro-rata fee shall be that calculated in the approved study. The study shall contain the following minimum elements:

(A) Identification of the area and all properties to be served by the water or wastewater lines or associated facilities to be installed;

(B) Identification of the costs of the facilities to be installed;

(C) Apportionment of the costs of the facilities to be installed among lots, tracts or parcels to be served by the improvements, based upon capacity to be utilized by such properties, using accepted engineering standards and practices;

(D) Calculation of the maximum amount of the costs which are to be reimbursed to the developer or property owner, net of costs attributable to the developer's or property owner's utilization of capacity of the lines or associated facilities; and

(E) Calculation of a pro-rata fee to be charged per unit of land that is to be connected to the water or wastewater lines or associated facilities.

(3) In making the initial determination of appropriate pro-rata fees under subsection (1) or (2), above, the City Engineer shall certify in writing that the amount of the pro-rata fee is roughly proportionate to the impact that the properties to be charged will have on the City's water and wastewater utility system.

(4) After construction of off-site improvements by a developer that are subject to reimbursement from pro-rata fees, but before the City's acceptance of such improvements, the City Engineer may request, and the developer shall be required to promptly supply, verifiable proof of the actual costs expended as to all such off-site improvements. If the actual costs to complete such improvements–including but not limited to costs of land/easement acquisition, design and construction costs, and any permitting or administrative fees required for such extension, but not including amounts expended solely for oversizing–are less than the City Engineer's initial determination of the service extension costs under subsection (1) or (2), above, then the amount of pro-rata fees as relates to those improvements shall be decreased to correspond to said actual costs.

(k) Cost Participation for Oversized Lines

The City may participate in the reasonable construction costs of oversizing water or wastewater lines that exceed the standard size of a water or wastewater line, and/or associated facilities. The developer initially shall be responsible for the entire cost of the oversized facilities. City oversize participation shall be in accordance with this section and any applicable provisions of the City's subdivision or other regulations. The City in its sole discretion shall determine the amount of any cost participation based on engineering estimates of the costs attributable to the increase in the size of lines exceeding the standard size, taking into consideration the degree to which the need for such oversizing is created by the development for which service extension is being requested. In no event may the City be required to participate in the costs of oversize facilities pursuant to this section if there are no funds available for such purposes.

(l) Contract Required

(1) The applicant for approval of a service extension must request the establishment of pro-rata fees or cost participation in writing at the time the applicant applies to the City Manager for approval of the service extension. If the applicant for approval of a service extension requests establishment of pro-rata fees or cost participation, a written service extension contract is required.

(2) The service extension contract shall include at a minimum the pro-rata fee and cost participation, if any, approved by the City, the duration of the right to collect pro-rata fees, and provisions for forfeiture of such fees to the City in the event they are not collected by the contracting party, his or her successor-in-interest, or assignee.

(3) An executed service extension contract may be assigned by the party requesting service extension with the written consent of the City, which shall not be unreasonably withheld.

(m) Review and Approval; Collection of Pro-Rata Fees

(1) The City Manager shall review each request for cost reimbursement from pro-rata fees or cost participation for oversizing lines.

(2) The City Manager shall formulate his or her recommendation concerning the cost reimbursement from pro-rata fees or cost participation for oversizing lines, which shall address each of the following minimum criteria:

(A) The line to be extended has not been included on the impact fee capital improvements plan for that category of capital improvement;

(B) The size of each proposed line or facility complies with the generally accepted engineering practices and other planning criteria of the City and final design and routing will comply with the technical standards;

(C) Any alternative study proposing pro-rata fees fairly apportions the extension costs among prospective users of the facilities to be installed;

(D) The proposed line or facility is a reasonable extension or addition to the water and wastewater utility system; and

(E) Funds for participation in the costs of oversizing lines are available from an identified source of funds or funds will be available to meet the proposed payment schedule.

(3) The City Manager shall forward his recommendation on pro-rata fees and cost participation, together with the proposed service extension contract, for decision by the City Council.

(4) Upon approval of the request for reimbursement from pro-rata fees, any developer or user of property with frontage along the off-site portion of the water or wastewater line or of property that is identified in

the approved fee study thereafter that connects to or utilizes the capacity of the water or wastewater line or associated facility for which a pro-rata fee has been established shall pay the applicable fee. Pro-rata fees shall be collected by the City from the developer or user before approval of the engineering plans for the development required to pay the fee, or before connection to the water or wastewater line for which the fee has been established, whichever first occurs.

(n) Conditions

(1) A developer constructing a water or wastewater line or an associated facility that is eligible for cost reimbursement from pro-rata fees or cost participation for oversizing may not receive cost reimbursement payment for the line or facility unless the entity complies with each requirement or regulation of the City relating to:

(A) The public advertising of the line or facility;

(B) The bidding on the line or facility;

(C) A performance or payment bond for the line or facility; and

(D) A warranty on the line or facility.

(2) The developer constructing the line or facility is not entitled to receive a cost reimbursement payment from pro-rata fee proceeds or cost participation for oversizing lines until the entity submits documentation showing the entity's compliance with each requirement described by subsection (1) and the line or facility is accepted in writing by the City.

(o) Payments to Developer

(1) For projects subject to a service extension contract approved by the City by April 1 of any year, the City shall pay the developer holding the extension contract any eligible cost reimbursement for oversizing, without interest, within 60 days of completion and acceptance of the project by the City, but no earlier than the following September 1.

(2) For projects for which a service extension contract is approved by the City after April 1 of any year, the City shall pay the developer holding the extension contract any eligible cost reimbursement for oversizing, without interest, for a completed and accepted project within 60 days of completion and acceptance of the project by the City but no earlier than September 1 of the next calendar year.

(3) For a period of 15 years following the City's acceptance of the water line, wastewater line, or associated facility, the developer shall be entitled to reimbursement from the proceeds of the pro-rata fees established pursuant to this section, up to the maximum amount of the reimbursement established in the approved extension contract. The City may deduct 2% of the amount of pro-rata fees collected from the amount of the fees reimbursed to the developer as an administration fee.

(4) Pro-rata fees which have been collected pursuant to the service extension contract shall be paid to the developer annually no later than October 1 of each year, until the term of the agreement expires.

(5) The City may establish one or more pro-rata fee accounts for purposes of administering the policies of this code. The City shall deposit all pro-rata fees collected pursuant to this division into such account(s). Expenditures from such accounts shall be earmarked solely for reimbursement of developers for the installation of water lines or wastewater lines or associated facilities for which pro-rata fees have been established pursuant to this division.

(6) It shall be the responsibility of the service extension contract holder or his assignee to provide to the City in writing current contact information. The City will mail reimbursement payments to the last contact of record reflected on its books. In the event that the service extension contract holder or his assignee has

not collected pro-rata payments or cost participation in oversize lines sent to the contact of record for a period of one year from the date such payments are due pursuant to this section, such accrued amounts shall become the funds of the City for purposes of expenditure on cost participation for oversizing lines or other system improvements in the City's sole discretion.

(p) Pro-Rata Fees for City Projects

(1) The City may initiate capital projects from time to time involving construction of water or wastewater lines or associated facilities, and may seek to recoup its costs through establishment of pro-rata fees.

(2) Prior to establishing fees, the City shall either compute fees based upon a per average linear foot formula similar to the formula described in subsection (j)(1) of this section or pursuant to a study that satisfies the requirements of subsection (j)(2) of this section. The City Council shall establish pro-rata fees based upon the front footage formula or alternative study.

(3) Following establishment of pro-rata fees by the City Council, the developer or user of property with property frontage on the extended water or wastewater line or of property that was identified in the approved pro-rata fee study thereafter that connects to or utilizes the capacity of the water or wastewater line or associated facility for which a pro-rata fee has been established shall pay the applicable fee. Pro-rata fees shall be collected by the City from the developer or user before approval of the engineering plans for the development required to pay the fee, or before connection to the water or wastewater line for which the fee has been established, whichever first occurs.

(4) Pro-rata fees established under this section may be collected for a period of 15 years following final construction by the City of the water line, wastewater line, or associated facility.

§ 9.02.093 through § 9.02.130. (Reserved)

Division 4. PUBLIC SITES AND OPEN SPACES

Sec. 9.02.131. Areas for Public Use

(a) The applicant shall give consideration to suitable and adequate sites for schools, parks, playgrounds, and other areas for public use or service so as to conform with the recommendations contained in the City's comprehensive plan, including the park master plan, and other applicable plans. Any provision for parks or other public facilities shall require approval by the City Council.

(b) A minimum of five (5) parking spaces will be required at major, neighborhood focal points that are for public use (such as but not limited to pools, amenity centers, parks, and playgrounds). If the major features are adjacent to each other, they can share a parking lot with a minimum of eight (8) parking spaces instead of ten (10).

Sec. 9.02.132. Protection of Drainage and Creek Areas

(a) Natural Preservation Required

All creeks and drainage channels shall be preserved and protected in their natural condition wherever possible, unless significant storm drainage improvements are required by the City in these areas. All development adjacent to creeks and drainage channels shall be in accordance with the City's design standards, and with any other City policies or ordinances related to aesthetics or public access or enjoyment of creeks and waterways.

(b) Definitions and methodology for determining the floodway management area (FMA).

(1) The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA).

(2) For the purposes of these subdivision regulations, the floodway management area (FMA) will correspond to the floodway, as defined by FEMA, or as may be modified pursuant to a flood study that is approved by FEMA.

(3) For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of floodplain management. Under this concept, the area of the 100-year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights as defined by FEMA. The area between the floodway and boundary of the 100-year flood is termed the floodway fringe. The floodway fringe is the area which can be reclaimed for development in accordance with rules and regulations established by FEMA and the City's flood damage prevention regulations set forth in article 4.12 of this code.

(c) Areas Where an FMA is Required

(1) The FMA is intended to apply to a creek or channel which is to remain open or in its natural condition unless otherwise approved by the City. East Fork Trinity River, Whites Creek, Hurricane Creek, Throckmorton Creek, Slayter Creek, Sweetwater Creek, Brinlee Creek, Sister Grove Creek, Wolf Run Creek, Elm Creek, Pilot Grove Creek and their related tributaries and streams and all other drainage areas or regulated floodways as referenced on the applicable floodway and flood boundary map (flood insurance rate map, or FIRM) shall be included in the FMA.

(2) If FEMA does not specify a floodway and a base flood elevation in a regulated zone in any of the creeks or their tributaries, it shall be the developer's responsibility to establish and identify the FMA. The

determination shall be made by a licensed professional engineer and approved by the City Engineer or the designated floodplain administrator.

(3) Where improvements to a drainage area are required by other ordinances of the City for the purpose of safety or other reasons related to drainage, those ordinances shall also be observed.

(4) The creek shall remain in its natural state unless improvements are permitted or required by the City due to the pending development of properties adjacent to or upstream of the required improvements.

(d) Ownership and maintenance of the FMA

(1) The area determined to be the FMA shall be designated on the preliminary plat. Accurate locations of the FMA, both horizontally and vertically, shall be established on the preliminary plat and prior to site construction. At the City's option, the FMA shall be protected by one of the following methods:

(A) Dedicated to the City subject to approval by the City Council.

(B) As easement(s). Creeks or drainageways on tracts which have private maintenance provisions, can be designated as the FMA by an easement to the City on the preliminary plat (with the appropriate plat language, as required by the City). Subdivisions with platted single-family or two-family lots may designate the FMA by easement provided there are adequate maintenance provisions (such as by a mandatory homeowners' association or a public improvement district), but no lots or portions of lots may be platted in the easement unless specifically allowed by the City. The area designated as FMA may be identified by a tract number.

(C) Certain recreational uses normally associated with or adjacent to flood prone areas (no structures allowed in the FMA), such as golf courses or certain types of parks. The uses allowed shall be in conformance with the zoning ordinance, if the subdivision is located within the City, and shall require approval by the City Council.

(2) Prior to acceptance of any drainage way as an FMA by the City, the area shall be cleared of all debris and brush (except for trees) and placed in a maintainable state. Floodway management areas dedicated to the City shall be left in a natural state except those areas designated for active recreational purposes and unless storm drainage requirements do not permit this to occur.

(e) Design Criteria

The following design criteria shall be required for development adjacent to the FMA:

(1) Adequate access shall be provided to and along the FMA for public and/or private maintenance. An unobstructed area a minimum of 20 feet wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway shall be provided adjacent to or within the FMA. On the opposite side of the drainage area, an unobstructed area a minimum of five feet in width shall be provided. If ownership is to the centerline of the drainage channel, then the subdivider shall only be required to provide adequate access to one side.

(A) Lots in a single-family, PD single-family, or duplex residential zoning district shall not be platted within the FMA.

(B) If lots back or side onto an FMA, at least two reasonable points of access to the FMA, each a minimum of 20 feet in width, shall be provided. Streets, alleys and open-ended cul-de-sacs may qualify as access points if designed such that they are navigable by maintenance vehicles (e.g., alleys must be 20-foot width).

(2) All areas of the FMA shall be accessible from the access points.

(3) Lots used for multifamily dwellings may be platted in the FMA if the FMA is identified as an easement and is maintained as open space for use by the residents, and provided that access to the FMA is possible by City maintenance vehicles, should that need arise.

(4) If the FMA is to be public park land, then adequate public access and good public visibility shall also be provided to all portions of it.

(5) Public streets may be approved in the FMA by the City if they conform to applicable engineering standards.

(6) Linear public streets may be required to be constructed adjacent to some (or all) portions of the FMA to allow access for maintenance or recreational opportunities, and/or to allow increased visibility into creek areas for public safety and security purposes.

(7) Alternate designs to facilitate equal or better access may be permitted if approved by the City.

(f) Altered Drainage Channels

Drainage channels which have been previously altered and are not in a natural condition can be exempted from an FMA and this section at the discretion of the Commission and City Council and upon recommendation by the City staff except that any such alteration shall cause the developer to prepare an application for any appropriate letter of flood map revision.

(g) Conflicts

In the event of any conflict between any regulation or requirement in this section and any regulation or requirement in the City's flood damage prevention regulations set forth in this code at article 4.12, or other applicable regulation or requirement, the most restrictive regulation or requirement shall govern.

Sec. 9.02.133. Public Improvement Districts

(a) Applicability

When a proposed subdivision includes public improvements, such as screening walls, recreation facilities, open space, flood management areas, landscaped entry features and/or medians, or other public amenities that primarily benefit the properties within the subdivision, the developer shall submit with the preliminary plat application, a petition for the creation of a public improvement district (PID) that meets the criteria outlined in chapter 372 of the Local Government Code.

(b) Petition

(1) The PID petition shall include all properties within the subdivision and may include additional properties similarly benefited by the public improvements.

(2) The City Council may approve or deny or take any other lawful action related to a petition requesting creation of a public improvement district.

(3) The City Council may deny any plat or development plan or application that proposes to designate, create, or construct public improvements such as screening walls, recreation facilities, open space, flood management areas, landscaped entry features and/or medians, or other public amenities that primarily benefit the properties within the subdivision, that are not included in a public improvement district.

(c) Assessments

Any PID or PID assessment shall:

(1) Include funding to cover any administrative and legal cost incurred by the City related to the creation and general administration of the PID.

(2) Include funding to pay for the perpetual maintenance of the public improvements.

Sec. 9.02.134. Property Owners' or Homeowners' Associations

(a) Applicability

(1) When a subdivision contains either common private property or other private improvements which are not intended to be dedicated to the City for public use, such as private streets, a private recreation facility or open space, or other private amenities, a property owners' or homeowners' association agreement, consistent with state and other appropriate laws, must be submitted with the preliminary plat application and approved by the City Attorney.

(2) The conditions, covenants and restrictions (CCRs) and the association documents, such as the articles of incorporation and association bylaws, shall be submitted to the City for review and approval along with the preliminary plat application, and shall be filed of record at the county prior to final plat approval in order to ensure that there is an entity in place for long-term maintenance of these improvements.

(3) Said documents must, at a minimum, include provisions which allow the City to take over the maintenance of common property using association funds, including private streets and private recreation facilities, if such action becomes necessary for any reason, including nonperformance or inaction by the association.

(4) Provisions shall also be included which would convey ownership of the private streets (if any) and all other common areas to the City, and which would allow the City to remove any improvements or amenities from the common areas and sell any buildable land area, as residential lots, to recoup the City's expenses for maintenance or demolition of the improvements.

(5) Any monies that remain after the City has recovered all of its expenses shall be retained for future maintenance or upgrading of the streets, common areas (if any remain), screening walls, or other improvements within the subdivision.

(6) These provisions are not intended to allow the City to profit in any way from taking over the association's responsibilities or funds; they are only intended to allow the City to recoup its actual incurred expenses such that the general public, the taxpayers of the City, does not have to bear these costs.

(b) Membership

A property owners' or homeowners' association shall be an incorporated nonprofit organization operating under recorded land agreements through which:

(1) Each lot owner within the described land area is automatically a mandatory member; and

(2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the property owners' or homeowners' association's activities, such as maintenance of common open spaces or private streets, or the provision and upkeep of common recreational facilities.

(c) Legal Requirements

(1) In order to ensure the establishment of a proper property owners' or homeowners' association, including its financing, and the rights and responsibilities of the property or homeowners in relation to the use, management and ownership of common property, the plat, dedication documents, covenants, and other recorded legal agreements must:

(A) Legally create an automatic membership, nonprofit property owners' or homeowners' association;

(B) Place title to the common property in the property owners' or homeowners' association, or give definite assurance that it automatically will be so placed within a reasonable, definite time;

(C) Appropriately limit the uses of the common property;

(D) Give each lot owner the right to the use and enjoyment of the common property;

(E) Place responsibility for operation and maintenance of the common property in the property owners' or homeowners' association;

(F) Place an association charge on each lot in a manner which will both ensure sufficient association funds and which will provide adequate safeguards for the lot owners against undesirable high charges;

(G) Give each lot owner voting rights in the association; and

(H) Identify land area within the association's jurisdiction including the following:

(i) Property to be transferred to public agencies;

(ii) The individual residential lots;

(iii) The common properties to be transferred by the developer to the property owners' or homeowners' association; and

(iv) Other parcels.

(2) Any governmental authority or agency, including the City and the county, their agents, and employees, shall have the right of immediate access to the common elements at all times if necessary for the preservation of public health, safety and welfare. Should the property owners' or homeowners' association fail to maintain the common elements to City specifications for an unreasonable time, not to exceed 90 days after written request to do so, then the City shall have the same right, power and authority to enforce the association's rules and to levy assessments necessary to maintain the common elements. The City may elect to exercise the rights and powers of the property owners' or homeowners' association or its board, or to take any action required and levy any assessment that the property owners' or homeowners' association might have taken, either in the name of the property owners' or homeowners' association or otherwise, to cover the cost of maintenance (or the possible demolition, if such becomes necessary to preserve public safety or to ease maintenance burden) of any common elements.

(3) The property owners' or homeowners' association must register a contact person with the planning department and shall notify the City of any change in said contact person. Such contact person must be authorized to receive and distribute information to the board of directors of the property owners' or homeowners' association.

(d) Protective Covenants

(1) Protective covenants shall be developed which, among other things, shall make the property owners' or homeowners' association responsible for the following:

(A) The maintenance and operation of all common property;

(B) The enforcement of all other covenants;

(C) The administration of architectural controls (if included); and

(D) Certain specified maintenance of exterior improvements of individual properties (if included).

(2) The City is not responsible (i.e., has no jurisdiction) for enforcing protective covenants or deed restrictions.

(e) Dissolution

The association may not be dissolved without the prior written consent of the City Council.

(f) Amendment of Documents

No portion of the association documents pertaining to the maintenance of screening walls, private streets and alleys, and associated assessments, may be amended without the written consent of the City Council.

Sec. 9.02.135. Park Land Dedication & Development

(a) Park Access

(1) General Requirements

Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:

(A) Where physically feasible, parks should be bounded by streets or by other public uses (e.g., a school, library, or recreation center).

(B) Where residential lots must directly abut a park, lots should be oriented to side and not back to the park. In this instance, cul-de-sac and looped streets should be used to access the lots and park (see illustrations). Residential lots should back to a park only when the site's physical character (e.g., shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision complements the use of the park (e.g., lots backing to a golf course).

(C) A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.

(D) Where a nonresidential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping. Access points to the park may be permitted by the Commission if public benefit is established.

(E) Alleys may abut a park, but they should not be designed to encourage their use as means of vehicular, bike, or pedestrian travel to the park. If the property line of the parkland does not abut a dedicated street or sidewalk connection within 500 feet of a looped alley, a minimum 10’-wide pedestrian access easement or additional 10’ right-of-way shall be required adjacent to the alley to provide a sidewalk connection from the street to the park land. Construction of a sidewalk in this easement is eligible for development fee reimbursement if connecting to an existing trail or a trail being constructed by the developer.

(F) Streets abutting a park (Park Access Street) shall be built in accordance with the Anna Design Standards and the standards of this ordinance; however, the City may require any residential street built adjacent to a park to be constructed to collector width to ensure access, to provide parking, and to prevent traffic congestion.

(i) When park land is acquired, the City shall reserve sufficient land to provide fifty (50) percent of the right-of-way for abutting streets.

(ii) The cost of constructing residential streets (pavement width 31 feet) and alleys abutting a park shall be the responsibility of the developer.

(iii) The City may choose to reimburse the developer up to fifty (50) percent of the cost of construction of the portion of any Park Access Street greater in width than a local residential street if funds are available. Said reimbursement shall be considered as part of a Subdivision Improvement Agreement or Development Agreement, considered for approval by the City Council.

(iv) The City Council, upon recommendation from the Planning & Zoning Commission, may choose to add the Park Access Street to the City of Anna Master Thoroughfare Plan if it meets the minimum criteria for a collector or arterial road. All collector and arterial roads in the City of Anna Master Thoroughfare Plan are eligible for roadway impact fee reimbursement in accordance with State Law.

(v) In all cases, the City shall approve the proposed street alignment fronting on City parks.

(b) Park Land Dedication

(1) Purpose

The purpose of this section is to provide recreational areas and amenities in the form of neighborhood parks as a function of subdivision development in the City. This section is enacted in accordance with the home rule powers of the City, granted under the Texas Constitution and statutes of the State of Texas, including, without limitation, Texas Local Government Code, Section 51.071 et seq. and Section 212.001 et seq.

(2) Necessary Procedure

It is hereby declared by the City Council that recreational areas, in the form of neighborhood parks and related amenities and improvements, are necessary and in the public welfare, and that the only adequate procedure to provide for this is by integrating such a requirement into the procedure for planning and developing property of a residential subdivision in the City, whether such development consists of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.

(3) Park Purposes

Neighborhood parks are those parks providing a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby, the standards for which are set forth in the City's Comprehensive Plan including the Parks Master Plan. The neighborhood parks shown on the official City Parks Master Plan shall be prima facie evidence that any park located therein is within such a convenient distance from the majority of residences to be served thereby. The cost of the neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect such purposes.

(c) General Requirement

Dedication of Land and Payment of Park Development Fee.

(1) Dedication of Land Based on Dwelling Units

Prior to a plat being filed with the County Clerk of Collin County, Texas for a development of a residential area within the City or ETJ and in accordance with City ordinances, such plat shall contain a clear fee simple dedication of one acre of land for each 50 proposed dwelling units. As used in these subdivision

regulations, a “dwelling unit” means each individual residence, including individual residences in a multifamily structure, designed and/or intended for inhabitation by a single family.

(2) Plat Requirement

Any proposed plat submitted to the City for approval shall show the area proposed to be dedicated under this section. The required land dedication of this section may be met by a payment in lieu of land where permitted by the City or required by other provisions in these subdivision regulations.

(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 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 (d) below.

(4) Park Development Fee

In addition to the required dedication of land, as set forth above, there shall also be a park development fee paid to the City as a condition of plat approval. Such park development fee shall be set from time to time by ordinance of the City Council and shall be sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the Subdivision is located. Park development fees are found in Appendix A of this code. Such fee shall be paid at the time of application for a building permit.

(5) Option to Construct

In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the City Manager, or applicable designees. The developer shall financially guarantee the construction of the amenities and improvements, and the City must approve same, prior to the filing of a plat in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the City has accepted such amenities and improvements, the developer shall dedicate by plat such amenities and improvements to the City.

(6) Right to Accept, Reject or Require Payment

In instances where land is required to be dedicated, the City shall have the right to accept or reject the dedication after consideration of the recommendation of the Parks Advisory Board and to require a cash payment in lieu of land in the amount provided herein, if the City determines that sufficient park area is already in the public domain for the area of the proposed development, or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks.

(7) Siting of parks

When two or more developments are necessary to create a neighborhood park of sufficient size in the same area, the Director of Development Services, at the time of preliminary plat approval, will work with the developers to define the optimum location of the required dedication within the respective plats. Once a park site has been determined, adjacent property owners who develop around the park site shall dedicate land and cash to the existing site unless otherwise determined by the City Council.

(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 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 fees shall be paid by the developer prior to filing of the final plat for properties located within the ETJ.

(3) Park 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.

(4) City Purchase of Land

The City may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a park service area, subsequent park land dedications for that zone shall be in cash only, the calculation of which is set forth above. (Such cash payment is in addition to the payment of the required park development fee.)

(e) Park Development Fund

(1) All funds collected by this dedication process or collected under Subsection (d)(4) above will be deposited into the City's Park Development Fund and used for parks and recreation purposes related to the following:

(A) Land acquisition;

(B) Capital improvements;

(C) Planning, engineering, and design of parks and recreation facilities;

(D) Construction of new parks and recreation facilities;

(E) Rehabilitation and modernization of existing park and recreation facilities;

(F) Maintenance and equipment for new parks and recreation facilities;

(G) Maintenance and equipment for existing, and recently rehabilitated and modernized parks and recreation facilities;

(H) Long-range planning for land, facilities, recreation, and related programs;

(I) Feasibility studies, market studies, and economic impact analysis relating to parks and recreation projects and programs; or

(J) Creation, planning, management, administration, operation, marketing, and promotion of events and recreational activities.

(2) Except as may relate to the staffing of the Parks and Recreation Department or the creation, planning, management, administration, operation, marketing, and promotion of parks, park facilities, park

amenities, park funding and development, events, and recreational activities, amounts deposited into the Parks Development Fund shall not be used for staffing and daily operation. All expenditures from said fund will adhere to the City's procurement policies and practices.

(f) Additional Requirements and Definitions

(1) Any land dedicated to the City under these subdivision regulations must be suitable for park and recreation uses. The following characteristics of a proposed area, which may be grounds for refusal of any plat, are generally unsuitable:

(A) Any area primarily located in the 100-year floodplain unless the area is part of the trail system shown on the City's most current Trail Master Plan.

(B) Any areas of unusual topography or slope which renders the area unusable for organized recreational activities.

(2) Drainage areas may be accepted as part of a park if the channel is to remain, more or less in its natural state or constructed in accordance with City Engineering standards, if:

(A) No significant area of the park is cut off from access by such channel;

(B) Not less than five acres of the site is above the 100-year floodplain; or

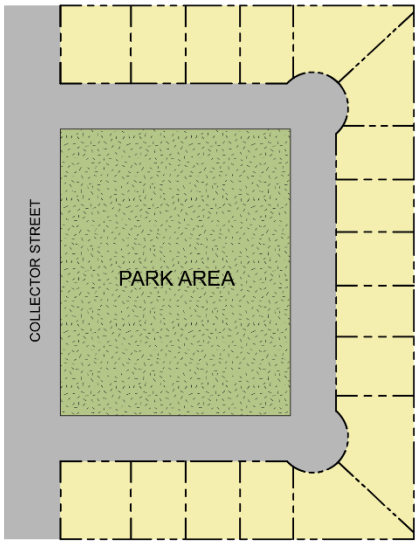
(C) The dedication is in excess of 10 acres, not more than 50% of the site should be included in the 100-year floodplain.

(3) Each park must have ready access to a public street.

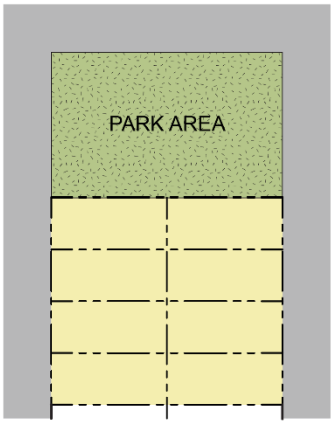
(4) Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the Parks Advisory Board.

(5) Parks are defined in Section 9.04.081(e)(11) of the Zoning Ordinance.

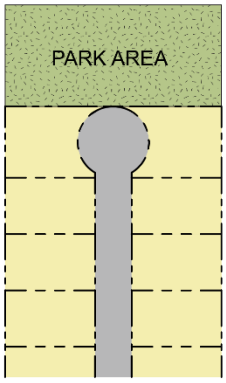
PARK ACCESS



COLLECTOR STREET



LOOP STREET



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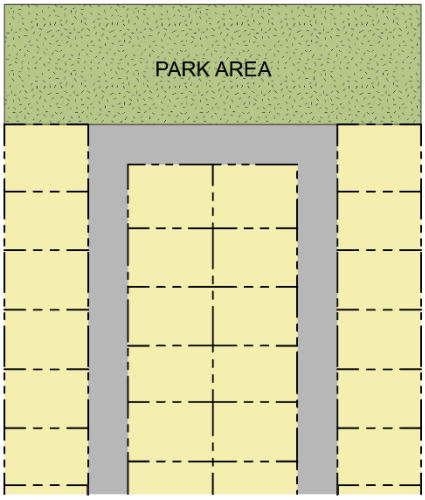

LOOP STREET

§ 9.02.136 through § 9.02.160. (Reserved)

Division 5. IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF SUBDIVISION

Sec. 9.02.161. Improvements, In General

(a) Purpose

The requirements as set forth below are designed and intended to ensure that, for all subdivisions of land within the scope of these subdivision regulations, all improvements as required herein are installed properly and:

(1) The city can provide for the orderly and economical extension of public facilities and services;

(2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land; and

(3) All required public improvements are constructed in accordance with city's design standards.

(b) Adequate Public Facilities Policy

The land to be divided or developed must be served adequately by essential public facilities and services. No plat shall be recorded unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. Wherever the subject property adjoins undeveloped land, or wherever required by the city to serve the public good, utilities shall be extended to adjacent property lines to allow connection of these utilities by adjacent property owners when such adjacent property is platted and/or developed.

(c) Public Improvements Required

Public improvements that are required by the city for the acceptance of the subdivision by the city shall include the following:

(1) Water and wastewater facilities;

(2) Storm water drainage, collection and conveyance facilities;

(3) Water quality, erosion and sedimentation controls;

(4) Streets;

(5) Streetlights;

(6) Street signs;

(7) Alleys (if provided);

(8) Sidewalks, including ADA approved ramps at street intersections and other appropriate locations;

(9) Screening and/or retaining walls (where required);

(10) Traffic-control devices required as part of the project; and

(11) Appurtenances to the above, all designed and constructed in accordance with ADA standards, if applicable, and any other public facilities required as part of the proposed subdivision.

(d) Compliance Required

All aspects of the design and implementation of public improvements shall comply with the city's current design standards and any other applicable city codes and ordinances, including preparation and submittal of

engineering plans and construction inspection. The construction of all of the improvements required in these subdivision regulations shall conform to the city's design standards, and to any other applicable city ordinance, rule, policy, or regulation.

(e) Utility Lines

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three feet beyond the edge of the pavement.

Sec. 9.02.162. Monuments

(a) Block Corner Monuments

Monuments consisting of 5/8" diameter steel rods 24" long and set flush with the top of the ground shall be placed at all corners of block lines, the point of intersection of alley and block lines, and at points of intersections of curves and tangents of the subdivision. Each block corner monument shall be marked in a way that is traceable to the responsible RPLS or associated employer.

(b) Lot Corner Monuments

Lot corner monuments shall be placed at all lot corners (except corners which are also block corners), consisting of iron rods or pipes of a diameter of not less than 5/8 inch and 24 inches in length, and set flush with the top of the ground.

(c) Curve Point Markers

In addition, curve point markers shall be established of the same specifications as lot corners.

(d) View Between Monuments Obstructed

Where, due to topographic condition, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.

(e) Installed Prior to Acceptance and Filing

All required block, lot, and curve monuments shall be installed prior to the final acceptance of the subdivision by the city and prior to filing the plat at the county.

(f) Precision and Error of Closure

All survey work around the boundary area, as well as within the subdivision, [shall] satisfy the following precision requirements and otherwise comply with Texas Admin. Code, Title 22, Chapter 138, Subchapter E, as applicable:

(1) The actual relative location of corner monuments found or set within the corporate limits of the city shall be reported within a positional tolerance of 1:10,000 + 0.10 feet.

(2) The actual relative location of corner monuments found or set within the extraterritorial jurisdiction of the city shall be reported within a positional tolerance of 1:7,500 + 0.10 feet.

(3) The actual relative location of corner monuments found or set in all rural areas outside the corporate limits and extraterritorial jurisdiction of the city shall be reported within a positional tolerance of 1:5,000 + 0.10 feet.

(4) Areas, if reported, shall be produced, recited, and/or shown only to the least significant number compatible with the precision of closure.

(5) Survey measurement shall be made with equipment and methods of practice capable of attaining the tolerances specified by these standards.

(6) Positional tolerance of any monument is the distance that any monument may be mislocated in relation to any other monument cited in the survey.

(g) Subdivisions Containing 5 Acres or More

A subdivision containing five acres or more shall have at least two monuments set by the RPLS, if not already existing, for two corners of the subdivision, and such monuments shall be located at opposite ends (or at widely separated corners) of the subdivision and clearly shown on the final plat prior to filing at the county. The final plat shall also show clear ties to existing monuments in the vicinity of the subdivision.

Sec. 9.02.163. Streetlights

(a) Streetlights

Streetlight locations and installations shall be coordinated by the subdivider with the power company and the city. Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook. Streetlights shall be as manufactured by Kim Standards or a comparable streetlight approved by the Public Works Director. Streetlights shall be installed a maximum distance of 600 feet apart, at intersections, and at the ends of cul-de-sacs. The subdivider shall pay for the electricity used by the streetlights until building permits are issued for 80% of the lots, after which time the city shall pay for the cost of electricity used.

Sec. 9.02.164. Street Names and Signs

(a) Review and Approval Required

Street names must be submitted to the city for review and approval in accordance with the city's guidelines for the naming of streets.

(1) Preliminary Plat

Proposed street names shall be submitted for review as a part of the preliminary plat application, and shall become fixed at the time of approval of the preliminary plat.

(2) Final Plat

On the final plat, street names shall not be changed from those that were approved on the preliminary plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the city (or some other similar eventuality). If additional street names are needed for the final plat, then they must be submitted for review and approval by the city, along with the final plat application. A fee may be established by the city for the changing of street names after approval of the preliminary plat.

(b) Streets Named for Corporations/Businesses Prohibited

The names of corporations or businesses shall not be used as street names, unless approved by the city council.

(c) List of Street Names Maintained

The city will maintain a list of existing street names that are essentially "reserved" names that have been previously been approved on a preliminary plat, and will update the list as new streets are platted.

(d) Duplication and Similarities Prohibited

New street names shall not duplicate existing street names either literally or in a subtle manner (for example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Lantern Way vs. Land Tern Way; Cascade Drive vs. Cascading Drive); shall not be so similar as to cause confusion between names (for example, Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive).

(e) New Streets Extending Existing Street

Any new street that extends an existing street shall bear the name of the existing street.

(f) Street Names Related to Intersections

Streets crossing other streets shall bear the same name on both sides of the intersection, wherever practical, unless otherwise approved by Commission and City Council.

(g) Street Sign Installation

Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be installed in accordance with standards of the city. Traffic signs shall be furnished in accordance with the latest Texas Manual on Uniform Traffic Control Devices.

(h) Timing of Installation

Street name signs shall be installed in accordance with the city's guidelines before final acceptance of the subdivision by the city.

Sec. 9.02.165. Street and Alley Improvements

(a) Facilities Constructed by Developer

All facilities, such as internal streets and alleys, existing or proposed streets located immediately adjacent to the property, perimeter streets, and approach streets that are required to be constructed or improved in order to adequately serve the development, shall be constructed by the developer at the developer's expense, unless otherwise allowed by these subdivision regulations.

(b) Construction and Design

All streets and alleys shall be constructed using reinforced concrete paving with integral curb and gutter, unless otherwise approved by the city, and shall conform in width and section to the thoroughfare plan of the city. All street design and construction shall conform to the city's design standards.

(c) Paving Standards

The developer shall construct all streets and alleys according to the minimum street and alley paving standards contained within the design standards.

(d) Accessibility for Physically Challenged Persons

In addition to the above-mentioned minimum standards, barrier-free ramps for physically challenged persons shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with the Highway Safety Act, as currently amended, and with the Americans With Disabilities Act (ADA), as amended.

(e) Signs and Barricades

All signs and barricades shall be in conformity with the design standards, with ADA standards, and with specifications for uniform traffic-control devices, as adopted by the city, by Collin County, by the Texas Department of Transportation, and by the Texas Department of Public Safety, as applicable.

Sec. 9.02.166. Retaining Wall Requirements, Construction Regulations, and Design Criteria

(a) Retaining Wall Requirements

In general, the use of retaining walls shall be minimized, wherever possible, through minimal and balanced cut and fill on property. When property within or directly adjacent to a subdivision contains changes in elevation exceeding 2.5 feet and the slope exceeds one unit vertical in two units horizontal, a retaining wall shall be required at the following locations prior to the acceptance of the subdivision:

(1) Follows a Side or Rear Property Line

The grade change roughly follows a side or rear lot line.

(2) Adjacent to a Building Site Boundary

The grade change is adjacent to a proposed building site boundary.

(3) Adjacent to a Watercourse or Drainage Easement.

The grade change is adjacent to a watercourse or drainage easement.

(b) Retaining Wall Design and Construction

All retaining wall design and construction shall be in compliance with the provisions of the design standards of the City, and shall be approved by the Director of Development Services and/or City Engineer.

(c) Retaining Wall Maintenance

Retaining walls shall be maintained by the owner of the property where such retaining wall is located 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.

(d) Not in a Utility or Drainage Easement

Retaining walls shall not be constructed within any portion of a utility or drainage easement, unless approved by the City Engineer or the Director of Development Services.

Sec. 9.02.167. Screening and Landscaping Construction Regulations, Requirements, and Design Criteria

(a) Screening

(1) Required

Screening shall be required where subdivisions are platted so that the rear yards of single-family or two-family residential lots meet the following:

(A) Lots are adjacent to a street with a right-of-way width greater than a residential neighborhood collector street (60 feet or greater in right-of-way width on the comprehensive plan);

(B) Lots are adjacent to a four-lane collector street;

(C) Lots are separated from a street by an alley; or

(D) Lots back up to a collector or residential street.

(2) Developer Provided Screening

The developer shall provide (at his/her expense) a minimum six-foot tall masonry screening wall, or some other alternative form of screening, if approved by Commission and Council, according to this section.

(3) All screening shall be adjacent to the right-of-way or property.

(4) All forms of screening shall conform to the requirements of city ordinances and policies that govern visibility easements.

(5) Any required screening device that is wholly or partially destroyed or damaged shall be replaced or repaired with the same materials and shall be finished such that its appearance is restored to how it was before being destroyed or damaged.

(6) Screening Alternatives

Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the city's design standards and other related city code(s) and policy(s).

(A) An alternative form of screening, in lieu of the six-foot tall masonry wall, may be approved by the Commission and Council along with the preliminary plat. The developer shall submit drawings/renderings with the preliminary plat sufficient for the Commission and Council to make a decision to approve or deny the proposed alternative.

(B) Such possible alternatives include the following:

(i) Living/landscaped screen with decorative metal (e.g., wrought iron) fence sections with masonry columns;

(ii) A combination of embankments and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns;

(iii) A combination of embankments, decorative masonry retaining walls (no taller than six feet in height where facing or visible to a public street) and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or

(iv) Some other creative screening alternative may be approved if it meets the spirit and intent of this section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Commision and Council finds it to be in the public interest to approve the alternative screening device.

(C) Any required screening device shall be, or shall achieve, at least six feet in height and at least 90% opacity within three years of initial installation/planting.

(D) Any landscaping used to achieve the purpose of required screening shall be equipped with an underground irrigation system with appropriate double-check valve(s), automatic controller(s), and automatic moisture and freeze sensors. Trees used for overstory screening shall be on a separate bubbler irrigation system that can be programmed to provide deep-watering of trees at intervals that may differ from the rest of the irrigation system.

(E) The use of wood or other privacy fences immediately behind or abutting an alternative screening device that utilizes living screening elements (i.e., landscaping), embankments, retaining walls and/or

open (i.e., non-opaque) fence sections shall not be permitted due to the creation of a "no man's land" and subsequent maintenance nuisance in the area between the two devices/fences, and due to the detrimental visual appearance of this type of arrangement.

(F) Any alternative form of screening in lieu of the masonry wall shall be located in a maintenance easement and shall be included in a public improvement district in accordance with section 9.02.133 of this article.

(7) Maintenance Easement Required

A wall/screening maintenance easement at least five feet in width shall be dedicated on the private lot side and adjacent to the entire length of the screening wall or device.

(8) Timing of Installation

The screening wall/device shall be installed prior to final acceptance of the subdivision (or appropriate surety shall be provided, per division 6 of this article).

(9) Landscape Screening

All plants (e.g., trees, shrubs and ground cover) shall be living and in sound, healthy, vigorous and growing condition, and shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the "American Standard for Nursery Stock," by the American Association of Nurserymen, as may be amended.

(10) Properly Engineered

All masonry, wrought iron, steel or aluminum screening wall or fence plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the city engineer.

(A) Masonry walls shall be in accordance with the city's design standards within the design standards [sic].

(B) Decorative metal fencing shall be solid stock, not tubular, and shall have masonry columns at a minimum spacing of 40 feet on center unless otherwise approved.

(11) Height

The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet tall. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view. Features that are taller than 10 feet in height shall require Commission and Council approval on the landscaping/screening plans submitted with the preliminary plat.

(12) Maintenance

All screening walls shall be maintained by a homeowners' association as described in section 9.02.134 or included in a public improvement district in accordance with section 9.02.133 of this article.

(b) Subdivision Identification Signs

(1) Subdivision identification signs are permitted at the entrance of single-family residential subdivisions which are bisected by one or more streets. Such subdivisions must have 10 or more platted lots.

(2) Subdivision identification signs may be free-standing or may be incorporated on a screening wall located in an appropriate easement. Any screening wall on which a subdivision identification sign has been

incorporated shall also meet the requirements of this section, as well as general screening wall requirements located in other sections of these subdivision regulations.

(3) The maximum size of a subdivision identification sign shall be 32 square feet per sign with a maximum height of six feet unless an alternative design is otherwise approved by the city council.

(4) A subdivision identification sign shall be included in a public improvement district in accordance with section 9.02.133 of this article.

(5) Signs may be located at each corner of an intersection of an entrance street or within the median of a divided street, but shall not be located in within visibility easements.

(6) The design of the subdivision identification sign shall be in accordance with the city's design standards, as applicable.

(7) The design of the subdivision identification sign (including any related screening wall) shall be reflected on materials/plans submitted along with the preliminary plat and the engineering plans, and shall be approved by the city.

(c) Landscaping

All landscaping shall be in conformance with the city's landscape regulations, as amended.

(d) Signage

All signage shall be in conformance with the city's sign regulations as amended.

(2008 Code, pt. III-A, art. 5, sec. 7)

Sec. 9.02.168. Water and Wastewater Requirements

(a) Installation

The installation of all water and wastewater lines shall be in conformance with section 9.02.090 of this article. The design and construction of the water system and sanitary sewer system shall be in conformance with the city's master plans for water and wastewater facilities, the design standards, and construction plans, and shall be approved by the city engineer.

(b) Provision for Water and Wastewater Required

No final plat shall be approved for any subdivision within the city or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided.

(c) Safe Water Supply and Fire Protection

Water system mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply and to furnish fire protection to all lots shall be provided.

(d) Water And Wastewater Mains to Property Line

Water and wastewater mains shall extend to the property line in order to allow future connections into adjacent undeveloped property unless otherwise authorized by these subdivision regulations.

(e) Utilities to Property Line of Each Lot

Services for utilities shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.

(f) Fire Protection

Fire protection shall be provided in accordance with sections 9.02.089 and 9.02.090 of this article, with the city's design standards, and with any other city policy or ordinance pertaining to fire protection or suppression.

(1) The fire chief or his/her designee shall have the authority to approve the locations and placement of all fire hydrants, fire lanes, and easements in accordance with the adopted fire code. He or she may, at his or her discretion, modify fire hydrant spacing or fire lane placement based upon special design or distance circumstances.

(2) Vertical construction (i.e., any building construction above foundation/slab level) shall not commence until all required fire lanes are properly installed and accepted by the city, nor until all fire hydrants have been installed, inspected, tested and accepted by the city.

Sec. 9.02.169. Storm Drainage and Water Quality Controls

(a) Adequate Storm Sewer System Required

An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.

(b) Areas Subject to Flood Conditions or Storm Water Retention

Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as determined by the city engineer, will not be considered for development until adequate drainage has been provided.

(c) Design

The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and other drainage facilities shall conform to sections 9.02.090 and 9.02.091, as applicable, of this article and the design standards.

(d) Proper Functioning Required Prior to Expiration of Maintenance Bond

The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond.

(1) Responsibility

The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of back-lot and side-lot drainage swales, through the 24th month of the required two-year maintenance bond for the applicable facilities.

(2) City Inspection

The city shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

(e) Storm water pollution prevention plan (SWPPP).An SWPPP shall be provided for storm water discharge in accordance with Texas Pollutant Discharge Elimination System (TPDES) general permit, TXR150000, and/or Environmental Protection Agency (EPA) regulations. This shall include the assumption of responsibility of said pollution prevention system, including the design and implementation of said system, complete in place. Moreover, when it comes to SWPPP, the contractor has the sole authority, responsibility and control over

plans and specifications of the said SWPPP only and can make changes to those specifications for the entire project as he deems necessary or needed to remain in compliance with the Texas Commission on Environmental Quality (TCEQ) and/or EPA regulations. When site stability is achieved in accordance with the SWPPP, the developer shall remove the control apparatuses, devices, and systems and remove accumulated silt and debris.

§ 9.02.170 through § 9.02.200. (Reserved)

Division 6. REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY CITY

Sec. 9.02.201. Withholding City Services and Improvements Until Acceptance

(a) General Policy

The City hereby defines its policy to be that the City will withhold all City services and improvements of any type until all required improvements are properly constructed according to the approved engineering plans and to City standards, and until such public improvements are dedicated to and accepted by the City. This policy of withholding includes subdivision improvements as well as lot improvements.

(1) Subdivision Improvements

Subdivision improvements include street maintenance, extension of City services from any subdivision or property, and all street, utility, storm drainage and other public improvements.

(2) Lot Improvements

Lot improvements include retaining walls, grading, and improvements required for proper lot drainage and prevention of soil erosion.

Sec. 9.02.202. Guarantee of Public Improvements

(a) Developer's Guarantee

Before final acceptance of a subdivision located all or partially within the City or its extraterritorial jurisdiction, the City must be satisfied that all required public improvements have been constructed in accordance with the approved engineering plans and with the requirements of these subdivision regulations.

(b) Subdivision Improvement Agreement and Guarantee

The City Manager may waive the requirement that the applicant complete and dedicate all public improvements prior to final acceptance of the subdivision, and may permit the developer to enter into a subdivision improvement agreement by which the developer covenants to complete all required public improvements no later than two years following the date upon which the remainder of the subdivision is accepted. The City Manager may also require the developer to complete or dedicate some of the required public improvements prior to final acceptance of the subdivision, and to enter into a subdivision improvement agreement for completion of the remainder of the required improvements during such two-year period. The subdivision improvement agreement shall contain such other terms and conditions as are agreed to by the developer and the City.

(c) Subdivision Improvement Agreement Required for Oversize Reimbursement

The City may participate in the oversizing of water and sewer facilities required to serve the land areas and improvements beyond the subdivision. The City shall require a subdivision improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the City for oversize costs. The City Manager, subject to available funds in the budget approved by the City Council, has the authority to approve such an agreement. The City Manager is authorized to sign a subdivision improvement agreement on behalf of the City under this subsection (c).

(d) Security

Whenever the City permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City, a performance bond or letter of credit or other security acceptable to the City Manager and the City Attorney, as security for the promises contained in the subdivision improvement agreement. Security shall be in an amount equal to 110% of the estimated cost of completion of the required public improvements and lot improvements. The City Engineer shall review and approve the cost estimates provided by the developer. Any security instrument, including a bond, letter of credit, or escrow agreement shall be subject to the review and approval of the City Engineer and the City Attorney.

(e) Performance Bond

(1) Requirements

If the City Council authorizes the applicant to post a performance bond as security for its promises contained in the subdivision improvement agreement, the performance bond shall comply with the following requirements:

(A) All performance bonds must be in the forms acceptable to the City Engineer and the City Attorney;

(B) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury;

(C) All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act;

(D) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

(2) Additional Surety

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within 20 calendar days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.

(3) Withholding Until Improvements or Other Surety

The City may withhold building permits, certificate of occupancy permits or utility connections until such improvements are completed or other surety is provided to the City.

(f) Letter of Credit

If the City Manager authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

(1) Be irrevocable;

(2) Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two years; and

(3) Require only that the City present the issuer with a signed draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit.

(g) Reducing Amount of Surety

As portions of the public improvements are completed in accordance with the design standards and the approved engineering plans, the applicant may make written application to the City to reduce the amount of the original security. If the City is satisfied that such portion of the improvements has been completed in accordance with City standards, the City Manager (or designee) may cause the amount of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

(h) Escrow Policies and Procedures for Streets

(1) Request for Escrow

Whenever these subdivision regulations require a property owner to construct a street or thoroughfare, the property owner may petition the City to construct the street or thoroughfare, usually at a later date, in exchange for deposit of escrow as established in this section.

(A) The basis of such petition shall be the existence of unusual circumstance(s), such as a timing issue due to pending street improvements by another agency such as TxDOT or Collin County that would present undue hardships or that would impede public infrastructure coordination or timing.

(B) If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for streets, the City Manager (or designee) may prioritize streets for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of such affected streets.

(C) The City Council shall review the particular circumstances involved, and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street or thoroughfare with his or her development.

(2) Escrow deposit with the City

Whenever the City Council agrees, under these subdivision regulations, to accept escrow deposits in lieu of construction by the property owner or developer of the street or thoroughfare, the property owner or developer shall deposit in escrow with the City an amount equal to costs of the following:

(A) Administration;

(B) Advertisements;

(C) Bidding;

(D) Contingency;

(E) Testing;

(F) Design;

(G) Construction;

(H) Permits;

(I) Reviews and approvals;

(J) Inspections;

(K) Any additional land acquisition; and

(L) An appropriate (and realistic) inflation factor to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future.

(3) Determination of Escrow Amount

The amount of the escrow shall be determined by using the maximum comparable "turn-key" bid price of construction of the street or thoroughfare improvements (including the items listed in subsection (2) above). Such determination of the escrow amount shall be made as of the time the escrow is due hereunder, and shall be subject to the review and approval of the City Manager (or designee) and the City Engineer. The escrow amount shall be paid prior to release (approval) of engineering plans by the City Engineer. The obligations, responsibilities, and related liability of the property owner shall become those of the property owner's transferees, successors and assigns.

(4) Use of Escrow

Escrowed amounts, along with any interest accrued on such amount, may be used for the purposes outlined in subsection (2) above in order to undertake construction of the facilities that are required as part of the development for which the escrow was submitted.

(5) Termination of Escrow

Escrows, or portions of escrowed amounts, which have been placed with the City under this section and which have been held for a period of 10 years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such street facilities for which the escrow was made, shall, upon written request, be returned to the property owner, along with its accrued interest. Such return does not remove any obligations of the property owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.

(6) Refund

If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

(7) Interest Limitation

If money is refunded within six months of deposit, only the principal shall be refunded. Monies returned after this date will be refunded with 1/2 of its accrued interest.

(i) Subdivision improvement agreements for perimeter and approach streets.

(1) Perimeter and Approach Streets

If a perimeter or approach street is required to be constructed under section 9.02.082 of this article, the developer and the City may enter into a subdivision improvement agreement that provides for the future reimbursement to the developer as new development occurs along the section of the perimeter or approach street constructed by the developer. Such reimbursement shall not exceed one-half the cost per linear foot of constructing the perimeter or approach street and related improvements multiplied by the number of linear feet of the perimeter or approach street adjacent to the new development. The developer who constructed the street shall submit copies of contracts to the City to establish the cost of the project that is subject to reimbursement.

(2) Time Period for Reimbursement

If the City collects a perimeter street fee as provided for in section 9.02.082 of this article, within 10 years of the acceptance of the street by the City, it shall pay the collected amount to the developer who originally constructed the street as soon as practicable after receipt of the funds as required under the terms of a subdivision improvement agreement authorized by this subsection (i). At the expiration of the 10th year, a developer is no longer entitled to receive reimbursement.

(3) Impact Fee Credit

Unless otherwise agreed to in a written agreement concerning impact fees or other development fees, a developer who installs an approach street under the provisions of a subdivision improvement agreement may pursuant to the provisions of the agreement, receive credit for costs associated with the installation of the approach street against any street impact fees that may be lawfully assessed against the developer for that portion of the approach street constructed.

(4) Oversizing

When required for the proper and orderly growth of the City, the City Council may require a developer to install an approach street larger than necessary to support the specific development subject to the terms of a subdivision improvement agreement. If the developer is required to install an approach street larger than necessary to serve the specific development, the developer may, subject to the provisions of a subdivision improvement agreement, be reimbursed by the City for the difference in cost between the cost of installing the oversized street and the cost of installing a street meeting minimum City standards required for the type of street required to serve the development.

(A) Credit for Development Fees.

The City may, pursuant to the terms of a subdivision improvement agreement, compensate the developer for the difference in cost mandated by oversizing by crediting up to 50% of development fees charged against any portion or phase of the development.

(j) Transfer of credit.

Upon written request from the developer, credit for development fees may be transferred from the current development project to subsequent development projects, subdivisions or phases undertaken by the developer. Such transfers must be approved by the City Council.

Sec. 9.02.203. Temporary Improvements.

(a) Responsibility

The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain those temporary improvements for the period specified by the City. Prior to construction of any temporary facility or improvement, the applicant shall file with the City a separate improvement agreement and escrow or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed.

(b) Temporary Easement

Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall not be shown on the final plat unless the easement is a permanent easement for the subdivision prior to approval of the final plat. A

temporary easement for a required public improvement shall not be abandoned without the City Manager's written consent.

Sec. 9.02.204. Failure to Complete Improvements

(a) Improvement Agreement Executed and Security Posted

In those cases where an subdivision improvement agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the City may:

(1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

(2) Suspend any previously authorized building construction activity within the subdivision until the public improvements are completed, and record a document to that effect for the purpose of public notice;

(3) Obtain funds under the security and complete the public improvements itself or through a third party;

(4) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property; or

(5) Exercise any other rights or remedies available under the law.

Sec. 9.02.205. Acceptance of Dedication Offers

(a) Acceptance

Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by written authorization of the City Manager. The approval by the Commission and City Council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any public improvements required by the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

Sec. 9.02.206. Maintenance Guarantee

(a) Maintenance Bond

(1) A subdivider shall furnish a good and sufficient maintenance bond issued by a reputable and solvent corporate surety, in favor of the City, to indemnify the City against and guarantee the costs of any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the entire project or a phase of the project if the City elects to accept a particular phase before the entire project is completed. A separate maintenance bond must be furnished for work done under each contract for each part of such construction work unless otherwise authorized by the City. Final acceptance will be withheld until said maintenance bond is furnished to and approved by the City Attorney. The maintenance bond shall have attached thereto a copy of the construction contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall so specify in writing to the City's development department. No permits shall be issued by the building inspector of the City on any piece of property other than an original or a re-

subdivided lot in a duly approved and recorded subdivision or on a lot of separate ownership of record prior to the approval of any required maintenance bond.

(2) The City Manager may waive the requirement for a maintenance bond for projects with a construction cost of $5,000.00 or less.

Sec. 9.02.207. Construction Procedures

(a) Site Development Permit

A site development permit is required from the City prior to beginning any site development-related work in the City or its extraterritorial jurisdiction which affects erosion control, storm drainage, vegetation or tree removal, or a floodplain.

(b) Pre-Construction Conference Prior to Affecting Grading, Vegetation and/or Trees.

The City shall require that all contractors participating in the construction meet for a pre-construction conference to discuss the project prior to release of a site development permit and before any filling, excavation, clearing or removal of vegetation and any trees that are larger than six-inch caliper. All contractors shall be familiar with, and shall conform with, applicable provisions of the City's landscape and tree preservation regulations and any other applicable ordinances or regulations.

(c) Conditions Prior to Authorization

Prior to issuing a site development permit, the Director of Development Services shall be satisfied that the following conditions have been met:

(1) The final plat has been approved by the Commission (and any conditions of such approval have been satisfied);

(2) All required engineering plans and documents are completed and approved by the City Engineer;

(3) All necessary off-site easements and dedications required for City-maintained facilities and not shown on the plat have been conveyed to the City, such as by filing of a separate instrument, with the proper signatures affixed;

(4) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of approval of the Public Works Director, and at least one set of these plans shall remain on the job;

(5) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City; and

(6) All applicable fees must be paid to the City.

(d) Nonpoint Source Pollution Controls and Tree Protection

All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the City Engineer's satisfaction, prior to commencement of construction on any property.

Sec. 9.02.208. Inspection and Acceptance of Public Improvements

(a) General procedure

(1) (The subdivider shall provide inspection service through his/her engineer to ensure that construction is being accomplished in accordance with the plans and specifications approved by the City Engineer.

(A) The subdivider shall notify the public works director 48 hours prior to commencement of construction. This notice shall give the location and date of the start of construction.

(B) The City shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of these subdivision regulations.

(C) Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer.

(D) If the City Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved construction plans, the City's standards and/or the design standards, then the developer shall be responsible for completing and correcting the deficiencies (at his/her expense) such that they are brought into conformance with the applicable standards.

(2) Testing laboratory services will be arranged by the City and paid for by the developer. It shall be the responsibility of Public Works Director (or designee) to coordinate the scheduling of all required tests with the testing laboratory. Testing shall be conducted in accordance with the procedures set forth in design standards for like work at the frequency specified thereon as directed by the City Engineer.

(b) Letter of Satisfactory Completion

(1) The City will only deem required public improvements satisfactorily completed when the applicant's engineer or RPLS has certified to the City Engineer (through submission of detailed sealed "as-built," or record, drawings of the property) drawings that indicate all public improvements and their locations, dimensions, materials and other information required by the City Engineer, and when all required public improvements have been completed.

(A) The "as-builts" shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet an "as-built" stamp bearing the signature and seal of the licensed professional engineer and the date.

(B) One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted.

(C) The developer's engineer and/or RPLS shall also furnish the City with a copy of the approved final plat and "as-built" engineering plans, in such a digital format (on disk) that is compatible with the City CAD system.

(2) When the requirements of subsection (1) above have been met to the Director of Development Services' and City Engineer's satisfaction, and when a maintenance bond has been received and approved as required in section 9.02.206 of this article, the City Manager shall issue a letter of satisfactory completion.

(c) Effect of Acceptance

Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance, subject to the two-year maintenance bond (see section 9.02.206 of this article).

(2008 Code, pt. III-A, art. 6, sec. 8; Ordinance 862-2020 adopted 6/23/20)

Sec. 9.02.209. Issuance of Building Permits and Certificates of Occupancy

(a) Building permit

(1) A building permit shall only be issued for a lot, building site, building or use after the lot or building site has been officially recorded by a final plat approved by the Commission and filed for record at Collin County, and after all public improvements, as required by these subdivision regulations, have been completed.

(2) Notwithstanding the above, a permit may be issued as outlined below, provided that an agreement providing sufficient security (see section 9.02.202 of this article) is approved by the City Manager for the completion of all remaining public improvements.

(A) Building "Foundation-Only" Permit.

A building "foundation only" permit may be issued for a nonresidential or multifamily development. However, the building permit shall not be issued and building construction shall not be allowed to surpass the construction of fire protection improvements. In other words, the building shall not proceed above the slab level until all required fire lanes have been completed, and until all water lines serving fire hydrants have been completed, inspected and tested.

(B) Possible Release of Lots

The City Manager may release some residential building permits for not more than 10% of the lots within a new residential subdivision, provided that all public improvements have been completed for that portion of the development including those required for fire and emergency protection. No lot may be sold nor title conveyed until the final plat has been recorded with the Collin County clerk.

(b) Certificate of Occupancy

A certificate of occupancy shall only be issued for a building or the use of property after a final plat has been approved by the Commission and recorded with the Collin County clerk, and after all subdivision improvements have been completed. Notwithstanding the above, a certificate of occupancy may be issued provided that an agreement providing sufficient security (see section 9.02.202 of this article) is approved by the City Manager for the completion of all remaining public improvements, and provided that the structure is safely habitable in accordance with the City's building codes. No lot may be sold nor title conveyed until the final plat has been recorded with the Collin County clerk.

§ 9.02.210 through § 9.02.240. (Reserved)

Division 7. FILING FEES; PLAT RE-SUBMISSION AND CONSTRUCTION INSPECTION FEES

Sec. 9.02.241. Schedule of Fees and Re-Submission Requirements

(a) Fee Schedule

All submissions required under these subdivision regulations shall be accompanied by the payment of fees in accordance with the current development fees schedule as set forth in article A.3000 of the fee schedule in appendix A of this code and any other applicable fees. The development fee schedule shall be as approved by the City Council and may be changed from time to time by the City Council. It is the applicant's responsibility to obtain and comply with the City's current fee schedule and submission requirements.

(b) Purpose

Such fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, review, inspections, and testing necessary to properly review and investigate plats and subdivision construction.

(c) No Refund

Such fees shall be imposed and collected on all applications for approval of any type of plat, regardless of the action taken by the Commission and/or City Council thereon. The commission shall take no action until all required fees have been paid. The required fees shall not be refunded should the plat be disapproved.

(d) Re-Submission Fees

Re-submission of revised applications (such as preliminary plats) having substantial changes shall, at the discretion of the Director of Development Services, require complete reapplication and payment of fees.

(e) Expiration Of Application

Should a development application expire, or should it be denied by the Commission or the City Council, then that application ceases "pending" status and the application, and its corresponding series of development approvals and permits, shall be deemed null and void. Any future application for any type of development approval for that property shall be considered a new application, and shall be accompanied by new application materials, including new submission fees, and shall conform to all applicable City ordinances in effect at the time of submission of the new application.

(f) Recordation Fees

Recordation of plats with the Collin County clerk shall be the responsibility of the applicant.

(g) Construction Inspection Fee

(1) A construction fee as provided in the fee schedule in appendix A to this code shall be paid to the City prior to the construction of any facilities. The subdivider shall submit to the City Engineer an estimate of construction costs. The City Engineer shall either approve or disapprove the estimate and send a copy of said approval or disapproval to subdivider and City. If the estimate is disapproved, the City Engineer shall consult with subdivider and attempt to negotiate an acceptable estimate. If such negotiations are unsuccessful, the subdivider may appeal to the City Council to resolve the dispute. Construction shall not begin until the City Engineer has approved the estimate or in the alternative the City Council has approved the estimate, and the associated fees have been paid.

(2) The subdivider shall submit to City documentation showing actual cost of construction when construction is completed. If actual cost is less than the original estimate, the City shall refund the appropriate amount. If the actual construction cost is greater than the original estimate, the subdivider shall pay to the City the appropriate amount, based on the amount established in the fee schedule in appendix A to this code.

§ 9.02.242 through § 9.02.260. (Reserved)

Division 8. ENFORCEMENT; VIOLATIONS; PENALTIES

Sec. 9.02.260. Enforcement; Violations; Penalties

In addition to all other remedies and relief available to the City by law or in equity for a violation of these subdivision regulations, the following non-exclusive forms of relief shall be available to the City:

(1) Violations and Penalties

Any person who violates any of these regulations for lands within the corporate boundaries of the City shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code per day, or the highest amount authorized under law, whichever is lower, with each day constituting a separate violation.

(2) Civil Enforcement

Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, [or] to restrain, correct or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the City or within the City's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

(3) Withholding of Subdivision Acceptance

Pursuant to the provisions of division 6 of this article, the City may refuse to grant final acceptance of a subdivision that does not fully and completely comply with all terms and conditions of these subdivision regulations including, but not limited to, the refusal to issue building permits and certificates of occupancy, and the refusal to connect the property to City utilities and services.

Division 9. TABLES AND DIAGRAMS

Sec. 9.02.261. Tables and Diagrams

TABLE 1				
Type	**Designation**	**R.O.W.**	**Pavement Width**	**Median Width**
Expressway	E	150’ – 500’	NA	NA
Arterial	A	120’	2 @ 36’	26’
Major or minor collector, divided	C2D	90’	2 @ 24’	20’
Major or minor collector, undivided	C2U	80’	48’	None
Residential collector	C	60’	36’	None
Local collector	R	50’	31’	None

TABLE 2. NEIGHBORHOOD POINT SYSTEM - PRIMARY ENTRY POINT OPTIONS**	
Water feature *Must be lit at night with a minimum of 15' wide and 8' tall	1 point per side of entry street
Significant floral focal point on both sides of entry street *Minimum of 1,000 square feet and maintained by the HOA	2 points max
Any structure integrated as subdivision identification that exceeds 15' in height	3 points per side of entry 2 additional points if an archway is incorporated
Art or sculptures *Minimum height of 8'	2 points
Landscaping*** in median for the divided entry *Maintained by the HOA	5 points max 1 point for every 1,000 square feet
For every 5' increase in depth past the required 20' landscape buffer	1 point *5-point max
Additional trees planted along a street 60' or greater in width. Trees may be clustered.	2 points for every 10 additional ornamental trees or shrubs or 5 additional shade trees
Additional landscaping*** or features above and beyond the requirements *Must be annual and increased quality *Additional upgrades per the discretion of the Director of Development Services	2 points

* All items are subject to the discretion and approval of the planning director.
** Items within this section can count toward the Primary Entrance or within the subdivision, but not both.
***Landscaping for points shall consist of a combination of the following but not include sod/turf:

1. Mulched landscape bed;
2. Flowering perennials;
3. Shrubs;
4. Low ornamental grasses at least one foot (1') in height; and/or
5. Landscaping rock including but not limited to pea gravel, lava rocks, and river rocks.

TABLE 3. NEIGHBORHOOD POINT SYSTEM - PRIMARY ENTRANCE TERMINATION OPTIONS**	
Common area lot or public park at the entry	Based on the typical (median) residential lot 1 full lot = 2 points 2 full lots or greater = 4 points
Amenity center *Minimum of 3,000 sq. ft.	5 points max *3 points base with 1 point per additional 1,000 sq. ft.
Roundabout with a minimum of 2,000 square feet of landscaping*** *Must match the primary entrance landscaping and maintained by the HOA	5 points max 2 points base with 1 point per additional 1,000 square feet
Water feature *Must be lit at night with a minimum of 15' wide and 8' tall	3 points
Gazebo	3 points max 1 point for every 100 square feet
Boulevard with enhanced landscaping*** with seasonal color *Maintained by the HOA	5 points max 1 point for every 1,000 square feet
Sculpture or other artistry *Must be lit at night	2 points

*All items are subject to the discretion and approval of the Director of Development Services.
** Items within this section can count toward the Primary Entrance or within the subdivision, but not both.
***Landscaping for points shall consist of a combination of the following but not include sod/turf:

1. Mulched landscape bed;
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3. Shrubs;
4. Low ornamental grasses at least one foot (1') in height; and/or
5. Landscaping rock including but not limited to pea gravel, lava rocks, and river rocks.

TABLE 4. NEIGHBORHOOD POINT SYSTEM - SECONDARY ENTRANCE SUBDIVISION FEATURES**	
Divided secondary entry	1 point
Roundabout at the secondary entrance	1 point
Addition and maintenance of seasonal landscaping*** at the secondary entrance on a common area lot including a divided median or roundabout. *Maintained by the HOA and must correspond with the main entry and neighborhood landscaping	5 points max 1 point for every 1,000 square feet
Extended secondary entry length *Minimum ½ lot length. No additional points for additional length past the minimum.	1 point
Additional landscaping*** throughout the length of the extended drive *Maintained by the HOA and must correspond with the main entry and neighborhood landscaping	5 points max 1 point for every 1,000 square feet
Common area lot or public park at the terminus of secondary entrance	Based on the typical (median) residential lot ½ lot = 1 point 1 full lot = 2 points 2 full lots or greater = 4 points

*All items are subject to the discretion and approval of the Director of Development Services.

** Items within this section can count toward the Primary Entrance or within the subdivision, but not both.

***Landscaping for points shall consist of a combination of the following but not include sod/turf:

1. Mulched landscape bed;
2. Flowering perennials;
3. Shrubs;
4. Low ornamental grasses at least one foot (1') in height; and/or
5. Landscaping rock including but not limited to pea gravel, lava rocks, and river rocks.

TABLE 5. NEIGHBORHOOD POINT SYSTEM - SECONDARY ENTRANCE AND INTERIOR SUBDIVISION FEATURES	
Off-street parking spaces and dedicated on-street parking spaces adjacent to park land *5 additional parking spots at major, neighborhood focal points	2 points for every 5 spaces in addition to required parking
Pools and amenities *Per the discretion of the Director of Development Services	1 point per playing court, child play lot (minimum 2,000 square feet), fitness center/weight room, 2,000 square feet of surface water of a pool
Splash pad *Minimum of 3 fixtures per 1,000 sq. ft. and maintained by the HOA	4 points max 2 points base with 1 point for every additional 1,000 sq. ft. and 3 fixtures
Dog park *Minimum of 1 acre, with one dog waste station for every ¼ acre and maintained by the HOA	1 point base with 1 point for every additional acre, 5-acre max
For every 1,000 ft. of walking trail *Minimum of 8ft. wide with one bench and trash can per 1,000 ft. Trash to be maintained by the HOA	2 points
Additional bench and trash can in common areas *To be maintained by the HOA	1 point
Amenity center *Minimum of 3,000 sq. ft	5 points max *3 points base with 1 point per additional 1,000 sq. ft.

* All items are subject to the discretion and approval of the Director of Development Services
** Items within this section can count towards the Primary Entrance or within the subdivision, but not both.

DIAGRAM A. SHARED ACCESS DRIVEWAY AND CROSS ACCESS INTERNAL DRIVEWAY

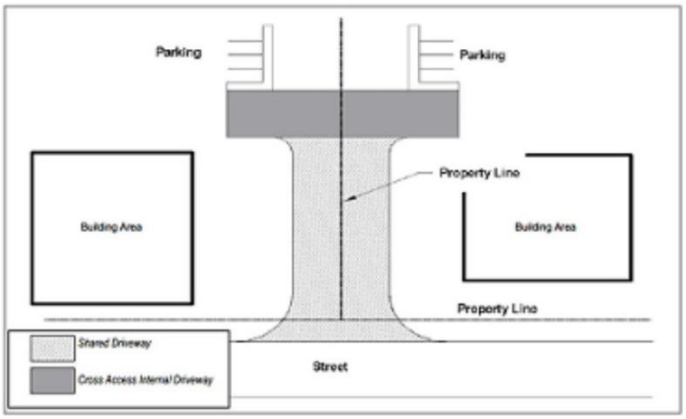
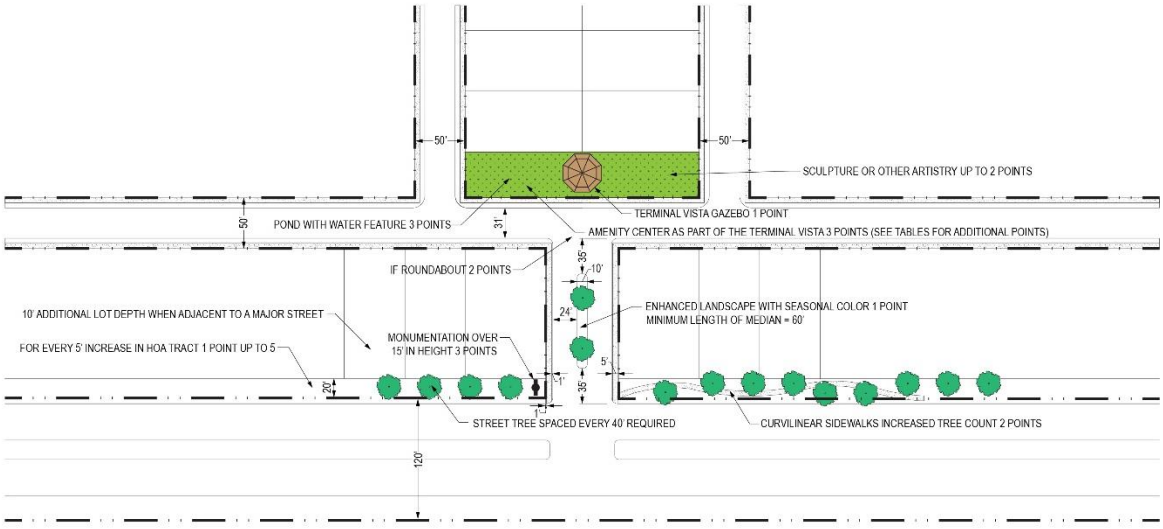


DIAGRAM B. EXAMPLES OF THE PRIMARY SUBDIVISION ENTRY FEATURES WITH POINTS



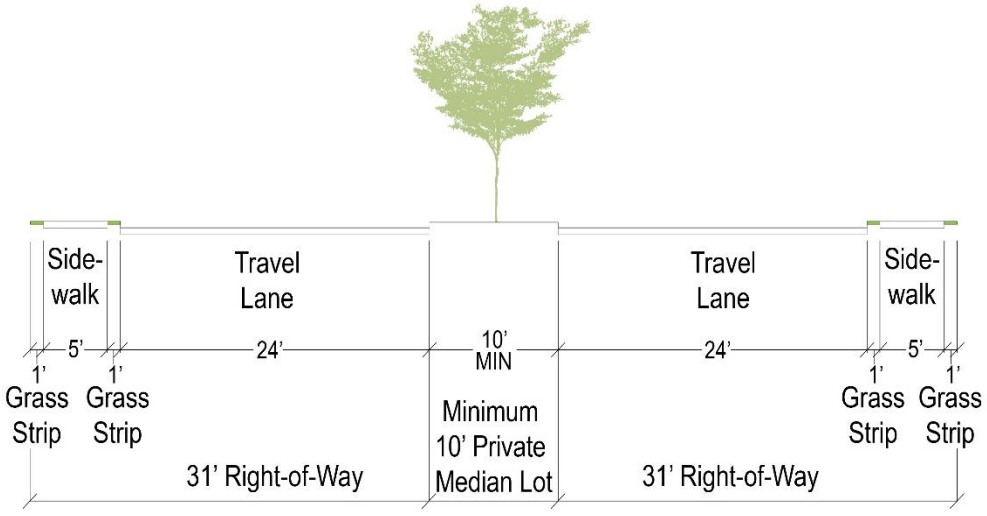


DIAGRAM C. VISIBILITY EASEMENT WITH SIGHT VISIBILITY TRIANGLES

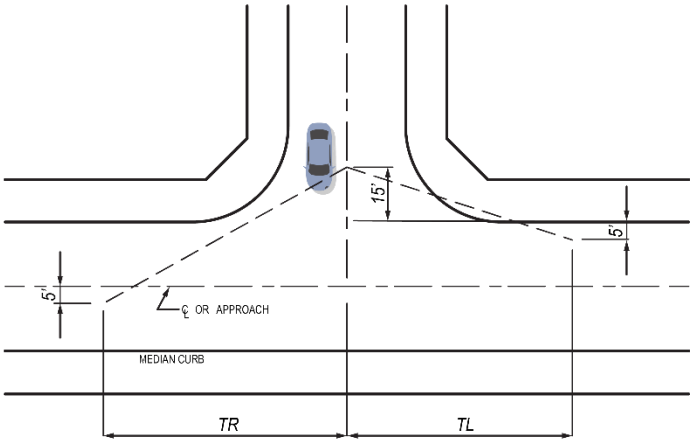


TABLE 9

MINIMUM SIGHT DISTANCE FOR
A CAR AT AN INTERSECTION

MPH	T
30	110 + 200 = 310
35	130 + 250 = 380
40	130 + 325 = 475
45	165 + 400 = 565
50	190 + 475 = 665

(AASHTO P138, BRAKE REACTION DISTANCE + STOPPING SITE DISTANCE)

City of Anna, Texas

Article 9.04
Zoning Ordinance

06/04/2026

Approval Date	Ordinance Number	Note
08/22/2023	Ord. No. 1068-2023-08	Original Repeal & Replace of previous Zoning Ordinance & Landscape Regulations
Amendments		
Approval Date	**Ordinance Number**	**Note**
04/08/2025	Ord. No. 1142-2025-04	CBD, Smoke & Cigar Shops, Cigar Lounges
09/23/2025	Ord. No. 1170-2025-09	Multiple Amendments
06/04/2026	Ord. No. 1200-2026-05	Drone Delivery Infrastructure

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How to Use this Zoning Ordinance

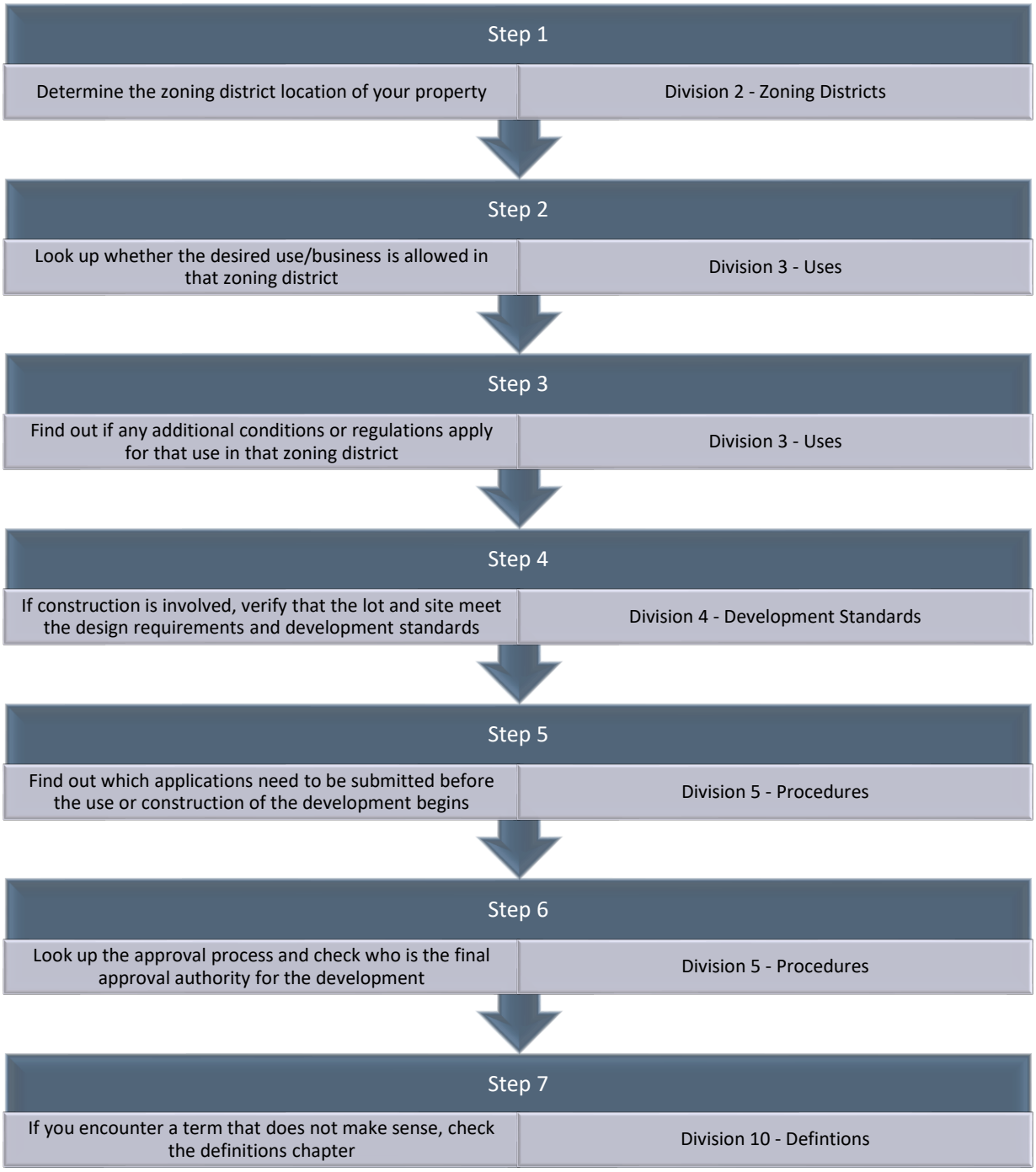
To help readers use this document, please follow the steps on the next page to answer questions like:

- What can I develop on my property?
- Where can I locate my business?
- What rules and regulations apply to my property?
- What is the development approval process like?

Article 9.04. Zoning Ordinance

Please Note: The left column below is "what to do," and the right column is "where to find it."

Figure 1: Use Guide Graphic



Division 1. General Provisions

Sec. 9.04.001. Title

This Article is referred to as the Anna Zoning Ordinance.

Sec. 9.04.002. Purpose

(a) Generally. This Article implements the purposes established in Texas Local Government Code Sections 211.001 and 211.004:

(1) Implements Anna's Comprehensive Plan;

(2) Implements Anna's Downtown Master Plan;

(3) Implements Anna's Parks Master Plan;

(4) Promotes the public health, safety, morals, or general welfare;

(5) Protects and preserves places and areas of historical, cultural, or architectural importance and significance; and

(6) Provides for efficient and effective processing of zoning and land use applications.

(b) Establishment. In interpreting and applying this Article, this Article establishes the minimum requirements to promote public safety, health, and general welfare.

Sec. 9.04.003. Authority

(a) Texas State Law. The following chapters and sections of the laws of the State of Texas authorize the exercise of authority in this Article:

(1) Texas Local Government Code, including:

(A) Chapter 41 (Municipal Boundaries);

(B) Chapter 42 (Extraterritorial Jurisdiction of Municipalities)

(C) Chapter 43 (Municipal Annexation);

(D) Chapter 54 (Enforcement of Municipal Ordinance);

(E) Chapter 211 (Municipal Zoning Authority);

(F) Chapter 212 (Municipal Regulation of Subdivisions and Property Development);

(G) Chapter 213 (Municipal Comprehensive Plans);

(H) Chapter 214 (Municipal Regulation of Housing and Other Structures);

(I) Chapter 215 (Municipal Regulation of Businesses and Occupations);

(J) Chapter 216 (Regulation of Signs by Municipalities)

(K) Chapter 217 (Municipal Regulation of Nuisances and Disorderly Conduct); and

(L) Chapter 243 (Municipal and County Authority to Regulate Sexually Oriented Business).

(2) Texas Government Code, including Chapters 311 (Code Construction Act) and 312 (Construction of Laws), to the extent applicable to this Article.

(3) Texas Water Code, including the Flood Control and Insurance Act [(Secs. 16.311 through 16.324) (also see 44 C.F.R part 60 (Requirements for Flood Plain Management Regulations)].

(b) Exercise of Powers. This Article is adopted in the exercise of the power granted by municipalities by these statutes and the City Charter of Anna.

(c) Fees Established. City Council shall establish a schedule of fees as required to recoup costs related to the administration of this Article.

Sec. 9.04.004. Consistency with Comprehensive Plan

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

Division 2. Zoning Districts

Sec. 9.04.005. Generally

The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this Division for the zoning district in which the building, structure, or land is located.

Sec. 9.04.006. Districts Established

(a) Generally. The City is geographically divided into base, overlay, and special zoning districts. The zoning districts are established according to Table 1: Zoning Equivalency.

(1) Base districts capture the major development categories, including residential and nonresidential uses and development activities. Each base district includes permitted uses and dimensional standards.

(2) Overlay districts establish additional standards within a base district.

(3) Special districts also establish additional standards within a base district, but some standards may be unique to individual developments as determined through the site plan approval process.

(b) Zoning Equivalency. See Table 1: Zoning Equivalency.

Table 1: Zoning Equivalency

Zoning Category	Page Number	Current Zoning District	Previous Zoning District
Agricultural	6	AG Agricultural 43,560 square feet min. lot size	AG Agricultural 43,560 square feet min. lot size
			SF-E Single-Family Residential Estate 43,560 square feet min. lot size
Residential	7	SF-20.0 Single-Family Residential 20,000 square feet min. lot size	SF-20.0 Single-Family Residential 20,000 square feet min. lot size
	8	SF-14.5 Single-Family Residential 14,500 square feet min. lot size	SF-14.5 Single-Family Residential 14,500 square feet min. lot size
	9	SF-12.0 Single-Family Residential 12,000 square feet min. lot size	SF-12.0 Single-Family Residential 12,000 square feet min. lot size
	10	SF-10.5 Single-Family Residential 10,500 square feet min. lot size	SF-10.5 Single-Family Residential 10,500 square feet min. lot size
	11	SF-8.4 Single-Family Residential 8,400 square feet min. lot size	SF-84 Single-Family Residential 8,400 square feet min. lot size
	12	SF-7.2	SF-72

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

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

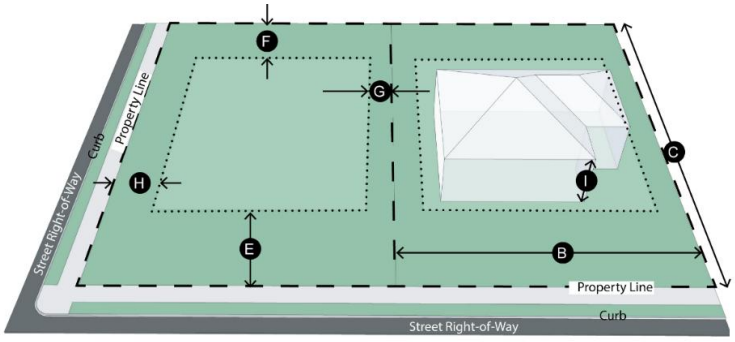
Sec. 9.04.007. Zoning Map

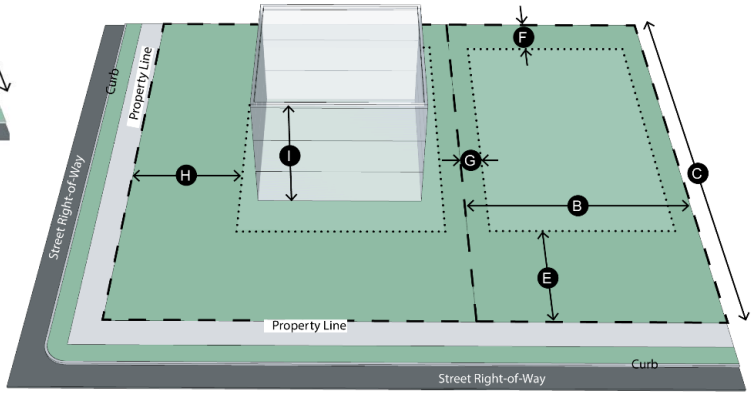
The zoning districts and their boundaries are adopted and established as shown on the Zoning Map of the City of Anna, Texas. The Zoning Map includes all notations, references, data, district boundaries, and other associated information, and is adopted as part of this Article. The Zoning Map, properly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

Sec. 9.04.008. Zoning District Dimensional Standards Graphics

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

(b) Sec. 9.04.041 establishes the rules for applying dimensional standards in zoning districts. These include height, lot area, density, and yard requirements. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district. Unless otherwise specified, nothing in this Division authorizes encroachment within any easements or plat restrictions.





Sec. 9.04.009. Agricultural (AG) District

(a) Purpose. The Agricultural (AG) district provides, preserves, and maintains large tracts of undeveloped land for agricultural pursuits such as crop production and farming, ranching, and raising livestock, wildlife management, and agrarian lifestyle practices. This district protects agricultural areas from the encroachment of urban and suburban development.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Agricultural (AG) district shall follow Table 2: Agricultural (AG) District Dimensional Standards.

Table 2: Agricultural (AG) District Dimensional Standards

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

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

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

(a) Purpose. The Single-Family Residential (SF-20.0) district is designed to accommodate a single-family residential development lot design on roughly ½-acre lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Single-Family Residential (SF-20.0) district shall follow Table 3: Single-Family Residential (SF-20.0) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-20.0) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Single-Family Residential (SF-14.5) district is designed to accommodate a single-family residential development design on roughly ⅓-acre lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Single-Family Residential (SF-14.5) district shall follow Table 4: Single-Family Residential (SF-14.5) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-14.5) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Single-Family Residential (SF-12.0) district is designed to accommodate single-family residential development on roughly ¼-acre lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Single-Family Residential (SF-12.0) district shall follow Table 5: Single-Family Residential (SF-12.0) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-12.0) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Single-Family Residential (SF-10.5) district is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in Single-Family Residential (SF-10.5) district shall follow Table 6: Single-Family Residential (SF-10.5) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-10.5) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Single-Family Residential (SF-8.4) district is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Single-Family Residential (SF-8.4) district shall follow Table 7: Single-Family Residential (SF-8.4) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-8.4) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Single-Family Residential (SF-7.2) district is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Single-Family Residential (SF-7.2) district shall follow Table 8: Single-Family Residential (SF-7.2) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-7.2) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Single-Family Residential (SF-6.0) district is designed to accommodate single-family residential development on relatively smaller lots. The district can be appropriately located near agricultural and single-family residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Single-Family Residential (SF-6.0) district shall follow Table 9: Single-Family Residential (SF-6.0) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) The Single-Family Residential (SF-6.0) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway excluding Powell Parkway (SH 5). This distance shall be measured from the right-of-way centerline to the residential property line.

(2) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Mixed-Density Residential (MD) district provides medium-density residential development with diversified housing choices. This district encourages a mix of single-family and two-family residential uses and incentivizes community amenities to form compact, accessible, and walkable neighborhoods.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Mixed-Density Residential (MD) district shall follow Table 10: Mixed-Density Residential (MD) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) Minimum lot areas for attached single-family and two-family dwellings shall be 2,400 square feet per dwelling unit.

(2) Lot widths for a lot containing attached single-family and two-family dwellings shall be no less than 20 feet per ground floor unit plus side yard requirements.

(3) The Mixed-Density Residential (MD) district shall not be within 1,200 feet of a designated Master Thoroughfare Plan highway. This distance shall be measured from the right-of-way centerline to the residential property line.

(4) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Multifamily Residential (MF) district provides for high-density residential development, targeting well-designed multifamily uses serving as a transition between medium-density residential development and commercial nodes. This district encourages multifamily uses with site development characteristics that accommodate open space and access to light and air.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Multifamily Residential (MF) district shall follow Table 11: Multi-Family Residential (MF) District Dimensional Standards.

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

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

(d) Special Regulations.

(1) Minimum lot areas for attached single-family and two-family dwellings shall be 2,400 square feet per dwelling unit.

(2) Lot widths for a lot containing attached single-family and two-family dwellings shall be no less than 20 feet per ground floor unit plus side yard requirements.

(3) No lot containing multifamily dwelling units shall contain less than 10,000 square feet.

(4) No lot containing a Single-Unit or Duplex Unit Park shall contain less than 20,000 square feet.

(5) No building in a Single-Unit or Duplex Unit Park, attached single-family dwelling, two-family dwelling, or Townhome Unit shall exceed a height of 35 feet.

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

(7) When a multifamily dwelling exceeds one story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each building shall have two points of entry or exit.

(8) The maximum density for a multifamily dwelling is 25 units per acre.

(9) The maximum density for a Townhome Unit or Single-Unit or Duplex Unit Park is 12 units per acre.

(10) The corner side yard for “key lots” shall meet the minimum front yard setback requirement.

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

(a) Purpose. The Local Commercial (C-1) district provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service businesses, public spaces, and limited, locally-scaled mixed-use establishments. This district offers a transition between neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this district is primarily pedestrian-scaled to help improve vehicular circulation and safely accommodate residents and pedestrians.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Local Commercial (C-1) district shall follow Table 12: Local Commercial (C-1) District Dimensional Standards.

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

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

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

(a) Purpose. The Regional Commercial (C-2) district provides for medium- to large-scale development of retail, service, entertainment, and office necessary for a regional market. This district primarily facilitates commercial development, like big box and anchor retailers and intensive shopping strip centers that are automobile-oriented and generate high traffic counts.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Regional Commercial (C-2) district shall follow Table 13: Regional Commercial (C-2) District Dimensional Standards.

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

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

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

Sec. 9.04.021. Mixed-Use (MU) District

(a) Purpose. The Mixed-Use (MU) district provides for development outside of Anna's downtown that has identifiable centers and edges, a walkable development pattern, accessible community open spaces, and various commercial tenants. This district provides entertainment venues, commercial, residential, and office uses that harmoniously coexist in a higher-density, pedestrian-oriented environment.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Mixed-Use (MU) district shall follow Table 14: Mixed-Use (MU) District Dimensional Standards.

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

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

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

Sec. 9.04.022. Downtown (DT) District

(a) Purpose. The purposes of the Downtown (DT) district are to:

(1) Implement the Anna 2050 Downtown Master Plan adopted by City Council;

(2) Facilitate pedestrian-oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services;

(3) Promote an efficient, compact, and walkable development pattern;

(4) Encourage pedestrian activity while reducing reliance on automobiles;

(5) Allow developers flexibility in land use and site design;

(6) Create an attractive and functional downtown as envisioned in the Anna 2050 Downtown Master Plan;

(7) Revitalize the historic downtown area while preserving Anna's history and heritage;

(8) Enhance the significance of the City's authentic core to residents, tourists, and visitors and serve as a support and stimulus to business and industry; and

(b) Applicability. The Downtown (DT) district is geographically divided into two zones. These zones are established in the Anna 2050 Downtown Master Plan and Table 15: Downtown (DT) District Dimensional Standards. All development shall comply with the regulations stated in this Section unless specified otherwise.

(c) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(d) Dimensional Standards. Development in the Downtown (DT) district shall follow the standards in Table 15: Downtown (DT) District Dimensional Standards.

Table 15: Downtown (DT) District Dimensional Standards

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

(e) Special Regulations.

(1) Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per the standards if the vertical clearance is a minimum of 8 feet from the finished sidewalk elevation.

(2) No encroachment shall be located over on-street parking, a street, or over a side or rear property line.

(3) Any proposed development over 42 feet in height shall require a specific use permit.

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

(a) Purpose. The Light Industrial (I-1) district provides for manufacturing, jobbing commercial uses, wholesale businesses, material fabrication, research facilities, and general industrial uses that are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. This district provides a transition between heavy industrial uses and other less intensive commercial activity and residential uses.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Light Industrial (I-1) district shall follow Table 16: Light Industrial (I-1) District Dimensional Standards.

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

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

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

(a) Purpose. The Heavy Industrial (I-2) district provides areas for manufacturing, processing, assembling, storing, testing, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this district is sometimes incompatible with less intensive uses by reason of traffic, noise, vibration, dust, glare, or emissions, and is intrusive to commercial activity and residential areas.

(b) Uses. See Table 19: Use Table and all applicable regulations in Division 3.

(c) Dimensional Standards. Development in the Heavy Industrial (I-2) district shall follow Table 17: Heavy Industrial (I-2) District Dimensional Standards.

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

Heavy Industrial (I-2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Depth (min.)	N/A
D	Lot Coverage (max.)	50%
Setback Requirements		
E	Front Yard (min.)	25 feet
F	Rear Yard (min.)	N/A
G	Side Yard (min.)	N/A
H	Corner Side Yard (min.)	25 feet
Building Requirements		
I	Building Height (max.)[(1)]	42 feet
Additional Applicable Requirements within the Zoning Ordinance		
Sec. 9.04.041 – Dimensional Regulations Sec. 9.04.042 – Site Design Requirements Sec. 9.04.043 – Parking Sec. 9.04.044 – Loading Sec. 9.04.045 – Landscaping		Sec. 9.04.046 – Screening and Fencing Sec. 9.04.047 – Outdoor Lighting Sec. 9.04.048 – Trash Sec. 9.04.049 – Performance Standards
[(1)] Any proposed development more than 42 feet in height shall require a specific use permit.		

Sec. 9.04.025. Thoroughfare Overlay (THOR) District

(a) Purpose. The Thoroughfare Overlay (THOR) district accommodates well-designed development along the City's major corridors by allowing design flexibility to enhance the development aesthetic.

(b) Applicability. The regulation of this overlay district shall apply to new development and redevelopment located within the greater of a geographic buffer extending outward 500 feet perpendicularly from the right-of-way, or to the back of abutting adjacent lots, for those portions of the following scheduled thoroughfares located within the City limits:

(1) U.S. Highway 75;

(2) White Street (FM 455);

(3) Powell Parkway (SH 5);

(4) Sam Rayburn Memorial Highway (SH 121); and

(5) Collin County Outer Loop.

(c) Dimensional Standards.

(1) Building lots along a highway, as designated by the Master Thoroughfare Plan, shall be a minimum of one acre.

(2) The nonresidential minimum lot width is 100 feet.

(3) The nonresidential minimum front yard setback is 50 feet.

(d) Exception. The Downtown (DT) District shall be exempt from the Thoroughfare Overlay (THOR) District.

Sec. 9.04.026. Planned Development (PD) District

(a) Purpose. The Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this Article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A Planned Development (PD) district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions that will allow development not otherwise permitted, procedures are established to prevent misuse of the increased flexibility.

(b) Uses. Any use specified in a Planned Development (PD) district shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purposes of this Article.

(c) Dimensional Standards. A Planned Development (PD) district requires a minimum of 5 contiguous acres.

(d) Special Regulations.

(1) Development standards for each separate Planned Development (PD) district shall be established in the ordinance granting the Planned Development (PD) district and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory

buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.

(2) In the Planned Development (PD) district, the particular district(s) to which uses specified in the Planned Development (PD) district are most similar shall be stated in the granting ordinance. All Planned Development (PD) district applications shall list all requested variances from the standard requirements established throughout this Zoning Ordinance. The applicant shall include justification associated with each requested variance. Applications without this list will be considered incomplete.

(3) The ordinance granting a Planned Development (PD) district shall include a purpose and intent statement, a list is required of variances in each district, and a general statement citing the reason for the Planned Development (PD) district request.

(4) The Planned Development (PD) district shall conform to all other sections of the ordinance and this Article unless specifically exempted in the granting ordinance.

(5) All development within a Planned Development (PD) district shall meet the site planning procedures in Sec. 9.04.052.

Division 3. Uses

Sec. 9.04.027. Generally

(a) Purpose. Table 19: Use Table below lists the uses allowed within all zoning districts. All uses are defined in Sec. 9.04.082. Approval of a use listed in this Article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Division 3 and approved under the appropriate process is prohibited.

(b) Organization. The uses permitted in each of the zoning districts established in Table 19: Use Table are defined as follows:

(1) Table Symbology. Table 19: Use Table is arranged according to the following symbols established in Table 18: Use Table Symbology.

Table 18: Use Table Symbology

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

(2) Standards Column. The "Standards" column provides a reference to associated standards for certain uses Permitted by Right and for Specific Uses. Where a blank space is in the column, there is no associated standard. Where there is information in the column, there are associated standards.

(3) Unlisted Uses. If a proposed use is not specifically listed in Table 19: Use Table, the Director shall determine whether the use is permitted or not permitted. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in Table 19: Use Table.

(A) In making this determination, the Director may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.

(B) In making this determination, the Director may also refer to empirical studies or generally accepted planning or engineering sources (e.g., American Planning Association's publication, "A Planner's Dictionary").

(C) Unauthorized if Prohibited.

(i) If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, specific, or temporary use, then the use is a prohibited use.

(ii) The Director's determination may be appealed pursuant to Sec. 9.04.050(m).

Sec. 9.04.028. Use Table

(a) Applicability. This Division shall follow the requirements established in Table 19: Use Table.

(b) Use-Specific Standards. Use-specific standards are established in Sec. 9.04.029, Sec. 9.04.030, Sec. 9.04.031, Sec. 9.04.032, Sec. 9.04.033, Sec. 9.04.034, Sec. 9.04.035, and Sec. 9.04.036.

(c) Accessory Uses and Structures. Accessory Uses and Structures standards are established in Sec. 9.04.038.

(d) Temporary Uses and Structures. Temporary Uses and Structures standards are established in Sec. 9.04.039.

Table 19: Use Table

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

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
														CE	ND				
Auto Storage																P	P		1/1,000 sf
Car Wash											P	P				P		Sec. 9.04.031(e)	2/1,000 sf
Truck Sales																P	P		2.5/1,000 sf
Truck Stop and Repair																	P		2/1,000 sf
Commercial Uses																			
Adult Entertainment Establishment																S	S	Sec. 9.04.032(a)	8/1,000 sf
Artist Studio											P	P	P	P	P				2/1,000 sf
Bar (75% sales from alcohol)											S	S	P	P	S			Sec. 9.04.032(b)	5/1,000 sf
Brewpub/Wine Bar											P	P	P	P	S	P		Sec. 9.04.032(c)	4/1,000 sf
Building, Materials, and Landscaping Store												P				P			3/1,000 sf
Cannabidiol (CBD) Shop											S	S						Sec. 9.04.032	2.5/1,000 sf
Cigar Lounge											S	S	S	S				Sec. 9.04.032	4.0/1,000 sf
Cigar and Smoke Shops											S	S						Sec. 9.04.032	2.5/1,000 sf
Commercial Amusement, Indoor											S	P	P	S					5/1,000 sf
Commercial Amusement, Outdoor											S	P	S			P		Sec. 9.04.032(d)	35/acre
Convenience Store											P	P	P	P	P				4/1,000 sf
Convenience Store, Fuel Pumps											P	P	S	S		P		Sec. 9.04.032(e)	4/1,000 sf
Feed and Farm Supply	S											S				P			2.5/1,000 sf
Financial Institution											P	P	P	P	P				2.5/1,000 sf
Food Preparation and Sales											P	P	P	P	P				3/1,000 sf
Food Truck Park												S	S	S		S		Sec. 9.04.032(f)	2/Food Truck
Greenhouse or Nursery	P											P				P			8/acre
Grocery Store											P	P	P	P	S			Sec. 9.04.032(g)	4/1,000 sf
Heavy Equipment Sales and Rental																P	P		2/1,000 sf
Kennel											P	P			P	P		Sec. 9.04.032(h)	2.5/1,000 sf
Mixed-Use Development													P	P				Sec. 9.04.032(i)	2.5/1,000 sf

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

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

Land Use	AG	SF-20.0	SF-14.5	SF-12.0	SF-10.5	SF-8.4	SF-7.2	SF-6.0	MD	MF	C-1	C-2	MU	DT		I-1	I-2	Use-Specific Standards	Parking Standards
Caretaking Services Uses																			
Adult Day Services											P	P							2.5/1,000 sf
Assisted Living Facility									S	S	P	S							2.5/1,000 sf
Chemical Dependency Facility	S										P								2/1,000 sf
Child Care Facility, Children's Home									S	S	P	P							2/1,000 sf
Child Care Facility, Daycare										S	S	S	S	S	S			Sec. 9.04.036(a)	2.5/1,000 sf
Child Care Home (≤6 Children)	S	S	S	S	S	S	S												2/1,000 sf
Child Care Home (≥7 Children)	S	S																	2/1,000 sf
Community Home for Persons with Disabilities	S								S	S									2/1,000 sf
Funeral Services												P				P			2/1,000 sf
Halfway House	S							S	S										2/1,000 sf
Medical Care Facility											S	P							3.5/1,000 sf
Medical Office											P	P	P	S	P				3/1,000 sf
Transportation Uses																			
Airport	S																		2/acre
Bus Terminal																P			--
Parking Facility													S	S	S				--
Railroad Station													S	S	S	S			--
Railroad Team Track and Right-of-Way																P			--
Transit Station													S	S	S	S			--
Truck or Motor Freight Terminal																P			--
Infrastructure Uses																			
Drone Delivery Hub	S									S	S		S					Sec. 9.04.037(c)	1 space when primary use on an individually platted lot. No additional spaces as an accessory use.
Drone Delivery Pick-Up Kiosk	P									P	P	P	P	S	S	P	P	Sec. 9.04.037 (d)	

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

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

Sec. 9.04.029. Residential Use-Specific Standards

(a) Industrialized Home (Modular Home).

(1) An Industrialized Home (Modular Home) meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.

(2) An Industrialized Home (Modular Home) conforms to all applicable zoning regulations for its respective zoning district.

(3) An Industrialized Home (Modular Home) has a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the dwelling is proposed to be located, as determined by the most recent County certified tax appraisal roll.

(4) An Industrialized Home (Modular Home) has exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the dwelling is proposed to be located.

(5) An Industrialized Home (Modular Home) complies with municipal aesthetic standards, setbacks, subdivision control, landscaping, square footage, and other site requirements applicable to single-family dwellings.

(6) An Industrialized Home (Modular Home) is securely fixed to a permanent foundation.

(7) An Industrialized Home (Modular Home) is set on a solid slab structure and/or 18- to 20-inch runners.

(b) Live-Work Unit.

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

(c) Multi-Family Dwelling.

(1) Generally.

(A) Where a Multi-Family Dwelling is erected to create inner courts, the faces of all opposite walls in those courts shall be at least 30 feet apart, and no balcony or canopy shall extend into that court area more than 5 feet.

(B) Each lot or parcel of land that is used for a Multi-Family Dwelling shall provide on the same lot or parcel of land usable open space, per Table 20: Multi-Family Dwelling Open Space below.

Table 20: Multi-Family Dwelling Open Space

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

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

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

(1) All residential units within a Townhome Unit and Single-Unit or Duplex Unit Park are restricted to 35 feet in height.

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

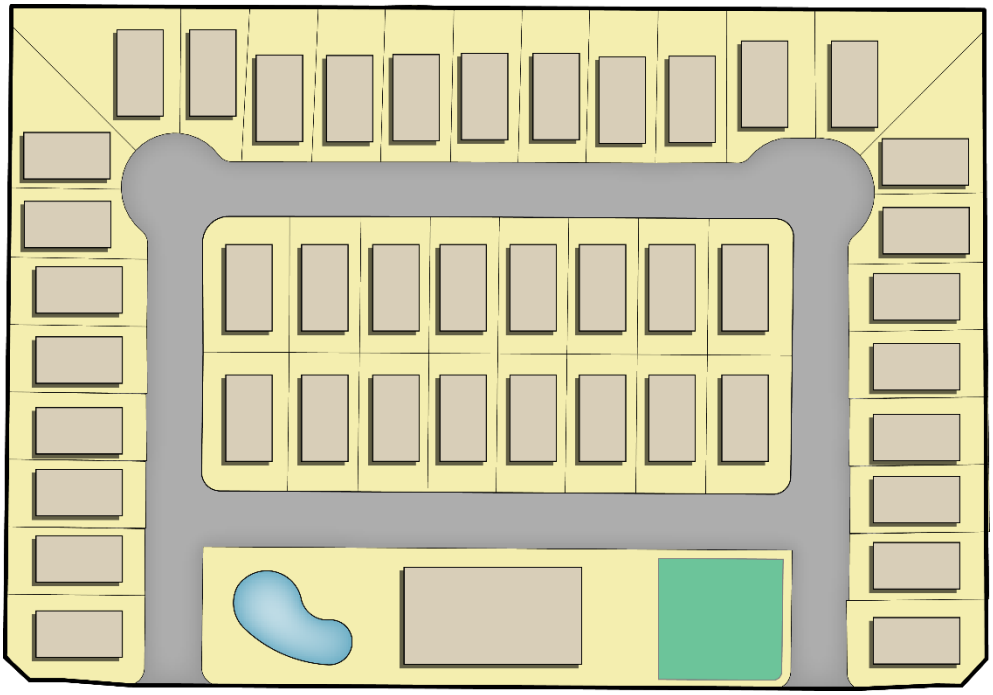
(3) A Townhome Unit or Single-Unit or Duplex Unit Park shall provide the required amount of usable open space, per Table 21: Townhome Unit or Single-Unit or Duplex Unit Park Open Space below.

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

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

(4) Each detached residential dwelling unit shall have a 10-foot minimum separation from any other detached residential dwelling unit (refer to Figure 2: Townhome Unit or Single-Unit or Duplex Unit Park Layout Example).

Figure 2: Townhome Unit or Single-Unit or Duplex Unit Park Layout Example



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

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

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

(a) Bed and Breakfast Facility.

(1) A Bed and Breakfast Facility is owner-occupied and managed at all times.

(2) The maximum number of rented bedrooms is five (5).

(3) No cooking facilities are allowed in any of the bedrooms.

(4) A Bed and Breakfast Facility shall meet all of the minimum requirements of the City-County Health Department and shall conform in all respects to the requirements of the fire code, building code, electrical code, and plumbing code.

(5) A Bed and Breakfast Facility is responsible for collecting the City hotel/motel tax.

(6) All City-County Health Officers, Building Inspectors, the Fire Marshal and their assistants, and other code enforcement officials of the City shall have the right to go on any premises of a Bed and Breakfast Facility during normal business hours for the purpose of verifying compliance with this subsection and all other applicable ordinances of the City.

(b) Boarding/Rooming House.

(1) No more than ten (10) occupants (including any resident staff and family) shall occupy any Boarding/Rooming House at one time.

(2) The maximum length of stay for any occupant is fourteen (14) consecutive days in any one calendar month.

(3) A Boarding/Rooming House shall not be located within one thousand (1,000) feet of any other Boarding/Rooming House.

Sec. 9.04.031. Automotive Use-Specific Standards

(a) Auto Dealership.

(1) An Auto Dealership shall be located one hundred fifty (150) feet from any residential district.

(2) An Auto Dealership shall not be located within one hundred fifty (150) feet of any other Auto Dealership.

(3) No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, repair and service, and washing.

(4) Inventory parking spaces shall not count toward the minimum parking requirements.

(b) Auto Dealership, Used.

(1) An Auto Dealership, Used shall be located one hundred fifty (150) feet from any residential district.

(2) An Auto Dealership, Used shall not be located within one hundred fifty (150) feet of any other Auto Dealership or Auto Dealership, Used.

(3) No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, repair and service, and washing.

(4) Inventory parking spaces shall not count toward the minimum parking requirements.

(c) Auto Repair, Heavy.

(1) All Auto Repair, Heavy activities shall take place within an enclosed space.

(2) An Auto Repair, Heavy facility shall be located one hundred fifty (150) feet from any residential district or school use.

(d) Auto Repair, Light.

(1) All Auto Repair, Light activities shall take place within an enclosed space.

(2) An Auto Repair, Light facility shall be located one hundred fifty (150) feet from any residential district or school use.

(e) Car Wash.

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

(A) A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.

(B) A Car Wash shall be closed for business between the hours of 10:00 PM and 7:00 AM.

(C) A Car Wash shall only be self-service.

(D) All bays and overhead doors shall be oriented away from any residential district.

(2) All Other Zoning Districts.

(A) A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.

(B) All bays and overhead doors shall be oriented away from any residential district.

Sec. 9.04.032. Commercial Use-Specific Standards

(a) Adult Entertainment Establishment.

(1) An Adult Entertainment Establishment shall not be located within 1,000 feet of a:

(A) Public/Institutional Use,

(B) Child Care Facility,

(C) Residential Use, or

(D) Adult Entertainment Establishment.

(2) An Adult Entertainment Establishment shall comply with Article 5.07 of the Anna Code.

(b) Sale of Alcoholic Beverages.

(1) Applicability.

(A) The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided here and in other applicable ordinances and regulations of the City.

(B) This subsection 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.

(2) Sale of Alcoholic Beverages in Residential Areas.

(A) The sale of alcohol is prohibited in any residential area within the City's corporate limits unless expressly exempted by this subsection or a City Council variance.

(B) The term "residential area" includes locations that are within any of the following zoning districts or areas:

(i) SF-20.0, SF-14.5, SF-12.0, SF10.5, SF-8.4, SF-7.2, SF-6.0, MD, and MF;

(ii) PD - Any residential part of a Planned Development District; or

(iii) Any tract, lot or subdivision upon which is located any of the "residential uses" as defined in Table 19: Use Table, as amended.

(3) Bar (75% sales from alcohol) Separation Standard.

(A) A Bar (75% sales from alcohol) may not be located within 1,000 feet of a public school, private school, church, day-care center or child-care facility, as those terms are described in the Texas Alcoholic Beverage Code. The measurement of the distance between such establishment 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. The measurement of the distance between such establishment and the public school, private school, day-care center, or child-care facility shall be:

(i) 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

(ii) If the permit or license holder is located on or above the fifth story of a multi-story 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.

(B) A Bar (75% sales from alcohol) may not be located closer than 1,000 feet to an existing Bar (75% sales from alcohol).

(i) The measurement of the distance between those establishments shall be in a straight line in all directions from the primary entrance of the existing establishment to the primary entrance of the proposed establishment.

(ii) For the purposes of this subsection, the term "existing Bar (75% sales from alcohol)" means an establishment that is in lawful operation or that holds a current and valid certificate of occupancy for that operation.

(C) Exception. The Downtown (DT) District shall be exempt from the Bar (75% sales from alcohol) Separation Standard.

(4) Variances. After a recommendation from the Planning and Zoning Commission, City Council may grant a variance upon a determination that enforcement of the regulation in a particular instance:

(A) Is not in the best interest of the public,

(B) Constitutes waste or inefficient use of land or other resources,

(C) Creates an undue hardship on an applicant for a license or permit,

(D) Does not serve its intended purpose, or

(E) Is not effective or necessary.

(c) Brewpub/Wine Bar.

(1) Downtown (DT) District-Core (CE).

(A) The maximum size of a Brewpub is 10,000 square feet.

(B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

(C) Brewpub/wine bar shall meet the requirements of Sec. 9.04.032(b).

(d) Commercial Amusement, Outdoor.

(1) A Commercial Amusement, Outdoor use shall not be located within three hundred (300) feet of any residential district.

(e) Convenience Store, Fuel Pumps.

(1) Any pump island or other structure shall not be less than twenty (20) feet from adjacent property lines or street and highway right-of-way lines.

(2) Overhead canopies shall not be less than twenty (20) feet from any right-of-way line or property line.

(f) Food Truck Park.

(1) All mobile vendors must have valid required health inspection permits.

(2) Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public per Sec. 9.04.046.

(3) Electrical, water, and wastewater connections shall be provided.

(4) Above-ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking lots.

(5) Food Truck Park sites shall be defined by curbs (i.e., continuous curb cuts are prohibited) to confine ingress and egress to defined access points to ensure the safety of pedestrians within the park.

(6) A barrier shall be located between any vehicular areas and the customer service areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material, or color; or similar treatments.

(7) Drive-throughs are not permitted in conjunction with a Food Truck Park.

(8) Signage is allowed on the mobile vendor vehicle itself but no detached signage is allowed.

(9) A waste receptacle is required for every mobile vendor and waste shall be removed daily.

(10) Food Truck Park sites shall only operate on an approved surface per Article 9.03 (Design Standards).

(g) Grocery Store.

(1) Local Commercial (C-1) District and Downtown (DT) District-Core (CE).

(A) The maximum size of a Grocery Store is 15,000 square feet.

(B) No drive-throughs are allowed.

(h) Kennel.

(1) Local Commercial (C-1) District and Downtown (DT) District-Core (CE).

(A) A Kennel shall not be located within one hundred (100) feet of any residential district.

(B) No outside runs are allowed.

(2) All Other Zoning Districts.

(A) A Kennel shall not be located within two hundred fifty (250) feet of any residential district.

(B) Outside runs are allowed.

(C) Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.

(D) At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.

(i) Mixed-Use Development.

(1) No more than 50% of the Mixed-Use Development cumulative building square footage shall consist of dwelling units.

(2) At least 25% of the Mixed-Use Development shall consist of retail, restaurant, or office uses.

(3) A Mixed-Use Development shall comply with the regulations established in Sec. 9.04.042.

(j) Office.

(1) Local Commercial (C-1) District, Mixed-Use (MU) District, Downtown (DT) District-Core (CE), and Downtown (DT) District-Neighborhood (ND).

(A) The maximum size of an Office is 10,000 square feet.

(k) Pawn Shop / Pay Day Loans.

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

(A) A Pawn Shop / Pay Day Loans use shall not be located within one thousand (1,000) feet of any other Pawn Shop / Pay Day Loans use.

(B) No outdoor display is allowed.

(l) Private Club.

(1) A Private Club shall not be located within three hundred (300) feet of any of the following: religious land use, medical care facility, school, or public park.

(2) A Private Club for the on-premises sale or consumption of alcoholic beverages shall be located within an area containing at least two acres.

(3) Operational Regulations.

(A) Not less than 50% of the gross receipts of such establishment shall be derived from the sale of food consumed on the premises. Food service shall be available at any time alcoholic beverages are being served. The service of alcoholic beverages without food is prohibited in dining areas and is restricted to a bar or lounge area as described in this section. The holder of such permit shall provide audits at its expense as more fully set forth in this section.

(B) Such establishments shall contain a minimum of 100 dining seats, allowing a minimum of 12 square feet of dining area per dining chair. Calculation of the square feet of the dining area

shall exclude kitchen and storage areas, bar and lounge areas, and cashier and reception areas.

(C) Such establishments shall comply with all of the provisions of the Texas Alcoholic Beverage Code and receive a private club permit from the state within six months from the date of issuance of a specific use permit by the City, each such limitation in time is subject to extension by the City Council.

(D) The City Council may revoke a specific use permit upon the finding that any of the operational requirements imposed at the time of granting the permit are not met or thereafter cease to exist. Said specific use permit shall be subject to review based on a recommendation from the police department that public safety has been or is being jeopardized. The City Manager and the Chief of Police are specifically authorized to receive, accept, and investigate complaints from any source.

(E) A private club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary use, e.g., the dining or reception area of a restaurant, hotel, or motel. Emergency exits directly to the outside are permitted.

(F) No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Texas Alcoholic Beverage Code and the City sign ordinance.

(4) Audit.

(A) The permittee of each private club in the City that has been in operation for at least six months prior to a December 31st calendar year shall select and engage a certified public accounting firm to conduct an annual audit of the operations of such private club during such period. The year upon which such audit shall be conducted shall begin January 1 and end December 31. This audit shall determine whether the permittee has complied with the gross receipt requirements of subsection (3) of this section. The audit shall clearly reflect:

(i) The total gross receipts of the permittee for the audit year from all operations on the premises for which the specific use permit for a private club is issued;

(ii) The percentage of such gross receipts is derived from the sale of food; and

(iii) The percentage of such gross receipts is derived from the sale of alcoholic beverages.

(B) The audit shall indicate whether the City should make further inquiry into the permittee's operations to determine whether all other requirements for the operation of a private club were satisfied during the audit year.

(C) The audit shall be completed and a copy furnished to the City Council through the City Manager's Office no later than April 1 of the year following the audit year. The audit shall be performed, and a copy furnished to the City Manager at the sole expense of the permittee.

(D) If not received by April 1, the City Council shall have the right to select and engage a certified public accounting firm to perform the audit described herein. The permittee shall reimburse the City for all expenses incurred in obtaining this audit.

(m) Restaurant.

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

(A) Drive-throughs may be permitted by a specific use permit.

(B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district’s dimensional standards.

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

(A) Drive-throughs.

(i) Drive-throughs are allowed.

(ii) 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 and Zoning Commission may recommend that City Council require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement to minimize the impact of individual service speakers on residential districts.

(iii) See Stacking Requirements in §9.04.043.

(B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

(3) Downtown (DT) District-Core (CE) and Downtown (DT) District-Neighborhood (ND).

(A) No drive-throughs are allowed.

(B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

(n) Retail Store.

(1) Local Commercial (C-1) District, Downtown (DT) District-Core (CE), and Downtown (DT) District-Neighborhood (ND).

(A) No drive-throughs are allowed.

(o) Veterinarian Facility.

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

(A) A Veterinarian Facility shall not be located within one hundred (100) feet of any residential district.

(B) No outside runs are allowed.

(2) All Other Zoning Districts.

(A) A Veterinarian Facility shall not be located within two hundred fifty (250) feet of any residential district.

(B) Outside runs are allowed.

(C) Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.

(D) At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.

Sec. 9.04.033. Recreation Use-Specific Standards

(a) Golf Course.

(1) The minimum size of a Golf Course is 20 acres.

(2) All exterior lighting to illuminate the Golf Course or any accessory use shall terminate at 10:00 PM. Lighting for walls, security measures, sconces, and parking facilities are excluded from this requirement.

(b) Swimming Pool.

(1) A Swimming Pool shall not be located in any required front or side yard abutting a street.

(2) A wall or fence, not less than six feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area.

(3) All lighting of the Swimming Pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded, they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.

(4) No broadcasting system is used to advertise the operation of the pool or to attract people to the premises. This shall not prevent a public address system from being used for the pool's supervision and the swimmers' safety.

(5) Any swimming pool associated with a commercial or multi-family use or homeowners' association requires at least a 10-foot setback from any property line.

Sec. 9.04.034. Public/Institutional Use-Specific Standards

(a) Cemetery.

(1) A Cemetery shall have a two (2) acre minimum property size.

(2) No structure, excluding fences or walls, shall be located within fifty (50) feet of any residential use.

(3) Graves and monuments shall be set back at least twenty feet (20) from any property line.

Sec. 9.04.035. Industrial Use-Specific Standards

(a) Contractor's Shop and Storage Yard.

(1) Outdoor display and storage of materials, goods, equipment, tools, and products are allowed and shall comply with the regulations established in Sec. 9.04.038(e)(5) and Sec. 9.04.038(e)(6).

(2) A Contractor's Shop and Storage Yard shall comply with the regulations established in Sec. 9.04.046.

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

(1) Access.

(A) The Self-Storage (Mini-Warehouse) shall be secured to limit access to tenants (or owners) and fire, police, or emergency service officials.

(B) A Self-Storage (Mini-Warehouse) shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.

(2) Storage.

(A) A Self-Storage (Mini-Warehouse) unit shall not be used for the storage of explosives, ammunition, hazardous, or flammable materials.

(B) Self-Storage (Mini-Warehouse) units shall be used solely for the purpose of storage of goods and possessions and shall not be used for the operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.

(C) No outdoor storage is permitted in the C-2 zoning district.

(D) Outdoor storage may be allowed within I-1 zoning district in approved on-site areas for vehicles and recreational equipment if they are covered by an awning or canopy structure.

(3) Accessory Office.

(A) The Self-Storage (Mini-Warehouse) may include an accessory on-site office.

(B) An office shall not exceed three thousand (3,000) square feet.

Sec. 9.04.036. Caretaking Use-Specific Standards

(a) Child Care Facility, Daycare.

(1) No portion of a Child Care Facility, Daycare site shall be located within 300 feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.

(2) A Child Care Facility, Daycare shall be located adjacent to a street having a pavement width of 40 feet or greater.

(3) All Child Care Facility, Daycare shall comply with the following standards:

(A) All vehicular entrances and exits shall be clearly visible from the street.

(B) All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic, and adequate walkways shall be provided.

(C) Outdoor play areas shall be provided at a rate of 65 square feet per child based on the maximum design capacity of the facility. The Planning and Zoning Commission may waive this requirement if the Child Care Facility, Daycare is provided for less than four hours per day for an individual person.

(D) A maximum of one-half of the required outdoor play space may be provided off-site. When an off-premises outdoor play area is utilized, it must be located within 100 feet of the Child Care Facility, Daycare premises and safely accessible without crossing, at-grade, or any major or secondary thoroughfare.

(E) No Child Care Facility, Daycare shall be part of a one-family or two-family dwelling.

Sec. 9.04.037. Infrastructure Use-Specific Standards

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

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

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

(1) Purpose. These regulations are adopted for the following purposes:

(A) To protect and provide for the public health, safety, and general welfare of the City.

(B) To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.

(C) To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.

(D) To encourage the users of support structures and antennas to site share where possible and to locate all facilities, to the extent possible, in areas where the adverse impact on the community is minimal.

(E) To protect and enhance the City's environmental and aesthetic quality.

(F) To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.

(G) To comply with applicable state and federal law.

(2) Applicability.

(A) This subsection applies to all commercial and amateur antenna installations located outside of City right-of-way, unless exempted by (C), below.

(B) Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City, and which comply with the requirements of (7) below, are subject to all applicable ordinances for such structures including, but not limited to (4), below.

(C) Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height.

(i) In any zoning district, antennas that are one meter (39 inches) or less in diameter.

(ii) In the nonresidential zoning districts, antennas that are 2 meters or less in diameter.

(iii) In any zoning district, antennas designed to receive television broadcasts.

(iv) In any zoning district, amateur radio antennas concealed behind, on, or within attics, eaves, gutters, or roofing.

(v) In any zoning district, amateur radio ground-mounted whips and wire antennas unless mounted on a pole or mast over 20 feet in height.

(D) An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the

support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.

(3) Application Requirements.

(A) Applications for commercial antennas and antenna support structures shall include the following:

(i) The distance between the proposed support structure, the nearest residential unit, and/or residential zoning district boundary line.

(ii) An inventory or map of the applicant's existing support structures, antennas, or sites previously approved for such, either owned or leased, both within the City and within one mile of the City Limits, including specific information about each support structure's location, height, and design.

(iii) The separation distance between the proposed support structure or antenna and these support structures shall also be noted.

(iv) Certification of the following:

a. That the applicant has sought and received all franchises or permits required by the City for the construction and operation of the communication system;

b. Identification of the backhaul provider and connectivity locations for the installation; (Applicants must notify the City of any change in site sharing or backhaul providers within 30 days of the change.)

c. Certification of the structural engineering information;

d. Certification of whether the installation is a network node; and

e. A notarized statement from the applicant that the proposed support structure can accommodate the site sharing of additional antennas.

(v) Information concerning the finished color, alternative design standards (if applicable), and method of fencing.

(vi) The application may require a site plan and landscape plan in accordance with this ordinance. Platting of the property may be required in accordance with Article 9.02 (Subdivision Regulations).

(vii) The Director may establish procedures, forms, and standards with regard to application materials and information constituting a complete application for communications antenna, commercial and amateur.

(B) All commercial signs, flags, lights, and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures.

(C) All antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within six months or as the regulating authority requires.

(D) A permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulation, as stated in (2)(C)

above. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association.

(E) All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the City of Anna's radio frequencies and public safety operations as required by the FCC.

(F) No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires, or ground equipment may be located within any required front, side, or rear yard setback.

(G) All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.

(H) All antennas and support structures must meet visibility requirements as defined in Sec. 9.04.041 and Sec. 9.04.046, even if a permit is not required.

(I) Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure, a fence, climbing guard, or other commercially available safety devices. Climbing spikes must be removed after use.

(J) Temporary antennas shall only be allowed in the following instances:

(i) In conjunction with a festival, carnival, or other activity requiring a Temporary Use Permit from the City.

(ii) In case of emergency as required by the City's Police or Fire Departments.

(iii) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the provider must acquire a permit for the use.

(4) General Requirements.

(A) Antennas and support structures may be considered either principal or accessory uses.

(B) Antenna installations shall comply with all other requirements of this article with the exception of those specified within this section.

(C) Commercial antennas and antenna support structures are permissible in all zoning districts when the following requirements are met:

(i) When totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.

(ii) A commercial antenna may be mounted on or incorporated into flagpoles.

(iii) Attached to a utility structure in any zoning district, except if the communications antenna and antenna support structures exceed 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna cannot extend more than 15 feet above the utility structure.

(iv) Attached to an existing streetlight, park ballfield lights, and parking lot light standards, or the light standard in any zoning district may be replaced to accommodate the

antennas. The light standard's height may be increased by 15 feet, up to a maximum of 60 feet, to accommodate the antennas.

(v) Only Omni, Yagi, network nodes, and small panel antennas not exceeding one foot in width by eight feet in length, mounted flush to the support structure, are allowed in residential districts. Radio transceivers may also be used if the equipment box does not exceed 8” x 14” x 5”.

(D) Commercial antennas and antenna support structures are permissible in nonresidential districts when the following requirements are met:

(i) Sixty feet or less in height is allowed by right.

(ii) Greater than 60 feet in height is allowed with the approval of a specific use permit.

(iii) Must meet the applicable zoning district setback requirements.

(E) Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached dwelling purposes, unless the conditions of (2)(C) are met.

(F) In addition to the allowances for commercial antennas and antenna support structures, network nodes are permissible in all zoning districts when the following requirements are met:

(i) Network nodes are allowed by right if the support structure on which antenna facilities are mounted is no more than 10 percent taller than other adjacent structures, or the support structure on which antenna facilities are mounted is not extended to a height more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.

(ii) Network nodes may be attached to a utility structure as described above if the antenna does not extend more than 10 percent above the preexisting height of the utility structure.

(iii) Network nodes may be attached to the light standard if the antenna is no more than 10 percent taller than other adjacent structures or the equipment is not extended to a height of more than 10 percent above its preexisting height as a result of the new antenna facilities.

(iv) No single antenna may be larger than three cubic feet.

(v) Overhead facilities and overhead transport facilities cannot be installed overhead on private property if the property is adjacent to a park or is adjacent to a street or thoroughfare that is classified Class E+ or smaller. All transport facilities must be underground per Article 9.02 (Subdivision Regulations).

(G) Setback, Separation, and Screening of Ground Equipment Requirements.

(i) The height of a support structure is limited to 200 feet in the industrial zoning districts and is limited to 120 feet in all other nonresidential zoning districts, except that for network nodes, the structure on which the antenna facilities are mounted cannot be more than 10 percent taller than other adjacent structures or the structure on which antenna facilities are mounted cannot extend to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.

(ii) Support structures, except for network node poles, must be set back a minimum of 125 percent of the support structure height from public rights-of-way.

(iii) Equipment buildings must comply with the screening requirements specified in (6) below, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.

(iv) Support structures, guy wires, and accessory buildings must satisfy the minimum zoning district setbacks requirements. Where the district does not specify a minimum front yard setback, the front yard setback must be 50 feet; where the district does not specify a minimum side yard setback, the side yard setback must be 10 feet; where the district does not specify a minimum rear yard setback, the rear yard setback must be 10 feet.

(v) The following separation distances between support structures must be maintained:

Table 22: Separation Distances

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

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

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

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

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

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

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

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

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

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

(iv) The original support structure must be removed from the property within 90 days of the completion of the new support structure.

(C) Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.

(6) Support Buildings and Equipment Storage. In order to minimize the effect on property values and to maintain the aesthetics of the area, support buildings and equipment storage areas or buildings must meet the following requirement:

(A) When mounted on rooftops, they must be screened by a parapet wall or other mechanical unit screening. Existing mechanical unit screening may be utilized if it provides screening in accordance with Sec. 9.04.046.

(B) When ground mounted, they must comply with the following:

(i) Meet all applicable front, side, and rear yard setback requirements.

(ii) Be of a neutral color compatible with surrounding structures.

(iii) Be screened by an evergreen landscape screen with an initial planting size of 5 gallons and 4 feet in height, with an ultimate height of 6 feet or a solid masonry fence 6 feet in height. Landscaping must be irrigated and maintained in a living, growing condition. Wooden fences are prohibited, and wrought iron or chain link may only be used in conjunction with a landscape screen.

(7) Antennas on City-Owned Property. Antennas owned by other than governmental entities may be located on property owned by the City of Anna under the following conditions:

(A) Antennas and support structures located within City right-of-way must comply with the City of Anna Subdivision Regulations, design manuals, and other ordinances.

(B) The antennas and support structures outside of the right-of-way may only be attached to an existing improvement or replace an existing improvement and must follow the requirements of (2)(C).

(C) Authorization for use of City property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized City representative and adopted in conformance with all applicable City regulations and guidelines for the property prior to submission of an application for review under this Section.

(8) Aesthetic, Stealth, and Alternative Design Requirements. In order to preserve property values and to maintain the aesthetics of the area, all antennas and antenna support structures must meet the following requirements:

(A) Support structures must have a galvanized steel finish or be painted a neutral color, unless other designs and colors are required by the Federal Aviation Administration for safety purposes.

(B) Antennas and supporting equipment installed on an existing structure other than a support structure must be of a neutral color that is compatible with the color of the supporting structure.

(C) Alternative or stealth designs, including flag poles, windmills, trees, clock towers, bell steeples, or other architectural elements, are encouraged for all antenna support structures, antennas, and supporting equipment.

(9) Amateur Radio Antennas and Support Structures

(A) Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator are allowed in any district. A building permit is required for antenna support structures of 20 feet or more in height.

(B) No amateur antenna support structure or antenna may be greater than 50 feet in height. However, the height of such antenna support structure or antenna may be increased up to 75 feet by installing a telescopic or crank-up support structure. Upon issuing a specific use permit, an amateur antenna support structure or antenna may be constructed to exceed these height limits.

(C) Amateur antenna support structures, antenna, or support wires must be located behind the face of the main building. No amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback. For an amateur antenna support structure or antenna in excess of 35 feet, the setback from side setback lines must be increased one foot for every foot the height exceeds 35 feet.

(D) The bottom section of an antenna support structure may not exceed 48 inches in width. An antenna support structure with a bottom section with a width exceeding 30 inches but not exceeding 48 inches must be tapered.

(E) Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit. Excluded from this provision are monopoles 4 inches or less in diameter used exclusively to support wire antennas as referenced in (2)(C)(v).

(F) Amateur radio antennas, antenna support structures, bases, masts, and poles in existence or for which a permit was issued prior to the effective date of this ordinance shall be considered legally nonconforming uses subject to the provisions specified in Division 6.

(G) All specific use permits issued for amateur radio antennas or antenna support structures shall be conditioned that the permittee complies with this Article, as amended, and all other applicable City ordinances. City Council may also provide other conditions and restrictions when granting the specific use permit that it determines are necessary to protect and provide for the community's health, safety, and general welfare. After a public hearing and an opportunity for the permittee to be heard, City Council may cancel, revoke, or suspend a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of the granting of the permit are not met or thereafter cease to exist.

(10) Appeals

(A) An applicant may appeal a decision of the Director for an antenna installation that does not require a specific use permit, other than a network node installation, to the Planning and Zoning Commission by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of the decision. The Planning and Zoning Commission may approve, conditionally approve, table, or deny an appeal. Decisions of the Planning and Zoning Commission may be appealed to City Council in accordance with Sec. 9.04.050(m).

(B) Any applicant may appeal a decision of the Director to the City Manager for a network node installation if the applicant believes that the denial of a permit materially inhibits the provision of service, in violation of Sections 253 or 332 of the Telecommunication Act of 1996. The City Manager may adopt rules regulating the process and requirements for appeals. The City Manager must issue a decision within ten (10) business days of receipt of the written appeal. The decisions of the City Manager are final. Failure to render a decision constitutes a denial.

(C) Any entity that desires to erect or utilize telecommunications facilities that would be limited by the provisions of this ordinance may petition the Planning and Zoning Commission to modify the ordinance. In determining the need to initiate an amendment to the ordinance, the Commission shall consider the extent to which strict application of these regulations would prohibit or have the effect of prohibiting communications services.

(c) Drone Delivery Hub

(1) The location of the drone delivery hub area shall be designated on an approved site plan and shall not be placed:

(A) Within any required building setbacks;

(B) Within any required landscape edge;

(C) Within fire lanes, easements, maneuvering aisles, customer pick- up lanes, or required loading zones and parking spaces;

(D) So as to obstruct visibility or interfere with pedestrian or vehicle circulation; or

(E) In the street yard except when:

(i) The structures are greater than 30 feet from the nearest public right of way;

(ii) It is the primary use on an individually platted lot within a C-2, I-1, or I-2 zoning district; or

(iii) The Planning & Zoning Commission approves the location.

(2) Distance Separation.

(A) Allowed by right if located:

(i) More than 200 feet from any Single-Family Residential or Mixed-Density Residential Zoning District or a Single-Family Dwelling in an Agricultural Zoning District;

(ii) More than 150 feet from any Multi-Family Residential zoning district; and

(iii) More than 1,000 feet from another Drone Delivery Hub.

(iv) More than 500 feet from the property line when located on an Agriculture Use lot.

(B) A Specific Use Permit is required if located less than the aforementioned distances.

(C) No additional distance separation is required from the Extraterritorial Jurisdiction.

(3) Maximum area:

(A) 10,000 square feet per 10 acres in C-2 Zoning Districts.

(B) No maximum area for industrial districts.

(C) To be determined during the SUP process for all other districts.

(4) Screening: See Sec. 9.04.046

(d) Drone Delivery Pick-Up Kiosk.

(1) The location of the drone delivery kiosk shall be designated on an approved site plan and shall not be placed:

(A) Within any required building setbacks;

(B) Within any required landscape edge;

(C) Within fire lanes, easements, maneuvering aisles, customer pick- up lanes, or required loading zones and parking spaces;

(D) So as to obstruct visibility or interfere with pedestrian or vehicle circulation; or

(E) In the street yard except when:

(i) The structures are greater than 30 feet from the nearest public right of way,

(ii) It is the primary use on an individually platted lot within a C-2, I-1, or I-2 zoning district, or

(iii) The Planning & Zoning Commission approves the location.

(2) Distance Separation.

(A) Allowed by right if located more than 100 feet from a Single-Family Residential Zoning District or Dwelling, and

(B) A Specific Use Permit is required if less than the aforementioned distances.

(C) No additional distance separation is required from the Extraterritorial Jurisdiction.

(3) Maximum area: 300 square feet per acre

(4) Maximum Height: Must comply with the zoning district's height requirements.

(5) Screening: See Sec. 9.04.046

Sec. 9.04.038. Accessory Uses and Structures

(a) Purpose. This section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards established in this section. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, buildings, and activities typically associated with the use, unless specifically prohibited in this section.

(b) Approval Procedure.

(1) Any of the accessory uses identified in this section may be allowed as an accessory to an authorized principal use provided that:

(A) The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and

(B) The proposed accessory use or building is consistent with this subsection's general and specific standards for accessory uses.

(2) Simultaneously with a Principal Use. Accessory uses or buildings may be reviewed as part of a review of an associated principal use. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with an approved Specific Use Permit.

(3) Subsequent to a Principal Use.

(A) Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.

(B) In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with the provisions in Division 5.

(c) Interpretation of Unidentified Accessory Uses. The Director shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

(1) The definition of "accessory use" in Division 10 and the general accessory use standards and limitations established in this Section;

(2) The purpose and intent of the base districts in which the accessory use is located;

(3) Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and

(4) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

(d) General Standards for All Accessory Uses. All accessory uses and buildings shall be subject to the general standards in this section, as well as any applicable supplemental standards in Subsection (e) and all standards applicable to the associated principal use as set forth in Division 3.

(1) Size. All accessory uses shall:

(A) Be clearly subordinate in area, extent, and purpose to the principal use or structure; and

(B) Not violate this Article's bulk, density, parking, landscaping, or open space standards when taken together with the principal use or structure.

(C) The floor area of any detached accessory building shall not exceed 50% of the floor area of the principal structure. The total combined floor area of all buildings shall not exceed the maximum lot coverage for the zoning district in which it is located. The Director may authorize a building to exceed this percentage if the building is used as a guest house, or is used for animal production or crop production associated with an agricultural use.

(2) Function. All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.

(3) Timing. Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.

(4) Height. Accessory buildings shall be limited to a maximum height of eighteen (18) feet unless exempted from the height requirements in this Zoning Ordinance.

(5) Location.

(A) Accessory uses or buildings shall be located on the same lot as the principal use or building.

(B) Accessory buildings shall not be located within platted or recorded easements.

(C) Accessory buildings shall be set back at least five (5) feet from any side and ten (10) feet from any rear lot line.

(D) The Director may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park.

(e) Supplemental Standards for Accessory Use Standards.

(1) Accessory Dwelling Unit.

(A) A Detached Accessory Dwelling Unit shall only be located in the rear of a lot.

(B) An Accessory Dwelling Unit must comply with the required setbacks of the zoning district in which the unit is located.

(C) An Accessory Dwelling Unit must comply with the zoning district's height requirements. An Accessory Dwelling Unit must not exceed the height of the primary dwelling.

(D) An Accessory Dwelling Unit must be at least five hundred (500) gross square feet in area.

(E) An Accessory Dwelling Unit must not exceed one thousand (1,000) gross square feet in area.

(F) An Accessory Dwelling Unit must connect utilities to those of the primary dwelling.

(G) The property owner must occupy the principal dwelling or Accessory Dwelling Unit as the owner's permanent residence.

(2) Donation and Collection Bin.

(A) A Donation and Collection Bin shall meet all required zoning district setbacks.

(B) A Donation and Collection Bin may be located in parking spaces as long as the required parking minimums are met.

(C) The maximum size for a Donation and Collection Bin is 40 square feet.

(D) The maximum height for a Donation and Collection Bin is 5 feet.

(3) Fuel Pumps.

(A) Any fuel pumps shall not be located within 150 feet of a residential district.

(4) Home Occupation.

(A) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft, or economic enterprise.

(B) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence, and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total floor area of the residential dwelling.

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

(D) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

(E) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.

(F) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.

(G) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.

(H) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.

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

(5) Outdoor Display.

(A) Outdoor Display shall be designated on an approved site plan.

(B) Outdoor Display is limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.

(C) Outdoor Display shall be placed within 10 feet of the front facade of the primary building and shall not exceed 4 feet in height.

(D) Temporary storage of merchandise for display and sale placed on a sidewalk or other pedestrian area must maintain a 6-foot wide pedestrian path through and adjacent to the Outdoor Display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, easements, maneuvering aisles, customer pick-up lanes, and loading zones.

(6) Outdoor Storage.

(A) Outdoor Storage shall be designated on an approved site plan.

(B) Outdoor Storage shall not be placed:

(i) Within any required setbacks,

(ii) Within parking spaces, fire lanes, easements, maneuvering aisles, or loading areas,

(iii) On the roof of any structure,

(iv) To exceed the required screening height

(v) At the front of any primary building.

(C) Outdoor Storage is limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.

(D) Outdoor Storage shall comply with Sec. 9.04.046.

(E) Outdoor Storage items shall be stored on a paved surface, and associated access and maneuvering drives shall be a paved surface, except for in the AG, I-1, and I-2 zoning districts where items, may be placed on a gravel surface or similar permeable surface.

(7) Service Bays.

(A) All service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(B) Service bays shall orient away from street frontage.

(8) Swimming Pool, Private.

(A) A swimming pool is no closer than four feet from any property line.

(9) Wind Energy Conversion Systems.

(A) Purpose. In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems for the production of electricity for use on a lot.

(B) Standards. All wind energy conversion systems are subject to and must comply with the following provisions:

(i) Setbacks. Minimum setbacks for wind turbines shall be:

a. A minimum of 1.1 times the total extended height of the wind turbine – as measured from the top of the foundation to the uppermost part of the wind turbine – from the project property lines.

b. Guy wire anchors may not extend closer than 10 feet from any property line.

(ii) Number per lot or parcel. A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.

(iii) Height. Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems – as measured from the top of the foundation to the uppermost part of the wind turbine – is 35 feet on parcels less than 5 acres in size and 70 feet on parcels 5 acres or greater. If roof-mounted, the extended height shall not exceed 10 feet above the roof ridge and in no case be higher than 35 feet.

(iv) Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

(v) Access. All tower-mounted wind energy conversion systems must comply with the following provisions:

a. The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barriers shall be fastened to the bottom tower section such that it cannot readily be climbed; and

b. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(vi) Rotor safety. All wind turbines shall comply with the following rotor safety requirements.

a. Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation.

b. The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be 10 feet, as measured at the lowest point of the arc of the blades.

c. All blades of a wind turbine are required to be within a shroud.

(vii) Noise. All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.

a. No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of 35 decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one acre; or, a maximum of 50 decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

b. Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the building official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, and/or approved by the building official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the building official will allow the operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by the building official, after a period established by the building official.

(viii) Aesthetics and Maintenance.

a. Appearance. Unless subject to any applicable standards of the FAA, wind turbines shall be a non-obtrusive color such as tan, sand, gray, black, or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the building official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted, using an approved color, within the period established by the building official, the owner shall remove the affected wind energy conversion system(s).

b. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.

c. Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.

(ix) Signs. Only one sign is allowed on the wind turbine, and it shall not exceed one square foot in size.

(x) Compliance with FAA regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.

(xi) Certified Safe. A Texas professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.

(C) Repair and Removal of Wind Turbines.

(i) Any wind turbine found to be unsafe by the building official or fire department shall immediately cease operation upon notification by the building official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Wind turbines that are not operated for a continuous period of 12 months shall be removed by the owner of the wind turbine.

(ii) When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures, or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.

(D) Mounting of Wind Turbines. Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is an acceptable system for the support structures.

(E) Compliance with Regulations.

(i) All wind energy conversion systems shall comply with applicable fire codes and building codes.

(ii) All standards and regulations under this subsection and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this article, the

operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

Sec. 9.04.039. Temporary Uses and Structures

(a) Purpose. This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period.

(b) Approval Procedure. Any use listed in this section may be permitted as a temporary use provided:

(1) Where indicated in Table 19: Use Table; and

(2) The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.

(c) General Standards for all Temporary Uses. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Article:

(1) The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to public health, safety, or general welfare.

(2) The temporary use shall comply with all applicable general and specific regulations of this Section, unless otherwise expressly stated.

(3) Permanent alterations to the site are prohibited.

(4) All temporary signs associated with the temporary use or structure shall be properly permitted and removed as required by the Anna Sign Code.

(5) Temporary permits for construction yards, field offices, and batching plants and specific use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed 18 months. Temporary permits for Itinerant Vendors and Seasonal Roadside Stands shall be issued for a period of time not to exceed 3 months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

(6) The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

(7) The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.

(8) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

(9) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use

without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.

(10) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Director or Fire Marshal, including fire rating.

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

(d) Supplemental Standards for Temporary Uses.

(1) Itinerant Vendors.

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

Division 4. Development Standards

Sec. 9.04.040. Purpose

(a) Purpose. This Division establishes uniform standards for developing and improving property throughout Anna to ensure quality development consistent with the Comprehensive Plan.

(b) Organization. This Division is organized into nine (9) subsequent sections for each development standard. This Division regulates:

(1) Dimensional Regulations (Sec. 9.04.041)

(2) Site Design Requirements (Sec. 9.04.042)

(3) Parking (Sec. 9.04.043)

(4) Loading (Sec. 9.04.044)

(5) Landscaping (Sec. 9.04.045)

(6) Screening and Fencing (Sec. 9.04.046)

(7) Outdoor Lighting (Sec. 9.04.047)

(8) Trash (Sec. 9.04.048)

(9) Performance Standards (Sec. 9.04.049)

Sec. 9.04.041. Dimensional Regulations

(a) Purpose. This Section aims to establish the general rules and exceptions for required lots, yards, setbacks, height, and stepback requirements.

(b) Applicability. This Section applies to any lot, yard, setback, height, or stepback required by this Zoning Ordinance.

(c) Number of Buildings per Lot.

(1) Single-Family Detached and Attached and Two-Family Uses. Only one primary building for single-family or two-family uses with permitted accessory buildings is allowed on a lot or platted tract.

(2) Townhome Unit, Multi-Family, Single-Unit or Duplex Unit Park, and Nonresidential Uses. Where a lot is used for townhome units, multi-family, nonresidential uses, or a combination of those uses, more than one primary building may be located upon the lot, but only when conforming to all the open space, parking, and density requirements applicable to the uses and districts.

(d) Lot Area and Dimensions.

(1) No lot shall be created or reduced in area, width, or depth below the minimum requirements established in Division 2.

(2) A lot that was legally created prior to the adoption of this Zoning Ordinance may be redeveloped, but any deviations from the dimensional standards other than minimum lot area shall require a Variance.

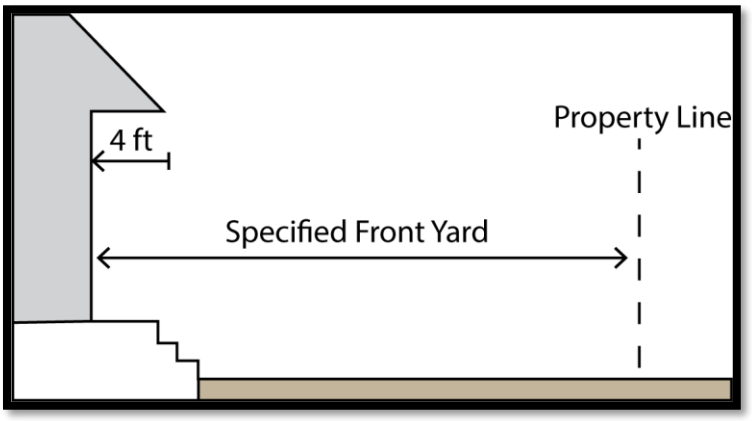
(e) Yard Regulations.

(1) Front Yard Regulations.

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

(B) The front yard shall be open and unobstructed from a point 40 inches above the general ground level of the graded lot to the sky. Eaves and roof extensions or a porch may project into the required front yard for a distance not to exceed 4 feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 40 inches above the average grade of the yard. See Figure 3: Front Yard Regulations.

Figure 3: Front Yard Regulations



(C) Where a building line has been established by an approved plat that deviates from the setback that this Zoning Ordinance prescribes, the required front yard shall comply with the building line established by that plat.

(2) Side Yard Regulations.

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

(B) On a corner lot, the street where the building's primary entrance is located, or designated to be located, is the front yard. Any streets perpendicular to the building's primary entrance are corner side yards.

(C) Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features projecting not to exceed 12 inches into the required side yard and roof eaves projecting not to exceed 4 feet into the required side yard. A fence (in accordance with Sec. 9.04.046(d)) may be constructed on the property line adjacent to a side yard.

(D) Mechanical equipment such as air-conditioning compressors, swimming pool pumps and filters, and similar devices may be installed in the side yard at a maximum height of 60 inches above the ground level of the graded lot to the sky.

(E) Where a side property line divides a nonresidential district from a residential district, a minimum 10-foot side yard is required for the nonresidential lot side adjacent to that residential district.

(3) Rear Yard Regulations.

(A) A rear yard is a yard between the rear property line and the rear line of the primary building and the side property lines.

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

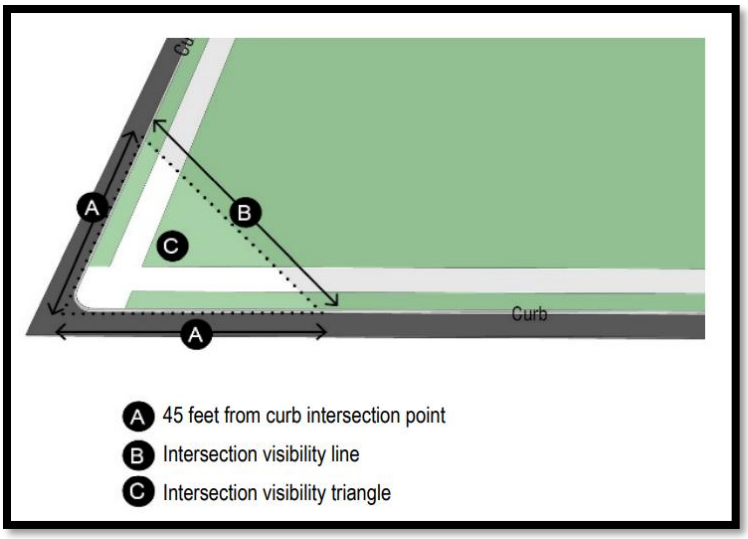
(f) Intersection Visibility Triangle.

(1) These provisions apply to all new development or proposed expansions into the intersection visibility triangle. However, these provisions do not apply to or otherwise interfere with the: placement and maintenance of traffic-control devices under governmental authority and control and public utilities; existing screening and fencing requirements; and existing and future City, state, and federal regulations.

(2) Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the Intersection Visibility Triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.

(3) At intersections where arterials and collectors intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection forty-five (45) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure 4: 45' Intersection Point.

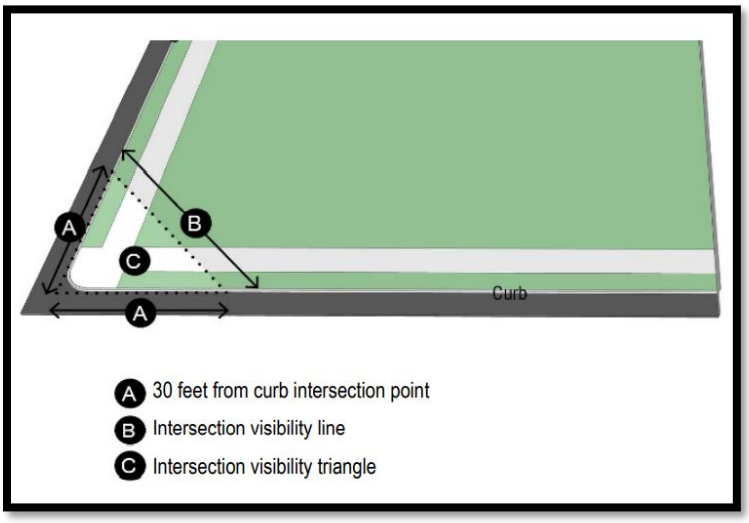
Figure 4: 45' Intersection Point



(4) At all intersections where local streets intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection

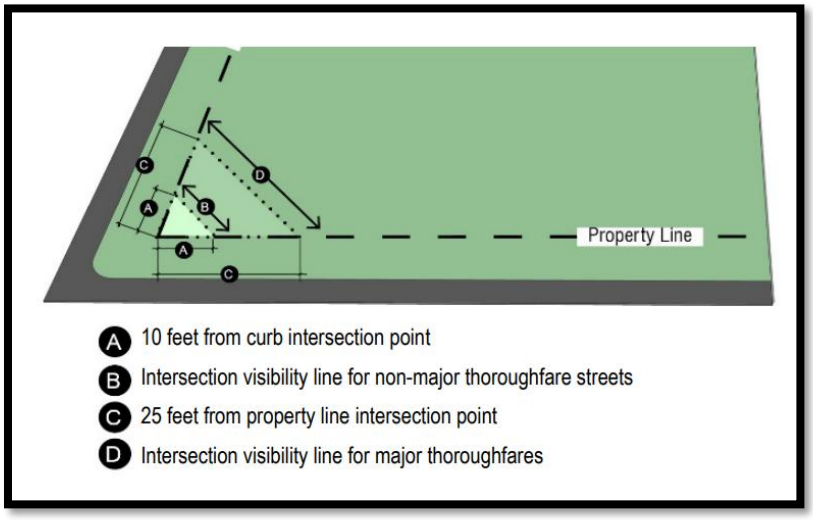
thirty (30) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure 5: 30' Intersection Point.

Figure 5: 30' Intersection Point



(5) If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on arterials and collectors and ten (10) feet on local streets, and connecting these points with an imaginary line, creating a triangle. See Figure 6: No Curbs Intersection Point.

Figure 6: No Curbs Intersection Point



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

(g) Height Regulations.

(1) A building or structure shall meet the requirements established in the Height definition (see Figure 18: Height Measurement).

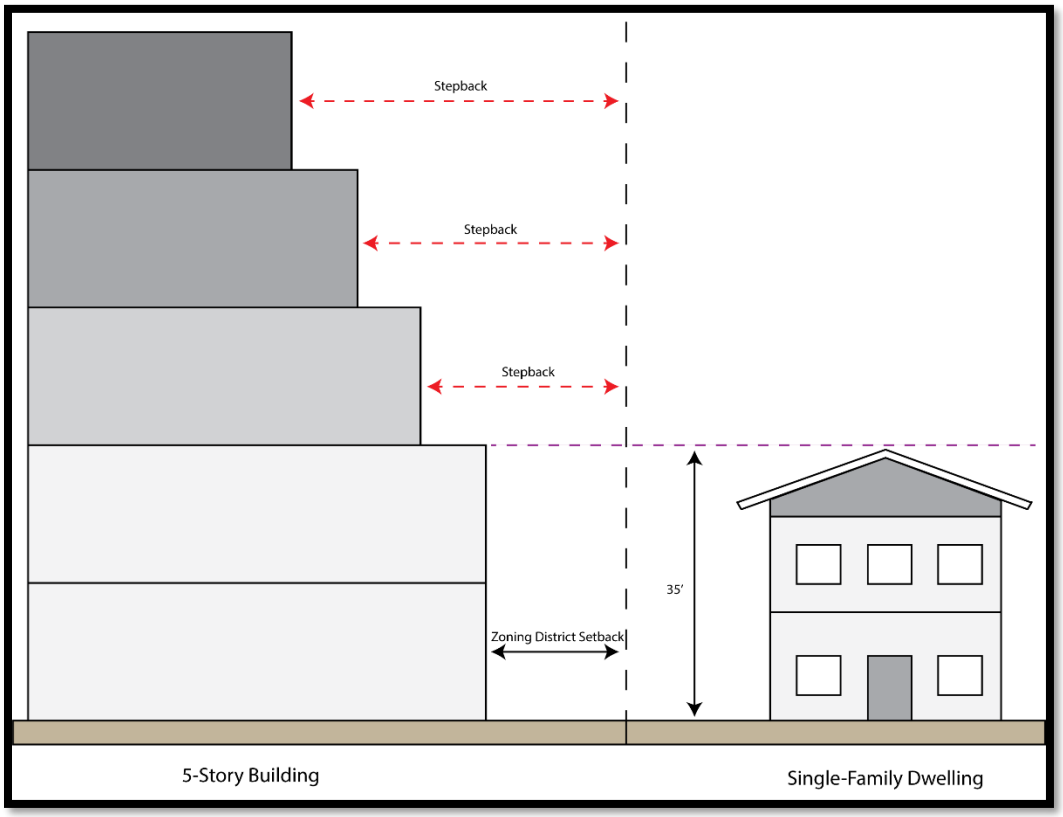
(2) Church steeples, domes, spires, cooling towers, roof gables, chimneys, vent stacks, and athletic field equipment and fencing are exempt from maximum height provisions.

(h) Stepback Regulations.

(1) Stepback regulations apply to all new building construction and all additions with multiple stories and a height greater than 35 feet located adjacent to residential zoning districts and existing single-family uses but do not apply when an improved public street or railroad right-of-way separates the new building construction from the existing residential zoning district or single-family residential use.

(2) A 25-foot stepback applies for each additional story after the second story exceeding 35 feet in height (See Figure 7: Stepback Exhibit).

Figure 7: Stepback Exhibit



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

(4) The ordinary projections of window sills, belt courses, cornices roof overhangs, balconies, rooftop patios, and other architectural features projecting not to exceed 4 feet into the required stepback unless granted by a specific use permit.

Sec. 9.04.042. Site Design Requirements

(a) Purpose. The purpose of this Section is to establish minimum standards for the appearance of development and corresponding site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the City.

(b) Applicability. This section applies to all single-family, two-family, multi-family, mixed-use, and nonresidential developments for new construction. All development shall comply with the requirements established by the Anna Fire Marshal.

(c) Single-Family and Two-Family Residential Standards.

(1) Building Articulation. At least four facade articulation techniques are required on each single-family or two-family dwelling to add variety and interest to a building. The following features are acceptable techniques of exterior articulation.

(A) One of the following:

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

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

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

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

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

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

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

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

(A) Extend more than ten feet beyond the remainder of the front elevation of the primary living area of a dwelling; or

(B) Be over 60% of the total frontage width of a dwelling. Porches or columns are not considered part of the front elevation of the primary living area.

(5) House Repetition.

(A) Within residential developments, single-family and two-family dwellings with substantially identical exterior elevations can only repeat every four (4) lots when fronting the same right-of-way including both sides of the street.

(B) Homes side by side or across the street within one house (directly across the street or “caddy corner” across the street) shall not have substantially identical exterior elevations.

(d) Multi-Family Residential Standards.

(1) Building Articulation.

(A) Horizontal wall planes longer than 40 feet in length shall be segmented into smaller sections by a structural or ornamental minor facade offset (recess or projection) of a minimum 4 feet deep and 8 feet wide.

(B) The height of those offsets is equal to the building's height at the location of the offset.

(2) Roof Treatment.

(A) Pitched or flat roofs are permitted.

(B) A parapet wall is allowed if constructed to prevent flat roof visibility.

(3) Fenestration.

(A) Any glass with a visible light reflectance rating of 25% or greater is prohibited.

(4) Elements. A multi-family development is required to provide at least two of the following elements:

(A) At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation;

(B) All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;

(C) All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;

(D) Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after the construction of the facade is complete.

(E) Other similar architectural features as approved by the Director.

(5) Amenities.

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

Table 23: Required Amenities

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

(B) The amenities below may be used to fulfill the requirements of Table 23: Required Amenities. Each amenity counts as one required amenity towards the requirements in Table 23: Required Amenities. However, multiples of the same amenity do not count towards the requirements in Table 23: Required Amenities. Additionally, to provide flexibility in development design, the Director may approve different amenities that agree with the purpose of this Sec. 9.04.042.

(i) Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);

(ii) Jacuzzi or hot tub area (minimum 50 square foot area);

(iii) At least four barbeque grills or one grill per 100 units, whichever is greater, with shaded seating areas, all barbeque grills shall be:

a. Serviced with propane or other gas, and

b. Be built into a structure incorporated into an adjacent amenity (i.e., pool or seating area) ;

(iv) Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;

(v) Child play lot (minimum 3,000 square foot area) with equipment specifically designed to meet the following three age cohorts: 0-2 years old, 2-5 years old, and 5-12 years old;

(vi) A splash pad (water play amenity for children) that is a minimum of 1,000 square feet in area;

(vii) A dog park that is at least 5,000 square feet in area that:

a. Is enclosed by a minimum five-foot tall vinyl-coated chain link fence;

b. Uses grass, wood chips, or a combination of the two as surface materials; and

c. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.

(viii) Regulation-size volleyball, basketball, tennis, or other similarly related playing court.

(ix) Golf putting green (minimum 1,000 square feet);

(x) Fitness center/weight room (minimum 500 square feet);

(xi) Business center (minimum 500 square feet);

(xii) Media room (minimum 500 square feet).

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

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

(A) One of the following:

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

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

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

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

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

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

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

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

(A) Extend more than ten feet beyond the remainder of the front elevation of the primary living area of a detached residential dwelling unit; or

(B) Consider porches or columns as part of the front elevation of the primary living area.

(5) Unit Repetition.

(A) Dwelling units with substantially identical exterior elevations can only repeat every four (4) units when fronting the same right-of-way, fire lane, or easement, including both sides of that right-of-way, fire lane, or easement.

(B) Dwelling units side by side or across each other within one unit (directly across or "caddy corner") shall not have substantially identical exterior elevations.

(6) Amenities.

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

Table 24: Required Amenities

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

(B) The amenities below may be used to fulfill the requirements of Table 24: Required Amenities. Each amenity counts as one required amenity towards the requirements in Table 24: Required Amenities. However, multiples of the same amenity do not count towards the requirements in Table 24: Required Amenities. Additionally, to provide flexibility in development design, the Director may approve different amenities that agree with the purpose of this Sec. 9.04.042.

(i) Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);

(ii) Jacuzzi or hot tub area (minimum 50 square foot area);

(iii) At least four barbeque grills or one grill per 100 units, whichever is greater, with shaded seating areas, all barbeque grills shall be:

a. Serviced with propane or other gas, and

b. Be built into a structure incorporated into an adjacent amenity (i.e., pool or seating area)

(iv) Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;

(v) Child play lot (minimum 3,000 square foot area) with equipment specifically designed to meet the following three age cohorts: 0-2 years old, 2-5 years old, and 5-12 years old;

(vi) A splash pad (water play amenity for children) that is a minimum of 1,000 square feet in area;

(vii) A dog park that is at least 5,000 square feet in area that:

a. Is enclosed by a minimum five-foot tall vinyl-coated chain link fence;

b. Uses grass, wood chips, or a combination of the two as surface materials; and

c. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.

(viii) Regulation-size volleyball, basketball, tennis, or other similarly related playing court.

(ix) Golf putting green (minimum 1,000 square feet);

(x) Fitness center/weight room (minimum 500 square feet);

(xi) Business center (minimum 500 square feet);

(xii) Media room (minimum 500 square feet).

(f) Nonresidential Standards.

(1) Building Articulation.

(A) All buildings shall utilize facade offsets and appropriate fenestration to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.

(B) Elevations that are 50 feet or longer in horizontal length require at least two offsets (projection or recess) from the primary facade plane of at least 18 inches deep and 4 feet wide.

(C) The height of those offsets is equal to the building's height at the location of the offset.

(2) Roof Treatment.

(A) Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, changes in height, changes in roof form, type or planes that typically correspond to offsets in the building's facade, or other appropriate architectural elements.

(B) Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.

(3) Fenestration.

(A) The use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions, and other elements is required.

(B) Any glass with a visible light reflectance rating of 25% or greater is prohibited.

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

(A) The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy, or similar feature that serves the same purpose. The covering shall be at least three feet in depth when measured from the face of the adjoining facade.

(B) All building elevations shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.

(C) All building elevations shall feature at least three distinct roof lines.

(D) All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.

(g) Mixed-Use Standards.

(1) Building Articulation.

(A) All buildings shall utilize facade offsets and appropriate fenestration to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.

(B) Elevations 50 feet or longer in horizontal length require at least two offsets (projection or recess) from the primary facade plane of at least 18 inches deep and 4 feet wide.

(C) The height of those offsets is equal to the building's height at the location of the offset.

(D) Columns and piers shall be spaced no farther apart than the height of the column or pier.

(2) Roof Treatment.

(A) Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, changes in height, changes in roof form, type or planes that typically correspond to offsets in the building's facade, or other appropriate architectural elements.

(B) Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.

(C) Mansard roofs are prohibited.

(3) Fenestration.

(A) The use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions, and other elements is required.

(B) Any glass with a visible light reflectance rating of 25% or greater is prohibited.

(4) Ground Floor.

(A) A mixed-use development's ground or first floor is reserved for commercial uses, such as retail, office, and restaurant uses.

(B) For those mixed-use developments incorporating live-work units, the first floor may be shared with residential and commercial uses.

(C) The ground floor shall have a minimum ceiling height of 14 feet.

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

(A) The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy, or similar feature that serves the same purpose. The covering shall be at least three feet in depth when measured from the face of the adjoining facade.

(B) All building elevations shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.

(C) All building elevations shall feature at least three distinct roof lines.

(D) All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.

(E) Other similar architectural features as approved by the Director.

(6) Amenities.

(A) A mixed-use development shall provide a minimum of two amenities.

(B) The amenities below may be used to fulfill the requirements. Each amenity counts as one required amenity towards the requirements; however, multiples of the same amenity do not

count towards the requirements. Additionally, to provide flexibility in development design, the Director may approve different amenities that agree with the purpose of this Sec. 9.04.042.

(i) Swimming pool (minimum 850 square foot surface area) with cooling deck (minimum ten feet wide in all areas);

(ii) Jacuzzi or hot tub area (minimum 50 square foot area);

(iii) At least two barbeque grills or one grill per 100 units, whichever is greater, with shaded seating areas, all barbeque grills shall be:

a. Serviced with propane or other gas, and

b. Be built into a structure incorporated into an adjacent amenity (i.e., pool or seating area)

(iv) Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;

(v) A dog park that is at least 5,000 square feet in area that:

a. Is enclosed by a minimum five-foot tall vinyl-coated chain link fence;

b. Uses grass, wood chips, or a combination of the two as surface materials; and

c. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.

(vi) Fitness center/weight room (minimum 500 square feet);

(vii) Business center (minimum 500 square feet);

(viii) Media room (minimum 500 square feet).

Sec. 9.04.043. Parking

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

(1) Ensure that adequate off-street parking is provided for new land uses and changes in use;

(2) Minimize the negative environmental and development design impacts that can result from excessive parking, driveways, and drive aisles within parking areas;

(3) Establish standards and regulations for safe and well-designed parking and vehicle circulation areas that minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;

(4) To regulate residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City;

(5) Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations;

(6) Ensure compliance with provisions of the Americans with Disabilities Act (ADA);

(7) Minimize the visual impact of off-street parking areas; and

(8) Ensure that adequate off-street bicycle parking facilities are provided in walkable areas and promote parking that offers safe and attractive pedestrian routes.

(b) Applicability.

(1) Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use, must meet this section's parking requirements. These developments require permanent parking and off-street loading. Parking spaces may be provided in a garage or surfaced open area.

(2) When a change in the intensity of use of any building or structure would increase the required parking by more than five (5) spaces or ten (10%) percent, whichever is greater, through addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking is provided in accordance with this section unless an adjustment is permitted in (g) below. If less than five (5) spaces or ten (10%) percent, whichever is greater, are required by a change or series of changes in use, the Director may waive up to the incremental required number of parking spaces after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the Comprehensive Plan.

(c) Compliance Required.

(1) Off-Street Parking and Loading Review. Each application for a site plan, building permit, or certificate of occupancy shall include information as to the location and dimensions of parking spaces, and the means of ingress and egress to those spaces. This information is in sufficient detail to determine the requirements of this Zoning Ordinance are met and shall contain necessary information required by applicable provisions of this Zoning Ordinance.

(2) ADA Compliance. All ADA parking spaces and related ADA accessibility features are required to be installed in accordance with the current edition of the ADA Standards for Accessible Design (the "ADA Standards") as published by the Department of Justice. Where discrepancies exist

between this Zoning Ordinance and the ADA Standards, the ADA Standards shall apply. All required parking shall meet the ADA Standards.

(3) Parking Reduction Procedures. No existing or proposed parking shall be reduced or eliminated unless otherwise specified. Reductions in parking spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

(d) Off-Street Parking Requirements. Minimum off-street parking shall follow the requirements established in Table 19: Use Table.

(e) Metrics and Interpretations for Computation.

(1) Square Footage (Floor Area). The total or gross building square footage.

(2) Fraction of a Space. When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction is interpreted as one (1) whole parking or loading space.

(3) Parking Specific Variables.

(A) Square Footage.

(i) Example: 1/1,000 sf

(ii) Interpretation: 1 parking space for every 1,000 square feet of the building's floor area

(B) Dwelling Unit.

(i) Example: 1/DU

(ii) Interpretation: 1 parking space for each dwelling unit

(C) Bedroom(s)/Guestroom(s).

(i) Example: 1 + (0.75) bedrooms

(ii) Interpretation: 1 parking space plus the number of parking spaces from calculating 0.75 times all bedrooms.

(D) Bedroom Unit.

(i) Example: 1.5/1 BRU

(ii) Interpretation: 1.5 parking spaces for a single-bedroom apartment unit

(E) Acres.

(i) Example: 1/5 acres

(ii) Interpretation: 1 parking space for every 5 acres

(f) Additional Rules for Computing Parking Requirements.

(1) Uses Not Listed. The Director shall have the authority to determine the required parking and loading facilities for uses not specifically listed in the tables established in this section. This determination by the Director is in writing and is appealable to the City Council.

(2) Cumulative Parking. In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development except as provided in Joint Parking Facilities. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most

restrictive requirements unless specific areas of different uses are delineated by floor or building segment.

(3) Accessory Uses. Areas accessory to the principal use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise.

(4) Alterations, Expansions, and Changes in Use. For alterations, expansions, or changes in uses, prior to a certificate of occupancy, the Director shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building and the adequacy of the parking provided.

(g) Adjustments and Reductions to Parking Requirements.

(1) Generally.

(A) In specific instances established below, the Director or City Council may approve a reduction in required parking spaces. Applications for a reduction shall include the following information:

(i) A parking study that substantiates the need for a reduced number of spaces, and

(ii) A plan showing how the parking spaces are provided on the site.

(B) Multiple parking adjustments and reductions may be used.

(C) The maximum required parking reduction shall not total more than 35% unless specifically authorized in this Section.

(2) Adjustments and Reductions by the Director.

(A) Joint Parking Facilities. With the approval of a site plan, off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, subject to the following provisions below.

(i) A legally sufficient written agreement assuring the perpetual joint usage of the common parking for the combination of uses or buildings is properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and filed with and made part of the application for a Building Permit.

(ii) Up to 60% of the parking spaces required for a theater or other place of evening entertainment, or for a religious facility, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning and Zoning Commission. The City Council may rescind such approval.

(iii) Additional parking shall be obtained by the owners if the City Council determines that such joint use results in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare.

(B) Captive Market. Parking requirements for retail and restaurant uses may be reduced up to 25% where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of five hundred (500) feet.

(C) Availability of Public Parking. Parking requirements may be reduced by 20% if a property has available to it a sufficient supply of existing underutilized public parking spaces in both off-

street public parking lots or on-street public parking spaces. Parking must be within a maximum walking distance of five hundred (500) feet from the proposed use.

(D) Mixed-Use (MU) District Parking. Any new development in the Mixed-Use (MU) District may apply a 15% reduction to the required parking ratio established in Table 19: Use Table for that particular use.

(E) Downtown (DT) District Parking. Any new development in the Downtown (DT) District may apply a 25% reduction to the required parking ratio established in Table 19: Use Table for that particular use.

(F) Required parking for a restaurant with drive-through service and no dine-in seating and carryout orders may be reduced as long as three parking spaces or more parking spaces are provided.

(G) Drone Delivery Hub. The required number of spaces may be reduced up to 15% to accommodate drone delivery infrastructure.

(H) Drone Delivery Pick-Up Kiosk. The required number of spaces may be reduced up to two (2) spaces per Drone Delivery Pick-Up Kiosk in the following circumstances:

(i) Individually platted and stand-alone restaurants or retail buildings that require 20 or more off-street parking spaces.

(ii) Multi-tenant buildings or multiple buildings on one lot that require 30 or more total off-street parking spaces.

(iii) Industrial uses with 10 or more required off-street parking spaces.

(3) Adjustments and Reductions by the City Council.

(A) The City Council may reduce the parking requirements in Sec. 9.04.043(g)(2)(C) by 35%.

(B) The City Council may reduce parking if the applicant can clearly demonstrate that the required parking provisions create unnecessary hardship due to the particular nature or conditions of the proposed use.

(h) Design.

(1) All required parking spaces shall be located on the premises of the use to which that requirement applies or within an off-street space distance no more than 500 feet from the premises.

(2) The surface of parking spaces and aisles, truck standing spaces, and access driveways shall be treated, prepared, and maintained for adequate drainage and the elimination of dust, dirt, and mud.

(3) The minimum parking space, drive aisle dimensions, and any other associated standards shall meet the requirements and specifications established in Article 9.03 (Design Standards).

(4) Stacking.

(A) 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.

(B) For drive-through restaurants, the minimum stacking space for the first vehicle stop (point of order) 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.

(C) For dry cleaners, banks and financial services, pharmacies, and other 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.

(D) For unmanned kiosks, a minimum of one stacking space for each service window shall be provided.

(i) Residential Off-Street Parking.

(1) No person shall park any automobile, bus, truck, motorcycle, or any vehicle on any portion of a front yard or side yard of any area that is zoned SF-20.0, SF-14.5, SF-12.0, SF-10.5, SF-8.4, SF-7.2, SF-6.0, MD, MF, unless that area is a:

(A) Hard-surfaced driveway or parking area;

(B) Gravel driveway bordered by cement curbing or similar permanent border;

(C) Required driveway that provides access to a garage, carport, or off-street parking area required by this Section; and

(D) Side yard that is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence.

(2) All residential driveways and any other associated standards shall meet the requirements and specifications established in Article 9.03 (Design Standards).

(j) Parking and Storage for Major Recreational Equipment and Vehicles.

(1) No Major Recreational Equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, on a driveway, or in a required side or rear yard; provided, however, that such equipment may be parked anywhere on a residential premises no more than 24 hours during loading or unloading.

(2) No Major Recreational Equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed 14 consecutive calendar days within a 30-day period.

Sec. 9.04.044. Loading

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

(1) Ensure that adequate loading facilities are provided for new land uses;

(2) Establish standards and regulations for safe and well-designed loading and unloading to minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;

(3) Minimize the impact of improperly planned loading areas.

(b) Applicability.

(1) Generally. Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use must meet this section's requirements unless specifically exempted.

(2) Exemptions. These requirements do not apply to residential, accessory, and temporary uses.

(c) Generally. The required number of off-street loading spaces is determined by gross floor area. Outdoor storage, sales, or display areas must be added to the gross floor area if these areas contain materials that are received or distributed by trucks (Display areas for an Auto Dealership are excluded from this calculation). If a development has more than two uses, the off-street loading space requirement is the highest number of spaces required by a single use. Required loading spaces follow the standards prescribed in Table 25: Required Loading.

Table 25: Required Loading

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

(d) Standards.

(1) Location. A loading space:

(A) Must be located within the same development as the building or use served;

(B) Is prohibited from projecting into a sidewalk, street, or public right-of-way, including any maneuvering area;

(C) Is prohibited from being located between the front building line and the lot line;

(D) Must be placed to the rear or side of buildings in visually unobtrusive locations;

(E) Must be set back a minimum distance of 100 feet from any adjacent residential zoning district or use;

(F) Must be set back a minimum distance of 50 feet from any public street or front property line; and

(G) Must be oriented away from the street frontage.

(2) Dimensions. The minimum loading space size is 35 feet in length, 12 feet in width, and 15 feet in height.

(3) Maneuvering. The size of delivery vehicles intending to serve the site determines maneuvering area size. Each maneuvering area for loading spaces must not conflict with parking spaces or with

the maneuvering areas for spaces. A maneuvering area must be located on-site and be a minimum of 40 feet for spaces serving delivery vehicles.

(4) Design. Each loading space must minimize conflicts with other vehicular, bicycle, and pedestrian traffic.

(A) Loading facilities must maintain a 50-foot minimum distance from any residential property unless completely enclosed by building walls, a uniformly solid wall, or a combination of the two.

(B) Landscaping and Screening and Fencing prescribed in Sec. 9.04.045 and Sec. 9.04.046 apply to loading facilities and shall prevent direct views of the loading facilities and their driveways from adjacent properties and public right-of-way.

(C) Loading docks for any use adjacent to a residential use or district shall be designed and constructed to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.

(e) Loading and Unloading of Children. To ensure the safety of children entering and exiting day care centers or other places where loading and unloading to automobiles and/or buses occurs, the following regulations shall apply.

(1) Designated loading/unloading spaces. Schools, daycare centers, and similar child training and care establishments shall provide loading and unloading parking spaces as close to the establishment's front door as is practical. These spaces shall be located on an internal drive that does not block the fire lane or other businesses' vehicular movement and shall be stained, painted, or stamped so that the area is easily identified.

(2) Drop-off lane. Kindergartens, elementary schools, day schools, and similar child training and care facilities shall provide a separate, concrete-paved loading and unloading lane area adjacent to an entrance that allows drivers to approach the entrance and, without exiting the vehicle, the staff will assist in loading and unloading of the children in and out of the vehicle. This drop-off lane shall be one-way and with sufficient stopping points to allow a minimum of two cars to unload simultaneously. In addition, the drop-off lane shall be constructed to allow vehicles to exit the lane without impeding the movement of other vehicles using other drive aisles or causing a safety hazard with parents and/or children entering or exiting the building.

Sec. 9.04.045. Landscaping

(a) Purpose. The purpose of this section is to preserve the City's unique character and integrate and enhance new development by promoting landscape design that:

(1) Reinforces the identity of the community;

(2) Appropriately situates new buildings in the landscape;

(3) Provides adequate vegetation for screening and buffering between land uses;

(4) Provides tree canopies to reduce urban heat island effect;

(5) Preserves existing trees and establishes procedures for replacing removed trees;

(6) Balances water demand and use;

(7) Identifies climate-appropriate landscape material; and

(8) Protects Anna's natural resources.

(b) Applicability. This section applies to:

(1) All nonresidential, multi-family, and mixed-use developments for new construction unless otherwise specified;

(2) Residential development in certain instances as specified and provided in this Section;

(3) Any existing nonresidential, multi-family, or mixed-use development that is altered by increasing the floor area by 30% or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions;

(4) Any change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet this Section's requirements. If the standards cannot be met, then a variance may be requested.

(c) Landscape Plan Required.

(1) A landscape plan is required and shall be shown as part of the site plan.

(2) No permits shall be issued for building, paving, grading, or construction until a landscape plan is approved. Before issuing a certificate of occupancy for any building or structure, all screening and landscaping shall be in place per the landscape plan.

(3) If a certificate of occupancy is sought at a season of the year in which the Director determines that it would be impractical to plant trees, shrubs, or grass, or to lay turf, a temporary certificate of occupancy may be issued if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this section and the temporary certificate of occupancy shall be revoked.

(d) General Landscape Standards. The following criteria and standards shall apply to landscape materials and installation:

(1) Required landscaped open areas shall be completely covered with living plant material unless approved xeriscape planting materials are used. All required landscaped open areas using

xeriscape planting materials shall provide 50% of living plant material. Nonliving landscaping materials such as wood chips and gravel may be used only under trees, shrubs, and other plants.

(2) Plant materials shall conform to the standards of the approved plant list for the City (see approved plant list). Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects.

(3) Required plant materials are classified as:

(A) Canopy trees,

(B) Ornamental trees,

(C) Shrubs,

(D) Hedges,

(E) Vines, and

(F) Grasses and Ground Covers.

(4) Required plant materials shall follow the requirements established in Table 26: Planting Requirements.

Table 26: Planting Requirements

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

(5) Hedges, where installed for buffering purposes required by this Section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three feet high within two years after the time of planting.

(6) Landscaping, except required grass and low ground cover, shall not be located closer than 3 feet from the edge of any parking space.

(7) Evergreen vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screening devices, or walls to meet landscape screening and buffering requirements.

(8) Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six-month period of time from planting and shall be re-established, if necessary, to ensure grass coverage of all areas.

(9) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.

(10) All required landscaped areas shall be provided with an automatic underground irrigation system and shall design irrigation systems and watering schedules that supply the appropriate amount of water without overwatering. This does not apply to required landscaping for

residential development. That irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code.

(11) Earthen berms may be planted and, when installed, shall follow the requirements below.

(A) Earthen berms shall have side slopes not to exceed 3:1 (three feet of horizontal distance for each one foot of height).

(B) Earthen berms shall contain necessary drainage provisions, as may be required by the City Engineer.

(C) Earthen berm plantings shall consist of consisting of newly planted evergreen and deciduous trees and shrubs native to the region.

(D) Evergreen and deciduous trees shall be a minimum of two-inch caliper measured at DBH and a minimum of six (6) feet in height at time of planting.

(E) Required deciduous and evergreen shrubs shall be a minimum of three (3) feet at time of planting.

(12) No tree shall be planted closer than four feet to a right-of-way line nor closer than eight feet to a public utility line (water or sewer), unless no other alternative is available. Further, a landscaping area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.

(13) No tree that has a mature height of 25 feet or greater shall be planted within 25 feet (measured horizontally) from the nearest existing or proposed overhead utility line (see Appendix 1 and Appendix 2 of Article 9.07 Tree Preservation for height references).

(e) Xeriscaping Standards. To promote prudent use of the City's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure the viability of required plantings during periods of drought, required landscaping shall comply, where feasible, with the following requirements designed to reduce water usage.

(1) Required plant materials shall be selected from those identified as xeriscape plants on the approved plant list.

(2) Where specific conditions reduce the likelihood that any of the plant materials will survive, other plants on the list may be substituted at the Director's discretion.

(3) Other plants not on the list may be substituted at the Director's discretion. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.

(4) For maximum reduction in water usage, xeriscape plants shall not be interspersed in plant massings with plants requiring higher water usage.

(f) Minimum Landscaping Requirements.

(1) General.

(A) All existing trees that are to be considered for credit shall be provided with a permeable surface within a minimum five-foot radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the dripline with a minimum two and one-half foot radius from the trunk of the tree.

(B) Canopy trees, as specified on the approved plant list, shall account for at least 50% of the required total trees on a site.

(C) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with this Zoning Ordinance. Shared drives shall be allowed through perimeter landscape areas.

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

(2) Parking Lots.

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

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

(C) A landscape island shall be located at the terminus of each parking row, and shall contain at least one canopy tree. Exceptions may be granted by the Planning & Zoning Commission during Preliminary Site Plan or Site Plan approval:

(i) When a row ending in ADA parking spaces are separated from the building by a fire lane; or

(ii) Where necessary easements would conflict with plant of a tree.

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

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

(3) Nonresidential, Mixed-Use, and Multifamily Development.

(A) At least 15% of the street yard shall be a permanent landscape area. This requirement is exempt in the Downtown (DT) District.

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

(i) Mulched landscape bed;

(ii) Flowering perennials;

(iii) Low shrubs less than four feet (4') in height;

(iv) Low ornamental grasses at least one foot (1') in height; and/ or

(v) Landscaping rock including but not limited to pea gravel, lava rocks, and river rocks.

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

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

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

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

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

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

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

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

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

(F) Internal landscape areas shall:

(i) Equal a total of at least eight square feet per parking space;

(ii) Have at least one tree within a landscaped area within 65 feet of every parking space;

(iii) Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces. These required trees shall be provided within the internal landscape area. These requirements shall not apply to multi-level parking structures or Downtown (DT) District properties.

(G) Whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet wide shall be maintained between the edge of the parking area and the adjacent property line. This landscape area shall be grassed and may provide approved ornamental trees or shrubs.

(H) Whenever a nonresidential use, mobile home use, or multi-family use is adjacent to a property used or zoned for single-family or duplex residential use, the more intensive land use shall provide a landscaped area of at least 10 feet in width along the common property line planted with one canopy tree for each 40 linear feet or portion thereof of adjacent exposure.

(I) All nonresidential properties shall provide trees at a ratio of 10 trees per acre (43,560 sq. ft.) or one tree per 4,356 sq. ft. of the gross lot area. At the discretion of the City and the property owner's request, the 10 trees per acre requirement may be satisfied by planting trees elsewhere in the City at the direction and discretion of the Director.

(4) Residential Development.

(A) Generally.

(i) Applicants are required to plant the amount established in Table 27: Residential Planting Requirements per lot prior to obtaining a certificate of occupancy.

(ii) Existing quality trees of at least three-inch caliper size located on the lot shall count to meet this standard if appropriate tree protection measures have been followed.

(B) Requirements.

(i) Trees selected from the canopy tree list in this Section shall be planted on all single-family and two-family lots.

(ii) At least one of the trees must be placed in the front yard of the lot.

(iii) For all residential properties, common areas, and open space lots, applicants are required to plant one canopy tree per 40 linear feet of street frontage. Trees may be grouped or clustered to facilitate site design.

(iv) The following minimum standards apply as established in Table 27: Residential Planting Requirements. An applicant shall choose one of three planting options. An applicant may plant the required canopy trees, ornamental trees, or a combination of canopy and ornamental trees specified in Table 27: Residential Planting Requirements.

Table 27: Residential Planting Requirements

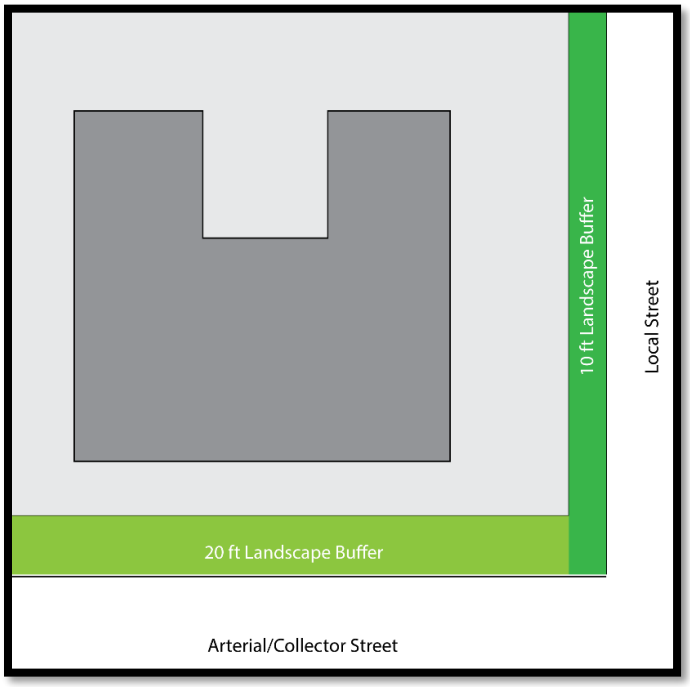
Trees → Zoning District ↓	**Canopy**	**Ornamental**	**Combination (Canopy/Ornamental)**
Single-Family Residential (SF-20.0) District	3	5	2/3
Single-Family Residential (SF-14.5) District			
Single-Family Residential (SF-12.0) District			
Single-Family Residential (SF-10.5) District	2	4	1/3
Single-Family Residential (SF-8.4) District			
Single-Family Residential (SF-7.2) District			
Single-Family Residential (SF-6.0) District	1	3	1/2
Mixed-Density Residential (MD) District	1	2	1/1
NOTE: All required trees will be planted prior to issuance of the certificate of occupancy on the dwelling. The City does not regulate required plantings on individually platted single-family residential lots after issuance of a certificate of occupancy.			

(g) Landscape Buffers.

(1) Landscape Buffers on Local Streets. For all nonresidential, mixed-use, and multi-family developments, a minimum 10-foot landscape buffer adjacent to the right-of-way of any local

street or any other unclassified street is required (see Figure 8: Landscape Buffers). If the lot is a corner lot, all frontages shall be required to observe the 10-foot buffer. Slight modifications may be allowed to the minimum 10-foot landscape buffer in unusual circumstances, as approved on the site plan.

Figure 8: Landscape Buffers



(2) Landscape Buffers on Arterials and Collectors. For nonresidential, mixed-use, and multi-family developments, a minimum 20-foot landscape buffer adjacent to the right-of-way of any arterial or collector is required (see Figure 8: Landscape Buffers). If the lot is a corner lot, all frontages shall be required to observe the 20-foot buffer.

(3) For all residential development, a minimum 20-foot landscape buffer shall be required adjacent to all sides of arterials and collectors.

(4) Modifications. If unique circumstances exist that prevent strict adherence to the requirements of (1) and (2) above, the Planning and Zoning Commission may consider granting a modification during the preliminary site plan or site plan approval process to reduce the minimum 20-foot landscape buffer to a minimum of 10 feet, provided that site design considerations have been incorporated to mitigate the impact of the modification. Unusual circumstances include, but are not limited to, insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A financial hardship shall not be considered a basis for granting a modification.

(5) Properties zoned Downtown (DT) District shall be exempt from landscape buffers except when off-street parking spaces are located in between the right-of-way and the front building face and the headlights face towards the street. For DT properties that do require a landscape buffer, a minimum 10 -foot landscape buffer adjacent to the right-of-way is required.

(h) Tree Preservation.

(1) All tree preservation shall comply with the regulations of this subsection (h) in addition to the requirements established in Article 9.07.

(2) Any protected trees as defined in Article 9.07 (Tree Preservation) preserved on a site meeting these specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to Table 28: Tree Preservation Credits, depending on the applicant's preference to accept or decline the credit. For purposes of this section, caliper measurement shall be taken at DBH above the ground and rounded to the nearest whole number.

Table 28: Tree Preservation Credits

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

(3) Existing trees may receive credit if they are not on the City's approved plant material list but are approved by the Director; however, trees must be located within the landscape area to which credit is applied.

(4) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The final landscape plan shall show the species, size, and exact location.

(5) During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The applicant shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.

(6) During the construction stage of development, the applicant shall not allow the cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the applicant allow the disposal of any waste material, such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(i) Sight Distance and Visibility.

(1) Rigid compliance with these landscaping requirements shall not cause visibility obstructions and blind corners at intersections as established in Sec. 9.04.041(f).

(2) If visibility obstructions are apparent in the proposed landscape plan as established in Sec. 9.04.041(f), the Director, may modify those landscaping requirements to eliminate the conflict.

(j) Maintenance.

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

(A) Mowing (of grass of six inches or higher);

(B) Edging;

(C) Pruning;

(D) Fertilizing;

(E) Watering;

(F) Weeding; and

(G) Other activities common to maintenance of landscaping.

(2) Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

(3) Plant materials used to meet minimum landscaping provisions that die or are removed shall be replaced with plant material of similar variety and size within 90 days.

(4) If any tree was preserved and used as a credit toward landscaping requirements was later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of three inches measured 24 inches above the ground.

(5) A time extension may be granted by the Director if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or their agent.

(6) Failure to maintain any landscape area in compliance with this section is considered a violation of this article and may be subject to penalties prescribed for violation of this Zoning Ordinance.

(k) Approved Plant Materials. The allowed plant materials are established in a checklist at the Development Services Department that is maintained by the Director.

(l) Prohibited Plant Materials. The prohibited plant materials are established in a checklist at the Development Services Department that is maintained by the Director.

Sec. 9.04.046. Screening and Fencing

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

(1) Minimize conflicts between potentially incompatible land uses and development on the abutting property;

(2) Ensure that screening devices and fences are attractive and in character with the neighborhood;

(3) Maintain fences by recognizing their use to create privacy; and

(4) Distinguish screening devices and fences from each other by clearly defining the two terms and applying specific standards to each term.

(b) Applicability. This section applies to all development within the City's corporate limits. This section does not apply to residential development unless otherwise specified.

(c) Screening Device Standards.

(1) Generally.

(A) All required screening devices must be equally finished on both sides.

(B) All openings on the surface for passage shall be equipped with gates equal in height and screening characteristics specified below, but need not be of the same material as the main fence or wall.

(C) Where a screening device is constructed, placed or planted on uneven terrain, there shall be no gap under the device, and the device must be composed of the same material throughout.

(D) No screening device comprised of brick, masonry, concrete, or solid metal shall be erected or placed that would interfere with the installation or maintenance of any public utility line, service, or drainage way within a dedicated easement unless approved by the City Engineer.

(E) No screening device shall conflict with the sight visibility requirements of Sec. 9.04.041(f).

(F) Any required screening device provided by a more intensive use abutting a residential use or district shall be permanently and adequately maintained by the more intensive use's property owner.

(G) If there is an existing screening device or fence along a residential property line and a nonresidential use is proposed, the required screening device shall be a living plant screen that complies with the requirements established in Sec. 9.04.045 and is deemed acceptable by the Director. However, this requirement may be exempted if a 5-foot minimum space between two screening devices and fences is provided for maintenance access. The intent of these requirements is to eliminate screening situations where two screening walls or fences abut each other.

(H) Before issuing an occupancy permit, all approved screening devices must be in place.

(I) All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Director for failure to adequately maintain such screening device.

(2) Exceptions. Required screening devices are not required if:

(A) An approved screening device already exists along the property line.

(B) The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project and a tree survey indicates that a majority of the trees in the wooded area on the subject property are found to be "quality trees," as defined in the checklist at the Development Services Department; or

(C) The portion of the subject property to be screened is adjacent to a floodplain containing existing trees that provide natural screening.

(3) Design Requirements. A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:

(A) Height. The minimum and maximum screening device height follow the requirements established in Table 29: Required Screening Height.

Table 29: Required Screening Height

Screening	Minimum Height	Maximum Height
Drone Delivery Hub	6 ft	15 ft
Drone Delivery Pick-Up Kiosk	5 ft	8 ft
Garbage, Trash, or Refuse Container	7 ft	10 ft
Outdoor Storage	8 ft	10 ft
Multi-family	6 ft	8 ft
Industrial	8 ft	10 ft
Other Required Screening	6 ft	8 ft

(B) Materials. The materials shall consist of one or more of the following unless specified elsewhere in this Zoning Ordinance (See Figure 9: Allowed Screening Devices):

(i) Brick masonry, stone masonry, concrete block, or other architectural masonry finish; or

(ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a solid screening effect; or

(iii) Living plant screens (Evergreen shrubs with a minimum of three feet in height at the time of planting) that will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project. A living plant screen shall comply with the requirements established in Sec. 9.04.045; or

(iv) Alternate equivalent screening that provides an exceptional screening aesthetic, meets sound structural practices and engineering design criteria, meeting the intent and function of this Section at the discretion of the Director and City Engineer.

Figure 9: Allowed Screening Devices

(4) Locational Requirements. The following locational requirements apply:

(A) All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets and any residential properties. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening device or visual barrier.

(B) Garbage, trash, or refuse containers shall meet the requirements established in Sec. 9.04.048.

(C) All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

(D) Display of new vehicles, or used vehicles not defined as junked vehicles under the ordinances of the City or laws of the State of Texas, need not be screened if they are, in the opinion of the chief building official, maintained in a neat and orderly manner.

(E) Ground mechanical and heating and air conditioning equipment in nonresidential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property.

(F) Roof-mounted mechanical units shall be screened from view at a point of 5.5 feet above the property line with a parapet wall, mansard roof, or alternative architectural element. The height of the screening element shall be equal to or greater than the height of the mechanical unit provided that the element shall not extend more than 5 feet above the roof on a one or two story building or more than 13 feet above the roof on a building of 3 or more stories. A mechanical unit that is taller than the maximum permitted height of the screening feature shall be set back from the screen 5 feet plus 2 feet for each foot exceeding the height of the screen. Screening for mechanical units shall apply to new building construction only.

(G) At automotive uses, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.

(H) A screening device meeting the standards established in Table 29: Required Screening Height shall be constructed on nonresidential property adjacent to the common side or rear property line.

(I) Nonresidential uses in a residential district shall be screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of that nonresidential use. These screening requirements are not required for public schools, parks, or religious land uses, except where a parking lot or active outdoor intensive-use area (such as a playground) is adjacent to a residential lot or dwelling.

(J) Off-street loading areas of any nonresidential use shall be screened from view of any residential dwelling or lot or of any other adjacent public land use.

(K) Where a multi-family use abuts a single-family or two-family use or district, the side and rear property lines of that multi-family use shall be screened from view of adjacent dwelling(s).

(L) No screening device or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the Board of Adjustment through a variance request.

(M) Where a nonresidential use abuts a residential lot, use, or district, the side and rear property lines abutting that residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use, or district to the nonresidential use to a height not less than six feet.

(N) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet.

(O) Drone Delivery Hubs shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

(P) Drone Delivery Pick-Up Kiosk shall be screened from the public right-of-way if located in the street yard.

(d) Fencing Standards.

(1) Generally.

(A) Solid fences shall not be allowed in the required front yard in any district, except for the Mixed-Density Residential (MD) and Multi-Family Residential (MF) districts. In these instances, a 20-foot minimum setback shall be required for fencing along the right-of-way frontage.

(B) No fence shall exceed three feet in height in the required front yard in any residential district.

(C) No fence shall be allowed in the required right-of-way.

(D) No fence shall conflict with the sight visibility requirements of Sec. 9.04.041(f).

(E) Every fenced enclosure constructed under the provisions of this section shall have at least one gate in its perimeter.

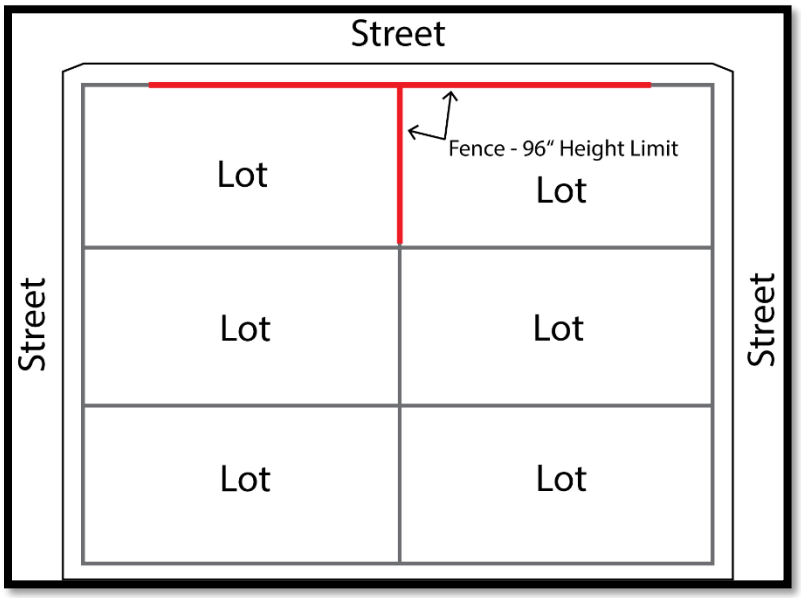
(F) Chain link fencing is only allowed on single-family residential lots and industrial sites.

(G) All fences constructed under this section's provisions shall be maintained to comply with this section's requirements at all times. The Director may order the repair or removal of a fence if it is more than 5% damaged or leaning 10 degrees from vertical. Fences shall be repaired in compliance with the provisions of this section.

(2) Corner Lots.

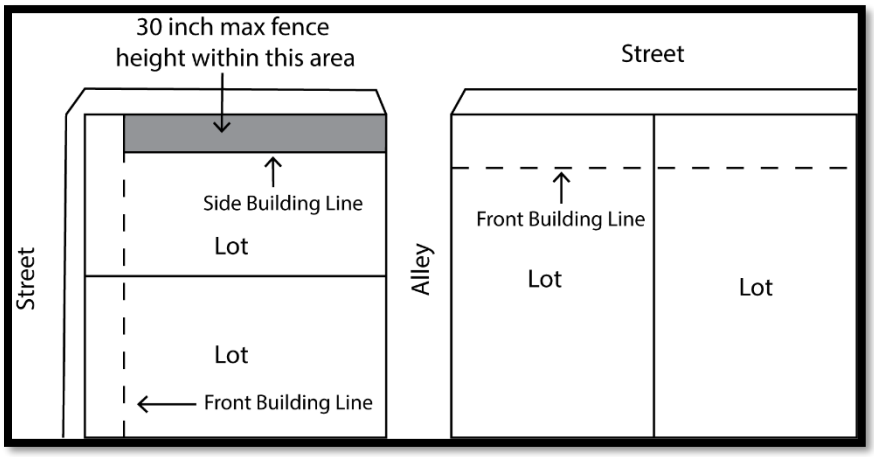
(A) On all corner lots in residential districts with opposing rear lot lines, fences may be constructed not exceeding 96 inches in height along the side and rear yard lines, as indicated in Figure 10: 96 Inch Height Limit.

Figure 10: 96 Inch Height Limit



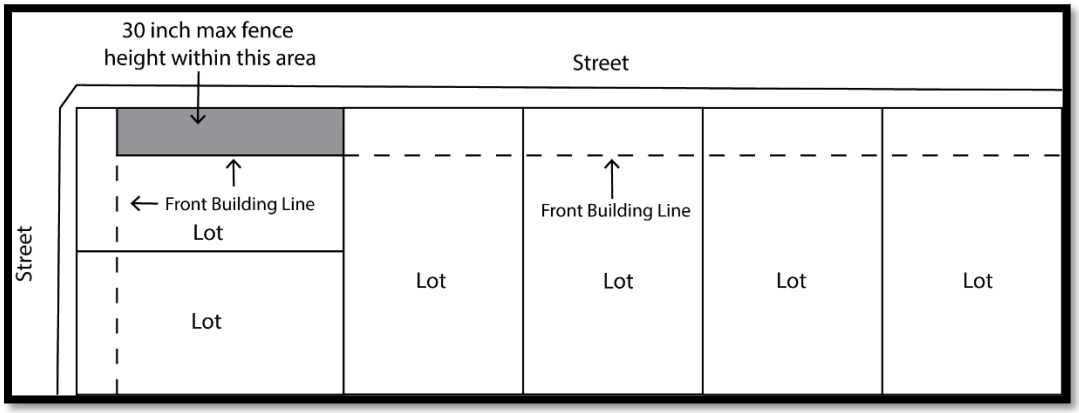
(B) On all residential district corner lots where the rear lot line is opposed to a side lot line across an alley from that side lot line, no fence exceeding 30 inches in height shall be constructed upon or within the side yard that is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in Figure 11: Fence near Alley.

Figure 11: Fence near Alley



(C) On all residential district corner lots that are key lots, the corner lot shall have a front building line on both streets, unless that key lot is separated from other lots by a dedicated street or alley. Where the lot lines are opposed to a side lot line of an adjoining lot, no fence exceeding 30 inches in height shall be constructed between the front building lines and the side yard line of the abutting lot, as indicated in Figure 12: Fence at Corner (Key Lot).

Figure 12: Fence at Corner (Key Lot)



(3) Design Requirements.

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

(B) Construction.

(i) Treated lumber attached with galvanized screws to 2-3/8” diameter galvanized poles installed in an 8” diameter holes no less than 2-1/2 feet deep in 2’ of premixed concrete.

(ii) All posts shall have caps.

(iii) Brick, stone, masonry, vinyl materials or a combination with masonry columns every 8 feet. All columns shall be at least 18 inches wide and must be the vertical length of the fence.

(iv) Vinyl materials cannot be used in multi-family areas.

(v) No thin-wall masonry walls are allowed unless constructed with brick, stone, or other approved masonry units and supported by angle iron with masonry columns on piers.

(vi) All thin-wall plans shall be sealed by a professional engineer and approved by the City. A "thin wall" is defined as any wall 6" or less in width.

(vii) At the minimum, wrought iron fences shall have:

a. 2" by 2" by 3/16" square steel tube posts with cast iron pyramid finial "C-1" secured with stainless steel set screws.

b. Steel tube posts spaced no more than 8 feet from another post.

c. 5/8" solid square pickets spaced 3" to 10" apart.

d. A 3/4" by 3/4" by 1/8" channel horizontal rail near the upper half of the fence.

(4) Security Fencing.

(A) Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

(B) In residential areas, barbed wire, razor wire, electrified fencing, or other hazardous material are not allowed in the construction of fencing.

(C) No fence that conducts an electrical current is allowed in any district or for any use except for those uses in an agricultural zoning district or correctional facility.

(D) Barbed wire strands may be placed on top of permitted fences and screening devices in any district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than 12 feet nor the bottom strand lower than eight feet from the adjacent grade line.

(E) Barbed wire may be placed on gate arms, fences, and screening devices in industrial zoning districts.

(5) Locational Requirements. The following locational requirements apply:

(A) A fence shall be located between a right-of-way or parking lot and pedestrian areas including but not limited to playground equipment, sports fields, outdoor commercial amusement areas but excluding sidewalks, colonnades, and paseos. Shrubs may be planted in lieu of a fence to provide a barrier that would create the same effect. Openings in the fence or shrub line no greater than five - feet in width are permissible for every 15 linear feet of fence line. Additional exceptions may be granted by the Planning & Zoning Commission during Preliminary Site Plan or Site Plan approval.

Sec. 9.04.047. Outdoor Lighting

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

(1) Define practical and effective measures by which the obtrusive aspects of excessive and careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property; and

(2) To curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the waste of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.

(b) Applicability.

(1) Generally. For all proposed new construction or additions to existing facilities, all new outdoor lighting fixtures shall meet the requirements of this section.

(2) Additions. Additions shall require the submission of a complete inventory and site plan detailing any proposed new outdoor lighting. New lighting on the site shall meet the requirements of this Section regarding shielding and lamp type.

(c) Compliance. All outdoor luminaires devices shall be installed in conformance with the provisions of this Section, the building code, the electrical code, and the City's sign code as applicable and under appropriate permit and inspection.

(d) Roadways. Lighting for roadways shall utilize only cutoff light fixtures.

(e) Lighting Zones Established. Lighting standards are regulated by zones. These zones are established in Table 30: Lighting Zones.

Table 30: Lighting Zones

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

(f) Lighting Classification.

Outdoor lighting is classified according to use as follows:

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

(2) Class 2 (General Illumination). All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

(3) Class 3 (Decorative). Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

(g) Shielding Standards. All nonexempt outdoor lighting fixtures shall have shielding as shown in Table 31: Shielding Standards.

Table 31: Shielding Standards

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

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

Table 32: Lumens Caps

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

(i) Effective Shielding Standard. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective, as described in the definition herein for full cutoff fixtures.

(j) Light Trespass Standard.

(1) Beyond the shielding requirements, all light fixtures shall be located, aimed, or shielded to minimize stray light trespassing across residential property boundaries.

(2) Any lamp installed on a residential property in zone E1 and visible from any other residential property shall be shielded such that it is not directly visible from that property.

(3) Luminaires, spot lamps, or spotlights that are aimed, directed, or focused to cause direct light to be directed toward residential buildings or adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on streets or roadways, shall be redirected or their light output controlled as necessary to eliminate such conditions.

(k) Special Uses.

(1) Recreational Facilities.

(A) Lighting for outdoor athletic fields, courts, tracks, or similar recreational facilities in lighting zones E1, E2, E3, and E4, shall be considered class 1 (color rendition), and shall be exempt from the lumens-per-acre limits of (h) above.

(B) Shielding. In lighting zones E1, E2, E3, and E4, full cutoff lighting is required for any recreation or public/institutional use. Recreational uses, such as football fields, soccer fields, golf courses, and baseball diamonds designed for class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels as defined by the IESNA Lighting Handbook and IESNA RP-6 Sports and Recreational

Area Lighting) or designed for class I and II levels of play (typically college, semi-professional, professional or national levels as defined by the IESNA Lighting Handbook and IESNA RP-6 Sports and Recreational Area Lighting) shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where full cutoff fixtures are not utilized, acceptable luminaires shall include those that:

(i) Are provided with internal and/or external glare control louvers and installed to minimize uplight and off-site light trespass; and

(ii) Are installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.

(C) Illuminance. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

(D) Off-site Light Trespass. The installation shall also limit off-site spill (outside the parcel containing the recreational facility) to the maximum extent possible consistent with the illumination constraints of the design. For class III and IV levels of play, a design standard of one lux (0.1 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required. For class I and II levels of play, a design goal of one and one-half lux (0.15 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

(E) Engineering Design. Every such lighting system shall be designed by a registered professional engineer.

(F) Curfew. All events shall be scheduled so as to complete all activity before the curfew listed in Table 33: Lighting Zone Curfew. Illumination of the playing field, court, or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew.

Table 33: Lighting Zone Curfew

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

(2) Outdoor Display Lots.

(A) Lighting for display lots shall be considered class 1 (color rendition), and shall be allowed a lumens-per-acre cap of two million.

(B) Shielding. All display lot lighting shall utilize full cutoff luminaires installed in a fashion that maintains the full cutoff characteristics.

(C) Illuminance. Lighting for display lots shall be considered class 1 (color rendition).

(D) Off-site Light Trespass. The display lot shall limit off-site light trespass (outside the parcel containing the display lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

(E) Engineering Design. Every display lot lighting system shall be designed by a registered professional engineer.

(F) Curfew. Display lot lighting exceeding the lumens-per-acre cap shall be turned off at the curfew listed herein or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered class 2 lighting and shall conform to all restrictions of this section applicable for class 2 lighting, including the lumens-per-acre caps in (h) above.

(3) Gas Station Canopies.

(A) Lighting Class. Lighting for service station canopies shall be considered class 2 lighting (general illumination).

(B) Shielding. All luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff and utilize flat lenses.

(C) Total Under-canopy Output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy in Lighting Zone E4, and shall not exceed 20 lumens per square foot in Lighting Zone E3. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

(D) Lumen Output. The lumen output of lamps mounted on or within the lower surface of a canopy is included toward the lumen caps in (h) above according to the method defined in (h) above. Other lighting located under a canopy but not mounted on or within the lower surface is included toward the lumen caps in (h) above at full initial output.

(E) Off-site Light Trespass. The service station canopy lot shall limit off-site light trespass (outside the parcel containing the service station lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

(4) Other Lighting on Parcels with Special Uses. On a property with special uses as listed above, all lighting not directly associated with the special use areas above shall conform to the lighting standards described in this section, including but not limited to the lamp type and shielding requirements of (i) above and the lumens-per-acre limits of (h) above. The net acreage for the determination of compliance with (h) above shall not include the area of the athletic field or outdoor display lot, as defined in (g) above; the area of any service station canopy shall be included in the net acreage.

(l) Prohibitions.

(1) Installation of nonconforming fixtures and lamps. The installation of any outdoor lighting fixture or lamp for new construction, additions, or replacement fixtures to existing facilities not in compliance with this section is prohibited.

(2) Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited unless installed for temporary use with prior approval of the Director under (m) below. Authorization for such temporary use shall be for no more than three days per 365-day period for any one applicant or property and shall additionally be subject to any necessary state and federal approvals.

(3) Searchlights. The operation of searchlights for nongovernmental purposes is prohibited, unless installed for temporary use with prior approval of the Director under (m) below. Authorization for such temporary use shall be for no more than three days per 365-day period for any one

applicant or property and shall additionally be subject to any necessary state and federal approvals.

(4) Existing Lighting causing Light Trespass onto Residential Property.

(A) If, after complaint and investigation, the Director finds that an existing light fixture directs light toward residential buildings, the Director shall give written notice of that violation to the owner and to the occupant of the premises demanding that the violation be abated within 90 days of the date of written notice.

(B) Light trespass onto residential property from existing lighting shall be remedied by redirecting the light fixture, installing a shield, or by controlling the light output as necessary.

(C) Light levels shall not exceed a maximum of 0.25 footcandles (2.5 lux) at the property line of any residential property at a vertical point five feet above grade.

(D) Light trespass measurements shall be made at the property line of the residential site, with the meter held normal to a line between any offending light source(s) and the light meter. If measurement on private property is not possible or practical, light-level measurements may be made at the boundary of the public right-of-way or at any other location on an adjacent property.

(E) Measurement shall be made using a commercial cosine and color-corrected meter having an accuracy tolerance of plus or minus 5% or better at one lux (0.1 footcandle). The meter shall have been calibrated within two years of the date of measurement by the manufacturer or by a certified illumination laboratory.

(F) Measurements shall be taken using a 4.5” long, 1.75” +/- 0.25” diameter thin wall black tube baffle atop the meter’s photoelectric cell aperture to prevent any stray light from other sources from affecting the measurement.

(m) Temporary Exemptions.

(1) Temporary Exemption Requests. A temporary exemption request shall be subject to the approval of the Director. A request shall contain the following information:

(A) Specific ordinance exemption(s) requested;

(B) Duration of requested exemption(s);

(C) Proposed location on premises of the proposed light fixture(s);

(D) Purpose of proposed lighting;

(E) Information for each luminaire and lamp combination as required in (n) below;

(F) Previous temporary exemptions, if any, and addresses of premises thereunder; and

(G) Any other data and information as may be required by the Director.

(2) Approval – Limitation. The Director shall have five business days from the date of submission of the request for a temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than 30 days from the date of issuance of the approval. The approval shall be renewable upon further written request for a maximum of one additional

30-day period. The director is not authorized to grant more than one temporary permit and one renewal for a 30-day period for the same property within one calendar year.

(3) Disapproval – Appeal. If the request for temporary exemption or its extension is disapproved, the applicant shall have the appeal rights provided in Sec. 9.04.050(m).

(n) Other Exemptions.

(1) Nonconformance.

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

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

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

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

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

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

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

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

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

(o) Appeals.

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

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

Sec. 9.04.048. Trash

(a) Purpose. The purpose of this Section is to provide adequate provisions for on-site waste disposal and collection while promoting sightly development.

(b) Applicability. This Section applies to all nonresidential development within Anna's corporate limits. This Section does not apply to residential development unless otherwise specified.

(c) Standards.

(1) Generally.

(A) Garbage, trash, or refuse containers require enclosures and shall meet the requirements established in Sec. 9.04.046(c).

(B) Two enclosures are required on every lot. This requirement shall be met by either a double enclosure or two single enclosures on every lot.

(C) All enclosures are fully screened on all sides.

(D) Enclosure materials shall be masonry or concrete block and the same color as the exterior walls of the main structure.

(E) A solid metal gate is required, and when open is not allowed to encroach within any fire lane.

(F) No solid metal gate shall exceed 8 feet in height.

(G) Enclosures shall also be complemented by a living plant screen as established in Sec. 9.04.046(c)(3).

(H) Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available.

(I) Gates shall remain closed except when in use for access.

(J) All required garbage, trash, or refuse containers shall comply with CARDS design requirements established on the CARDS website (see website link). If CARDS is no longer the City's approved provider, then all required garbage, trash, or refuse containers shall comply with the design requirements of the City's newly contracted provider.

(K) Within the DT District, City contractor-approved rolling carts (CARDS carts, etc.) may be used to meet this Section's requirements.

(2) Design. Garbage, trash, or refuse containers shall comply with the design specifications below.

(A) Trash compactor enclosures and all other enclosure types shall comply with the Texas Commission on Environmental Quality Office of Waste's specifications (see website https://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw.html).

(B) All enclosure types shall provide a minimum of 40 feet of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent straight backing from being provided, the Texas Commission on Environmental Quality Office of Waste shall have the authority to approve angled or alternative backing movements.

(C) All enclosure types shall provide a 24-foot vertical clear zone, unless otherwise approved by the Texas Commission on Environmental Quality Office of Waste's specifications.

(3) Shared Garbage, Trash, or Refuse Containers.

(A) Within the DT District, any nonresidential use, except for automotive and industrial uses, may share a garbage, trash, or refuse container with another nonresidential use by providing a shared garbage, trash, or refuse container agreement to the Director.

(B) The garbage, trash, or refuse container agreement shall be filed with the Collin County Clerk.

(C) A garbage, trash, or refuse container agreement shall be approved by the Director before filing with the County.

(D) The garbage, trash, or refuse container agreement shall include:

(i) All parties involved, including the property owners or agents and site owners or agents;

(ii) Duration and time of use; and

(iii) An exhibit indicating the:

a. Location of the garbage, trash, or refuse container on a site plan; and

b. Distance of the garbage, trash, or refuse container to the use, building, or site.

Sec. 9.04.049. Performance Standards

(a) Purpose. The purpose of this Section is to establish regulations that protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, and glare in the vicinity of those sites.

(b) Applicability. In all zoning districts, any permitted use shall conform in operation, location, and construction to the performance standards established in this Section.

(c) Standards.

(1) Noise.

(A) Generally.

(i) It shall be unlawful for any person to willfully make, cause to be made, or continue any unreasonable noise within the City.

(ii) Any unreasonable noise that is plainly audible, as indicated below, shall be considered prima-facie evidence of a violation of this Section.

a. At the property line of a property;

b. Within 25 feet of the noise source when the noise source is within a vehicle or on the public right-of-way; or

c. Through the common wall in a building.

(B) Exemptions.

(i) Activities directly connected with the abatement of an emergency, including construction activities and authorized emergency vehicles when such vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law or when responding to, but not returning from a fire, are excluded from the provisions of this Section.

(ii) Bells and chimes, or any device for the production or reproduction of the sound of bells or chimes from any religious land use, school, or clock, operated between the hours of 7:00 a.m. and 10:00 p.m. are excluded from the provisions of this Section.

(iii) Firework displays, which otherwise comply with the Anna Code, are excluded from the provisions of this Section.

(iv) Activated burglar alarms, which otherwise comply with the Anna Code, are excluded from the provisions of this Section.

(C) Sound Levels.

(i) Sound pressure levels shall be measured at the approximate location of the property line, at the height of at least four feet above the immediate surrounding grade, on a sound level meter of standard design and operated on the A network.

(ii) The maximum permissible sound pressure levels of any continuous source of sound is given in Table 34: Sound Pressure Level Limits. Sound pressure levels exceeding these limits are considered an unreasonable noise and are prohibited.

Table 34: Sound Pressure Level Limits

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

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

Table 35: Vibration Displacement Limits

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

(3) Smoke and Particulate Matter. No operation or use shall cause, create, or allow the emission for more than 3 minutes in any one hour of air contaminants that at the emission point or within the bounds of the property are:

(A) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Circular 7118.

(B) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in (A) above, except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building that prevents their escape into the atmosphere, this standard and the standard in (A) above shall not apply.

(C) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.

(D) The open storage and open processing operations, including onsite transportation movements that are the source of wind or airborne dust or other particulate matter; or that involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting all be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding 4 grains per 1,000 cubic feet of air.

(4) Odorous Matter.

(A) No use shall be located or operated that involves the emission of odorous matter that exceeds the odor threshold at the bounding property line or any point beyond the tract on which the emitting use is located.

(B) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise, or where the operator or owner of an odor-emitting use may disagree with the enforcing officer, or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials (A.S.T.M.D.) 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

(5) Fire or Explosive Hazard Material.

(A) No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted except that chlorates, nitrates, per chlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the Fire Department.

(B) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Fire Department.

(6) Toxic and Noxious Matter. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed 10% of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

(7) Water and Waste Pollution.

(A) No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

(B) No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City ordinances.

Division 5. Procedures

Sec. 9.04.050. General Procedures

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

(1) Establish the appropriate workflows associated with each land development process, and

(2) Ensure that processes comply with state law, and

(3) Assign decision-making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants, and

(4) For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.

(b) General Procedural Requirements.

(1) Applicability. This Section establishes rules and procedures for specific land use decisions under the jurisdiction of the City Council, Planning and Zoning Commission, Board of Adjustment, and City Staff (where applicable), and administrative decisions.

(2) Procedures. This Section sets up rules for procedures, such as notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description per Table 36: Procedural Components.

Table 36: Procedural Components

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

(3) Authority Table. Table 37: Authority Table summarizes the major review procedures for land use applications and development activity in the City's corporate limits and who acts on those

applications. Not all procedures addressed in this article are summarized in this table (see subsequent sections of this Division for additional details on each procedure).

Table 37: Authority Table

Application Type	Notice				Authority			
	Publication	*Mail*	*Website*	*Signs*	*Director*	*PZ Commission*	*City Council*	*Board of Adjustment*
Rezoning	Y	Y	Y	Y	R	R	D	-
Specific Use Permit	Y	Y	Y	Y	R	R	D	-
Text Amendment	Y	Y***	Y	-	R	R	D	-
Concept Plan*	N	N	N	N	R	D	A	-
Preliminary Site Plan**	N	N	N	N	R	D	A	-
Site Plan	N	N	N	N	D	A	-	-
Variance	N	N	N	N	R	-	-	D
Interpretation	N	N	N	N	D	-	-	A
Key	Y = Yes | N = No | R = Review and Recommend | D = Decision *(a decision includes the review of the application)* | A = Appeal Decision							
Notes	* = Any Concept Plan associated with a rezoning or specific use permit request requires a Planning & Zoning (PZ) Commission recommendation followed by City Council approval. ** = Any Preliminary Site Plan associated with a rezoning or specific use permit request requires a Planning & Zoning (PZ) Commission recommendation followed by City Council approval. *** = If a text amendment to land uses would change an existing business/ property to a non - conforming land use, the property owner and tenant must be notified.							

(c) Pre-Application.

(1) Applicability. These requirements apply to any application if the applicant elects to request a Pre-Application Meeting with the City.

(2) Initiation. Before filing an application subject to this section, the applicant shall request a meeting with the Staff Committee concerning the plans and data as specified in this Zoning Ordinance.

(3) Staff Committee. The purpose of the Staff Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the City Manager concerning planning and development issues.

(A) The Staff Committee is composed of the following departments, members, or their representatives:

(i) The Director

(ii) The City Engineer

(iii) The City Building Official

(iv) The City Fire Marshal

(B) The Staff Committee may request the assistance of other staff members and agency representatives.

(4) Scheduling. Any applicants wishing to discuss a development proposal with the Staff Committee shall advise the Director at least seven (7) calendar days prior to the meeting.

(5) Pre-Application Meeting.

(A) The Pre-Application Meeting shall include the following:

(i) A discussion of the general project consistency with this Zoning Ordinance and the Comprehensive Plan,

(ii) A discussion of technical studies, plans, and other information deemed relevant to the specific application request, and

(iii) Discussion of the anticipated level of citizen interest.

(B) The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.

(C) The Director will provide information and comments at the Pre-Application Meeting, but will not take formal action on the application. In addition to provision of verbal information, the Director may provide a Pre-Application Meeting checklist.

(D) The applicant's and Staff Committee's comments are for purposes of information, but are not binding on either the City or the applicant.

(6) Documentation.

(A) During the meeting, the Director may review and complete an informational checklist, based on the scope of the application.

(B) The Director will record in writing and provide the applicant with any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by City staff.

(d) Submitting Applications.

(1) General Requirements.

(A) Applications filed under this Zoning Ordinance must include the information required in any applicable checklist.

(B) The City Council may establish fees for all applications required in this Zoning Ordinance by resolution.

(2) Completeness Review.

(A) The Director will not process incomplete applications.

(B) An application is not complete until all required items are submitted (see the application's checklist).

(C) When applications are filed, the Director will review them for completeness.

(D) The time period to process an application does not commence until the Director determines that the application is properly submitted and the applicant has corrected any deficiencies in the application.

(E) Review for completeness of application forms is solely to determine whether information required for submission with the application is sufficient to allow further processing.

(F) The Director will determine whether the application is complete and will transmit the determination to the Applicant. If the Director determines that the application is not complete, the Director will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application. The Director and the decision-making body are not obligated to further review the application until the required information is corrected. For applications subject to Sec. 9.04.051 and Sec. 9.04.052, the application is not considered filed and is denied.

(G) The Director or the approving authority may provide submission deadlines for materials required in support of any application provided for in any checklist. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approving authority.

(e) Noticing.

(1) Generally.

(A) This Zoning Ordinance, in conjunction with those regulations set by State law, establishes various requirements for public notice.

(B) Noticing shall meet the minimum requirements established in Texas Local Government Code § 211.007(c), including the 200-foot notification and 20% protest requirements.

(C) Table 38: Notice Type, along with (2) below, describes the various types of notice and their contents. More specific notice requirements may be prescribed in each procedural section.

Table 38: Notice Type

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

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

(A) A synopsis of the proposed ordinance or application;

(B) Time, date, and place of the public hearing or meeting;

(C) The type of land use or development decision that is being considered;

(D) If a public hearing is required, a statement that at the time and place of the hearing all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance or application;

(E) A point of contact within Development Services; and

(F) Development Services' website address (URL).

(3) Notice Sign Posting.

(A) One sign shall be posted on the property to be rezoned. Dimensions shall meet the minimum requirements established in Texas Local Government Code § 211.

(B) This sign(s) shall, if possible, be located adjacent to streets.

(C) This sign(s) shall be erected no less than 10 days before the Planning & Zoning Commission holds a public hearing and shall be removed within 15 days after final action by the City Council or when the applicant withdraws the request, whichever comes first.

(D) The sign shall contain a notice of a zoning change and the telephone number of the public office from whom dates of public hearings may be obtained.

(4) Failure to Provide Notice. The failure to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this Zoning Ordinance, and no person may challenge an action for lack of notice where the City has complied with the applicable State law governing notice.

(f) Staff Review.

(1) Review by Other Departments and Agencies. The staff may forward copies of the application to various local, state and/or federal agencies and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.

(2) Staff Review. The staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other agencies or departments, as described in (1) above. After reviewing the information, staff shall prepare a report summarizing the information for the reviewing bodies and providing a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.

(3) Staff Report. If an individual section of this Division (and where permitted by state law) delegates to staff the authority to approve, approve with conditions, or deny an application, the staff report may include a written decision to that effect.

(g) Decision-Making and Public Hearings.

(1) Purpose. The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

(2) Rules of Procedure. The City Council and Planning and Zoning Commission may adopt rules of procedure for public hearings.

(3) Action. Reviewing bodies shall hold regularly scheduled public hearings to receive and review public input on items required by this Zoning Ordinance. Decisions and recommendations should be rendered in a timely manner, based upon the specific requirements of these regulations and following:

(A) Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines and policies;

(B) Recommendations of staff and recommending bodies;

(C) Input of reviewing agencies and departments;

(D) Public comment and testimony received at the hearing; and

(E) Effects of the proposal on the neighborhood, area, and community-at-large.

(4) Authority to Condition Development Approvals.

(A) After review of the application, other pertinent information or documents, and any evidence made part of the public record, the recommending and decision-making bodies may impose conditions that are reasonably necessary to assure compliance with applicable general or specific standards expressed in these regulations.

(B) The Director shall include a copy of the conditions with the record of decision.

(C) The applicant shall be notified of any conditions imposed on the application.

(h) Tabling.

(1) Purpose. This section allows for the tabling of applications as needed to collect additional information, or to engage in further review.

(2) Applicant Request. An applicant may request to table any application in writing for a future meeting date.

(3) Director Request. The Director may request to table any application for further review and consideration. In that case, the Director shall provide notice and explanation to the applicant in writing before the meeting at which the application is scheduled for hearing. Notice of the tabling will be given at the beginning of the scheduled meeting.

(i) Application Withdrawal.

(1) Generally. An application may be withdrawn at any time prior to formal consideration by the reviewing body.

(2) Fees. Withdrawal of an application after the determination of completeness results in the forfeiture of fees.

(3) No Public Hearing Required. If no public hearing is required, the applicant should give notice of the withdrawal to the Director at the earliest possible time. This allows the Director to notify other applicants of an agenda change.

(4) Public Hearing Required. If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to the opening of the hearing. Once the public hearing is opened, the reviewing body shall decide whether to approve the request and may instead act on the application.

(j) Scope of Approval.

(1) Generally. The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application.

(2) Amendments. The reviewing body may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may not permit a greater amount of development, a more intensive

use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.

(k) Protest Against Change. In case of a protest against a change signed by the owners of 20% or more either of the land included in the proposed change, or of the land within 200 feet of the subject property, excluding any intervening public street, an amendment shall not become effective unless by a favorable vote of ¾ of all the members of the City Council present and qualified to vote.

(l) Post-Decision Proceedings.

(1) Minor Revisions.

(A) The Director may approve minor revisions to the terms of an application approval. "Minor revisions" are those that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.

(B) Minor revisions must be authorized in writing.

(C) Minor revisions are subject to appeal to the Planning and Zoning Commission. On appeal, no further action will be taken to process the application, and/or issued permits are stayed pending the Planning and Zoning Commission's determination.

(2) Major Revisions.

(A) A major revision is any revision that the Director determines is not a minor revision.

(B) A major revision is approved by the original decision-maker and is required in accordance with the procedures established for the original consideration of the application.

(C) In making a determination, the Director may seek a recommendation from any recommending body involved in the original application process.

(m) Appeals.

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

(2) Appeals to the City Council.

(A) Appeals may be taken to and before the City Council by any person aggrieved, or by any officer, department, board, or bureau in the City for any previous decision not made.

(B) An appeal shall be made by submitting to the City Secretary a notice of appeal and specifying the appeal's grounds.

(C) The office or department from which the appeal is taken shall transmit to the City Council all of the papers constituting the record from which the action appealed was taken.

(D) An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the City Council that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.

(E) The City Council shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of that hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which an appeal is

desired, and to all other persons deemed by the board to be affected by the appeal. These owners and persons shall be determined according to the current tax rolls of the City.

Sec. 9.04.051. Entitlement and Ordinance Procedures

(a) Rezoning.

(1) Applicability. This section applies to the change in the zoning classification of individual properties.

(2) Initiation. A rezoning may be initiated by:

(A) City Council;

(B) The Planning and Zoning Commission; or

(C) Request by owner or agent of owner of property to be changed.

(3) Completeness. See Sec. 9.04.050(d)(2).

(4) Notice and Hearing(s).

(A) Noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.

(B) Two public hearings are required and shall comply with Sec. 9.04.050(g).

(5) Decision.

(A) Director Review. The Director shall review the rezoning and may provide a recommendation to the Planning and Zoning Commission to:

(i) Approve the rezoning, or

(ii) Deny the rezoning.

(B) Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall conduct a public hearing on the rezoning. The Planning and Zoning Commission shall submit its recommendation to the City Council:

(i) To approve the rezoning, or

(ii) To deny the rezoning, or

(iii) To approve the rezoning with conditions.

(C) City Council. The City Council shall consider the rezoning at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Council shall, by ordinance:

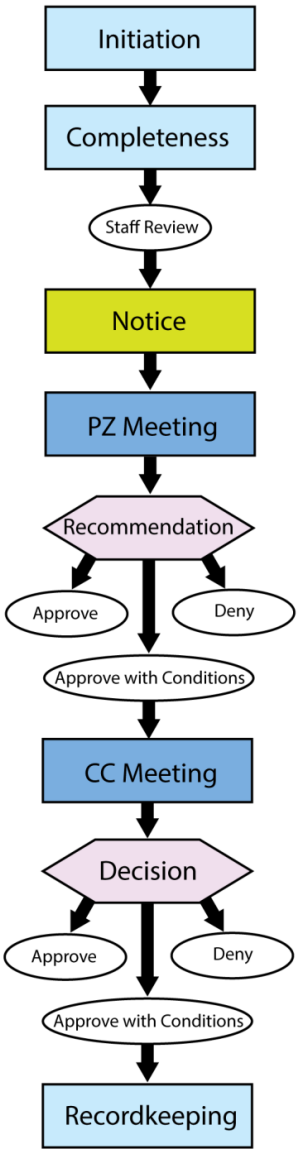
(i) Approve the rezoning, or

(ii) Deny the rezoning, or

(iii) Approve the rezoning with conditions.

(6) Standards. In its review of an application for rezoning, the City Council shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning and Zoning Commission finds that a rezoning is inconsistent with the land use element of the comprehensive plan, the application shall not be considered until a recommendation regarding a comprehensive plan amendment for the proposed zoning

Figure 13: Rezoning Flowchart



amendment is forwarded to the City Council, either prior to or concurrently with the proposed zoning amendment.

(A) Consistency. The City Council does not redetermine the City's policy of comprehensive zoning. The City's zoning map shall not be altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.

(B) Adverse Impacts on Neighboring Lands. The City Council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Council finds and determines that vast acreages of single-use zoning produce uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings that promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.

(C) Suitability as Presently Zoned. The City Council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

(D) Health, Safety, and Welfare. The rezoning must bear a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historic and cultural places and areas. The rezoning may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

(E) Public Policy. A strong public policy in favor of rezoning may be considered. Examples include a need for affordable housing, economic development, recreational activity, or mixed-use development, which functionally relates to the surrounding neighborhoods.

(F) Size of Tract. The City Council shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify a rezoning.

(G) Other Factors. The City Council may consider any other factors relevant to a rezoning application under Texas law.

(7) Subsequent Applications.

(A) This subsection applies if:

(i) The applicant withdraws an application after notice of hearing is published, or

(ii) The City Council denies a zoning or rezoning application.

(B) If the above requirements apply, the applicant shall not submit a rezoning application for the same zoning district request on the same property for at least six (6) months.

(C) The above waiting period begins with the date of the City Council's denial of the prior application.

(8) Appeals. Not applicable.

(9) Scope of Approval. The approval of a rezoning does not authorize the development of land. A rezoning allows the applicant to apply for a building permit or concept plan, in the case of uses

permitted as of right, or a specific use permit, in the case of uses designated as special uses within the applicable zoning district.

(10) Recordkeeping. If the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

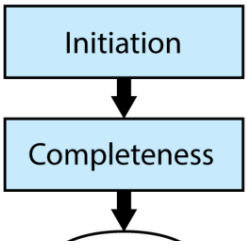


Figure 14: Specific Use Permit Flowchart

(b) Specific Use Permit.

(1) Applicability. This section applies to any application for approval of a use designated as a specific use in Table 19: Use Table.

(2) Initiation. The owner or agent of the owner of the property may initiate a specific use permit.

(3) Completeness. See Sec. 9.04.050(d)(2).

(4) Notice and Hearing(s).

(A) Noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.

(B) Two public hearings are required and shall comply with Sec. 9.04.050(g).

(5) Decision.

(A) Generally. All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

(B) Director Review. The Director shall review the specific use permit and shall provide a recommendation to the Planning and Zoning Commission to:

(i) Approve the specific use permit, or

(ii) Deny the specific use permit, or

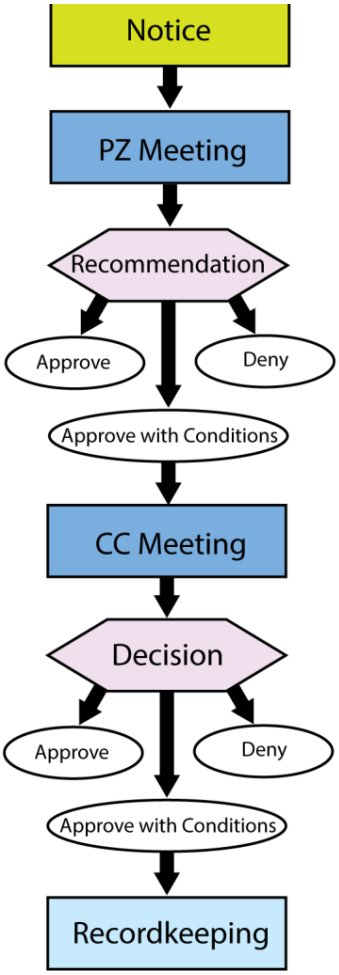
(iii) Approve the specific use permit with conditions.

(C) Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall conduct a public hearing on the specific use permit. The Planning and Zoning Commission shall submit its recommendation to the City Council:

(i) To approve the specific use permit, or

(ii) To deny the specific use permit, or

(iii) To approve the specific use permit with conditions.



(D) City Council Decision. The City Council shall consider the specific use permit at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Council shall by ordinance:

(i) Approve the specific use permit, or

(ii) Deny the specific use permit, or

(iii) Approve the specific use permit with conditions.

(6) Standards. The City Council will approve a specific use permit only if the applicant demonstrates that:

(A) The proposed specific use shall comply with all regulations of the applicable zoning district, the provisions of Division 2, any applicable use regulations of Division 3, and any applicable development standards of Division 4 of this Zoning Ordinance.

(B) The proposed specific use permit does not have a probable effect on the adjacent property and the community welfare with appropriate regard to the health, safety, and welfare of the general public.

(C) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

(D) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

(E) The public interest and welfare supporting the proposed specific use authorization shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

(7) Subsequent Applications.

(A) This subsection applies if:

(i) The applicant withdraws an application after notice of hearing is published, or

(ii) The City Council denies a specific use permit application.

(B) If the above requirements apply, the applicant shall not submit a specific use permit application for the same specific use permit request on the same property for at least six (6) months.

(C) The above waiting period begins with the date of the City Council's denial of the prior application.

(8) Appeals. Not applicable.

(9) Scope of Approval.

(A) Generally. The approval of a specific use permit does not authorize the development of land. A specific use permit allows the applicant the right to apply for a building permit, plat, and/or site plan.

(B) Violations. Any specific use permit is in violation of this Zoning Ordinance and shall be suspended or revoked if:

(i) A court with jurisdiction or a jury finds the holder of the specific use permit guilty of a violation or if a holder of a specific use permit pleads guilty of violating.

(ii) Any requirement or term or condition of the specific use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the specific use permit as approved by the City Council.

(iii) The activity authorized by the specific use permit commences prior to the institution of all conditions imposed by the specific use permit.

(iv) The use for which the specific use permit was authorized does not commence within 6 months of the effective date of the specific use permit. The Director may grant an extension of up to 6 months for good cause shown, upon petition of the specific use permit holder.

(v) The use for which the specific use permit is authorized is discontinued for 6 consecutive months.

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

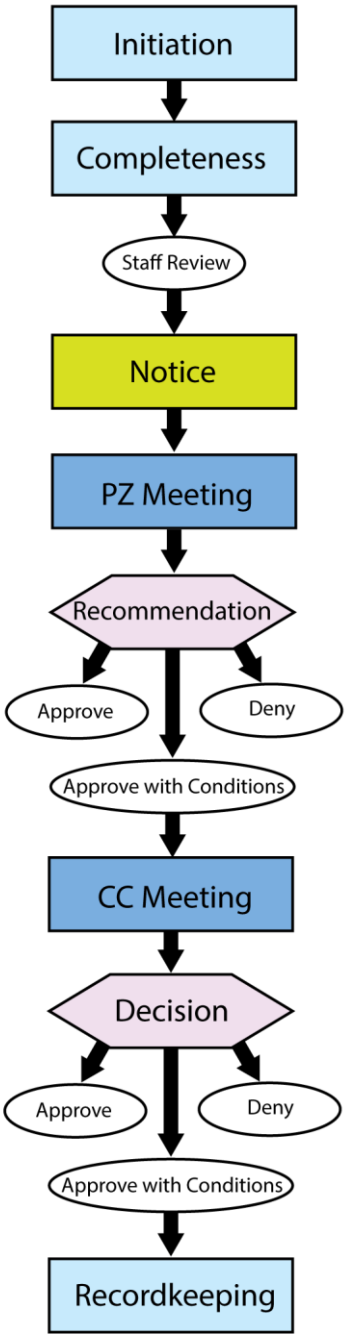
(10) Recordkeeping.

(A) The specific use permit shall contain a narrative description if the specific use permit is only associated with a portion of a tract of land to be reclassified or reference to an accompanying plat if the specific use permit is associated with the entire tract of land.

(B) A certified copy of all ordinances authorizing a specific use permit pursuant to this section shall be recorded by and at the expense of the applicant in the name of the property owner as grantor in the Collin County Clerk.

(c) Zoning Ordinance Text Amendment.

Figure 15: Zoning Ordinance Text Amendment



(1) Applicability. This section applies to any action of the City Council to amend or change the regulations of this Zoning Ordinance. This includes the regulations, restrictions, and boundaries or classification of property contained within this Zoning Ordinance or a change to the Zoning Map initiated by the City Council.

(2) Initiation. A text amendment may be initiated by:

(A) City Council;

(B) City staff;

(C) The Planning and Zoning Commission; or

(D) Application of any resident, property owner, or business owner within the City.

(3) Completeness. See Sec. 9.04.050(d)(2).

(4) Notice and Hearing(s).

(A) Noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.

(B) Two public hearings are required and shall comply with Sec. 9.04.050(g).

(5) Decision.

(A) Generally. All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

(B) Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall conduct a public hearing on the text amendment. The Planning and Zoning Commission shall submit its recommendation to the City Council:

(i) To approve the text amendment,

(ii) To deny the text amendment, or

(iii) To approve the text amendment with revisions.

(C) City Council Decision. The City Council shall consider the text amendment at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Council shall by ordinance:

(i) Adopt the text amendment,

(ii) Deny the text amendment,

(iii) Approve the text amendment with revisions, or

(iv) Remand the text amendment to the Planning and Zoning Commission.

(6) Standards. A text amendment is a legislative decision subject to the City Council's discretion. The City Council may approve the text amendment if it:

(A) Is consistent with the comprehensive plan, and

(B) Promotes public health, safety, and general welfare.

(7) Subsequent Applications. Not applicable.

(8) Appeals. Not applicable.

(9) Scope of Approval. The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions consistent with its standards and requirements.

(10) Recordkeeping. The Zoning Ordinance's text amendment shall be codified and published as part of the Anna Code of Ordinances by the City Secretary.

Sec. 9.04.052. Site Planning Procedures

(a) Generally.

(1) Overview.

(A) This section establishes a site plan review process for land development. The process involves a series of three plans, progressing from a general evaluation of a site and development concept to approval of a detailed development plan.

(B) The first plan in the series is a concept plan. This plan establishes a general schematic for site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development.

(C) The second plan in the series is a preliminary site plan. This plan presents more detailed information on building layout, parking, drives, landscaping, screening, and other site improvements. Preliminary site plan approval assures the applicant that the general layout is acceptable before proceeding with detailed engineering and design.

(D) Site plan approval is the final step in the process. A site plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development. Site plan approval is required before engineering plans and building permits are released.

(E) Concept plans, preliminary site plans, and/or site plans that are submitted as a part of a rezoning or specific use permit request require review and approval by the Planning and Zoning Commission and City Council.

(F) Concept plans, preliminary site plans, and/or site plans that contain land uses that are in conformance with existing zoning require review and approval by the Planning and Zoning Commission.

(G) Site plans may be approved by City staff provided that they conform to preliminary plans for the development approved by either the Planning and Zoning Commission or City Council.

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

(A) Ensure compliance with adopted City development regulations and other applicable regulations for which the City has enforcement responsibility.

(B) Promote safe, efficient, and harmonious use of land through the application of City-adopted design standards and guidelines.

(C) Promote stormwater quality planning into the site planning process.

(D) Protect and enhance the City's environmental and aesthetic quality.

(E) Ensure adequate public facilities to serve development.

(F) Prevent or mitigate adverse development impacts, including overcrowding and congestion.

(G) Aid evaluation and coordination of land subdivision.

(3) Applicability. The site plan review process shall apply to:

(A) Development within an area zoned planned development. (See Sec. 9.04.026)

(B) Nonresidential development.

(C) Multi-family residential development.

(D) Two-family dwelling and single-family dwelling, attached residential use developments and any mixed single-family dwelling, detached residential development that contains single-family dwelling, attached residential dwellings.

(E) Manufactured home parks.

(F) Parking lot development, reconstruction, or restriping of more than 20 spaces.

(G) Single-Family or Duplex Home Parks.

(4) Exemptions. The following types of development are exempted from the requirements of this section.

(A) Detached single-family residential dwellings.

(B) Agricultural buildings.

(C) Temporary uses and structures permitted under Sec. 9.04.039.

(5) Submitting Applications.

(A) Before preparing a concept plan, preliminary site plan, or site plan, the applicant shall meet with the City as required in Sec. 9.04.050(c). The purpose of the meeting is to review potential site design before formal submittal. A pre-application meeting checklist can be obtained from the City Planning & Development webpage.

(B) Applications for approval of plans required by this Article must be submitted to the Director. A calendar of official submittal dates for items requiring Planning and Zoning Commission and City Council approval shall be published by the City 30 days prior to the beginning of each year. All applications received on a date other than an official submittal date shall be scheduled for consideration on the next official submittal date. An application or plan is considered filed on the date the applicant delivers the application or plan to the Development Services Department or deposits the application or plan with the United States Postal Service by certified mail addressed to the Development Services Department. Complete applications requiring Planning and Zoning Commission and City Council approval shall be placed on the meeting agenda of the Planning and Zoning Commission no later than 28 days following the official date of submittal. Items authorized for staff approval may only be submitted at any time during normal office hours. Complete applications authorized for staff approval shall be acted upon by the Director within 30 days (see Sec. 9.04.052(h)).

(6) Fees, Forms, and Procedures.

(A) Fees shall be established in accordance with Sec. 9.04.003(c).

(B) The Director may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for concept plans, preliminary site plans, and site plans for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

(C) All site planning checklists of items to be included can be obtained from the City.

(b) Concept Plan.

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

(A) Evaluate the site's natural condition, including vegetation, topography, drainage, surface, and subsurface factors affecting the site's development.

(B) Determine building sites and the use, intensity, bulk, and height of structures to be constructed.

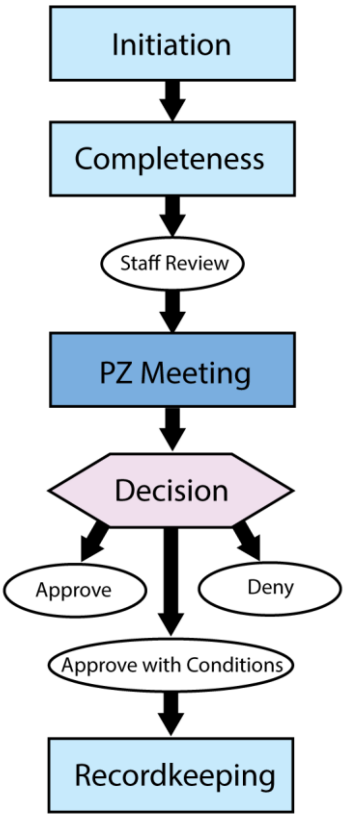
(C) Locate public streets and rights-of-way, and determine points of ingress and egress between the development and public streets, including median breaks and turn lanes.

(D) Determine primary routes of vehicular circulation and parking areas internal to the development.

(E) Delineate development phasing.

(F) Other purposes related to the establishment of a planned development district. (See Sec. 9.04.026)

Figure 16: Concept Plan Flowchart



(2) Applicability.

(A) Properties within a Planned Development.

(i) Except as provided below, a concept plan is required for all development within an area zoned planned development.

(ii) The concept plan must include all property contained within a planned development district.

(B) Properties Outside a Planned Development.

(i) The plan must include all contiguous property of common ownership outside of a planned development district unless the site is an approved platted lot.

(ii) A preliminary site plan may be submitted in lieu of a concept plan (see Sec. 9.04.052(c)).

(3) Application Procedure and Requirements.

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

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

(C) Standards of Approval.

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

a. Compliance with the Comprehensive Plan.

b. Compliance with the Zoning Ordinance and other applicable Planning and Development Regulations.

c. Impact on the site's natural resources and effect on adjacent area, property, and land use.

(ii) Concept plans that are submitted as a part of a rezoning or specific use permit request require City Council approval.

(D) Effect. Approval of a concept plan by either the Planning and Zoning Commission or City Council constitutes authorization by the City for the property owner to submit an application for approval of a preliminary site plan subject to compliance with any condition attached to the approval of the concept plan. As long as the concept plan remains valid, the location of streets, drives, median breaks, and curb cuts shall remain fixed and any subsequently prepared plan for an adjacent property or property located on the opposite face of a public street abutting the site shall coordinate its circulation system to the earlier approved, valid concept plan. Except when authorized, a concept plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply. Where approved, valid concept plans delineate areas as separate phases of development, each phase may be independently planned and developed provided that it is in accordance with the concept plan and other applicable regulations.

(E) Lapse. Concept plan approval shall expire 2 years following the date of its original approval.

(c) Preliminary Site Plan.

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

(A) Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.

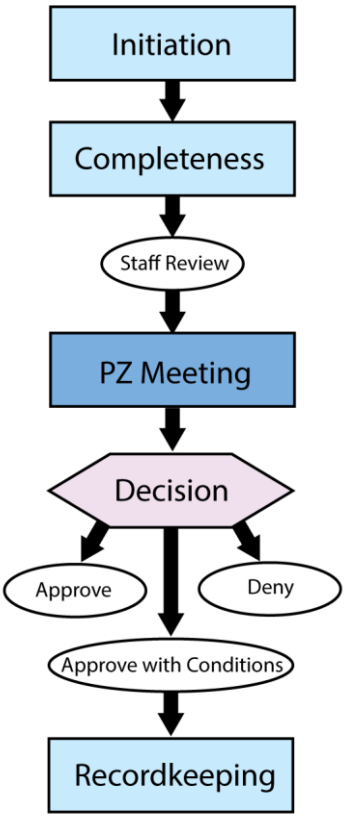
(B) Determine the placement, configuration, coverage, size, and height of buildings.

(C) Determine the design of public street improvements and rights-of-way, the design and location of drives, aisles, and parking.

(D) Determine the location and preliminary design of open space, landscaping, walls, screens, and amenities.

(E) Determine the preliminary design of drainage facilities and utilities.

Figure 17: Preliminary Site Plan Flowchart



(2) Applicability.

(A) Generally. Except as provided in Sec. 9.04.052(d)(2), an approved, valid preliminary site plan shall be required prior to the consideration of a site plan.

(B) Properties within Planned Development. The preliminary site plan must include all property contained within a planned development district, except as permitted as a freestanding phase of development shown on an approved, valid concept plan.

(C) Properties Outside a Planned Development. For property outside of a planned development district, the plan must include all contiguous property of common ownership unless the site is an approved platted lot or as permitted as a freestanding phase of development shown on an approved, valid concept plan.

(3) Application Procedures and Requirements.

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

(B) Standards of Approval.

(i) The Planning and Zoning Commission and City Council may approve, conditionally approve, table, or deny a preliminary site plan based on:

a. Conformance with the Comprehensive Plan.

b. Compliance with the Zoning Ordinance and other applicable Planning and Development Regulations and previously approved, valid plans for the property.

c. Compliance with a previously approved, valid site-specific stormwater quality plan.

d. Impact on the site's natural resources and effect on adjacent and area property and land use.

e. Safety and efficiency of vehicular and pedestrian circulation, traffic control, and congestion mitigation.

f. Safety and convenience of off-street parking and loading facilities.

g. Access for firefighting and emergency equipment to buildings.

h. Use of landscaping and screening to shield lights, noise, movement, or activities from adjacent properties and to complement the design and location of buildings and parking.

i. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

(ii) Preliminary site plans that are submitted as a part of a rezoning or specific use permit request require City Council approval.

(C) Effect. Approval of a preliminary site plan by the Planning and Zoning Commission or City Council shall constitute authorization by the City for the owner to submit an application for final site plan approval for development of the entire site or a portion thereof provided that the site plan conforms to the preliminary site plan and any conditions attached to its approval. As long as the preliminary site plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts, and parking shall remain fixed except to permit minor adjustments resulting from subsequent engineering improvements or to prevent a condition affecting public health or safety which was not known at the time of approval. Except where authorized by ordinance, a preliminary site plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

(D) Lapse. The approval of a preliminary site plan shall be effective for a period of 2 years from the date that the preliminary site plan is approved by the Planning and Zoning Commission or City Council, at the end of which time the applicant must have submitted and received approval of a site plan. If a site plan is not approved within 2 years, the preliminary site plan approval is null and void. If site plan approval is only for a portion of the property, the approval of the preliminary site plan for the remaining property shall be null and void. The applicant shall submit a new preliminary site plan for review and approval subject to the existing regulations.

(d) Site Plan.

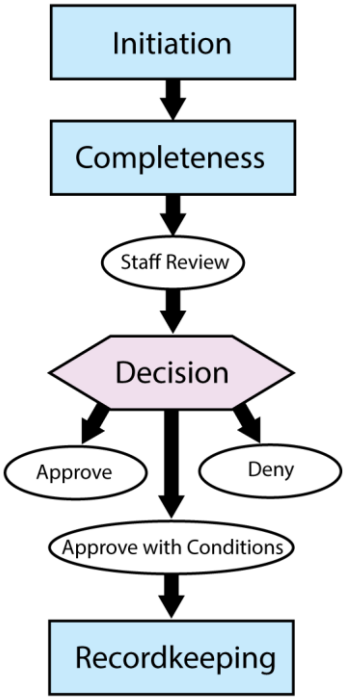
(1) Generally. A site plan is the final plan required in the site plan approval process. The site plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:

(A) Ensure compliance with applicable development regulations and previously approved, valid plans affecting the development of the property.

(B) Coordinate and document the design of public and private improvements to be constructed.

(C) Coordinate the subdivision of land, including the granting of easements, development agreements, and provision of surety.

Figure 18: Site Plan Flowchart



(2) Applicability. An approved, valid site plan shall be required prior to the approval of any construction plan and permit for all development specified in Sec. 9.04.052(a)(3). An approved, valid preliminary site plan is required prior to the consideration of a site plan except as provided below:

(A) Development of a single building not exceeding 5,000 square feet.

(B) Development of a single building on one lot not exceeding 1 acre (net) and where the lot is not being subdivided from a larger property.

(C) Development of parking or outside storage areas.

(D) Development of utilities and non-occupied structures.

(E) Development of outdoor recreation structures and amenities.

(3) Application Procedures and Requirements.

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

(B) Additional Requirements. In addition to meeting the requirements for site plan approval, the following approvals may be necessary prior to authorization for development (if applicable to the project):

(i) Preliminary or final plat or replat;

(ii) Engineering plans;

(iii) Stormwater quality plan;

(iv) Traffic Impact Analysis;

(v) Landscape and irrigation plans;

(vi) Tree preservation plan;

(vii) Other approvals as required by ordinance.

(C) Standards of Approval.

(i) Director Approval.

a. Where an application for site plan approval is made for development defined on an approved, valid preliminary site plan, the Director may approve, conditionally approve, or deny the application based upon the criteria listed in subsection (iii) below.

b. The applicant may appeal the Director's decision to the City Council by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of their action.

(ii) Planning and Zoning Commission Approval.

a. The Planning and Zoning Commission shall consider all applications for site plan approval for development not requiring a preliminary site plan, or the proposed site plan constitutes a major amendment to an approved, valid preliminary site plan.

b. The Planning and Zoning Commission may approve, conditionally approve, table, or deny a site plan based upon the criteria listed in subsection (iii) below:

(iii) Approval Criteria.

a. Conformance with the Comprehensive Plan.

b. Compliance with the Zoning Ordinance and other applicable Planning and Development Regulations and previously approved, valid plans for the property.

c. Compliance with a previously approved, valid site-specific stormwater quality plan.

d. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

e. The width, grade, and location of streets are designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

f. The use of landscaping and screening:

1. To provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.

2. To complement the design and location of buildings and be integrated into the overall site design.

g. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

h. Protection and conservation of soils from erosion by wind or water or from excavation or grading.

i. Protection and conservation of water courses and areas subject to flooding.

j. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.

(D) Effect. Approval of a site plan is the City's authorization to apply for approval of building permits and to receive approval of engineering plans. So long as the site plan remains valid, the City shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping, or screening. Site plan approval is separate and distinct from other permits and approvals as may be required by the City and other regulatory agencies. Approval of a site plan shall not affect other applicable regulations concerning development

and land use. Except where authorized by ordinance, a site plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

(E) Lapse. The approval of a site plan shall be effective for a period of 2 years from the date of approval by the Planning and Zoning Commission, Director, or City Council, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the site plan approval is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the site plan for the remaining property and/or improvements shall be null and void. The applicant shall submit a new site plan for review and approval, subject to current regulations. Site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications, and redevelopment shall be permitted in accordance with Sec. 9.04.052(d).

(e) Amendments.

(1) Generally.

(A) At any time following the approval of a concept plan, preliminary site plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment.

(B) Amendments shall be classified as major and minor.

(C) Any concept plan, preliminary site plan, or site plan shall be in substantial conformance with the previously approved plan.

(2) Minor Amendments.

(A) Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, moving nonresidential uses within the same use category to adjacent blocks, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan.

(B) The Director may approve or disapprove a minor amendment.

(C) Disapproval may be appealed to the Planning and Zoning Commission.

(3) Major Amendments.

(A) Amendments to previously approved stormwater quality areas, and increases in building height and/or building proximity to an adjacent offsite residential use are considered major amendments.

(B) Major amendments may be considered by the Planning and Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of that plan.

(f) Extension and Reinstatement Procedure.

(1) Sixty (60) days prior to or following the lapse of approval for a concept plan, preliminary site plan, or site plan as provided in these regulations, the property owner may petition the Planning

and Zoning Commission to extend or reinstate the approval. Such petition shall be considered at a public meeting of the Planning and Zoning Commission.

(2) In determining whether to grant such request, the Planning and Zoning Commission shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted regulations shall apply to the plan. The Planning and Zoning Commission shall extend or reinstate the plan, or deny the request, in which instance the property owner must submit a new application for approval.

(3) The Planning and Zoning Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning and Zoning Commission may also specify a shorter time for lapse of the extended or reinstated plan than is applicable to original approvals.

(g) Revocation of Approval. The Planning and Zoning Commission may revoke approval of a concept plan, preliminary site plan, or site plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information which affects a significant health or safety interest.

(h) Additional Development and Redevelopment.

(1) Following the completion of improvements shown on an approved site plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised site plan.

(2) Minor expansions and redevelopment may be approved by the Director under the terms of Sec. 9.04.052(e).

(3) All other expansions or redevelopments shall require the submittal of a revised site plan and the approval of the Planning and Zoning Commission under the requirements and procedures then in effect.

Sec. 9.04.053. Relief Procedures

(a) Variances.

(1) Applicability. The Board of Adjustment may authorize, in specific cases due to hardship, a variance from the terms of this Zoning Ordinance. [Reference: Texas Local Government Code § 211.009(a)(3)]

(2) Initiation. An application for a zoning variance shall be filed with the Director.

(3) Completeness. See Sec. 9.04.050(d)(2).

(4) Notice and Hearing(s).

(A) Generally, noticing shall comply with Sec. 9.04.050(e) and Texas Local Government Code § 211.007(c), as applicable.

(B) Additionally, noticing shall follow the requirements below.

(i) Mail notices of a public hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby, such owners and persons being determined according to the current tax rolls of the City.

(ii) Depositing of this written notice in the mail shall be deemed sufficient compliance.

(5) Decision.

(A) The Board of Adjustment shall conduct a public hearing on the variance and shall render its decision after the hearing is closed.

(B) The Board of Adjustment may, in whole or in part:

(i) Approve the variance, or

(ii) Deny the variance, or

(iii) Approve the variance with conditions.

(C) The concurring vote of 4 members of the board is necessary to authorize a variance.

(6) Approval Criteria. The Board of Adjustment shall not approve a variance unless it finds that:

(A) The variance is not contrary to the public interest, and

(B) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and

(C) The spirit of the varied provision is observed and substantial justice is done.

(7) Subsequent Applications. If the variance request is denied, the applicant shall not submit a variance request of similarity on the same property for at least twelve (12) months.

(8) Appeals. A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

(9) Scope of Approval. After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

(10) Recordkeeping. The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

(b) Interpretation.

(1) Applicability. The Director has the authority to make written interpretations concerning the text of this Zoning Ordinance and the zoning map.

(2) Initiation. A request for interpretation shall be submitted to the Director on a form established by the Director and made available to the public.

(3) Completeness. See Sec. 9.04.050(d)(2).

(4) Notice and Hearing(s). Not applicable.

(5) Decision. The Director may, at their discretion, take any of the following actions:

(A) Review and evaluate the request;

(B) Consult with other staff as necessary;

(C) Render an opinion; and

(D) Provide the interpretation to the applicant in writing by regular mail.

(6) Standards. The Director shall consider this Zoning Ordinance, the zoning map, the comprehensive plan, and any other relevant information.

(7) Subsequent Applications. Not applicable.

(8) Appeals. See Sec. 9.04.050(m).

(9) Scope of Approval. An interpretation does not authorize the development or use of a property. After an interpretation is issued, the applicant or any other person may file an application to develop or use the property pursuant to this Zoning Ordinance, and the decision-maker shall take the interpretation into consideration.

(10) Recordkeeping. The Director shall maintain an official record of interpretations that shall be available for public inspection during normal business hours.

Division 6. Nonconformities

Sec. 9.04.054. Purpose

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

Sec. 9.04.055. General Policy

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

Sec. 9.04.056. Applicability

(a) This Division applies to any nonconformity. A “nonconformity” means any of the following on the effective date:

(1) Nonconforming use (Sec. 9.04.058),

(2) Nonconforming structure (Sec. 9.04.059),

(3) Nonconforming lot (Sec. 9.04.060), or

(4) Nonconforming site features (Sec. 9.04.061).

(b) For the purpose of this Division, the “effective date” means the effective date of this Zoning Ordinance or any amendment to this Zoning Ordinance that creates a nonconformity.

Sec. 9.04.057. Generally

(a) Continuation of Nonconformities. Except provided below, the lawful use of a building or structure existing at the time of the adoption of this Zoning Ordinance may continue, even if the existing use, building, or structure does not conform to the provisions of this Zoning Ordinance for the district where it is located.

(b) Removal of Building or Structure. If a nonconforming use, building, or structure is removed from a lot, the nonconformity terminates. Any use, building, or structure established or constructed after that time shall comply with the provisions of this Zoning Ordinance in effect at that time.

(c) Replacing Damaged Buildings or Structures.

(1) If a nonconforming building or structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the Zoning Ordinance.

(2) In the case of partial destruction of a nonconforming building or structure not exceeding 75% of its reasonable value, reconstruction will be permitted by size and function, and cannot be expanded.

(3) A nonconforming building or structure or group of nonconforming buildings or structures that is damaged by fire, flood, explosion, earthquake, war, or riot, may be reconstructed or replaced subject to this Division and erected as before if:

(A) The application for a permit is submitted within 12 months of the disaster,

(B) The restored or reconstructed building or structure does not exceed the square footage of the area as it existed before the disaster, and

(C) The building or structure meets the Anna Building Code.

(d) Public Services. Pursuant to Texas Local Government Code § 211.013(b), this Division does not require the removal or destruction of property that exists as of the effective date that is actually and necessarily used in a public service business. A "public service business" means a public utility or a business of like character.

(e) Annexation. The use of land after the City annexes territory is subject to Texas Local Government Code § 43.002.

(f) Applications. The City will not process applications if there is a nonconformity, unless:

(1) The application brings the property into conformity with this Zoning Ordinance; or

(2) The application is otherwise permitted by this Zoning Ordinance.

Sec. 9.04.058. Nonconforming Use

(a) Applicability. This section applies to any "nonconforming use," defined as a use that lawfully occupies a building or land on the effective date and that:

(1) Is no longer permitted in the applicable zoning district, or

(2) Would require a specific use permit in the applicable zoning district.

(b) Generally. No existing building, structure, or premises devoted to a use not permitted by this Zoning Ordinance shall be enlarged or structurally altered unless required by law or court order, except as provided below.

(c) Discontinuance of Use. A building, structure, lot, or parcel where a nonconforming use is discontinued for at least one year, regardless of the intent of the owner or occupant of the premises, may not be occupied by a nonconforming use after that time.

(d) Change in Nonconforming Uses.

(1) A nonconforming use may change to a conforming use. After a nonconforming use changes to a conforming use, it may not change back to a nonconforming use.

(2) A nonconforming use conducted in a structure may change to another use within the same definition if it is not relocated or expanded.

(3) A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not change to any other nonconforming use.

(4) A nonconforming use of any classification shall not be added where there is already an existing nonconforming use.

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

Sec. 9.04.059. Nonconforming Structures

(a) Applicability. This section applies to any “nonconforming structure.” A “nonconforming structure” means a building or structure that:

(1) Lawfully exists on the effective date of this Zoning Ordinance or any amendment to this Zoning Ordinance that would cause the building or structure not to comply with this Zoning Ordinance, and

(2) Does not conform to all of the regulations of the zoning district in which it is located.

(b) Continuance of Nonconforming Structures. Except as provided below, any nonconforming structure may be occupied and operated if maintained in a state of good repair.

(c) Expansion.

(1) A nonconforming structure on a lot may expand one time by as much as 25% of the building’s square footage if:

(A) The expansion does not encroach into required setbacks,

(B) Paved parking, sidewalks, and landscaping, as required by this Zoning Ordinance, are provided, and

(C) The nonconforming building or structure is screened and buffered from adjacent uses and zones as determined by Sec. 9.04.045.

(2) The expansion is allowed only if authorized by the Director.

(3) The expansion shall conform to all zoning district and development standards of this Zoning Ordinance and shall not create a new nonconformity.

Sec. 9.04.060. Nonconforming Lots

(a) Applicability. This section applies to any nonconforming lot. A “nonconforming lot” is a lot of record that, on the effective date of this Zoning Ordinance or any ordinance that establishes a minimum or maximum lot area, frontage, or lot width, is:

(1) Not in compliance with the minimum or maximum lot area, frontage, or lot width, and

(2) Lawfully existing and of record, and

(3) Held in separate and different ownership from any lot immediately adjoining and having continuous frontage.

(b) New Construction. In all districts, a nonconforming lot may be used as the building site for any use permitted in that district. No newly created or platted lot shall result in a nonconforming lot.

Sec. 9.04.061. Nonconforming Site Features

(a) Applicability. This section applies to any nonconforming site features.

(1) A "Nonconforming Site Feature" is a situation that occurs when, on the effective date:

(A) An existing site feature on a lot (including but not limited to parking areas, sidewalks, and landscaping) that was in compliance with the standards at the time of its establishment but that no longer conforms to the applicable regulations of this Zoning Ordinance, or

(B) The lot does not include site features required by this Zoning Ordinance for any existing use, building, or structure on the lot.

(b) Generally. On lots with nonconforming site improvements, each section in Division 4 establishes when compliance is required, unless:

(1) The nonconforming site improvements are brought into complete conformity with the regulations applicable to the use, building, structure, or zoning district, or

(2) The activity is authorized by the Planning and Zoning Commission.

(c) Nonconforming Site Approval. When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site improvement, the Planning and Zoning Commission may approve a site plan (see Division 5) allowing the addition, repairs, or renovation if:

(1) Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible; and

(2) The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety; and

(3) If needed, the owner commits to other site design measures to reduce negative impacts associated with the nonconformity or to accomplish the purpose of the required site improvement.

Division 7. Enforcement

Sec. 9.04.062. Generally

(a) This Division establishes procedures the City uses to ensure compliance with the provisions of this Zoning Ordinance and obtain corrections for violations. It also institutes the remedies and penalties that apply to Zoning Ordinance violations.

(b) For any violation not encompassed by this Division, the Director may issue a citation in Municipal Court stating the alleged violation, the date of the violation, and the section of the Zoning Ordinance violated. Each day during which any violation of this Division occurs or continues is a separate offense and upon conviction is punishable as provided in this Division.

Sec. 9.04.063. Violations

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

(1) Buildings or Structures. To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this Zoning Ordinance or a condition of approval.

(2) Use of Land. To use any land or premises in a manner inconsistent with the requirements of this Zoning Ordinance or a condition of approval.

(3) Establish Use or Structure Without Permit or Approval. To establish or place any use or structure upon land that is subject to this Zoning Ordinance without all of the approvals required by this Zoning Ordinance.

(4) Development or Subdivision Without Permit or Approval. To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Zoning Ordinance without all of the approvals required by this Zoning Ordinance.

(5) Development, Subdivision, or Use Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.

(6) Development, Subdivision, or Use Inconsistent with Conditions of Approval. To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

(7) Development or Subdivision Inconsistent with this Zoning Ordinance. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage

in development or subdivision of any land in violation of any zoning, subdivision, or other regulation of this Zoning Ordinance.

(8) Making Lots or Setbacks Nonconforming. To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than prescribed by this Zoning Ordinance.

(9) Increasing Intensity or Density of Use. To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Zoning Ordinance.

(10) Removing or Defacing Required Notice. To remove, deface, obscure, or otherwise interfere with any notice required by this Zoning Ordinance.

(11) Generally. Any other action, or failure to act, that does not comply with a requirement of this Zoning Ordinance or a lawful condition of approval.

Sec. 9.04.064. Responsible Persons

(a) Any person who violates this Zoning Ordinance is subject to the remedies and penalties expressed in this Division.

(b) If a person causing a zoning violation is a renter, lessor, or contractor, the Director may notify the owner and the renter, lessor, and/or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the zoning violation and that the owner is ultimately responsible for correcting the violations.

Sec. 9.04.065. Enforcement Responsibility

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

Sec. 9.04.066. Enforcement Procedures

(a) Remedies and Enforcement Powers. The City has the following remedies and enforcement powers.

(b) Generally. If Sec. 9.04.063 applies, the City may institute any appropriate action or proceedings:

(1) To prevent any unlawful erection, maintenance, or use,

(2) To restrain, correct, or abate the violation,

(3) To prevent the occupancy of a building, structure, or land, or

(4) To prevent any illegal act, conduct, business, or use in or about the premises.

(c) Notice of Violation.

(1) When any building or use is erected, constructed, built, reconstructed, altered, or maintained in violation of this Zoning Ordinance, the property owner, other responsible party, property owner, lessee, management, or tenant shall be served with a written notice that states the violation and requires compliance with this Zoning Ordinance no more than ten (10) days from service.

(2) The notice may be served in person or by depositing the same as certified in the United States Postal Service addressed to the property owner at the owner's address (i.e., as shown on the most current tax roll of the City), or the tenant (i.e., as shown on the utility billing records of the City). If the City mails the notice to the property owner and the U.S. Postal Office returns it as

"refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered delivered.

(d) Withhold Permit.

(1) The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of a Zoning Ordinance provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.

(2) The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a Zoning Ordinance provision or a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.

(e) Permits Approved with Conditions. Instead of withholding or denying a permit or other authorization, the City may grant authorization subject to a corrected violation condition.

(f) Revoke Permits. Any development permit or other form of authorization required in this Zoning Ordinance may be revoked, including revocation of a certificate of occupancy.

(g) Stop Work. With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of Zoning Ordinance provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes.

(h) Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any violation of this Zoning Ordinance or of a permit, certificate, or other form of authorization granted.

(i) Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise restore the premises in question to the condition in which they existed prior to the violation.

(j) Civil Action and Administrative Adjudication. The City may enforce the provisions of this Zoning Ordinance through civil action.

(1) Civil action, as per state law; and

(2) Administrative adjudication under Municipal Court Chapter, Article IX, as amended, and Texas Local Government Code Chapter 54, Subchapter C, as amended.

(k) Withhold Public Services

(1) The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.

(2) Unless a plan, plat, or replat is approved in the manner and by the authorities provided for in this Zoning Ordinance, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled, or distributed by the City for the use of the owners or purchasers of the plat or plan.

(l) Other Remedies. The City may have other remedies provided by law for zoning, subdivision, or related Zoning Ordinance provision violations.

(m) Other Powers. In addition to the enforcement powers specified in this Division, the City may exercise any and all enforcement powers granted by law.

(n) Continuation. Nothing in this Zoning Ordinance prohibits the continuation of previous enforcement actions undertaken by the City by previous and valid ordinances and laws.

Sec. 9.04.067. Cumulative Remedies

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

Sec. 9.04.068. Penalties

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

(1) The owner or owners or tenant of any building or premises or part, where anything in violation of this Zoning Ordinance exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any Zoning Ordinance violation are guilty of a separate offense punishable under this section.

(2) A person who violates any provision of this Division by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.

(3) If the definition of an offense under this Division does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a $500 maximum fine). Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, this offense is punishable by a $2,000 maximum fine.

(4) If the definition of an offense under this Division prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense is punishable by a $2,000 maximum fine.

Division 8. Decision-Making Bodies

Sec. 9.04.069. Generally

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

Sec. 9.04.070. Development Services Department

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

Sec. 9.04.071. City Council

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

Sec. 9.04.072. Director

(a) Appointment. See Article 4.05 of the City Charter.

(b) Powers and Duties. The Director has the following duties and responsibilities:

(1) To advise the City Manager on any matter affecting the physical development of the City.

(2) To formulate and recommend to the City Manager a comprehensive plan and modifications.

(3) To review and make recommendations regarding proposed City Council action implementing the comprehensive plan.

(4) To participate in capital program preparations and revisions.

(5) To advise the Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.

(6) To keep the official zoning map current and the copies, by entering any changes that the City Council may order by amendments to the Zoning Ordinance and Map.

(7) To investigate complaints about violations of this Zoning Ordinance.

(8) To provide written notification to the person responsible for zoning violation(s), ordering the necessary action to correct violations, and order:

(A) Discontinuance of illegal uses of land, buildings, or structures.

(B) Removal of illegal buildings or structures or illegal additions or structural additions.

(C) Discontinuance of any illegal work.

(9) To provide any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violation(s).

Sec. 9.04.073. Planning and Zoning Commission

The Planning and Zoning Commission is established and organized in Article 9 of City's Home Rule Charter.

Sec. 9.04.074. Board of Adjustment

(a) Creation. There is hereby created a Board of Adjustment that shall be organized, appointed, and function as follows:

(1) The Board of Adjustment shall consist of five members who are residents of the City or its extraterritorial jurisdiction, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after the public hearing.

(2) Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made.

(3) The terms of three members shall expire each odd-numbered year, and the terms of four of the members shall expire of each even-numbered year.

(4) Board of Adjustment members may be appointed to succeed themselves.

(5) Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years.

(6) Newly appointed Board of Adjustment members shall be installed at the first meeting after their appointment.

(b) Organization.

(1) The Board of Adjustment shall hold an organizational meeting in June of each year.

(2) The Board of Adjustment shall meet regularly and shall designate the time and place of its meetings.

(3) The Board of Adjustment shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this Zoning Ordinance and the requirements of law.

(c) Powers and Duties Pursuant to Texas Local Government Code § 211.009.

(1) Appeals based on error. The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official of the City in the enforcement of this Zoning Ordinance.

(2) Limitation on reapplications. When the Board of Adjustment has denied a proposal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of denial. Applications that have been withdrawn at or before the Board of Adjustment meeting may be resubmitted at any time for hearing before the Board of Adjustment.

(3) Vote of four members required. The concurring vote of four members of the Board of Adjustment is necessary to:

(A) Reverse an order, requirement, decision, or determination of an administrative official;

(B) Decide in favor of an applicant on a matter on which the Board of Adjustment is required to pass; or

(C) Authorize a variation from the terms of a zoning ordinance.

(d) Decision on Appeals. The Board of Adjustment shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(e) Variances. The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance will result in unnecessary hardship and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done, including the following:

(1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

(2) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this article relating to the construction or alterations of buildings or structures will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Zoning Ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this article and at the same time, the surrounding property will be properly protected.

(3) The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is an error of law in any order, requirements, decision, or determination made by the building inspector in the enforcement of this Zoning Ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

(A) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.

(B) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

(C) To grant a permit for the extension of a use, height, or area regulation into an adjoining district, where the boundary line of the district divides a lot in single ownership on the effective date of this article.

(D) To permit the reconstruction of a nonconforming building that has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 90% of its fair market value, where the Board of Adjustment finds some compelling necessity requiring a continuance of the nonconforming use.

(E) To waive or reduce the parking and loading requirements in any of the districts, when:

(i) The character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or

(ii) Such regulations would impose an unreasonable hardship upon the use of the lot.

(F) The Board of Adjustment shall not waive or reduce such requirements merely for the purpose of granting an advantage or convenience.

(f) Special Exceptions. The Board of Adjustment may hear and decide special exceptions to the terms of this Zoning Ordinance when the regulations require the Board of Adjustment to do so. Special exceptions shall follow the requirements in Sec. 9.04.053.

(g) Changes.

(1) The Board of Adjustment shall have no authority to change any provisions of this Zoning Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board of Adjustment may not change the district designation of any land either to a more or less restrictive zone.

(2) It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the building official and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

Division 9. Legal Provisions

Sec. 9.04.075. Relationship

(a) Generally. See Texas Local Government Code § 211.013 (Conflict with Other Laws). Except as provided in the above-referenced statute, if any provision of this Zoning Ordinance conflicts with state or federal law, state or federal law controls.

(b) Interpretation.

(1) Specific provisions control over general provisions.

(2) If a conflict exists between different provisions of this Zoning Ordinance, the most restrictive standard applies.

(3) If there are multiple interpretations of this Zoning Ordinance because the meaning of a provision is unclear, the more restrictive interpretation applies.

(4) Any reference to a number in this Zoning Ordinance includes a fraction of that number, unless otherwise provided.

(5) Any reference to a building, structure, tract, block, or lot includes any portion or portions of those features, unless otherwise indicated.

(c) Plat Restrictions.

(1) Nothing in this Zoning Ordinance invalidates any approved plat restriction, nor any provision of adopted building codes.

(2) Building setback lines included in an approved and recorded subdivision plat control over general setback provisions required under the zoning provisions of this Zoning Ordinance.

(d) Building Code Requirements.

(1) No building setback shall be less than that specified for the type of construction proposed by adopted building codes.

(2) The Board of Adjustment has no authority to reduce any building setback required under adopted building codes.

Sec. 9.04.076. Private Restrictions

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

Sec. 9.04.077. Severability

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

Sec. 9.04.078. Repeal of Existing Ordinances

(a) Any ordinance inconsistent with the terms and provisions of this Zoning Ordinance is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this Zoning Ordinance is cumulative of other ordinances regulating the same subject matter.

(b) Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation, or safety of persons or property enacted by the City. If any restriction, prohibition, or provision of this Zoning Ordinance conflict with those provisions or any laws of the State of Texas, or with regulations of State or Federal regulatory bodies having jurisdiction:

(1) If the provision of this Zoning Ordinance is not preempted, the more restrictive restriction, regulation, prohibition, or provision applies, or

(2) If the state or federal law preempts a provision of this Zoning Ordinance, the state or federal law applies.

Sec. 9.04.079. Effective Date

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

Division 10. Definitions

Sec. 9.04.080. Generally

(a) Usage and Interpretation Rules. For the purpose of this Zoning Ordinance, certain terms or words are interpreted or defined as follows:

(1) Words used in the present tense include the future tense;

(2) The singular includes the plural;

(3) The word “person” includes a corporation, trust, individual, and/or group of individuals;

(4) The term “shall” is always mandatory; and

(5) The term “may” is discretionary.

(6) A reference to an official includes a designee of that official.

(7) When the calculation of a number for a required standard results in a fraction, that fraction is rounded up to the next whole number.

(b) Words and Terms Not Expressly Defined. Words and terms not expressly defined in this Division are to be construed according to the normally accepted meaning of those words or terms. Where no definition appears, then according to their customary usage in the practice of planning and engineering, as determined by the Director.

Sec. 9.04.081. Land Use Terms

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

(a) Residential Uses

(1) Industrialized Home (Modular Home)

Per the Texas Occupations Code Chapter 1202.002:

(A) Industrialized housing is a residential structure that is:

(i) Designed for the occupancy of one family;

(ii) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

(iii) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

(B) Industrialized housing includes the structure’s plumbing, heating, air conditioning, and electrical systems.

(C) Industrialized housing does not include:

(i) A residential structure that exceeds four stories or 60 feet in height;

(ii) Housing constructed of a sectional or panelized system that does not use a modular component; or

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

(2) Live-Work Unit

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

(3) Manufactured Home

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

(4) Mobile Home

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

(5) Multi-Family Dwelling

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

(6) Single-Family Dwelling, Attached

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

(7) Single-Unit or Duplex Unit Park

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

(8) Single-Family Dwelling, Detached

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

(9) Townhome Unit

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

(10) Two-Family Dwelling (Duplex)

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

(b) Lodging/Group Living Uses

(1) Bed and Breakfast Facility

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

(2) Boarding/Rooming House

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

(3) Dormitory

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

(4) Hotel / Motel

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

(5) Recreational Vehicle Park

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

(c) Automotive Uses

(1) Auto Dealership

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

(2) Auto Dealership, Used

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

(3) Auto Parts Sales

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

(4) Auto Repair, Heavy

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

(5) Auto Repair, Light

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

(6) Auto Storage

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

(7) Car Wash

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

(8) Truck Sales

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

(9) Truck Stop and Repair

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

(d) Commercial Uses

(1) Adult Entertainment Establishment

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

(A) Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified anatomical areas” or “specified sexual activities” as defined in this section.

(B) Adult Bookstore - A commercial establishment that has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:

(i) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other visual representations that depict or describe “specified anatomical areas” or “specified sexual activities,” as defined in this section; or

(ii) Instruments, devices, or paraphernalia that depict “specified anatomical areas” or “specified sexual activities” or are designed for use in connection with “specified sexual activities.”

(C) Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

(i) Person or persons who appear in a state of nudity; or

(ii) Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” including topless or bottomless dancers, exotic dancers, or strippers; or

(iii) Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations that are characterized by the depiction of “specified anatomical areas” or “specified sexual activities” as defined in this section.

(D) Adult Motion Picture Theater - A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes or tapes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section.

(E) Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section.

(F) Sexually Oriented Business – An adult entertainment establishment

(G) Nude Modeling Studio - Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

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

(2) Artist Studio

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

(3) Bar (75% sales from alcohol)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premise sale of alcoholic beverages.

(4) Brewpub/Wine Bar

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

(5) Building, Materials, and Landscaping Store

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

(6) Cannabidiol (CBD) Shop and smoking-related shops and uses include the following:

(i) Cannabidiol (CBD) shop. An establishment for which more than fifty percent (50%) of sales are derived from the retail sale of products related to or derived from CBD (cannabidiol) oil or hemp. This includes, but is not limited to, oils, vitamins, supplements, food, personal care, and garments.

(ii) Cigar lounge. An establishment that may sell food or beverages for on-site consumption, allows smoking by customers, and is cigar-themed and focused, as evidenced by the following: (1) clearly states in its name and marketing that it is a "cigar bar" or "cigar lounge," (2) derives at least thirty-three (33) percent of its gross revenue from the on-site sale of cigars and cigar products, (3) maintains an on-site walk-in humidor for the intent of resale of cigar products; (4) posts outdoor signage notifying the public that entry will result in exposure to secondhand tobacco smoke, and (5) provides an independent ventilation system and must be separated from any adjoining nonsmoking areas by an impermeable wall and ceiling. For the purposes of this subsection and subsection (iii), below, “cigar(s)” means a roll of tobacco which is wrapped in leaf tobacco, or wrapped in a substance that contains tobacco, and which does not include any separate filter as part of its design. For the purposes of this subsection and subsection (iii), below, “cigar product(s)” means products directly associated with cigars, and excludes all types of cigarettes (tobacco or otherwise), cigarillos, electronic smoking devices, vapes or vaping liquids, pipes, hookahs (or other shared pipes), or any smoking products which do not contain tobacco (e.g., those containing cloves, hemp, or other tobacco analog/substitute). The term "cigar products" also includes cigar-related accessory items such as cigar cutters and humidor boxes

commonly associated with the smoking of cigars, but excludes any item designed or marketed for the purpose of repackaging the contents of any smoking product, including a tobacco cigar, into another form or device for ignition, aerosolization, other means of use (e.g., glass pipes which could be used to smoke tobacco removed from a cigar). Items such as apparel, memorabilia or artwork do not constitute cigar products.

(iii) Cigar shop. An establishment for which more than ninety percent (90%) of sales are derived from the retail sale of cigar products in which cigars are sold, stored, and/or consumed, except that the term "cigar shop" does not include a cigar lounge.

(iv) Smoke Shop. An establishment that sells tobacco, cigarettes, electronic cigarettes, vaping products, hookah products, nicotine-enriched products, and/or associated paraphernalia, products and devices primarily for the purpose of smoking or vaping in various forms. These establishments sometimes provide an on-site contained area with a separate ventilation system for the purpose of smoking within the associated structure. Smoke shops do not include: (1) establishments engaged in the sale of tobacco products and/or smoking equipment as an incidental part of a variety of retail sales such as gas stations, convenience stores, or drug stores; (2) cigar shops; or (3) cigar lounges.

(7) Commercial Amusement, Indoor

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

(8) Commercial Amusement, Outdoor

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

(9) Convenience Store

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

(10) Convenience Store, Fuel Pumps

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

(11) Feed and Farm Supply

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

(12) Financial Institution

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

(13) Food Preparation and Sales

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

(14) Food Truck Park

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

(15) Greenhouse or Nursery

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

(16) Grocery Store

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

(17) Heavy Equipment Sales and Rental

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

(18) Kennel

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

(19) Mixed-Use Development

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

(A) Any general retail, office, or restaurant use on the ground floor, and residential dwelling units above the ground floor or behind the non-residential floor area.

(B) The floor space above the ground floor may be occupied by nonresidential floor area in addition to dwelling units.

(20) Office

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

(21) Pawn Shop / Pay Day Loans

An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker). This includes short-term cash loan businesses (also known as payday loans),

most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account.

(22) Personal Services

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

(23) Portable Building Sales

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

(24) Postal Services

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

(25) 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.

(26) Restaurant

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

(27) Retail Store

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

(28) Radio/Television Studio

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

(29) 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.

(30) Tasting Room

A retail establishment associated with a brewery, brewpub, distillery, or winery for the sale of beer, wine, or liquors.

(31) Taxidermist

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

(32) Theater

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

(33) Veterinarian Facility

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

(e) Recreation Uses

(1) Amphitheater

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

(2) Athletic Field, Public

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

(3) Athletic Field, Private

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

(4) Community Center, Public

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

(5) Community Center, Private

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

(6) Country Club

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

(7) Golf Course

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

(8) Health Club

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

(9) Racetrack

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

(10) Sport Shooting Range

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

(11) Park

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

(12) Swimming Pool

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

(f) Public/Institutional Uses

(1) Cemetery

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

(2) Civic Center

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

(3) Civic Club or Lodge

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

(4) College or University

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

(5) Correctional Facility

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

(6) Fairgrounds

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

(7) Public Library, Museum, or Art Gallery

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

(8) Religious Land Use

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

(9) School

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

(10) Technical School

A nonacademic establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

(g) Industrial Uses

(1) Brewery/Distillery

The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

(2) Commercial Cleaning Facility

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

(3) Commercial Kitchen

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

(4) Contractor's Shop and Storage Yard

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

(5) Drone Delivery Hub

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft systems (UAS) approved by the Federal Aviation Administration to distribute

commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities. This use is for permanent infrastructure and overnight storage of UAS.

(6) Drone Delivery Pick-up Kiosk

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft systems (UAS) approved by the Federal Aviation Administration to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities. This use is for temporary stops and no overnight storage of UAS.

(7) Industrial and Manufacturing, Heavy

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

(8) Industrial and Manufacturing, Light

Manufacturing of products, from extracted, raw, recycled, or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. “A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

(9) 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.

(10) Research and Development

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

(11) Salvage Yard

Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of 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. This use also includes areas in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles.

(12) 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.

(13) Warehouse, Distribution, and Wholesale

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

(A) Carting,

(B) Cold storage,

(C) Distribution facilities (as defined below),

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

(D) Dry goods wholesale,

(E) Express crating,

(F) Hauling,

(G) Feed locker plants,

(H) Fulfillment centers that combine storage with call centers,

(I) Hardware storage,

(J) Merchant wholesalers (such as restaurant supply sales),

(K) Warehouse or produce/fruit/food storage and wholesale structures,

(L) Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.

(14) Wholesale Showroom Facility

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

(h) Caretaking Uses

(1) Adult Day Services

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

(2) Assisted Living Facility

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

(A) Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;

(B) Provides:

(i) Personal care services; or

(ii) Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;

(C) May provide assistance with or supervision of the administration of medication; and

(D) May provide skilled nursing services for the following limited purposes:

(i) Coordination of resident care with outside home and community support services agencies and other health care professionals;

(ii) Provision or delegation of personal care services and medication administration as described by this subdivision;

(iii) Assessment of residents to determine the care required; and

(iv) For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

(3) Chemical Dependency Facility

Per the Texas Health & Safety Code, Section 464.001:

(A) “Chemical dependency" means:

(i) Abuse of alcohol or a controlled substance;

(ii) Psychological or physical dependence on alcohol or a controlled substance; or

(iii) Addiction to alcohol or a controlled substance.

(B) “Facility” means:

(i) A public or private hospital;

(ii) A detoxification facility;

(iii) A primary care facility;

(iv) An intensive care facility;

(v) A long-term care facility;

(vi) An outpatient care facility;

(vii) A community mental health center;

(viii) A health maintenance organization;

(ix) A recovery center;

(x) A halfway house;

(xi) An ambulatory care facility; or

(xii) Any other facility that offers or purports to offer treatment.

(4) Child Care Facility, Children's Home

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

(5) Child Care Facility, Daycare

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

(6) Child Care Home (≤6 Children)

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

(7) Child Care Home (≥7 Children)

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

(8) Community Home for Persons with Disabilities

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

(A) An orthopedic, visual, speech, or hearing impairment;

(B) Alzheimer's disease;

(C) Pre-senile dementia;

(D) Cerebral palsy;

(E) Epilepsy;

(F) Muscular dystrophy;

(G) Multiple sclerosis;

(H) Cancer;

(I) Heart disease;

(J) Diabetes;

(K) Autism; or

(L) Mental illness.

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

(9) Funeral Services

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

(10) Halfway House

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

(11) Medical Care Facility

A facility, whether or not licensed or required to be licensed by the State of Texas, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Texas accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

(12) Medical Office

A public or private, profit or nonprofit facility, office, suite 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 where licensed medical, dental, and other health care professionals conduct outpatient services. No overnight patients shall be kept on the premises. This use typically includes physician and dental offices.

(i) Transportation Uses

(1) Airport

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

(2) Bus Terminal

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

(3) Parking Facility

An area for parking light or heavy load vehicles.

(4) Railroad Station

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

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

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

(6) Transit Station

An area or Facility where people wait for transportation services.

(7) Truck or Motor Freight Terminal

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

(j) Infrastructure Uses

(1) Electrical Substation

A subsidiary station in which electric current is transformed.

(2) Gas Metering Station

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

(3) Gas Metering Station with Odorizer

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

(4) Governmental Service Yard

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

(5) Power Plant

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

(6) Radio, TV, or Microwave Operations, Amateur

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

(7) Radio, TV, or Microwave Operations, Commercial

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

(8) Recycling Facility

A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding,

crushing, mechanical sorting, or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

(9) Solid Waste Facility / Landfill

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

(10) Solid Waste Transfer Station

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

(11) Telephone Exchange

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

(12) Utility Shop

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

(k) Agriculture Uses

(1) Agriculture

The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, hatcheries, and any and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

(2) Agritainment

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

(3) Feedlot

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

(4) Stable, Commercial

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

(l) Accessory Uses

(1) Accessory Building

An accessory building or use is one that:

(A) Is subordinate to and serves a principal building or principal use; and

(B) Is subordinate in area, extent, or purpose to the principal building or principal use served; and

(C) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and

(D) Is located on the same building lot as the principal use served. If connected to the principal building, an open-air structure with three or fewer walls is not considered a building addition to the main building.

(2) Accessory Dwelling Unit

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

(3) Barndominium

An accessory structure that includes living space and barn space on an agricultural property. This definition does not include barns detached from the living space operating as a separate structure.

(4) Carport

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

(5) Donation Collection Bin

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

(6) Fuel Pump

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

(7) Home Occupation

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

(8) Garage

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

(9) Outdoor Dining

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

(10) Outdoor Display

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

(11) Outdoor Storage

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

(12) Retail Ice and Dispensed Water Sales

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

(13) Service Bay

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

(14) Stable, Private

An accessory use designated for quartering horses on private property.

(15) Swimming Pool, Private

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

(16) Wind Energy Conversion System

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

(m) Temporary Uses

(1) Batching Plant

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

(2) Construction Yard

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

(3) Farmers Market

A site or an area where space is rented to individual vendors who sell agricultural or horticultural goods. Vendors may also include specialty food producers selling baked goods, candies, chocolates, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish, pasta, and the like, but this definition does not include the sale of arts and crafts products, or any other item as specified in the "flea market" definition.

(4) Field or Sales Office

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

(5) Flea Market

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

(6) Itinerant Vendor

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

(7) Seasonal Roadside Stand

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

Sec. 9.04.082. Key Terms

(a) A Terms

(1) Administrative Official

The officer or other designated authority charged with administering and enforcing this Zoning Ordinance, or their duly authorized representative.

(2) Alley

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

(3) Amenity

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

(4) Anna Code

The Anna City Code of Ordinances.

(5) Applicant

See Property Owner or Developer.

(6) Application

A written request for approval required by this Zoning Ordinance.

(7) Average Maintained Horizontal Illuminance

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

(A) On a horizontal plane at ground level;

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

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

(8) Awning

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

(b) B Terms

(1) Balcony

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

(2) Block

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

(3) Board of Adjustment

The City of Anna's appointed Board of Adjustment.

(4) Building

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

(5) Building Line

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

(6) Building Permit

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

(c) C Terms

(1) Caliper

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

(2) Canopy

See Awning.

(3) Canopy Tree

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

(4) Carport

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

(5) Certificate of Occupancy

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

(6) City

The City of Anna, Texas, unless otherwise expressly stated.

(7) City Council

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

(8) City Engineer

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

(9) City Manager

The person holding the position of the City's chief executive officer (e.g., City Manager), as appointed by the City Council.

(10) Class 1 Lighting

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

(11) Class 2 Lighting

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

(12) Class 3 Lighting

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

(13) Comprehensive Plan

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

(14) Contiguous

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

(15) Corner Lot

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

(16) Corner Side Yard

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

(17) Cornices

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

(18) County

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

(19) County Clerk

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

(20) Covered Parking

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

(21) Crown Spread

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

(22) Cul-de-sac

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

(23) Cutoff Light Fixture

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

(d) D Terms

(1) DBH

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

(2) Decision-Making Body

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

(3) Density

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

(4) Developer

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

(5) Development

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

(6) Directly Visible

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

(7) Director

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

(8) Dormer

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

(9) Downspout

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

(10) Downtown Arterial

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

(11) Downtown Type A Street

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

(12) Downtown Type B Street

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

(13) Downtown Type C Street

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

(14) Downtown Type D Street

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

(15) Dwelling Unit

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

(e) E Terms

(1) Easement

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

(2) Elevation

See Façade.

(3) Extraterritorial Jurisdiction (ETJ)

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

(f) F Terms

(1) Façade

The exterior of a building.

(2) Family

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

(3) Fence

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

(4) Fenestration

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

(5) Flat Roof

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

(6) Flood Lamp

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

(7) Floodplain

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

(8) Floodway

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

(9) Footcandle

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

(10) Front Yard

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

(11) Frontage

All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the

street which it intercepts. Where a lot abuts more than one street, the Planning and Zoning Commission shall determine the frontage for purposes of this Article.

(12) Frontage Buildout

The percentage of the building facade that shall be located within the build -to zone (BTZ), calculated by the width of the building facade, not lot width. Build -to percentage is further defined as:

(A) Facade articulation elements, such as window or wall recesses and projections, shall be considered to meet any required build -to percentage.

(B) Public open spaces and outdoor dining areas that are between a building facade and a frontage and are no more than an average of 24 inches above or below grade of adjacent sidewalk are counted as meeting the build -to percentage.

(C) Common or private open spaces of residential development bounded on three sides by a building and no more than an average of 24 inches above or below grade of adjacent sidewalk are counted as meeting the build -to percentage.

(13) Full Cutoff Light Fixture

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

(g) G Terms

(1) Gable Roof

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

(2) Gambrel Roof

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

(3) Garbage, trash, or refuse container

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

(4) Glare

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

(5) Grade

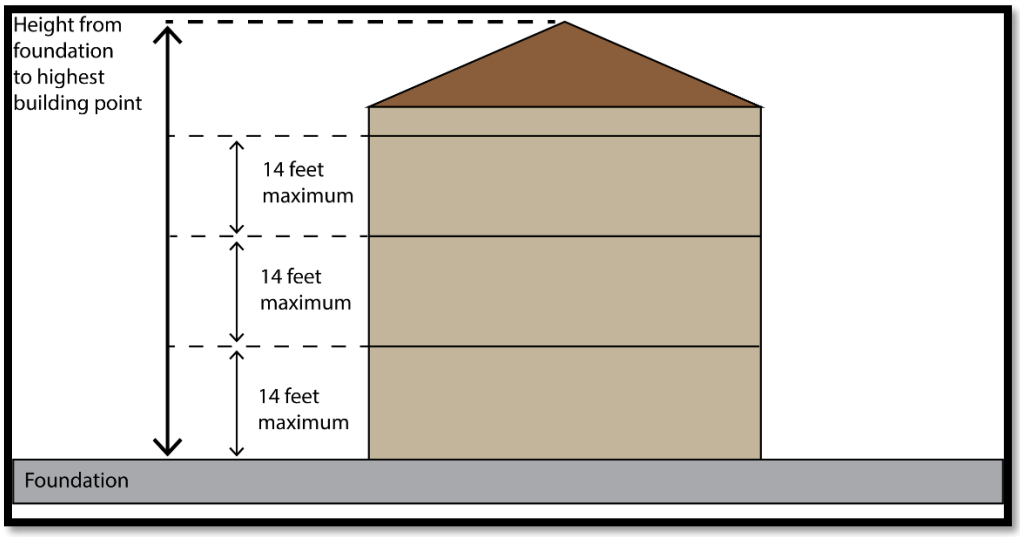
When used as a reference point in measuring height of a building, the “grade” shall be the average elevation of the finished ground at the exterior walls of the primary building.

(h) H Terms

(1) Height

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

Figure 18: Height Measurement



(2) Highway

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

(3) Hip Roof

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

(4) Homeowners Association

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

(A) Each lot and/or property owner in a specific area is automatically a member; and

(B) Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and

(C) The charge, if unpaid, becomes a lien against the nonpaying member's property.

This term is synonymous with Property Owners Association.

(i) I Terms

(1) IESNA

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

(2) Illuminance

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

(3) Installed

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

(4) Internal Landscape Area

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

(5) Intersection Visibility Triangle

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

(j) J Terms

(1) Junk

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

(k) K terms

(1) Key Lot

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

(l) L Terms

(1) Landscape Plan

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

(2) Light Trespass

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

(3) Lighting Zones

The four lighting zones are based on the zoning districts or overlays established by the zoning ordinance.

(4) Loading Space

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

(5) Local Street

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

(6) Lot

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

(7) Lot Coverage

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

(8) Lot Depth

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

(9) Lot of Record

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

(10) Lot Width

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

(11) Louver

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

(12) Lumen

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

(13) Luminaire

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

(14) Luminous Tube

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

(15) Lux

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

(m) M Terms

(1) Major Arterial

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

(2) Major Collector

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

(3) Major Recreational Equipment

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

(4) Major Revisions/Amendments

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

(5) Mansard Roof

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

(6) Mayor

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

(7) Mechanical Equipment

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

(8) Minor Arterial

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

(9) Minor Collector

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

(10) Minor Revisions/Amendments

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

(11) Molding

A decorative strip of wood used for architectural purposes.

(12) Multi-class Lighting

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

(n) N Terms

(1) Net Acreage

The total area of the development project.

(2) Network Node

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

(3) Nonconforming Lot

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

(4) Nonconforming Site Feature

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

(5) Nonconforming Structure

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

(6) Nonconforming Use

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

(7) Nonconformity

The collective term for all nonconforming situations.

(o) O Terms

(1) Offset

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

(2) Opaque

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

(3) Oriel

A bay window supported from below by corbels or brackets.

(4) Ornamental Tree

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

(5) Outdoor Light Fixture

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

(A) Parking lot lighting;

(B) Roadway lighting;

(C) Buildings and structures;

(D) Recreational areas;

(E) Landscape lighting;

(F) Billboards and other signs (advertising or other);

(G) Product display area lighting;

(H) Building or structure decoration; and

(I) Building overhangs and open canopies.

(6) Outdoor Light Output, Total

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

(A) Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in subsections (B), (C), and (D) of this definition, are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps;

(B) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least five feet but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated initial lumen output;

(C) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least 10 feet but less than 30 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated initial lumen output; and

(D) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs, or roof eaves where all parts of the lamp or luminaire are located 30 or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output. Such lamps must however conform to the lamp source and shielding requirements of subsection (g) of this section.

(7) Outside Runs

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

(p) P Terms

(1) PAM

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

(2) Parapet

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

(3) Parking Space

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

(4) Permeable Surface

A surface that does not impede the absorption of water.

(5) Person

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

(6) Pitched Roof

A roof that has a slope.

(7) Planned Development

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

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

(8) Planning and Development Regulations

Chapter/Article 9 on the Anna Code of Ordinances.

(9) Planning and Zoning Commission

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

(10) Planning Department

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

(11) Plat

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

(12) Plinth

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

(13) Porte-cochere

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

(14) Primary Building

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

(15) Private Street

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

(16) Property Owner

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

(17) Public Hearing

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

(18) Public Improvements

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

(19) Public View

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

(q) Q Terms

(1) Quoin

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

(r) R Terms

(1) Rear Yard

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

(2) Recreational Vehicle

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

(3) Residential District

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

(4) Rezoning

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

(5) Right-of-Way

A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; street improvements; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from

the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

(6) Roof

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

(7) Roof Line

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

(s) S Terms

(1) Screening Device

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

(2) Searchlight

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

(3) Setback

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

(4) Shielding

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

(5) Shutters

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

(6) Side Yard

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

(7) Site Plan

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

(8) Specific Use Permit

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

(9) Specified Anatomical Area

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

(10) Specified Sexual Activities

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

(11) Spot Lamp

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

(12) Spot Light

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

(13) Staff Committee

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

(14) Stealth Design

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

(15) Stepback

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

(16) Story

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

(17) Street

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

(18) Street Yard

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

(19) Street, Downtown Arterial

See Downtown Arterial.

(20) Street, Downtown Type A

See Downtown Type A Street.

(21) Street, Downtown Type B

See Downtown Type B Street.

(22) Street, Downtown Type C

See Downtown Type C Street.

(23) Street, Downtown Type D

See Downtown Type D Street.

(24) Street, Highway

See Highway.

(25) Street, Local

See Local Street.

(26) Street, Major Arterial

See Major Arterial.

(27) Street, Major Collector

See Major Collector.

(28) Street, Minor Arterial

See Minor Arterial.

(29) Street, Minor Collector

See Minor Collector.

(30) Stringcourse

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

(31) Structural Alteration

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

(32) Subdivision

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

(33) Submittal

See Application.

(34) Submittal Date

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

(t) T Terms

(1) TCEQ

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

(2) Temporary Lighting

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

(3) Tenant

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

(u) U Terms

(1) Uplighting

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

(2) Use

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

(v) V Terms

(1) Variance

An adjustment in application of the specific regulations of the zoning regulations to a particular parcel of property which, because of special conditions or circumstances, peculiar to the particular parcel, is

necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

(2) Vehicle

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

(3) Visible Light Reflectance

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

(w) W Terms (Reserved)

(x) X Terms

(1) Xeriscape

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

(y) Y Terms

(1) Yard

The open area between building setback lines and lot lines.

(z) Z Terms

(1) Zoning District

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

(2) Zoning Map

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

(3) Zoning Ordinance

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

City of Anna, Texas

Article 9.05 Sign Ordinance

08/27/2024

09/26/2023 – Ord. No. 1077-2023-09

08/27/2024 – Ord. No. 1117-2024-08

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Division 1. Legal Provisions

Sec. 9.05.001. Title

This article shall be known as the Anna Sign Ordinance and referenced as “this Article” or as “Sign Ordinance.”

Sec. 9.05.002. Authority

(a) Texas State Law. The following chapters and sections of the laws of the State of Texas establish the City’s authority that is exercised within this Article:

(1) Texas Local Government Code, including:

(A) Chapter 42 (Extraterritorial Jurisdiction of Municipalities)

(B) Chapter 216 (Regulation of Signs by Municipalities)

(2) Texas Transportation Code, including:

(A) Chapter 391 (Highway Beautification on Interstate and Primary Systems and Certain Roads)

(B) Chapter 392 (Highway Beautification on State Highway Right-of-Way)

(C) Chapter 393 (Outdoor Signs on Public Rights-of-Way)

(D) Chapter 394 (Outdoor Signs on Rural Roads)

(E) Chapter 544 (Traffic Signs, Signals, and Markings)

(b) Exercise of Powers. This Article is adopted in the exercise of the power granted by municipalities by these statutes and the City Charter of Anna.

(c) Fees Established. City Council shall establish a schedule of fees as required to recoup costs related to the administration of this Article.

Sec. 9.05.003. Purpose

The purpose of this Article is to regulate signs of all types (temporary and permanent) in a manner that:

(a) Protects constitutional rights to free speech by providing ample opportunities for expression through signs, while avoiding content-based distinctions and providing clear approval standards;

(b) Protects public health and safety by:

(1) Minimizing visual traffic hazards, distractions, and obstructions for motorists, cyclists, and pedestrians, or signs causing confusion by virtue of visual similarity to traffic control signs;

(2) Reducing hazards caused by collapse, fire, collision, decay or abandonment;

(3) Not obstructing firefighting or police surveillance; and

(4) Encouraging the upgrading, updating, or removal of poorly maintained signs that do not conform to this Article and preventing signs that are potentially dangerous due to structural deficiencies and disrepair.

(c) Enhances the appearance and economic value of the landscape by providing signs that:

(1) Do not interfere with scenic views;

(2) Do not create a nuisance to persons using the public rights-of-way;

(3) Do not constitute a nuisance to the occupancy of the adjacent and contiguous property by their brightness, size, height, or movement; and

(4) Are not detrimental to land or property values.

(d) Promotes the community's appearance, character, quality, and business climate by encouraging signs that are attractive and functional for their intended purpose, and that are in scale and harmony with the development site and building(s) and with surrounding areas;

(e) Reduces and prevents visual clutter or potential deterioration of the community's appearance and attractiveness; and

(f) Implements the goals and policies of the City's adopted planning policies by establishing uniform standards and procedures to regulate the size, type, number, design, placement, illumination, timeframe for display, and maintenance of signs.

Sec. 9.05.004. Applicability

(a) Generally.

(1) This Article applies everywhere within the City's corporate boundaries and its extraterritorial jurisdiction, except as specifically stated otherwise in this Article.

(2) This Article does not prohibit signs required by state or federal law and does not authorize signs that state or federal law prohibits.

(3) A person shall not erect, operate, display, or otherwise use any sign that this Article prohibits.

(4) A person shall not erect, operate, display, or otherwise use any sign at a time, place, or manner that this Article prohibits.

(b) Exemptions. This Article does not apply to those regulations established in Sec. 9.05.011.

(c) Message Neutrality.

(1) Content Neutrality. Despite any other provision of this Article, no sign is subject to any limitation based on the content of its message.

(2) Substitution Allowed. Any sign authorized in this Article may contain any noncommercial copy or messages instead of a commercial or another noncommercial message.

(d) Planned Developments (PDs).

(1) Applicability. This Article applies to signs within a PD unless otherwise specified within the PD adopting ordinance and to sign coordination plans. To the extent that a sign plan does not address the type, area, height, design features, or other sign requirements, this Article applies to those features.

(2) Sign Coordination Plans. The sign coordination plan shall comply with the requirements established in Sec. 9.05.025.

Sec. 9.05.005. Relationship with Conflicting Laws

Generally, refer to Texas Local Government Code § 211.013 (Conflict with Other Laws). Except as provided in the referenced statute, if any provision of this Article conflicts with state or federal law, state, or federal law controls.

Sec. 9.05.006. Private Restrictions

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

Sec. 9.05.007. Severability

The divisions, sections, subsections, sentences, and phrases of this Article are declared to be severable. If any division, section, subsection, sentence, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction, that unconstitutionality or invalidity does not affect any of the remaining divisions, sections, subsections, sentences, or phrases of this Article.

Sec. 9.05.008. Repeal of Existing Ordinance

Any ordinance inconsistent with the terms and provisions of this Article is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this Article is cumulative of other ordinances regulating the same subject matter.

Sec. 9.05.009. Effective Date

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

Division 2. General Provisions

Sec. 9.05.010. Prohibited Signs

The following signs and related objects are prohibited from being installed or publicly displayed at any location within the City's corporate boundaries and its extraterritorial jurisdiction, except as otherwise specifically prescribed within this Article, and if only after authorized issuance of a City-issued sign permit required by this Article.

(a) Billboards that are not classified as digital billboards in this Article.

(b) Moving and flashing signs, including signs that flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of lights, LEDs, or other parts, or through the impression of movement or flashing. However, this prohibition shall not apply to:

(1) Noncommercial message(s); and

(2) Signs that are fully located within an enclosed building that are not observable from the exterior of that building.

(c) Signs that interfere with traffic. Signs which are of a size, location, movement, content, coloring, or manner of illumination, which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(d) Signs placed on or affixed to vehicles, trailers, or equipment that are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to direct people to another property.

(e) No person shall attach any sign, paper or other material to, or paint, stencil or write anything on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this Article or by the City Council or its delegated representatives.

(f) No person shall erect or allow to be erected any sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes unless specifically exempted by this Article or unless erected under a valid, unexpired permit as specifically set forth elsewhere in this Article.

(g) No person shall paint a sign or attach a sign to the exterior of a fence or railing viewable from a public right-of-way.

(h) No person shall hold, display, or wear a sign unless on private property and not in the right-of-way.

(i) Searchlights.

(j) Signs that are in disrepair to the extent that the cost of repair would exceed 50% of the value of a similar sign if purchased new and signs in danger of falling or that are otherwise unsafe to the public.

(k) Signs that display multidimensional projections of diffracted light are prohibited.

(l) Signs that are located on or that interfere with the use of public sidewalks, required off-street parking areas, or vehicle maneuvering areas unless specifically regulated in Division 3.

(m) Any unauthorized sign on or attached to a public streetlight, utility pole, hydrant, bridge, traffic-control device, street sign or other public structure or building, or any sign located in, on, over or within a public street, sidewalk, alley, easement or right-of-way.

(n) Signs (illuminated from within or without) that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon a street or substantially interfere with the reasonable enjoyment of property.

(o) Signs located on private property without the consent of that property owner.

(p) Signs that use a revolving beam or beacon resembling any emergency vehicle, or are 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 prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of at least 250 feet along the street.

(q) All signs not expressly allowed, exempted, or permitted under this Article.

Sec. 9.05.011. Exempt Signs

The following signs and related objects are generally allowed to be erected and publicly displayed at any location within the City's corporate boundaries and its extraterritorial jurisdiction, except as otherwise specifically prescribed within this Article, 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. This Article shall not apply to:

(a) Any signs and signals properly authorized by law, signs authorized by statute or a state agency in accordance with the *Texas Manual of Uniform Traffic Control Devices*, and other traffic signals, public warnings, or legal notices provided that such objects are installed in a location and in a manner and condition required by federal or state statute, a state agency, or a City ordinance or authorized authority.

(b) Nonconforming signs as defined in this Article, except that each such sign must be permitted by the City as a nonconforming sign under the procedures set forth in Division 5.

(c) Existing billboards as defined in this Article, except that each such sign must be permitted by the City as a nonconforming sign under the procedures set forth in Division 5.

(d) Signs required by governmental bodies or agencies having proper jurisdiction for a public purpose by law, statute, or ordinance. This also include any signs the City Council decides by ordinance or resolution to erect within its corporate boundaries, extraterritorial jurisdiction or any real property that it may own or control.

(e) Signs on vehicles, trailers, or equipment are exempted only to the extent such signs are incidental to the primary use of the vehicle, trailer, or equipment, provided that the vehicle, trailer, or equipment is in good mechanical repair and is not left in one place for more than 72 hours without being moved.

(f) Signs erected by the City that direct vehicular or pedestrian traffic, which may display arrows, words, or other symbols to indicate directions of facilities.

(g) Address numerals and other similar information required to be maintained by law or governmental order, rule or regulation, provided that the size of the sign may not exceed the requirements of such law, order, rule or regulation.

(h) Signs contained within a walled, fenced, or secured property or area.

(i) Signs erected by governmental bodies or agencies serving the public that are less than 32 square feet in area.

(j) Decorations, lights, pennants, and similar devices on public property with the permission and under the supervision of the City.

(k) Seasonal lights and decorations customarily displayed during federally recognized holidays.

(l) Burglar/security alarms and signs that are less than 4 square feet in area.

(m) Signs in plaza or public space structures located in the City's right-of-way, that are installed and maintained by the City or a contractor authorized by the City.

Sec. 9.05.012. General Requirements

(a) Installation.

(1) Signs and sign structures shall comply with the City's Building Code and all other regulatory requirements. An applicant shall obtain all applicable plans and permits before installing a sign.

(2) For wall signs, the sign installation area on the building wall shall be cleaned, patched, and painted upon sign removal.

(b) Maintenance.

(1) All signs, together with any supports, braces, guys and anchors, and colors, shall remain in good repair and be properly maintained.

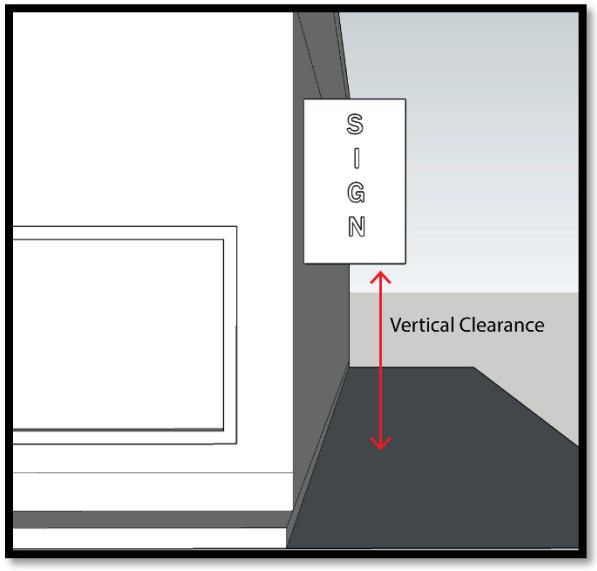
(2) Any defective signs or damaged parts or components of a sign shall be replaced and keep the adjacent properties free of debris, weeds, trash, or other public nuisances.

(3) The Director may enforce the standards as provided in Division 5 and Division 6.

(c) Vertical Clearance for Signs Projecting over Sidewalks, Walkways, and Driveways.

(1) The bottom edge of any projecting sign, awning sign, attached canopy sign, hanging sign, marquee sign, and any other sign that extends or projects over a sidewalk, walkway, or driveway shall be at least eight (8) feet above grade as shown in Figure 1 unless specified elsewhere in this Article.

Figure 1: Vertical Clearance for Signs Projecting over Sidewalks, Walkways, and Driveways



(2) Projecting signs, awning signs, attached canopy signs, hanging signs, marquee signs, and any other sign that extends or projects over public sidewalks shall not extend into or occupy more than half (1/2) the width of the sidewalk or five (5) feet (whichever is less), as measured from the building.

(d) Right-of-Way and Sight Distances.

(1) Signs Prohibited in Right-of-Way. No person shall place or install a sign within the right-of-way of any public street except as provided in (2)(B), below.

(2) Signs in the Intersection Visibility Triangle.

(A) No person shall place or install a sign in a location as established in the Zoning Regulations' "Intersection Visibility Triangle" requirements except as provided in (B), below.

(B) The Director may approve a sign permit for placement of a sign in a required intersection visibility triangle if this Article allows the sign type, and the sign cannot be located outside the intersection visibility triangle due to unusual circumstances. The Director shall perform an on-site inspection and determine that a safe and adequate intersection visibility exists based on the following factors:

(i) Generally accepted traffic engineering best practices, as recognized by the American Association of State Highway and Transportation Officials (AASHTO);

(ii) Sign design;

(iii) Traffic conditions; and

(iv) Driveway or street design.

Sec. 9.05.013. Computations and Interpretations

(a) Interpretation. All images and graphics are for illustrative purposes to orient the reader with the requirements of this Article.

(b) Landscape. When a landscape area is required by this Article, it shall consist of a combination of the following:

(1) Mulched landscape bed;

(2) Flowering perennials;

(3) Low shrubs less than four feet (4') in height;

(4) Low ornamental grasses at least one foot (1') in height; and/or

(5) Landscaping rock including but not limited to pea gravel, lava rocks, and river rocks.

(c) Measurement

(1) Sign Face Area. This is measured in square feet ("sf") and calculated as the width multiplied by the height of a single rectangle that contains all sign elements, including decorative embellishments, and any internally illuminated or backlit panel, fabric, or similar material not approved as an architectural element of the building.

(A) Sign area includes cabinets, background panels, or colors that are part of the sign installation and not part of the building architecture or the sign support.

(B) Sign face area measurements are as follows:

(i) Only one side of a multi-faced sign is considered when determining the sign area, if the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.

(ii) Where two faces of a multi-faced sign are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are no more than 18 inches apart, the larger sign face is used to calculate sign area.

(iii) When the interior angle formed by the faces of a multi-faced sign is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of the sign are considered in calculating sign area.

(C) For irregularly shaped signs, sign area is calculated as the sum of the boundaries that completely contain all sign elements.

(D) The calculation of the sign area for a single sign includes all related sign elements on the same facade or structure. Sign elements are related if they are all constructed in a similar manner and are located less than five (5) feet apart. Additionally, to be considered a single sign, the facade on which the elements of the sign are mounted can be offset by up to five (5) feet.

(E) Where two or more signs are allowed on a facade, the separate sign face area rectangles for each sign are added together to determine the total amount of sign face area on that building façade.

(F) Area limits control the sign area per face for a sign with two (2) faces.

(2) Sign Height.

(A) The sum of the height of the sign base and sign face as measured from the ground immediately adjacent to the highest point of the sign, including any cabinets, trim, or attachments.

(B) Height limits include the combined height of the sign face and monument base.

(3) Sign Width. This is measured as the greatest horizontal distance between any two points on the sign, irrespective of whether the points are part of the sign face, sign base, or a combination of the two.

(4) Wall Area. Where sign size is required as a percentage of a wall area, the “wall area” is a continuous portion of a building facade, as viewed by a person approaching the building from the public right-of-way, consisting of a plane surface.

Sec. 9.05.014. Sign Features

Signs may incorporate the following features established below; however, these features shall only be allowed as established in Table 3-4 – Table 3-28.

(a) Illumination

(1) Generally.

(A) A sign that is "illuminated" means any sign that incorporates illumination on or in the sign, or that directs illumination toward or over all or part of the sign, or that is created by the projection of illuminations onto a surface (such as a building wall).

(B) Permanent signs may be illuminated by static and continuous internal, external, and halo illumination configurations as indicated in the tables (Table 3-4 – Table 3-28) for each sign type.

(C) Temporary signs shall not be illuminated.

(2) Standards. The standards below apply to all signs that are illuminated.

(A) Signs that are illuminated shall not operate at brightness levels of more than 0.5 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade.

(B) Illumination shall not include animation, moving video, or flashing, scrolling, intermittent, moving lights, rotating beams, or flashing beacon lights.

(C) Signs that are illuminated shall not be illuminated by flashing, intermittent, or moving lights, or lights that consist of an image projected upon a stationary object.

(D) The illumination source for a sign or building shall be shielded from view from any point on the ground by either an opaque or translucent material.

(E) Illumination shall comply with all applicable provisions of the City's Electrical Code.

(F) Signs with illumination in or within 100 feet of a residential area shall be reduced to 50% of the maximum brightness level allowed by this Article between the hours of 12:00 AM and 6:00 AM.

(b) Electronic Message Centers

(1) Generally.

(A) A sign that incorporates an electronic message center (EMC) means a sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. Electronic message centers are also referred to as digital signs, dynamic signs, or changeable electronic variable message signs (CEVMS).

(B) Permanent signs may incorporate electronic message centers as indicated in the tables (Table 3-4 – Table 3-28) for each sign type.

(C) Temporary signs shall not incorporate electronic message centers.

(2) Standards.

(A) Hold Time.

(i) Each message on the sign must be displayed for at least fifteen (15) seconds duration.

(ii) Message changes shall be completed instantaneously and shall be imperceptible.

(B) Electronic Copy.

(i) Signs incorporating electronic message centers shall only contain static messages changed exclusively by dissolve or fade transitions, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign.

(ii) A static message shall not include any flashing or varying of light intensity, and the message shall not scroll.

(iii) The change of message using dissolve or fade transition shall not exceed two (2) seconds of time between each message displayed on the sign.

(C) Brightness.

(i) The intensity of the light source for an electronic message center shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.

(ii) An electronic message center shall not operate at brightness levels of more than 0.5 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade.

(iii) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 0.5 foot-candles

above ambient light and that the intensity level is protected from end-user manipulation by password-protected software or other methods as deemed appropriate by the Director.

(D) Light Sensing Device. Each digital sign must have a light-sensing device that will adjust the brightness as ambient light conditions change.

(E) Technology.

(i) The technology currently being deployed for electronic message centers is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future.

(ii) Any other technology that complies with the performance standards for electronic message centers, including the maximum brightness levels as stated in Subsection (C) above, is permitted.

(F) Automatic Shutoff. An electronic message center shall:

(i) Have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light, and

(ii) Include systems and monitoring to either turn the display off, show "full black" on the display, or include a default mechanism that freezes the sign in one position if a malfunction occurs, and

(iii) Be designed so that a catastrophic power surge will cause the sign to go dark or to deploy the maximum brightness limitations, and

(iv) Automatically adjust the intensity of its display according to natural ambient light conditions.

(G) Resolution.

(i) Electronic message center faces shall have a pixel pitch of no more than 16 millimeters.

a. "Pixel pitch" means a measurement of the resolution of a digital display, in terms of the distance (generally in millimeters) between the center of a light-emitting diode (LED) cluster (pixel) and the center of the next LED pixel.

b. A lower pixel pitch measurement indicates a higher display resolution.

(ii) This Subsection (G) applies only to signs that are constructed, rebuilt, or replaced after the effective date of this Article.

(3) Maintenance.

(A) The sign owner shall provide the Director with the phone number and email address of a person who is available to be contacted at any time and who is able to turn off the electronic message center promptly after a malfunction occurs.

(B) The light modules on electronic message centers shall be repaired or replaced if they become broken, burned-out, or substantially dimmed.

(c) Channel Letters

(1) Generally.

(A) Permanent signs may incorporate channel letters as indicated in the tables (Table 3-4 – Table 3-28) for each sign type.

(B) Temporary signs shall not incorporate channel letters.

(2) Standards. The standards below apply to any sign incorporating channel letters.

(A) Where allowed, channel letters are limited to the required sign face area maximums.

(B) Channel letters may be illuminated if the illumination is allowed for the sign type in that sign district.

(C) Channel letters shall affix flush against the wall of the building to which it is attached.

(D) Channel letters shall not extend more than twenty (20) inches from the surface of the wall to which it is attached.

(E) Channel letters shall not project above the roofline of the building to which it is attached.

(d) Changeable Copy

(1) Generally. Permanent signs may incorporate changeable copy as indicated in the tables (Table 3-4 – Table 3-28) for each sign type.

(2) Standards. The standards below apply to any sign incorporating changeable copies.

(A) Where allowed, each sign is limited to a percentage of the sign face area that may be used for a changeable copy.

(B) Changeable copies may be illuminated if the dimensions and standards allow illumination for the sign type in the district.

Division 3. Sign Standards

Sec. 9.05.015. Sign Types

(a) Purpose.

(1) This Division establishes the required standards for signs from the following sign categories:

(A) Detached signs;

(B) Attached signs;

(C) Incidental signs;

(D) Temporary signs; and

(E) Special signs.

(2) This classification system provides flexibility for persons and businesses who display signs, avoids sign distinctions that depend on a sign's message, supports the communities' aesthetic goals, and avoids potential traffic hazards and clutter.

(b) Generally. This Division establishes standards for individual sign types. Sections and subsections on each sign type addresses the following standards:

(1) An introductory paragraph defining the sign type;

(2) Graphics that illustrate the sign type;

(3) A table summarizing the applicable sign standards, including:

(A) If the sign type is allowed in the designated areas provided in Sec. 9.05.017;

(B) If a sign permit is required;

(C) The maximum number of signs of each type;

(D) Maximum sign dimensions, including:

(i) Sign area;

(ii) Height;

(iii) Location/setbacks; or

(iv) Other requirements.

(E) If the sign features provided in Sec. 9.05.014 are allowed or required:

(i) Electronic message centers;

(ii) Illumination features;

(iii) Channel letters; and

(iv) Changeable copies.

Sec. 9.05.016. Sign Type Equivalency Table

Table 3-1 identifies the sign types that existed under the previous Sign Ordinance and the sign types and regulations that now apply in this Article.

Table 3-1: Sign Type Equivalency Table

Current Sign Category	Current Sign Type	Previous Sign Type
Detached	Major Monument Sign	Unified Development Sign
	Minor Monument Sign	Monument Sign
	Pole Sign	Major Freestanding Sign (Includes Pole Signs and Multi-Use Signs as subsets)
		Pole Sign (Subset of the Major Freestanding Sign)
	Varies*	Multi-Use Sign (Subset of the Major Freestanding Sign)
	Varies *	Automobile Dealership Sign (Subset of the Major Freestanding Sign)
	Subdivision Entry Sign	Residential Subdivision Identification Sign
		Development Identification Sign
Attached	Wall Sign	Major Attached Sign
	Awning Sign	
	Attached Canopy Sign	
	Hanging Sign	Suspended Sign
	Grounded Canopy Sign	Engine Fuel Sales Sign
	Marquee Sign	--
	Projecting Sign	Projecting Sign
	Skyline Sign	--
	Window Sign	Window Sign
Incidental	General Incidental Sign	Bulletin Board
		Directional Sign
		Ingress and Egress Sign
		Internal Monument Sign
		Traffic-Related Signs
		Occupational Sign
		Nameplate Sign
		Memorial Sign
	Flags	Corporate and Logo Flag
	Speaker Board	--
	Walk-Up Board	--
Temporary	General Temporary Sign	Temporary Promotional Sign
		Real Estate Sign
		Political Sign
		Available Employment Sign
		Model Home Sign
	Sidewalk Sign	--
	Attached Banner	Banner
	Detached Banner	
	Feather Sign	--
	Balloon Sign	Balloon
Special	Mural	--
	Digital Billboard	--

* Multi-Use and Automobile Dealership Signs are addressed in various current sign types.

Sec. 9.05.017. Sign Districts and Sign Allocations

(a) Sign Districts. This Article regulates signs by location. The City's Zoning Ordinance regulates use, setbacks, building size, site design, and land use allowances by zoning districts. For the purposes of this Article, zoning districts are organized into sign districts to produce desirable sign outcomes. The sign districts are established in Table 3-2.

Table 3-2: Sign Districts

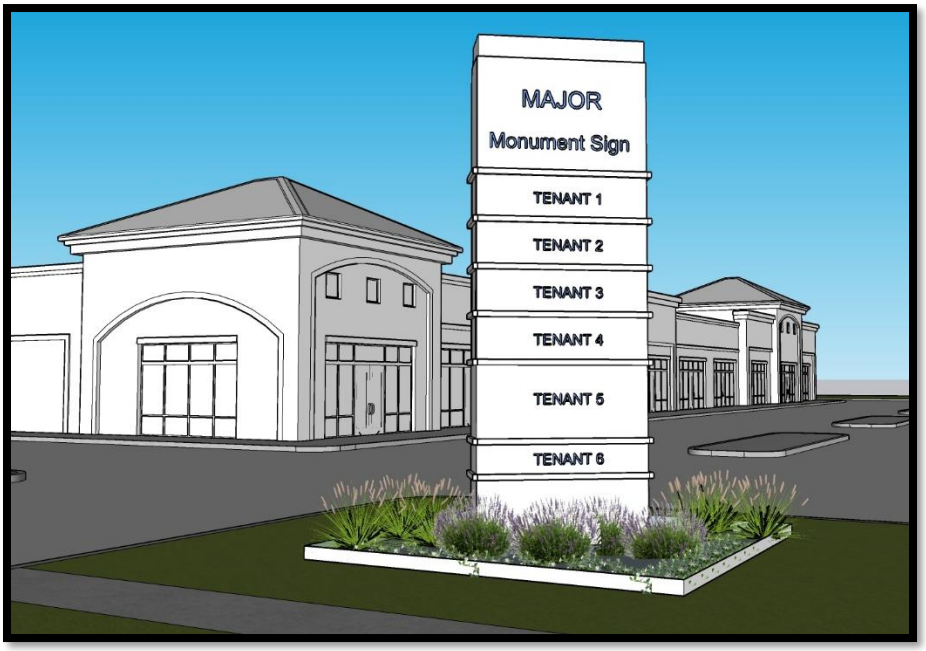
Zoning District	Sign District
(ETJ) Anna Extraterritorial Jurisdiction	(AE) Agricultural and ETJ
(AG) Agricultural	
(SF-20.0) Single-Family Residential	(SF) Single-Family Residential
(SF-14.5) Single-Family Residential	
(SF-12.0) Single-Family Residential	
(SF-10.5) Single-Family Residential	
(SF-8.4) Single-Family Residential	
(SF-7.2) Single-Family Residential	
(SF-6.0) Single-Family Residential	
(MD) Mixed-Density Residential	(MR) Mixed Residential
(MF) Multi-Family Residential	
(C-1) Local Commercial	(CM) Commercial
(C-2) Regional Commercial	
(MU) Mixed-Use	(MU) Mixed-Use
(DT) Downtown	(DT) Downtown
(I-1) Light Industrial	(IN) Industrial
(I-2) Heavy Industrial	
PD	Any Sign District

(b) Sign Permit Requirements by Sign District. This Article's permitting requirements for each sign type reference the sections and subsections that apply to that sign type.

Sec. 9.05.018. Detached Signs

Detached signs are classified into one of the following sign types: monument (major and minor) signs, pole signs, or subdivision entry signs. Their associated regulations are established in this Section. A lot may have one detached sign, but not two or more unless specified elsewhere in this Article.

(a) Major Monument Signs



(1) Definition.

Major Monument Sign. A permanent detached multi-tenant sign with a low profile, a base and support structure with a solid appearance that is at least 75% of the width of the widest part of the sign's face.

(2) Standards.

(A) Generally. Table 3-3 establishes the standards for major monument signs.

Table 3-3: Major Monument Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per lot (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max. per monument sign)							
Buildings < 10,000 sf	75 sf	75 sf	75 sf	150 sf	100 sf	100 sf	150 sf
Buildings 10,000 – 25,000 sf	100 sf	100 sf	100 sf	225 sf	150 sf	150 sf	225 sf
Buildings 25,000 – 100,000 sf	125 sf	125 sf	125 sf	275 sf	200 sf	200 sf	275 sf
Buildings > 100,000 sf	150 sf	150 sf	150 sf	325 sf	250 sf	250 sf	325 sf

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Sign Height (max. per monument sign)							
Buildings < 10,000 sf	8 ft	8 ft	8 ft	10 ft	10 ft	8 ft	12 ft
Buildings 10,000 – 25,000 sf	10 ft	8 ft	10 ft	14 ft	12 ft	10 ft	14 ft
Buildings 25,000 – 100,000 sf	12 ft	10 ft	10 ft	16 ft	14 ft	12 ft	16 ft
Buildings > 100,000 sf	14 ft	10 ft	10 ft	20 ft	16 ft	14 ft	20 ft
Setbacks							
From Front Property Line	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
From Adjacent Property Lines	15 ft	15 ft	15 ft	10 ft	5 ft	5 ft	15 ft
From Another Minor Monument Sign or Pole Sign	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
From Another Major Monument Sign	250 ft	250 ft	250 ft	250 ft	250 ft	250 ft	250 ft
From a Single-Family Residence	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
Features							
Electronic Message Center (max.)	25%	25%	25%	50%	75%	25%	50%
Changeable Copy (max.)	50%	50%	50%	50%	50%	50%	50%
Channel Letters	✓	✓	✓	✓	✓	✓	✓
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	✓	✓	✓	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number.

(i) This Subsection generally allows one (1) double-sided major monument sign for each lot fronting a street for the sign districts shown in Table 3-3 unless the lot fronts multiple streets, in which an additional major monument sign is allowed for each street frontage.

(ii) No major monument sign is allowed on a lot without frontage on to a street.

(C) Design and Installation.

(i) When electrical service is provided to a major monument sign, all electrical service shall be underground.

(ii) Major monument signs in the sign districts, where permitted, require a sign permit to be issued by the Director prior to erection.

(iii) Major monument signs shall be designed to withstand wind loads established by the Building Code.

(iv) Major monument signs cannot interfere with sight lines at elevations between 2.5 feet and 8 feet above the top of the adjacent roadway curb within a triangular area formed by the intersection of adjacent curb lines from a point on each curb line 20 feet from the intersection.

(v) All major monument signs shall be placed in concrete bases or footings.

(vi) Major monument signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by noncombustible material only, and finished in a presentable manner. Wood or non-painted steel supports are specifically prohibited.

(vii) Major monument signs shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign face area. In cases where the location of the sign could not accommodate such landscape area, the area may be reduced up to 50% at the Director's discretion.

(viii) The design, materials, and finish of an individual major monument sign shall match those of the buildings on the same lot.

(ix) An individual major monument sign shall contain at a minimum a one-foot masonry base around all sides of the sign.

(x) Back-lit signs shall be inset into the pedestal of the sign rather than attached or applied to the pedestal.

(xi) A portion of the sign face area of major monument signs may be composed of a changeable copy or an electronic message center based on the standards of Sec. 9.05.014, and the percentage allowances for these features established in Table 3-3.

(b) Minor Monument Signs

(1) Definition.

Minor Monument Sign. A permanent detached single-tenant sign with a low profile, a base and support structure with a solid appearance that is at least 75% of the width of the widest part of the sign's face.

(2) Standards.

(A) Generally. Table 3-4 establishes the standards for minor monument signs.

Table 3-4: Minor Monument Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per lot (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max. per monument sign)							
Buildings < 10,000 sf	50 sf	50 sf	50 sf	100 sf	75 sf	75 sf	100 sf
Buildings 10,000 – 25,000 sf	75 sf	75 sf	75 sf	150 sf	100 sf	100 sf	150 sf
Buildings 25,000 – 100,000 sf	100sf	100sf	100sf	175 sf	125 sf	125 sf	175 sf
Buildings > 100,000 sf	125 sf	125 sf	125 sf	200 sf	150 sf	150 sf	200 sf
Sign Height (max. per monument sign)							
Buildings < 10,000 sf	6 ft	6 ft	6 ft	8 ft	8 ft	6 ft	10 ft
Buildings 10,000 – 25,000 sf	8 ft	6 ft	8 ft	10 ft	10 ft	8 ft	12 ft
Buildings 25,000 – 100,000 sf	10 ft	8 ft	8 ft	12 ft	12 ft	10 ft	14 ft
Buildings > 100,000 sf	12 ft	8 ft	10 ft	16 ft	14 ft	12 ft	16 ft
Setbacks							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
From Front Property Line	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft
From Adjacent Property Lines	15 ft	15 ft	15 ft	10 ft	5 ft	5 ft	15 ft
From Another Detached Sign	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
From a Single-Family Residence	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
Features							
Electronic Message Center (max.)	25%	25%	25%	50%	75%	25%	50%
Changeable Copy (max.)	50%	50%	50%	50%	50%	50%	50%
Channel Letters	✓	✓	✓	✓	✓	✓	✓
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	✓	✓	✓	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number.

(i) This Subsection generally allows one (1) double-sided minor monument sign for each lot fronting a street for the sign districts shown in Table 3-4 unless the lot fronts multiple streets, in which an additional minor monument sign is allowed for each street frontage.

(ii) No minor monument sign is allowed on a lot without frontage on to a street.

(C) Design and Installation.

(i) When electrical service is provided to a minor monument sign, all electrical service shall be underground.

(ii) Minor monument signs in the sign districts, where permitted, require a sign permit to be issued by the Director prior to erection.

(iii) Minor monument signs shall be designed to withstand wind loads established by the Building Code.

(iv) Minor monument signs cannot interfere with sight lines at elevations between 2.5 feet and 8 feet above the top of the adjacent roadway curb within a triangular area formed by the intersection of adjacent curb lines from a point on each curb line 20 feet from the intersection.

(v) All minor monument signs shall be placed in concrete bases or footings.

(vi) Minor monument signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by noncombustible material only, and finished in a presentable manner. Wood or non-painted steel supports are specifically prohibited.

(vii) Minor monument signs shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign face area. In cases where the location of the sign could not accommodate such landscape area, the area may be reduced up to 50% at the Director's discretion.

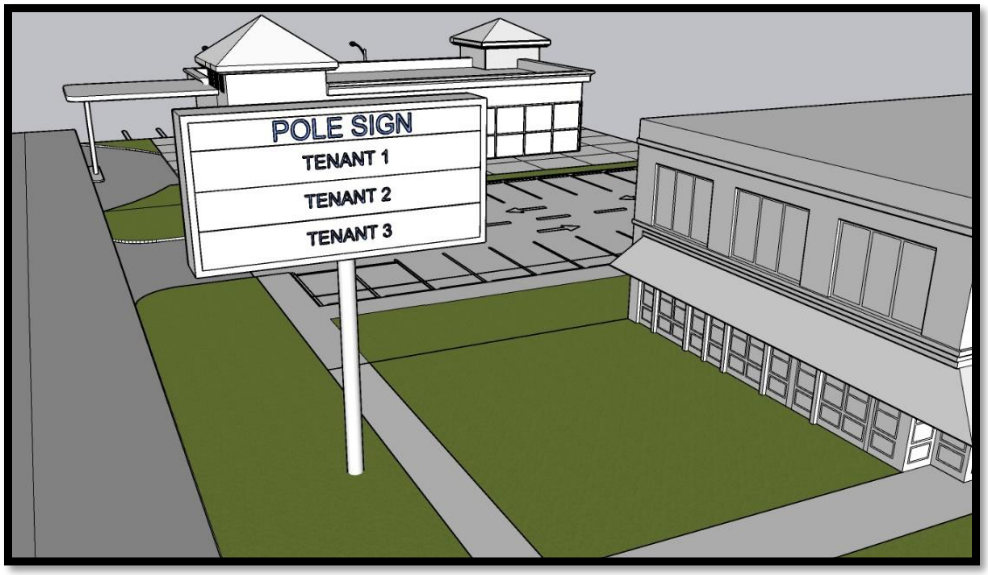
(viii) The design, materials, and finish of an individual minor monument sign shall match those of the buildings on the same lot.

(ix) An individual minor monument sign shall contain at a minimum a one-foot masonry base around all sides of the sign.

(x) Back-lit signs shall be inset into the pedestal of the sign rather than attached or applied to the pedestal.

(xi) A portion of the sign face area of minor monument signs may be composed of a changeable copy or an electronic message center based on the standards of Sec. 9.05.014, and the percentage allowances for these features established in Table 3-4.

(c) Pole Signs



(1) Definition.

Pole Sign. A permanent detached sign in which the sign face is mounted on one (1) or more poles and the base of the sign face is situated more than 12 inches above the ground. A “pole sign" does not include a flag mounted on a flagpole, where allowed by this Article.

(2) Standards.

(A) Generally. Table 3-5 establishes the standards for pole signs.

Table 3-5: Pole Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	NR	×	×	✓	✓	×	✓
Permit Required?	✓	--	--	✓	✓	--	✓
Number per lot (max.)	1	--	--	1	1	--	1
Dimensions							
Sign Area (max.) for a lot abutting a (see Subsection D – Additional Allowances, below):							
0 – 70 ft ROW 71 – 99 ft ROW 100 – 250 ft ROW > 250 ft ROW	40 sf 70 sf 100 sf 500 sf	--	--	40 sf 70 sf 100 sf 500 sf	40 sf 70 sf 100 sf 500 sf	--	40 sf 70 sf 100 sf 500 sf
Sign Height (max.)							
Height of the highest point of a pole sign above grade	35 ft	--	--	35 ft	35 ft	--	35 ft
Height of the highest point of a pole sign if adjacent to an elevated roadway (above road grade)	25 ft	--	--	25 ft	25 ft	--	25 ft
Setbacks							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
From Front ROW	10 ft	--	--	10 ft	10 ft	--	10 ft
From Front Property Line	10 ft	--	--	10 ft	10 ft	--	10 ft
From Adjacent Property Lines	15 ft	--	--	15 ft	15 ft	--	15 ft
From Another Major Monument Sign	500 ft	--	--	500 ft	500 ft	--	500 ft
From Another Minor Monument Sign or Pole Sign	150 ft	--	--	150 ft	150 ft	--	150 ft
From a Single-Family Residence or Single-Family Residential Zoning District	100 ft	--	--	100 ft	100 ft	--	100 ft
Features							
Electronic Message Center (max. %)	100%	--	--	75%	75%	--	75%
Changeable Copy (max. %)	100%	--	--	100%	100%	--	100%
Channel Letters	NR	--	--	✓	✓	--	✓
Internal Illumination	NR	--	--	✓	✓	--	✓
External Illumination	NR	--	--	✓	✓	--	✓
Halo Illumination	NR	--	--	✓	✓	--	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed | ✕ = no/not allowed | NR = the sign type or characteristic is allowed for nonresidential uses only | sf = square feet | ft = feet | "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ | SF = SF-20.0 – SF-6.0 districts | MR = MD and MF districts | CM = C-1 and C-2 districts | MU = MU district | DT = DT district | IN = I-1 and I-2 districts						

(B) Number.

(i) This Subsection allows one (1) double-sided pole sign for each lot fronting a street for the sign districts shown in Table 3-5.

(ii) No pole sign is allowed on a lot without frontage on to a street.

(C) Location. Pole signs are only allowed if:

(i) Adjacent to U.S. 75, SH 121, or Collin County Outer Loop, and

(ii) Located within a distance of 50 feet from the right-of-way line of the linear segment of that thoroughfare and situated so as to be viewed from that thoroughfare.

(D) Additional Allowances. The maximum area for a pole sign may be allowed as follows in Table 3-6.

Table 3-6: Additional Maximum Area Allowance

	0 – 70 ft ROW			71 – 99 ft ROW			100 – 250 ft ROW	
Lot Width (min. ft)	*50*	*100*	*150*	*50*	*80*	*100*	*100*	*200*
Sign Area (max. allowance)	20 sf	30 sf	40 sf	50 sf	60 sf	70 sf	80 sf	100 sf

(E) Design and Installation.

(i) Pole signs shall be designed to withstand wind loads established by the Building Code.

(ii) All pole signs shall be placed in concrete bases or footings.

(iii) All poles shall be wrapped at least 50% by a masonry or concrete product starting from the base of the sign.

(iv) All pole signs shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign face area. In cases where the location of the sign could not accommodate such landscape area, the area may be reduced up to 50% at the Director's discretion.

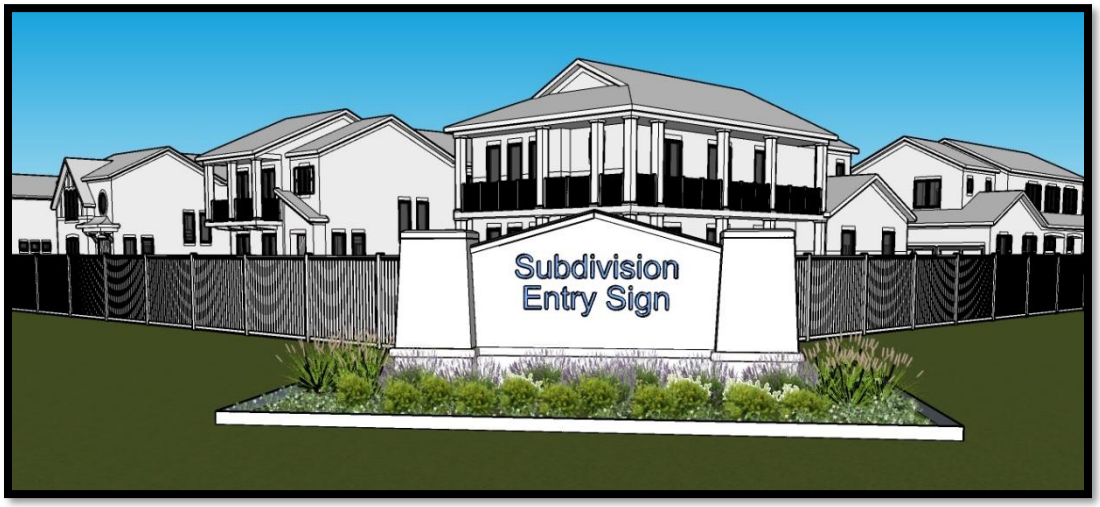
(v) Pole signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by noncombustible material only and finished in a presentable manner. Wood or non-painted steel supports are specifically prohibited.

(vi) Pole signs shall be protected by wheel or bumper guards when required by the Director.

(vii) Pole signs shall not have attached any guys or braces.

(viii) When electrical service is provided to a pole sign, all electrical service shall be underground.

(d) Subdivision Entry Signs



(1) Definition.

Subdivision Entry Sign. A sign which may be a freestanding monument or attached to a subdivision wall located at the entry of a platted subdivision from a local, collector, or arterial street.

(2) Standards.

(A) Generally. Table 3-7 establishes the standards for subdivision entry signs.

Table 3-7: Subdivision Entry Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	✓	✓	✓	×	✓	×	✓
Permit Required?	✓	✓	✓	--	✓	--	✓
Number per entrance (max.)	1	2	2	--	2	--	2
Dimensions							
Sign Area (max.)	150 sf	200 sf	150 sf	--	150 sf	--	150 sf
Sign Height (max.)	6 ft	6 ft	6 ft	--	6 ft	--	8 ft
Setbacks							
From ROW	5 ft	5 ft	5 ft	--	5 ft	--	5 ft
Features							
Electronic Message Center	×	×	×	--	×	--	×
Changeable Copy	×	×	×	--	×	--	×
Channel Letters	✓	✓	✓	--	✓	--	✓
Internal Illumination	×	×	×	--	×	--	×
External Illumination	✓	✓	✓	--	✓	--	✓
Halo Illumination	✓	✓	✓	--	✓	--	✓
Additional Information							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/ not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number and Location.

(i) Two (2) subdivision entry signs may be located at the intersection of a collector or arterial street and an entry street or private driveway into a subdivision. The signs shall be configured as follows:

a. Two (2) signs with one (1) sign face each located on opposite sides of the entry street or private driveway;

b. One (1) sign with two (2) faces located within a landscaped area dividing two (2) one-way entry streets or private driveways;

c. One (1) sign located on one (1) side of the entry street or private driveway; or

d. One (1) sign located on an archway above the entry street or private driveway.

(ii) Subdivision entrances from a right-of-way greater than 60 feet shall require signage. Secondary entrances connecting to other neighborhoods may be allowed but are not required.

(C) Design and Installation.

(i) Subdivision entry signs shall be constructed with stone, brick, concrete, metal, routed wood planks or beams, or similar durable, weatherproof materials.

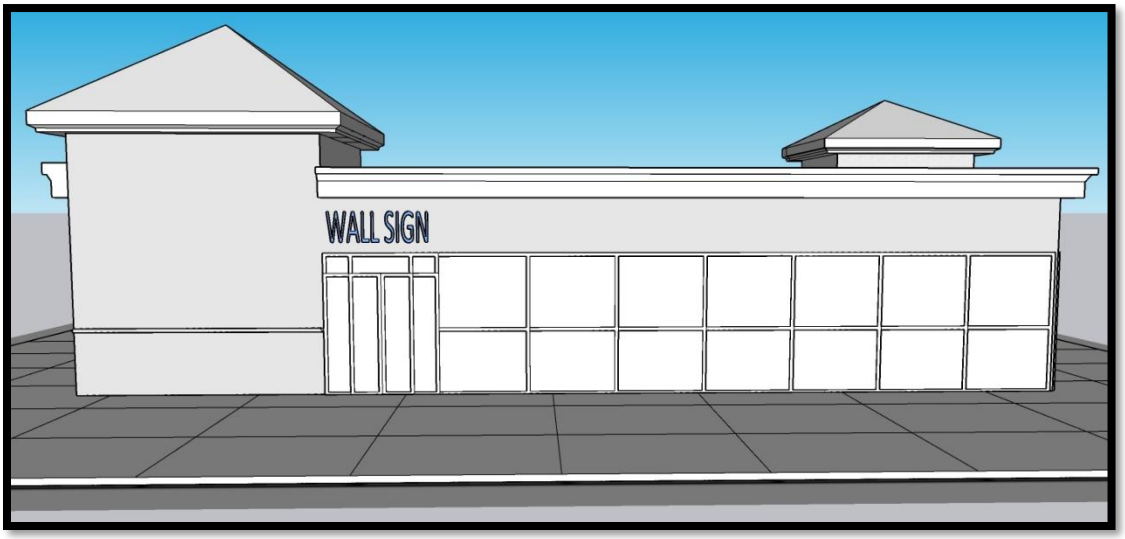
(ii) All subdivision entry signs shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign area. In cases where the location of the sign could not accommodate such landscape area, the area may be reduced up to 50% at the Director's discretion.

(iii) When electrical service is provided to a subdivision entry sign, all electrical service shall be underground.

Sec. 9.05.019. Attached Signs

Attached signs are classified into one of the following sign types: wall signs, awning signs, attached canopy signs, hanging signs, grounded canopy signs, marquee signs, projecting signs, skyline signs, or window signs. Their associated regulations are established in this Section. A building or structure may have multiple detached signs.

(a) Wall Signs



(1) Definition.

Wall Sign. A permanently attached sign (other than those signs provided in this Section or an incidental sign) that is affixed on an exterior building wall, and projects less than eighteen (18) inches from the wall to which it is attached.

(2) Standards.

(A) Generally. Table 3-8 establishes the standards for wall signs.

Table 3-8: Wall Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	NR	NR	✓	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Dimensions							
Sign Area (max. % of wall area for all wall signs)	10%	5%	7%	10%	10%	7%	10%
Location							
Located at least _____ below roof line	8 ft	8 ft	8 ft	0 ft	0 ft	0 ft	0 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Channel Letters	✓	✓	✓	✓	✓	✓	✓

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	✓	✓	✓	✓
Painted Directly on Wall	✕	✕	✕	✕	✕	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number. There is no limit to the amount of wall signs allowed on a building; however, in no instance shall the cumulative wall sign allowance exceed the requirements in Table 3-8, unless specified otherwise in this Section.

(C) Design and Installation.

(i) A wall sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.

(ii) The wall sign's face shall not extend more than eighteen (18) inches from the surface of the wall to which it is attached.

(iii) A wall sign shall be located below the building's roof line or in instances where a parapet exists, may be located on the parapet.

(b) Awning Signs

(1) Definition.

(A) Awning. An architectural projection from an exterior wall of a building that provides weather protection, identity, or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

(B) Awning Sign. A sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning.

(2) Standards.

(A) Generally. Table 3-9 establishes the standards for awning signs.

Table 3-9: Awning Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per frontage/tenant (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max. % of awning)	10%	10%	20%	50%	80%	80%	50%
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Channel Letters	×	×	✓	✓	✓	✓	✓
Internal Illumination	×	×	×	×	×	×	×
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	×	×	×	×
Painted Directly on Awning	×	×	×	×	×	×	×

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Instead of Wall Sign.

(i) Awning signs may be displayed instead of a wall sign on any exterior wall on which a wall sign is allowed under this Section.

(ii) An awning sign shall not be displayed on the same wall as a wall sign or attached canopy sign.

(C) Awning Signs for Multi-Tenant Buildings with Separate Storefronts.

(i) Tenants in multi-tenant buildings with separate storefronts may each display one (1) awning sign on the frontage where the primary public entrance is located.

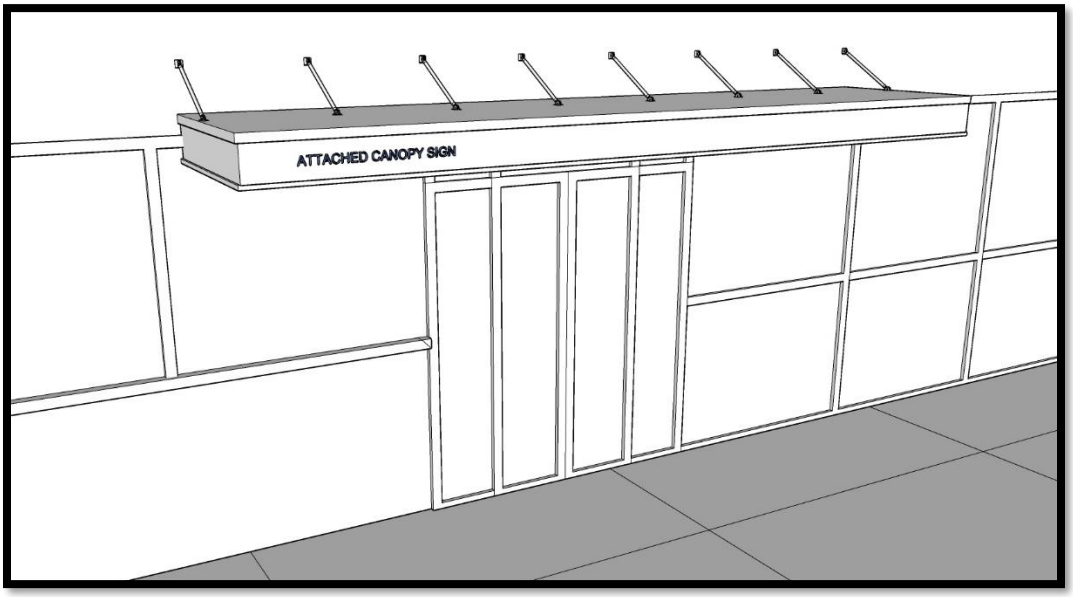
(ii) Awning signs shall be placed directly over the primary public entrance of the storefront.

(D) Design and Installation.

(i) Awning signs may be printed, attached, or directly applied to the surface of the awning covering.

(ii) An awning sign shall not extend from the surface of the awning to which it is affixed.

(c) Attached Canopy Signs



(1) Definition.

(A) Attached Canopy. An architectural projection from an exterior wall of a building that is of rigid construction, is supported by an attachment to a building on one or more sides, and over which a covering is attached that provides weather protection, identity, or decoration.

(B) Attached Canopy Sign. A permanently attached sign that is affixed to an attached canopy.

(2) Standards.

(A) Generally. Table 3-10 establishes the standards for attached canopy signs.

Table 3-10: Attached Canopy Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per frontage/tenant (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max. % of canopy)	5%	5%	5%	15%	15%	10%	15%
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Channel Letters	×	×	✓	✓	✓	✓	✓
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	✓	✓	✓	✓
Painted Directly on Canopy	×	×	×	×	×	×	×

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **| |** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Instead of Wall Sign.

(i) Attached canopy signs may be displayed instead of a wall sign on any exterior wall on which a wall sign is allowed under this Section.

(ii) An attached canopy sign shall not be displayed on the same wall as a wall sign or awning.

(C) Attached Canopy Signs for Multi-Tenant Buildings with Separate Storefronts.

(i) Tenants in multi-tenant buildings with separate storefronts may each display one (1) attached canopy sign on the frontage where the primary public entrance is located.

(ii) Attached canopy signs shall be placed directly over the primary public entrance of the storefront.

(D) Design and Installation.

(i) An attached canopy sign shall affix to the surface of the canopy facing the street frontage so that the face of the sign remains perpendicular to the ground.

(ii) An attached canopy sign may be located on the face of, above, or below the attached canopy but may not extend above the roofline.

(iii) The face of a canopy sign cannot extend more than 18 inches from the face surface of the canopy to which it is attached.

(d) Hanging Signs

(1) Definition.

Hanging Sign. A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, covered porch, or walkway.

(2) Standards.

(A) Generally. Table 3-11 establishes the standards for hanging signs.

Table 3-11: Hanging Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	✗	✗	NR	✓	✓	✓	✗
Permit Required?	--	--	✓	✓	✓	✓	--
Number per storefront (max.)	--	--	1	1	1	1	--
Dimensions							
Sign Area (max.)	--	--	6 sf	24 sf	24 sf	24 sf	--
Sign Height (min. vertical clearance)	--	--	8 ft	8 ft	8 ft	8 ft	--
Features							
Electronic Message Center	--	--	✗	✗	✗	✗	--
Changeable Copy	--	--	✗	✗	✗	✗	--
Channel Letters	--	--	✓	✓	✓	✓	--
Internal Illumination	--	--	✓	✓	✓	✓	--
External Illumination	--	--	✗	✓	✓	✓	--
Halo Illumination	--	--	✓	✓	✓	✓	--
Additional Information							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

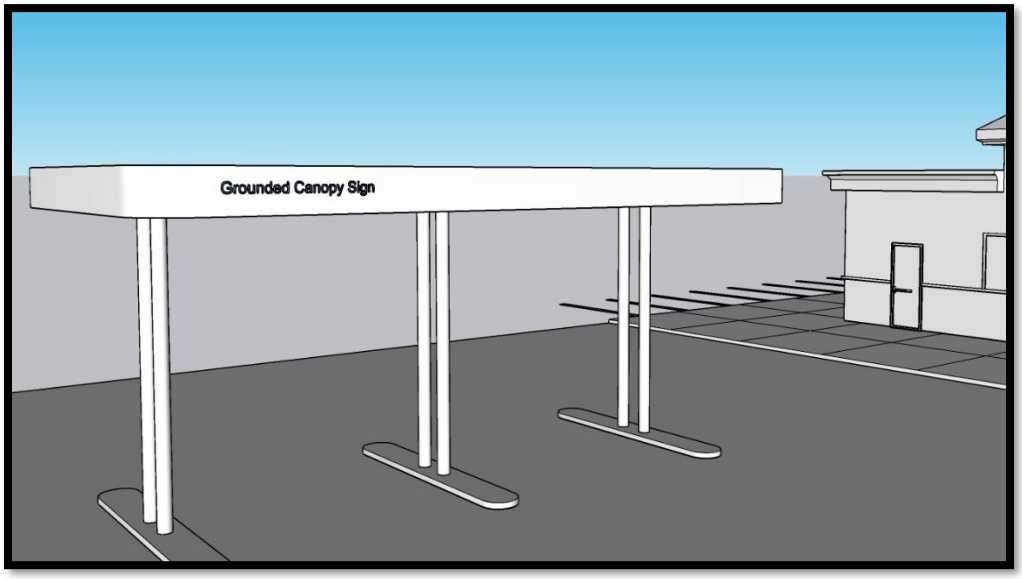
(B) Location. Hanging signs shall only be allowed when associated with nonresidential uses on the first floor of a building.

(C) Design and Installation.

(i) A hanging sign shall affix to the surface of the wall facing the street frontage so that the face of the sign remains perpendicular to the ground.

(ii) The face of a hanging sign cannot extend more than 48 inches from the face surface of the wall to which it is attached.

(e) Grounded Canopy Signs



(1) Definition.

(A) Grounded Canopy. A permanent structure that is structurally independent of a building affixed to the ground, that is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

(B) Grounded Canopy Sign. A permanently attached sign that is affixed to a grounded canopy.

(2) Standards.

(A) Generally. Table 3-12 establishes the standards for grounded canopy signs.

Table 3-12: Grounded Canopy Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	NR	NR	NR	✓	✕	✓	✓
Permit Required?	✓	✓	✓	✓	--	✓	✓
Number per grounded canopy (max.)	1	1	1	3	--	3	3
Dimensions							
Sign Area (max. % of grounded canopy)	10%	10%	10%	15%	--	15%	15%
Features							
Electronic Message Center	✕	✕	✕	75%	✕	50%	75%
Changeable Copy	NR	NR	✕	100%	✕	100%	100%
Channel Letters	NR	NR	✕	✓	✕	✓	✓
Internal Illumination	NR	NR	NR	✓	✕	✓	✓
External Illumination	NR	NR	NR	✕	✕	✕	✕
Halo Illumination	NR	NR	NR	✓	✕	✓	✓

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Painted Directly on Freestanding Canopy	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number.

(i) If a grounded canopy is allowed for the zoning district, one sign may be displayed on each frontage.

(ii) Grounded canopy signs are in addition to the allowance for wall signs provided by this Section.

(C) Design and Installation.

(i) A grounded canopy sign shall affix flush against the surface of the face of the grounded canopy or as flush as possible while still allowing the plane of the face of the sign to remain perpendicular to the ground.

(ii) The face of a grounded canopy sign cannot extend above the top surface of the face of the grounded canopy and cannot extend more than eighteen (18) inches from the surface of the grounded canopy to which it is attached.

(f) Marquee Signs

(1) Definition.

(A) Marquee. A type of attached canopy that has a top surface that is sloped less than twenty-five (25) degrees from the horizontal, is located less than ten (10) feet above the top of an operable exterior doorway, and frequently includes panels for changeable copy.

(B) Marquee Sign. A permanently attached sign affixed to a marquee.

(2) Standards.

(A) Generally. Table 3-13 establishes the standards for marquee signs.

Table 3-13: Marquee Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	×	×	×	✓	✓	✓	×
Permit Required?	--	--	--	✓	✓	✓	--
Number per building (max.)	--	--	--	1	1	1	--
Dimensions							
Sign Area (max. % of wall area)	--	--	--	15%	25%	25%	--
Features							
Electronic Message Center	--	--	--	×	×	×	--
Changeable Copy	--	--	--	100%	100%	100%	--
Channel Letters	--	--	--	✓	✓	✓	--
Internal Illumination	--	--	--	✓	✓	✓	--
External Illumination	--	--	--	✓	✓	✓	--
Halo Illumination	--	--	--	✓	✓	✓	--
Painted Directly on Marquee	--	--	--	×	×	×	--
Additional Information							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number. One (1) marquee sign may be displayed in addition to other signs allowed in this Section.

(C) Design and Installation.

(i) A marquee sign shall be located above the primary public entrance of a building.

(ii) A marquee sign shall not extend more than 60 inches from the face surface of the wall to which it is attached.

(g) Projecting Signs

(1) Definition.

Projecting Sign. A permanently attached sign type that is affixed to and projects 18 inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on an attached canopy, awning, marquee, or roof.

(2) Standards.

(A) Generally. Table 3-14 establishes the standards for projecting signs.

Table 3-14: Projecting Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	×	×	×	×	✓	✓	×
Permit Required?	--	--	--	--	✓	✓	--
Number per storefront (max.)	--	--	--	--	1	1	--
Dimensions							
Sign Area (max.)	--	--	--	--	24 sf	24 sf	--
Sign Height (min. vertical clearance)	--	--	--	--	8 ft	8 ft	--
Features							
Electronic Message Center	--	--	--	--	×	×	--
Changeable Copy	--	--	--	--	×	×	--
Channel Letters	--	--	--	--	✓	✓	--
Internal Illumination	--	--	--	--	✓	✓	--
External Illumination	--	--	--	--	✓	✓	--
Halo Illumination	--	--	--	--	✓	✓	--
Additional Information							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Design and Installation.

(i) A projecting sign shall affix to the surface of the wall so that the face of the sign remains perpendicular to the ground.

(ii) The face of a projecting sign cannot extend more than 18 inches from the face surface of the wall to which it is attached.

(h) Skyline Signs

(1) Definition.

Skyline Sign. A sign that is placed above the windows of the highest floor of a building that is at least multiple stories and taller than 35 feet in height.

(2) Standards.

(A) Generally. Table 3-15 establishes the standards for skyline signs.

Table 3-15: Skyline Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	×	×	✓	✓	✓	✓	✓
Permit Required?	--	--	✓	✓	✓	✓	✓
Number per Street Frontage (max.)							
On a Highway/Arterial Street	--	--	1	2	2	2	1
On any Other classified Street	--	--	1	1	1	1	1
Number per Building (max.)	--	--	2	4	3	3	2
Dimensions							
Sign Area (max. per sign for buildings ≥ 35 ft)	--	--	150 sf	200 sf	175 sf	150 sf	150 sf
Sign Height (max. per sign for buildings ≥ 35 ft)	--	--	6 ft	12 ft	12 ft	10 ft	10 ft
Total Sign Area per Building	--	--	200 sf	400 sf	300 sf	300 sf	200 sf
Features							
Electronic Message Center	--	--	×	×	×	×	×
Changeable Copy	--	--	×	×	×	×	×

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Channel Letters	--	--	✓	✓	✓	✓	✓
Internal Illumination	--	--	✓	✓	✓	✓	✓
External Illumination	--	--	✓	✓	✓	✓	✓
Halo Illumination	--	--	✓	✓	✓	✓	✓
Painted Directly on Building	--	--	✕	✕	✕	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

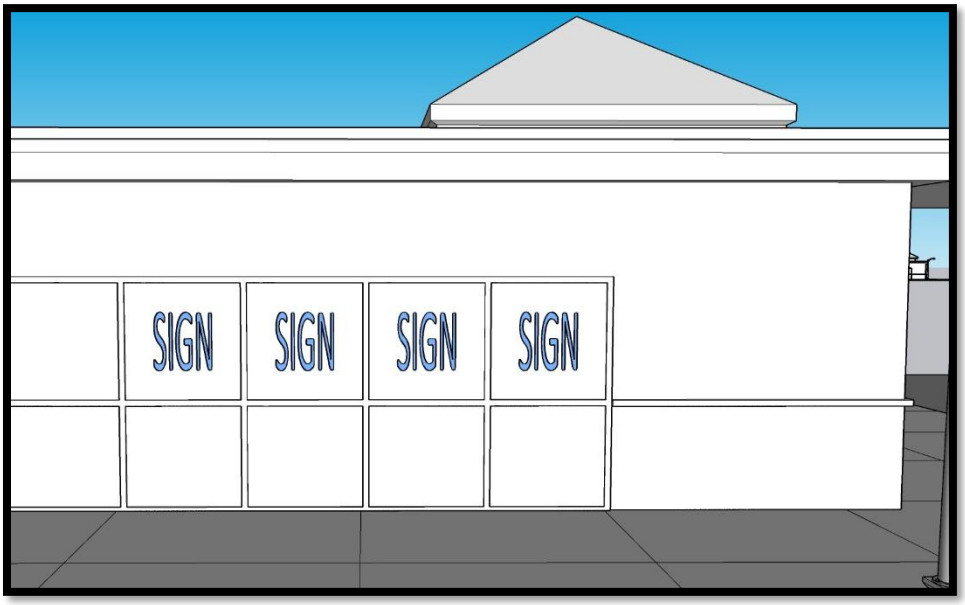
(B) Design and Installation.

(i) A skyline sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.

(ii) The skyline sign's face shall not extend more than twenty (20) inches from the surface of the wall to which it is attached.

(iii) Skyline signs shall not project above the roofline of the building.

(i) Window Signs



(1) Definition

Window Sign. A sign posted, printed, placed, or affixed to a window or glass door. A window sign includes any sign that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

(2) Standards.

(A) Generally.

(i) Table 3-16 establishes the standards for window signs.

(ii) Table 3-16 expresses the sign area as the percentage of sign coverage per windowpane or per window if it does not contain separate panes.

Table 3-16: Window Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	×	×	✓	✓	✓	✓	✓
Permit Required?	--	--	×	×	×	×	×
Number per window facing street (max.)	--	--	1	1	1	2	1
Dimensions							
Sign Area (max. % of window area)	--	--	15%	20%	20%	20%	25%
Features							
Electronic Message Center	--	--	×	×	×	×	×
Changeable Copy	--	--	×	×	×	×	×
Channel Letters	--	--	×	×	×	×	×

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Internal Illumination	--	--	✕	✕	✕	✕	✕
External Illumination	--	--	✕	✓	✓	✓	✓
Halo Illumination	--	--	✕	✕	✕	✕	✕
Painted Directly on Window	--	--	✕	✕	✕	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Design and Installation.

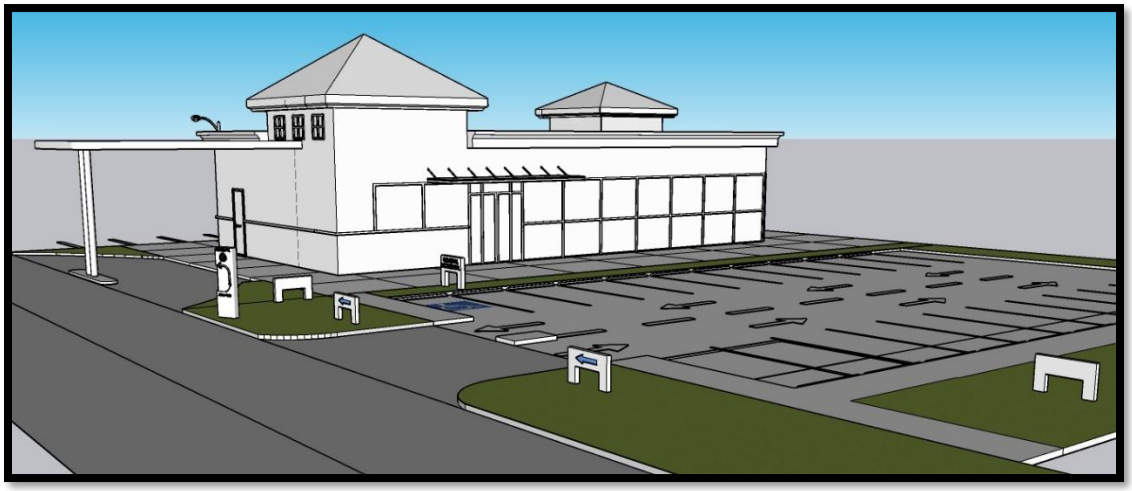
(i) Window signs shall be posted or affixed to the window.

(ii) No window sign shall be drawn or painted onto the window.

Sec. 9.05.020. Incidental Signs

Incidental signs are classified into one of the following sign types: general incidental signs, flags, speaker boards, or walk-up boards. Their associated regulations are established in this Section. A building or lot may have multiple incidental signs as allowed in this Section.

(a) General Incidental Signs



(1) Definition.

General Incidental Sign. A small permanent sign other than a flag, speaker board, or walk-up board, that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as detached signs and attached signs, and that has a height and scale that is clearly subordinate to the primary sign types allowed for the property. Examples of typical general incidental signs include house numbers, occupant directories, property or tenant identification names or numbers, wayfinding signs, and directional signs, and signs warning the public against trespassing or danger from animals. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of general incidental signs. The City will not review the content of general incidental signs.

(2) Standards.

(A) Generally. Table 3-17 establishes the standards for general incidental signs not specified in Subsections (b) – (d).

Table 3-17: General Incidental Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	×	×	×	✓	✓	✓	✓
Number per lot (max.)							
Lots < 1 acre	4	4	5	5	5	5	5
Lots 1 – 5 acres	7	4	7	10	10	8	10
Lots > 5 acres	10	7	10	12	12	10	12
Dimensions							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Sign Height (max.)	4 ft	4 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Total Incidental Sign Area per Lot							
Lots < 1 acre	30 sf	30 sf	40 sf	60 sf	40 sf	40 sf	80 sf
Lots 1 – 5 acres	50 sf	50 sf	60 sf	80 sf	60 sf	60 sf	100 sf
Lots > 5 acres	70 sf	70 sf	80 sf	100 sf	80 sf	80 sf	120 sf
Incidental Sign Area (max. per incidental sign)							
Lots < 1 acre	6 sf	6 sf	6 sf	20 sf	20 sf	20 sf	24 sf
Lots 1 – 5 acres	12 sf	12 sf	12 sf	32 sf	32 sf	32 sf	36 sf
Lots > 5 acres	20 sf	20 sf	20 sf	48 sf	48 sf	48 sf	54 sf
Location							
From Front Property Line	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	20 ft
From Adjacent Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Another Detached Sign	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Another Incidental Sign	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	✕	✕	✕	✕	✕	✕	✕
Changeable Copy	✕	✕	✕	50%	50%	50%	50%
Channel Letters	✕	✕	✕	✓	✓	✓	✓
Internal Illumination	✕	✕	✕	✓	✓	✓	✓
External Illumination	✓	✓	✓	✓	✓	✓	✓
Halo Illumination	✕	✕	✕	✕	✕	✕	✕
Painted/Drawn Directly on Incidental Sign	✕	✕	✕	✕	✕	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

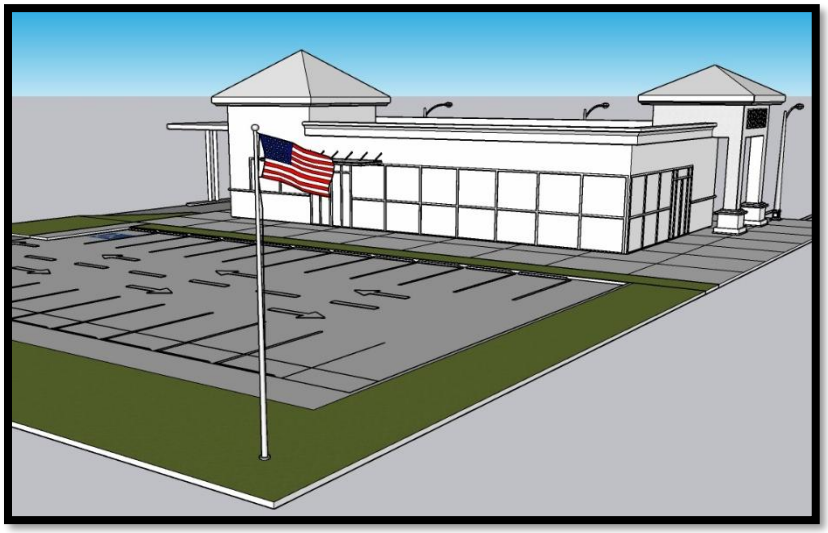
(B) Design and Installation.

(i) An attached incidental sign shall affix flush against the wall of the building in which it is located.

(ii) A detached incidental sign shall have an enclosed base and be securely and firmly embedded in the ground.

(iii) Incidental signs constructed in conjunction with monument and pole signs shall be consistent with the building elements and materials of those established on the same lot and within the development.

(b) Flags



(1) Definition.

Flag. A piece of fabric or other flexible material with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure or on a pole mounted on a building.

(2) Standards.

(A) Generally. Table 3-18 establishes the standards for flags.

Table 3-18: Flag Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	×	×	×	✓	✓	✓	✓
Number per lot (max.)	3	3	3	8	8	8	6
Dimensions							
Flag Area (max. per flag)							
Lots < 1 acre	32 sf	32 sf	40 sf	40 sf	40 sf	40 sf	40 sf
Lots 1 – 5 acres	32 sf	32 sf	40 sf	60 sf	60 sf	60 sf	60 sf
Lots > 5 acres	32 sf	32 sf	40 sf	96 sf	96 sf	96 sf	96 sf
Flagpole Height (max.)							
Lots < 1 acre	25 ft	20 ft	25 ft	30 ft	25 ft	25 ft	30 ft
Lots 1 – 5 acres	30 ft	25 ft	30 ft	35 ft	30 ft	30 ft	35 ft
Lots > 5 acres	35 ft	30 ft	35 ft	40 ft	35 ft	35 ft	40 ft
Location							
From Front Property Line	20 ft	10 ft	20 ft	30 ft	10 ft	10 ft	30 ft
From Adjacent Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Another Detached Sign	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							

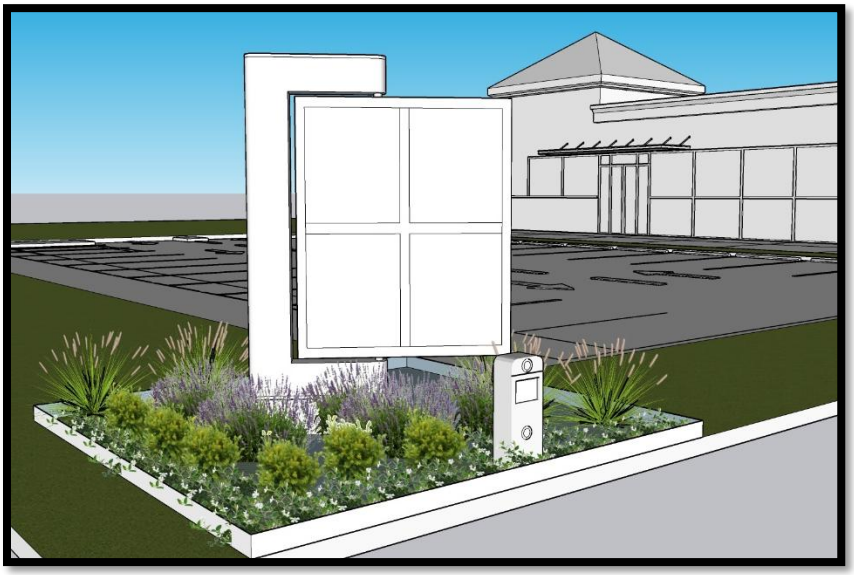
Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Internal Illumination	✕	✕	✕	✕	✕	✕	✕
External Illumination	✓	✓	✓	✓	✓	✓	✓
Halo Illumination	✕	✕	✕	✕	✕	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Design and Installation.

(i) Flags shall be securely mounted in a frame or to a pole or wall.

(ii) No flag that is attached to a building shall exceed the height of that building in which it is located.

(c) Speaker Boards



(1) Definition.

Speaker Board. A professionally constructed and installed sign made of a durable, weather-resistant product such as metal or high-density plastic and may include a two-way speaker system for ordering from a vehicle in a drive-thru lane provided the volume of the speaker does not exceed ambient noise conditions as measured at the property line.

(2) Standards.

(A) Generally. Table 3-19 establishes the standards for speaker boards.

Table 3-19: Speaker Board Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	×	×	×	✓	×	✓	×
Permit Required?	--	--	--	✓	--	✓	--
Number per building (max.)	--	--	--	2	--	2	--
Dimensions							
Sign Area (max. per speaker board)	--	--	--	48 sf	--	48 sf	--
Sign Height (max.)	--	--	--	8 ft	--	8 ft	--
Location							
From Front Property Line	--	--	--	50 ft	--	30 ft	--
From Adjacent Property Lines	--	--	--	30 ft	--	20 ft	--
From a Single-Family Residence	--	--	--	100 ft	--	100 ft	
Features							
Electronic Message Center	--	--	--	×	--	×	--
Changeable Copy	--	--	--	100%	--	100%	--
Channel Letters	--	--	--	×	--	×	--

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Internal Illumination	--	--	--	✓	--	✓	--
External Illumination	--	--	--	✓	--	✓	--
Halo Illumination	--	--	--	✕	--	✕	--
Painted/Drawn Directly on Speaker Board	--	--	--	✕	--	✕	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Design and Installation.

(i) A speaker board shall provide no more than 3 feet and no less than 18 inches of horizontal separation from the curb or edge of the driveway the speaker board faces.

(ii) Speaker boards shall provide a minimum landscaped area of 2 square feet per 1 square foot of sign area abutting the sign base. In cases where the location of the sign could not accommodate such landscape area, the area may be reduced up to 25% at the Director's discretion.

(d) Walk-Up Boards

(1) Definition.

Walk-Up Board. A sign mounted near the sidewalk entrance to a building or affixed to a building wall where the sign is visible to pedestrian traffic.

(2) Standards.

(A) Generally. Table 3-20 establishes the standards for walk-up boards.

Table 3-20: Walk-Up Board Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	×	×	×	✓	✓	✓	×
Permit Required?	--	--	--	✓	✓	✓	--
Number per building/storefront (max.)	--	--	--	2	2	2	--
Dimensions							
Sign Area (max. per walk-up board)	--	--	--	6 sf	6 sf	6 sf	--
Sign Height (max.)	--	--	--	3 ft	3 ft	3 ft	--
Features							
Electronic Message Center	--	--	--	×	×	×	--
Changeable Copy	--	--	--	100%	100%	100%	--
Channel Letters	--	--	--	×	×	×	--
Internal Illumination	--	--	--	✓	✓	✓	--
External Illumination	--	--	--	✓	✓	✓	--
Halo Illumination	--	--	--	×	×	×	--

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Painted/Drawn Directly on Walk-Up Board	--	--	--	✕	✕	✕	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Design and Installation. No Walk-up Board is allowed more than 3 feet from the public sidewalk adjacent to the side of the building to which it is affixed.

Sec. 9.05.021. Temporary Signs

Temporary signs are classified into one of the following sign types: general temporary signs, sidewalk signs, attached banners, detached banners, feather signs, or balloon signs. Their associated regulations are established in this Section. A building or lot may have multiple temporary signs as allowed in this Section. A temporary sign shall not be used as a placeholder for detached and attached signs unless specified elsewhere in this Article.

(a) General Temporary Signs

(1) Definition.

General Temporary Sign. A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Examples of typical general temporary signs include public demonstrations, grand opening signs, contractor signs, real estate signs, garage sale signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of general temporary signs. The City will not review the content of general temporary signs.

(2) Standards.

(A) Generally. Table 3-21 establishes the standards for general temporary signs not specified in Subsections (b) – (f).

Table 3-21: General Temporary Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	×	×	×	✓	✓	✓	✓
Number per lot (max.)	2	2	2	4	4	4	4
Dimensions							
Sign Height (max.)	6 ft	6 ft	6 ft	8 ft	6 ft	6 ft	8 ft
Sign Area (max. per temporary sign)	32 sf	32 sf	32 sf	96 sf	64 sf	64 sf	96 sf
Location							
From Front Property Line	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Adjacent Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Another Detached Sign	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Another Incidental Sign	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	50%	50%	50%	×
Channel Letters	×	×	×	×	×	×	×
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Painted/Drawn Directly on Temporary Sign	×	×	×	×	×	×	×
Additional Information							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Duration. A general temporary sign may be displayed for:

(i) Ninety (90) consecutive days over one calendar year, or

(ii) Thirty (30) consecutive days three times during a calendar year, with each thirty (30) day period separated by at least fourteen (14) calendar days.

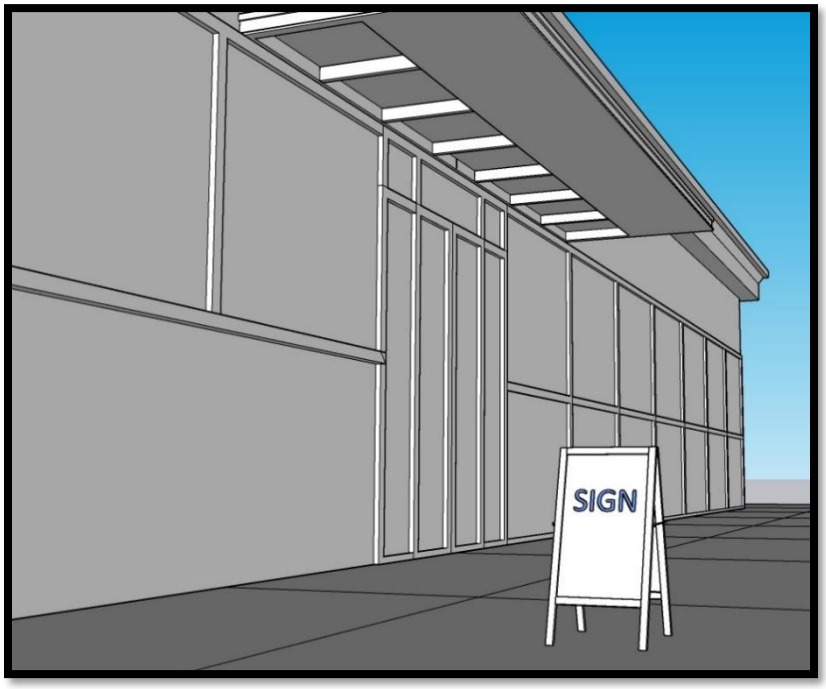
(C) Design and Installation.

(i) A detached general temporary sign shall be securely and firmly embedded in or on the ground.

(ii) A detached general temporary sign shall not use sandbags or other weighted objects to secure the sign to or in the ground.

(iii) A general temporary sign shall not use an adhesive (tape, glue, etc.) to affix the sign to any surface.

(b) Sidewalk Signs



(1) Definition.

Sidewalk Sign. A temporary and portable sign that is ordinarily in the shape of an "A" or inverted "T" with back-to-back sign faces, an easel, or a similar configuration to be located on a sidewalk or walkway.

(2) Standards.

(A) Generally. Table 3-22 establishes the standards for sidewalk signs.

Table 3-22: Sidewalk Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	×	×	✓	✓	✓	✓	×
Permit Required?	--	--	--	--	--	--	--
Number per tenant/storefront (max.)	--	--	1	1	1	1	--
Dimensions							
Sign Area (max.)	--	--	6 sf	6 sf	6 sf	6 sf	--
Height (max.)	--	--	3 ft	3 ft	3 ft	3 ft	--
Width (max.)	--	--	30 in	30 in	30 in	30 in	--
Setbacks							
From Another Sidewalk Sign	--	--	20 ft	20 ft	20 ft	20 ft	--
Location							
Sidewalk/Walkway Clearance	--	--	5 ft	5 ft	5 ft	5 ft	--
Features							

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Electronic Message Center	--	--	✕	✕	✕	✕	--
Changeable Copy	--	--	100%	100%	100%	100%	--
Channel Letters	--	--	✕	✕	✕	✕	--
Internal Illumination	--	--	✕	✕	✕	✕	--
External Illumination	--	--	✕	✕	✕	✕	--
Halo Illumination	--	--	✕	✕	✕	✕	--
Painted/Drawn Directly on Sidewalk Sign	--	--	✓	✓	✓	✓	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Duration. All sidewalk signs shall only be displayed during a use's business hours.

(C) Design and Installation.

(i) Sidewalk signs are not allowed in planter beds.

(ii) Sidewalk signs are allowed only where a building is within a build-to-zone or maximum setback, or where a front facade that includes an entryway open to the general public during normal business hours is within 10 feet of the edge of a public sidewalk.

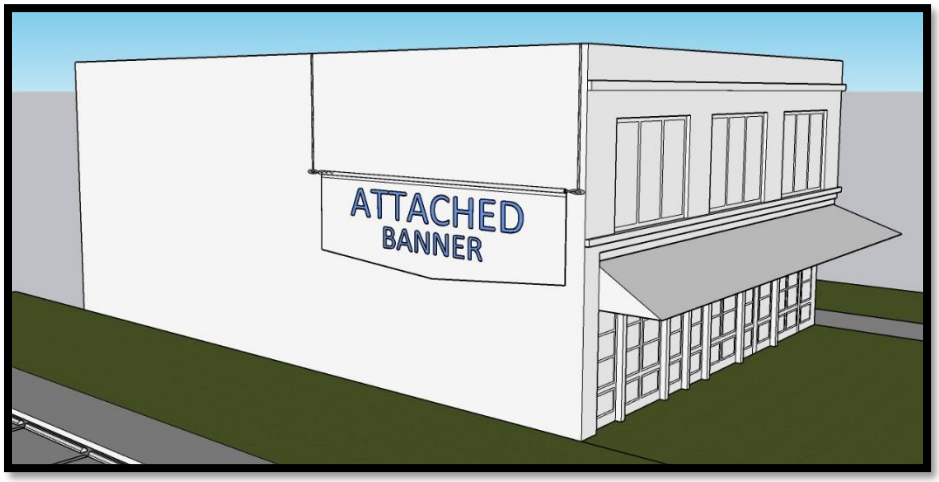
(iii) Sidewalk signs shall leave a minimum, unobstructed sidewalk clearance as provided in Table 3-22 or as otherwise required by the ADA and City fire lane requirements, whichever is greater.

(iv) Sidewalk signs shall have no permanent attachments to the sidewalk.

(v) Sidewalk signs shall be composed of wood, medium-density fiberboard, metal (iron or steel) frames, or other materials with equivalent weight and density. Sidewalk signs shall not be composed of plastic or similar materials.

(vi) The sign face of a sidewalk sign may include a chalkboard or dry-erase board.

(c) Attached Banners



(1) Definition.

Attached Banner. A temporary sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that is attached, mounted, tied, or otherwise placed on a building or pole attached to a building. This definition does not include flags, pennants, or streamers.

(2) Standards.

(A) Generally. Table 3-23 establishes the standards for attached banners.

Table 3-23: Attached Banner Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	NR	NR	✓	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per building/tenant/storefront (max.)	1	1	1	1	1	1	1
Dimensions							
Total Attached Banner Area per Building	80 sf	80 sf	120 sf	200 sf	200 sf	200 sf	200 sf
Attached Banner Height (max.)	4 ft	4 ft	6 ft	8 ft	8 ft	8 ft	8 ft
Attached Banner Area (max. per attached banner)							
Buildings < 10,000 sf	32 sf	32 sf	32 sf	48 sf	48 sf	48 sf	96 sf
Buildings 10,000 – 25,000 sf	48 sf	48 sf	48 sf	64 sf	64 sf	64 sf	120 sf
Buildings 25,000 – 100,000 sf	64 sf	64 sf	64 sf	120 sf	120 sf	120 sf	160 sf
Buildings > 100,000 sf	80 sf	80 sf	80 sf	160 sf	160 sf	160 sf	200 sf
Location							
From Another Attached Banner	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
From Another Attached Sign	5 ft	5 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Changeable Copy	×	×	×	×	×	×	×
Channel Letters	×	×	×	×	×	×	×
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Painted/Drawn Directly on Attached Banner	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Duration. All attached banners shall meet the requirements established in Subsection (a)(B) above.

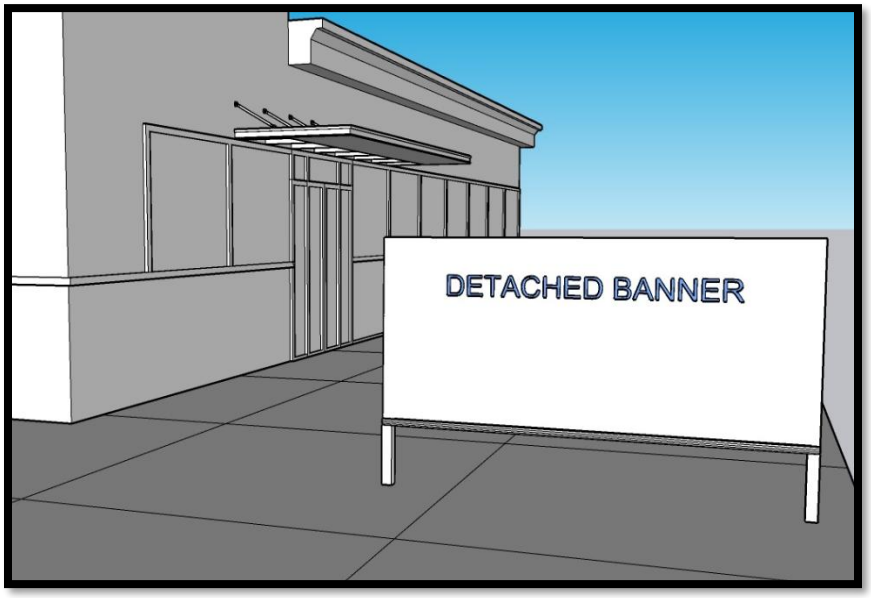
(C) Design and Installation.

(i) An attached banner may be allowed for each tenant if placed on a multi-tenant building but shall not exceed the maximum total banner area for the building.

(ii) Attached banners shall not be attached to any window, door, or other sign.

(iii) Attached banners shall not use an adhesive (tape, glue, etc.) to affix the attached banner to any surface.

(d) Detached Banners



(1) Definition.

Detached Banner. A temporary, freestanding sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that affixes to the ground. This definition does not include flags, pennants, or streamers.

(2) Standards.

(A) Generally. Table 3-24 establishes the standards for detached banners.

Table 3-24: Detached Banner Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	NR	NR	✓	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per building (max.)	1	1	1	1	1	1	1
Dimensions							
Detached Banner Area (max.)	32 sf	32 sf	48 sf	64 sf	64 sf	64 sf	80 sf
Detached Banner Height (max.)	4 ft	4 ft	4 ft	6 ft	6 ft	6 ft	6 ft
Location							
From Front Property Line	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Adjacent Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Another Detached Sign	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Channel Letters	×	×	×	×	×	×	×

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Painted/Drawn Directly on Detached Banner	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Duration. All detached banners shall meet the requirements established in Subsection (a)(B) above.

(C) Design and Installation. All detached banners shall meet the requirements established in Subsection (a)(C) above.

(e) Feather Signs

(1) Definition.

Feather Sign. A temporary, freestanding sign made of flexible material in the shape of a feather, quill, sail, blade, or teardrop, and mounted on a solid or flexible pole or cord that affixes to the ground.

(2) Standards.

(A) Generally. Table 3-25 establishes the standards for feather signs.

Table 3-25: Feather Sign Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	NR	NR	✓	✓	✕	✓	✓
Permit Required?	✓	✓	✓	✓	--	✓	✓
Number per building (max.)	1	1	2	2	--	2	2
Dimensions							
Sign Area (max.)	12 sf	12 sf	16 sf	20 sf	--	20 sf	24 sf
Sign Height (max.)	10 ft	10 ft	12 ft	14 ft	--	14 ft	18 ft
Location							
From Front Property Line	10 ft	10 ft	10 ft	10 ft	--	10 ft	10 ft
From Adjacent Property Lines	10 ft	10 ft	10 ft	10 ft	--	10 ft	10 ft
From Another Detached Sign	20 ft	20 ft	20 ft	20 ft	--	20 ft	20 ft
Features							
Electronic Message Center	✕	✕	✕	✕	--	✕	✕
Changeable Copy	✕	✕	✕	✕	--	✕	✕
Channel Letters	✕	✕	✕	✕	--	✕	✕
Internal Illumination	✕	✕	✕	✕	--	✕	✕
External Illumination	✕	✕	✕	✕	--	✕	✕

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Halo Illumination	✕	✕	✕	✕	--	✕	✕
Painted/Drawn Directly on Sign	✕	✕	✕	✕	--	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed | ✕ = no/not allowed | NR = the sign type or characteristic is allowed for nonresidential uses only | sf = square feet | ft = feet | "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ | SF = SF-20.0 – SF-6.0 districts | MR = MD and MF districts | CM = C-1 and C-2 districts | MU = MU district | DT = DT district | IN = I-1 and I-2 districts						

(B) Duration. All feather signs shall meet the requirements established in Subsection (a)(B) above.

(C) Design and Installation. All feather signs shall meet requirements established in Subsection (a)(C) above.

(f) Balloon Signs

(1) Definition.

(A) Balloon Sign. A temporary sign either as an individual or grouping of inflatable devices, at least three feet in height or width, with or without a specific message, figures or designs attached to its surface, used or intended to be used to attract attention. Depending upon its size or location, a balloon sign may be considered a detached or attached sign. Balloons that do not meet this definition are not regulated under this Article.

(B) Inflatable Device. A type of balloon sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable, or similar method.

(2) Standards.

(A) Generally. Table 3-26 establishes the standards for balloon signs.

Table 3-26: Balloon Sign Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	✕	✕	✕	✓	✕	✕	✕
Permit Required?	--	--	--	✓	--	--	--
Number per building (max.)	--	--	--	1	--	--	--
Dimensions							
Sign Area (max.)	--	--	--	--	--	--	--
Sign Height (max.)*	--	--	--	15 ft	--	--	--
Location							
From Front Property Line	--	--	--	30 ft	--	--	--
From Adjacent Property Lines	--	--	--	20 ft	--	--	--
From Another Detached Sign	--	--	--	20 ft	--	--	--
Features							
Electronic Message Center	--	--	--	✕	--	--	--
Changeable Copy	--	--	--	✕	--	--	--
Internal Illumination	--	--	--	✕	--	--	--
External Illumination	--	--	--	✕	--	--	--
Halo Illumination	--	--	--	✕	--	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Duration. A balloon sign may be displayed for a maximum of 30 calendar days per year.

(C) Additional Allowances. An additional balloon sign may be allowed for multi-tenant buildings, but in no instance shall there be more than two balloon signs allowed for a particular building.

(D) Design and Installation.

(i) Balloon signs are allowed of any size if the minimum setbacks from street rights-of-way and utility easements are met.

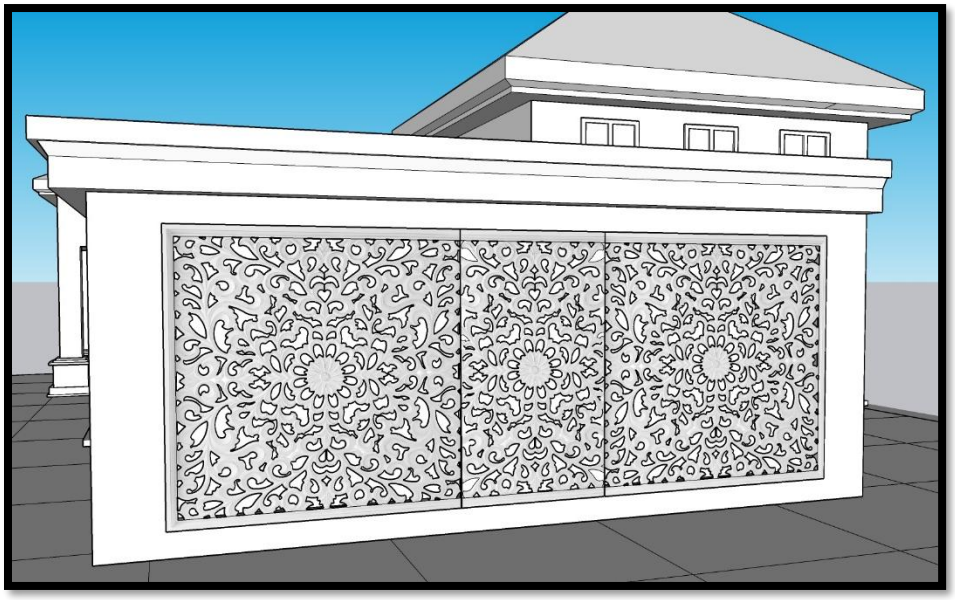
(ii) Any tethers to free-floating inflatable devices shall be of nonconductive material.

(iii) No balloon sign, regardless of size, shall be located in the street right-of-way, nor be allowed, when tethered to a site, to drift into the street right-of-way or utility wires.

Sec. 9.05.022. Special Signs

Special signs are classified into one of the following sign types: murals, digital billboards, or political signs. Their associated regulations are established in this Section. A building or lot may have multiple special signs as allowed in this Section.

(a) Murals



(1) Definition.

Mural. A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural does not include:

- Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
- Works containing electrical or mechanical components; or
- Works that involve changing or moving images or components.

(2) Standards.

(A) Generally. Table 3-27 establishes the standards for murals.

Table 3-27: Mural Standards

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
General							
Allowed?	×	×	×	×[x]	×[x]	✓	×
Permit Required?	--	--	--	--	--	✓	--
Number per building (max.)	--	--	--	--	--	1	--
Dimensions							
Sign Area (max.)	--	--	--	--	--	85%	--

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
Features							
Electronic Message Center	--	--	--	--	--	✕	--
Changeable Copy	--	--	--	--	--	✕	--
Channel Letters	--	--	--	--	--	✕	--
Internal Illumination	--	--	--	--	--	✕	--
External Illumination	--	--	--	--	--	✓	--
Halo Illumination	--	--	--	--	--	✕	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply **|** [x] = see (C)(iii), below						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Number. One mural may be displayed on a building in addition to other signs allowed in this Section.

(C) Additional Allowances.

(i) Due to murals providing unique design elements, murals with direct street frontage outside of the DT sign district requires approval from the City Council based on the criteria in this Article, Table 3-27, and the requirements, below.

(ii) In its review of proposed murals located in other sign districts, the City Council will review the proposed mural based on the following factors:

a. The mural uses durable, exterior grade paints and materials and weatherproof and ultraviolet-protective coatings;

b. The mural uses colors that coordinate with the colors of the building;

c. The mural is directed at and scaled to pedestrians;

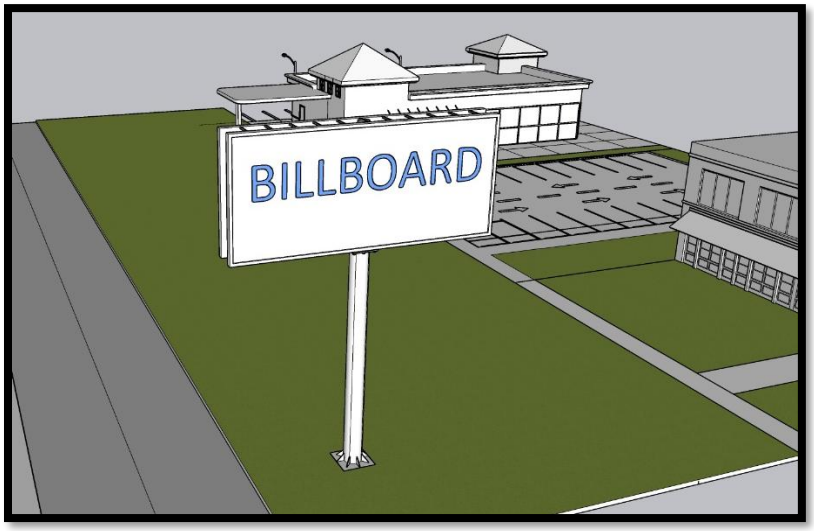
d. The mural does not overwhelm or hide character-defining features of a building;

e. The mural is placed and sized to reinforce the building's architecture and its surroundings; and

f. The mural is placed at similar heights and façade locations as adjacent buildings or tenants to provide an integrated block appearance.

(iii) A mural may be allowed in the CM and MU sign districts only by City Council approval. Any mural proposed in these districts shall meet the requirements of Table 3-27, and the requirements, above.

(b) Digital Billboard



(1) Definition.

Digital Billboard. A freestanding sign or sign structure upon which an electronic copy is placed on a poster or panel and mounted on a pole or metal structure typically with a monopole structure constructed with tubular steel support, tubular steel framing, and a single display panel with a concrete foundation.

(2) Standards.

(A) Generally. Table 3-28 establishes the standards for digital billboards.

Table 3-28: Digital Billboard Standards

Sign District → Requirement ↓	**AE**	**SF**	**MR**	**CM**	**MU**	**DT**	**IN**
General							
Allowed?	×	×	×	✓	✓	×	×
Permit Required?	--	--	--	✓	✓	--	--
Dimensions							
Sign Area (max.)	--	--	--	672 sf	672 sf	--	--
Sign Width (max.)	--	--	--	50 ft	50 ft	--	--
Sign Height (max.)							
Height of the highest point of a digital billboard above grade	--	--	--	50 ft	50 ft	--	--
Height of the highest point of a digital billboard if adjacent to an elevated roadway (above road grade)	--	--	--	30 ft	30 ft	--	--
Clearance (min.)							
Between grade level and the lowest point of the display surface	--	--	--	6 ft	6 ft	--	--
Setbacks							
From ROW	--	--	--	35 ft	35 ft	--	--
From Another Billboard	--	--	--	1,500 ft	1,500 ft	--	--

Sign District → Requirement ↓	AE	SF	MR	CM	MU	DT	IN
From Another Detached Sign	--	--	--	250 ft	250 ft	--	--
From a Single-Family Residence	--	--	--	500 ft	500 ft	--	--
From a Residential Zoning District or PD	--	--	--	250 ft	250 ft	--	--
Features							
Electronic Message Center	--	--	--	100%	100%	--	--
Changeable Copy	--	--	--	✕	✕	--	--
Channel Letters	--	--	--	✓	✓	--	--
Internal Illumination	--	--	--	✕	✕	--	--
External Illumination	--	--	--	✓	✓	--	--
Halo Illumination	--	--	--	✕	✕	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						
Sign District Summary	AE = AG district and ETJ **|** SF = SF-20.0 – SF-6.0 districts **|** MR = MD and MF districts **|** CM = C-1 and C-2 districts **|** MU = MU district **|** DT = DT district **|** IN = I-1 and I-2 districts						

(B) Location. Regardless of the applicable sign district:

(i) Digital billboards are only allowed along U.S. 75, SH 121, or Collin County Outer Loop.

(ii) No digital billboard shall be constructed, erected, placed, or replaced closer than 1,500 feet to another billboard or digital billboard facing in the same direction and on the same side of the street or roadway from which the digital billboard is intended to be read.

(iii) Digital billboards are only allowed to be constructed, erected, or placed within 300 feet of the centerline of the following rights-of-ways:

a. U.S. 75,

b. SH 121, or

c. Collin County Outer Loop.

(C) Design and Installation.

(i) No digital billboard shall be constructed, erected, or placed in any way on the roof or walls of a building.

(ii) A digital billboard is not classified as a pole sign.

(c) Political Sign

(1) Definition.

Political Sign. A sign as defined by the Texas State Election Code. (Reference: Chapter 259. Political Signs)

(2) Standards

(A) Exception. With the exception of the regulations and restrictions expressly set forth in this Subsection, this Article does not apply to political signs. Political signs in violation of this Subsection are strictly prohibited.

(B) Public Property-Private Property. Except to the extent allowed under Article 8.06 of this code, political signs may not be located on public rights-of-way, medians, City parks, or any other publicly owned or controlled property. Subject to the restrictions under Subsection (C), political signs may be located on private real property with the property owner's consent. In this Subsection, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(C) Restrictions. Political signs located on private property shall not:

(i) Be illuminated;

(ii) Have any moving elements;

(iii) Exceed 36 square feet in area;

(iv) Exceed eight feet in height;

(v) Be located in or obstruct any public right-of-way or easement or interfere with the authorized use of any public right-of-way or easement; or

(vi) Create a nuisance or be in violation of any state or federal regulations or restrictions.

Division 4. Permits and Procedures

Sec. 9.05.023. Sign Permit

(a) Applicability

(1) A person shall not construct, alter, or relocate any sign within the City without first obtaining a permit, except as provided for in this Article.

(2) Division 3 establishes the permitting requirements for each sign type in each sign district.

(b) Applications

(1) Each sign permit requires a separate application.

(2) The application shall be filed on a form furnished by the Director and shall include a non-refundable permit fee set by the City Council.

(3) An applicant shall provide the information as required on the sign permit application checklist.

(c) Review

(1) The Director will review a sign permit application to determine if it is complete. If the application is incomplete, the Director will provide a list of items necessary to complete the application within thirty (30) calendar days after the application was submitted.

(2) Based on the type of sign and sign district as provided in Division 3, the Director will review a complete sign permit application for compliance with this Article and:

(A) Render an administrative decision, or

(B) Schedule the application for review and decision by the Planning and Zoning Commission or City Council.

(3) The Director will act on an application by approving, approving with conditions, denying the application, or placing the matter on the Planning and Zoning Commission or City Council agenda within sixty (60) calendar days of the date the Director deems the application complete.

(4) Complete applications that are subject to Planning and Zoning Commission or City Council review and approval will be placed on the next available agenda. The Planning and Zoning Commission or City Council will review the application and render a decision no more than ninety (90) days from the date the application is deemed complete unless the application is tabled by the applicant's request.

(d) Approval Criteria.

(1) A permit will be issued if the proposed sign conforms with all applicable provisions of this Article and any conditions or stipulations of any applicable rezoning, specific use permit, site plan, planned development, or other development plan.

(2) The Director may relocate any sign in which it is reasonably foreseeable that the sign may partially or completely fall in the event of an accident.

(e) Expiration. A sign permit becomes void if installation does not commence within one (1) year from the permit approval date. If work authorized by the permit is suspended or abandoned for one (1) year from the date the work commences, a new permit is required to complete the installation work, even if no changes are made to the original sign permit.

(f) Revocation. The Director may revoke a sign permit if:

(1) It is issued in error, or

(2) The sign or sign supporting structure is installed contrary to the approved permits and plans or in violation of this Article.

(g) Repairs and Maintenance. The repair, routine maintenance, or repainting of an existing sign deemed conforming or allowed to continue as a nonconforming sign by Division 5 does not require a sign permit.

Sec. 9.05.024. Nonconforming Sign Permit

(a) Applicability.

(1) For the purposes of this Section, an existing billboard (outdoor advertising sign) is deemed to be included within the meaning of nonconforming sign.

(2) Within one (1) year of the effective date of this Article, a nonconforming sign permit must be obtained from the Director.

(3) It shall be unlawful for any person to maintain a nonconforming sign without obtaining a nonconforming sign permit within the one (1) period set forth above and thereafter maintaining a valid permit for such sign.

(b) Application.

(1) Each nonconforming sign permit requires a separate application.

(2) The application shall be filed on a form furnished by the Director and shall include a non-refundable permit fee set by the City Council.

(3) An applicant shall provide the information as required on the sign permit application checklist.

(c) Review. See Sec. 9.05.023(c).

(d) Expiration. A nonconforming sign permit shall expire one year after the date of issuance.

Sec. 9.05.025. Sign Coordination Plan

(a) Applicability.

(1) A sign coordination plan is required for any nonresidential development that is a part of a Planned Development greater than five (5) acres containing two (2) or more buildings.

(2) A sign coordination plan shall be submitted as a part of the site plan development application to determine:

(A) Overall sign locations on a property,

(B) The relationship of the signs to surrounding existing, proposed, and future improvements, and

(C) Consistency and uniformity among buildings and signs with proposed development.

(b) Applications.

(1) The application must be filed on a form furnished by the Director and shall include a non-refundable permit fee set by the City Council.

(2) An applicant shall provide the information as required on the sign coordination plan checklist.

(c) Review.

(1) The Director will review the sign coordination plan to determine if it is complete. If the sign coordination plan is incomplete, the Director will provide a list of items necessary to complete the plan within thirty (30) calendar days after the application was submitted.

(2) The Director will review the sign coordination plan for compliance with this Article and schedule the plan for Planning and Zoning Commission review and a decision.

(d) Approval Criteria. A sign coordination plan shall be issued if the applicant can demonstrate that all signs will provide a similar consistency and uniformity with the requirements of this Article.

(e) Expiration. A sign coordination plan becomes void if installation does not commence within two (2) years from the plan approval date. If work authorized by the plan is suspended or abandoned for one (1) year from the date the work commences, a new plan is required to complete the installation work, even if no changes are made to the original sign plan.

Sec. 9.05.026. Signs Requiring Right-of-Way License Agreement

(a) The City, in its sole judgement, may issue:

(1) A license agreement to allow a permanent sign to encroach into a public right-of-way; or

(2) A notice revoking a license agreement for a sign.

(b) Upon receiving a notice of revocation, the property owner or business must remove the sign within the time specified on the notice.

(c) Failure to remove the sign is a violation of this Article subject to fines and abatement procedures, including removal of the sign by the City at the property owner's expense (see Division 6).

Sec. 9.05.027. Variances

(a) Applicability. City Council has the authority to approve variances to the conditions of this Article. Variances shall be accomplished through either of the following procedures:

(1) Variance application and fee in the amount established by the City Council, or

(2) Development standards set forth in an ordinance granting a planned development district.

(b) Application.

(1) An application for a variation of this Article shall be submitted no later than thirty (30) days prior to a City Council meeting.

(2) An application may cover more than one sign, but shall apply to only one applicant and one location.

(3) An applicant shall provide the information as required on the variance checklist.

(c) Approval Criteria. In considering variance requests from the requirements of this Article, the City Council shall consider the following factors, including but not limited to:

(1) The degree of the requested variance;

(2) The reason for the requested variance;

(3) The location of the requested variance;

(4) The duration of the requested variance;

(5) The effect of the requested variance on public safety;

(6) The effect of the requested variance on the general plan for signage within the City;

(7) The protection of neighborhood property and property values; and

(8) The degree of hardship or injustice involved.

Sec. 9.05.028. Appeals

(a) Generally.

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

(2) All matters related to appeals or variances from the requirements of this Article shall be brought before the City Council. The City Council’s decision shall be final.

(b) Appeals to the City Council

(1) An applicant who contends there is an error in any order, requirement, decision, or determination by the Director or Planning and Zoning Commission for an application, decision, or interpretation of this Article may appeal the matter to the City Council.

(2) An appeal shall be made by submitting to the City Secretary a notice of appeal and specifying the appeal’s grounds.

(3) The office or department from which the appeal is taken shall transmit to the City Council all of the papers constituting the record from which the action appealed was taken.

(4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director shall certify to the City Council that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.

(5) The City Council shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of that hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which an appeal is desired, and to all other persons deemed by the board to be affected by the appeal. These owners and persons shall be determined according to the current tax rolls of the City.

Division 5. Nonconforming and Abandoned Signs

Sec. 9.05.029. Purpose

This Division governs signs that came into existence legally prior to the effective date of this Article or the effective date of future amendments to this Article, but do not comply with or conform to one or more requirements of this Sign Ordinance. These signs and instances are generally referred to as “nonconforming signs”.

Sec. 9.05.030. General Policy

While existing legal nonconforming signs may continue, this Division is designed to curtail substantial investment in nonconforming signs to bring about their eventual improvement or elimination to preserve the integrity of this Article and the character of Anna. Any existing legal nonconforming sign that becomes nonconforming because of any subsequent rezoning or amendment to this text of this Article may be continued or maintained only pursuant to this Division.

Sec. 9.05.031. Applicability

(a) Generally. Permanent signs that were allowed before the effective date are allowed to remain and may be maintained and repaired as necessary. Signs that this Article prohibits shall be modified to conform, replaced with a conforming sign, or removed according to the following:

(1) If the lot on which the nonconforming sign is located requires any approval or permit that is subject to the site plan approval process;

(2) If there is a change in business ownership, tenant, name, or type of business where a new sign is warranted or in need of significant repair (those repairs that are not cosmetic in nature);

(3) If any maintenance, repair, or alteration exceeds 50% of the current value of the sign as of the date of alteration or repair; or

(4) If the use of the lot on which the sign is located has been discontinued for ninety (90) days or longer.

(b) Exceptions

(1) Nonconforming Subdivision Entry Signs. A nonconforming subdivision entry sign that was first installed or erected before the effective date, may continue to be maintained in the current configuration unless the sign requires any maintenance, repair, or alteration that exceeds 50% of the current value of the sign as of the date of alteration or repair.

(2) Signs with Nonconforming Electronic Message Centers. A sign with an electronic message center that does not conform with the area limitations or technological standards of this Article that was first installed or erected before the effective date, may continue to be maintained, repaired, altered, or replaced so long as the modifications do not enlarge the area of the electronic message center or make it more nonconforming under the standards of this Article.

Sec. 9.05.032. Nonconforming Sign Repair or Demolition

A sign that, having been permitted to remain in place as a nonconforming sign or existing billboard (also referred to as an outdoor advertising sign) under the provisions of this Article, is blown down or otherwise destroyed or dismantled for any purpose, other than maintenance operations or for changing the letters, symbols, or other matter on the sign, shall not be repaired, rebuilt, or reconstructed. For purposes of this Division, a sign or a

substantial part of a sign is considered to have been destroyed only if the cost of repairing the sign is more than 50% of the cost of erecting a new sign of the same type at the same location.

Sec. 9.05.033. Removal Required for Abandoned Signs

(a) If a building, structure, or premises is vacant for a six-month period of time, the owner of the premises shall remove any sign messages located on the premises. Additionally, the facade of the building, structure, or premises shall be restored to its condition before the sign's installation.

(b) If the owner has not removed an abandoned sign after six months, the Director will notify the property owner in writing that the sign must be removed within thirty (30) days. The notice will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the notice may be served by certified mail, return receipt requested, to the last known address of the owner. If the owner does not remove the sign or appeal within thirty (30) days after the notice is mailed, the City may remove the sign and assess the cost of removal to the owner of the property on which the sign was placed.

(c) The City will mail a statement of the costs for the removal of an abandoned sign or signs to the last known address of the owner of record of the property. The statement of costs will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the statement of costs may be served by certified mail, return receipt requested, to the last known address of the owner. If the costs are not paid within sixty (60) days of the date the notice is mailed, the City may issue a special assessment for the cost of removal against the parcel, and the City shall certify that assessment for collection and payment to the City in the same way that other assessments and taxes are collected and paid to the City.

Division 6. Enforcement

Sec. 9.05.034. Generally

(a) This Division establishes procedures the City uses to ensure compliance with the provisions of this Article and obtain corrections for violations. It also institutes the remedies and penalties that apply to this Article's violations.

(b) Any person who violates this Article is subject to the remedies and penalties expressed in this Division.

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

Sec. 9.05.035. Inspections and Enforcement

The Director is the enforcement officer for this Article, and has the authority:

(a) To inspect any sign, building, structure, or land to determine whether any violations of this Article exist; and

(b) To issue and post notices of violations and stop orders, revoke sign permits, and order the correction of any condition or omission that violates this Article or where there is presumptive evidence that a violation exists.

Sec. 9.05.036. Removal of Permanent Signs on Private Property

(a) Removal of Permanent Signs on Private Property

(1) If the Director determines a permanent sign is prohibited, unsafe, unsecure, a menace to the public, or otherwise constructed or maintained in violation of this Article, the Director will issue a written notice of violation to the property owner stating that the owner shall remove the sign or bring it into compliance. The notice will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the notice may be served by certified mail, return receipt requested, to the last known address of the owner.

(2) If the property owner does not remove the sign or bring it into compliance within thirty (30) days of the notice, the City may remove the sign and assess the costs to the owner using the assessment process in Sec. 9.05.033.

(3) The City will revoke any permit for the noncomplying sign and will not issue further sign permits for the property until the owner has paid the removal costs.

(4) The property owner may appeal the Director's decision to the City Council pursuant to Sec. 9.05.028.

(b) Immediate Removal of Signs

(1) City Removal. The City may immediately remove without notice any sign that is:

(A) In the right-of-way or on City-owned land without City authorization; or

(B) An immediate peril to persons or property.

(2) The City may assess the removal costs using the assessment process in Sec. 9.05.033.

(c) Removal by Property Owner. A property owner may remove unauthorized signs placed by others on the owner's private property without notice or compensation to the sign owner.

Sec. 9.05.037. Violation and Penalties

(a) Violations of Article. Any person who violates any of the provisions of this Article is guilty of a City Ordinance violation punishable under this Section and will be subject to the penalties provided in this Section.

(b) Penalties. A person convicted of violating this Article shall be subject to a term of confinement and/or a fine determined by the number of prior violations:

(1) Upon conviction of a violation, a person shall be punished as a Class C offense, the sentence for which shall be a definite term of confinement in the City or County jail which shall be fixed by the court and shall not exceed one (1) month; instead of or in addition to imprisonment a person may be punished by a fine not exceeding five hundred dollars ($500.00);

(2) Upon a third conviction within a two-year period of the first violation, a person shall be punished as a Class B offense, the sentence for which shall be a definite term of imprisonment which shall be fixed by the court and shall not exceed six (6) months; instead of or in addition to imprisonment a person shall be punished by a fine not exceeding one thousand dollars ($1,000.00); and

(3) Upon a fourth or subsequent conviction for a violation within a two-year period of the first violation, a person shall be punished as a Class A offense, the sentence for which shall be a definite term of imprisonment which shall be fixed by the court and shall not exceed one (1) year; instead of or in addition to imprisonment a person shall be punished by a minimum fine of one thousand dollars ($1,000.00) and not exceeding two thousand dollars ($2,000.00).

(c) Continuing Violation. Each day that a violation continues is a separate offense, and each offense is punishable under this Section.

Division 7. Definitions

Sec. 9.05.038. Generally

(a) Usage and Interpretation Rules. For the purpose of this Article, certain terms or words are interpreted or defined as follows:

(1) Words used in the present tense include the future tense;

(2) The singular includes the plural;

(3) The word “person” includes a corporation, trust, individual, and/or group of individuals;

(4) The term “shall” is always mandatory; and

(5) The term “may” is discretionary.

(6) A reference to a City official includes a designee of that official.

(7) When the calculation of a number for a required standard results in a fraction, that fraction is rounded up to the next whole number.

(b) Words and Terms Not Expressly Defined. Words and terms not expressly defined in this Division are to be construed according to the normally accepted meaning of those words or terms. Where no definition appears, then according to their customary usage in the practice of planning and engineering, as determined by the Director.

Sec. 9.05.039. Key Terms

Alley

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

Alter

To change the size, shape or outline, copy, nature of message, intent or type of sign.

Anna Code

The Anna City Code of Ordinances.

Applicant

See Property Owner or Developer.

Application

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

Attached Banner

A temporary sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that is attached, mounted, tied, or otherwise placed on a building or pole attached to a building. This definition does not include flags, pennants, or streamers.

Attached Canopy

An architectural projection from an exterior wall of a building that is of rigid construction, is supported by attachment to a building on one or more sides, and over which a covering is attached that provides weather protection, identity, or decoration.

Attached Canopy Sign

A permanently attached sign that is affixed to an attached canopy.

Attached Sign

A sign that is permanently affixed to a building or structure.

Awning

An architectural projection from an exterior wall of a building that provides weather protection, identity, or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

Awning Sign

A sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning.

Balloon Sign

A temporary sign either as an individual or grouping of inflatable devices, at least three feet in height or width, with or without a specific message, figures or designs attached to its surface, used or intended to be used to attract attention. Depending upon its size or location, a balloon sign may be considered a detached or attached sign. Balloons that do not meet this definition are not regulated under this Article.

Building

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

Building Line

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

City

The City of Anna, Texas unless otherwise expressly stated.

City Council

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

City Manager

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

Changeable Copy

A copy that can be changed or rearranged without altering the sign face or structure, excluding electronic message centers.

Comprehensive Plan

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

Copy

Logos, characters, symbols or any other portion of a sign that conveys a message or information.

County

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

Detached Banner

A temporary, freestanding sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that affixes to the ground. This definition does not include flags, pennants, or streamers.

Detached Sign

A structure, device, or object that is structurally independent of a building, that is anchored firmly to or below the ground surface, and that is a sign itself or is the support structure for a sign.

Developer

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

Development

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

Digital Billboard

A freestanding sign or sign structure upon which an electronic copy is placed on a poster or panel and mounted on a pole or metal structure typically with a monopole structure constructed with tubular steel support, tubular steel framing, and a single display panel with a concrete foundation.

Director

A person hired or designated by the City Manager to supervise or oversee the City's Development Services Department, and to exercise the authority of the Director. This includes the Director's designee and those who serve under their oversight such as the Building Official and Code Enforcement Officer.

Easement

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

Electronic Message Center

A sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. Electronic message centers are also referred to as digital signs, dynamic signs, or changeable electronic variable message signs (CEVMS).

Elevation

See Façade.

Erect

To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes outdoor signs and signs located interior to a building but readily visible from the exterior.

Extraterritorial Jurisdiction (ETJ)

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

External Illumination

Illumination provided by an external light source such as a lamp, bulb, or the like.

Façade

The exterior of a building.

Feather Sign

A temporary, freestanding sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord that affixes to the ground.

Fence

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

Flag

A piece of fabric or other flexible material with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure or on a pole mounted on a building.

Flat Roof

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

Footcandle

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

Frontage

All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

General Incidental Sign

A small permanent sign other than a flag, speaker board, or walk-up board, that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as detached signs and attached signs, and that has a height and scale that is clearly subordinate to the primary sign types allowed for the property. Examples of typical general incidental signs include house numbers, occupant directories, property or tenant identification names or numbers, wayfinding signs, and directional signs, and signs warning the public against trespassing or danger from animals. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of general incidental signs. The City will not review the content of general incidental signs.

General Temporary Sign

A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Examples of typical general temporary signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, garage sale signs, and signs that announce an event such as a carnival, festival, or similar event. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of general temporary signs. The City will not review the content of general temporary signs.

Glare

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

Grade

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

Grounded Canopy

A permanent structure that is structurally independent of a building affixed to the ground, that is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

Grounded Canopy Sign

A permanently attached sign that is affixed to a grounded canopy.

Halo Illumination

Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo-lit sign is not considered an internally illuminated sign.

Hanging Sign

A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, a covered porch, or walkway.

Highway

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

Illuminance

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

Incidental Sign

A sign classification that includes signs that are normally incidental, ancillary, or secondary to the allowed use of the property. This term includes incidental signs identified in this Article (general incidental signs, flags, speaker boards, walk-up boards).

Inflatable Device

A type of balloon sign that is a cold air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable, or similar method.

Installed

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

Internal Illumination

Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting located on the same plane as the sign face.

Intersection Visibility Triangle

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

Local Street

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

Lot

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

Lumen

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

Major Arterial

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

Major Collector

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

Major Monument Sign

A permanent detached multi-tenant sign with a low profile, a base and support structure with a solid appearance that is at least 75% of the width of the widest part of the sign's face.

Marquee

A type of attached canopy that has a top surface that is sloped less than twenty-five (25) degrees from the horizontal, is located less than ten (10) feet above the top of an operable exterior doorway, and frequently includes panels for changeable copy.

Marquee Sign

A permanently attached sign affixed to a marquee.

Minor Arterial

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

Minor Collector

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

Minor Monument Sign

A permanent detached single-tenant sign with a low profile, and having a base and support structure with a solid appearance that is at least 75% of the width of the widest part of the sign's face.

Mural

A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural does not include: mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps; works containing electrical or mechanical components; or works that involve changing or moving images or components.

Noncombustible Material

Any material that will not ignite at or below a temperature of 1,200 Fahrenheit and will not continue to burn or glow at that temperature or shall have a flame spread of 25 or less.

Nonconforming Sign

A sign other than an existing billboard (outdoor advertising sign) that was lawfully in existence and was properly permitted by the City, to the extent such permitting was required as of the effective date of this Article.

Opaque

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

Permanent Sign

A sign constructed from durable materials that is affixed to a building, a structure, or the ground so that the sign resists wind loads, and that precludes ready sign removal or movement. Permanent signs are those signs identified in the detached and attached sign categories.

Person

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

Planned Development

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

Planning and Zoning Commission

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

Planning Department

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

Plat

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

Pole Sign

A permanent detached sign in which the sign face is mounted on one (1) or more poles and the base of the sign face is situated more than 12 inches above the ground. A "pole sign" does not include a flag mounted on a flagpole, where allowed by this Article.

Primary Building

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

Private Real Property

Privately owned land other than any part of privately owned land that is subject to an easement or other encumbrance that allows the City to use the property for a public purpose.

Private Street

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

Projecting Sign

A permanently attached sign type that is affixed to and projects 18 inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on an attached canopy, awning, marquee, or roof.

Property Owner

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

Public View

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

Rear Yard

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

Residential District

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

Rezoning

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

Right-of-Way

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

Roof

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

Roof Line

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

Searchlight

Searchlight means a device consisting of a light source and a reflecting surface behind it that projects a powerful beam of light in a particular direction.

Setback

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

Shielding

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

Sidewalk Sign

A temporary and portable sign that is ordinarily in the shape of an “A” or inverted “T” with back-to-back sign faces, an easel, or a similar configuration to be located on a sidewalk or walkway.

Sign

A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that is intended to communicate, advertise, identify, announce, direct, inform, or attract attention and that is visible from a public right-of-way. The term "sign" includes a structure used to support or display a sign.

Sign Height

The vertical distance measured from the highest point of a sign to the ground or lowest grade beneath the sign.

Sign Permit

A permit authorizing the erection or maintenance of a sign pursuant to this Article.

Sign Structure

Any combination of materials to form a construction for the purpose of attaching, fixing, or otherwise supporting a sign, whether installed on, above, or below the surface of the lot, a building, or any other solid surface.

Site Plan

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

Skyline Sign

A sign that is placed above the windows of the highest floor of a building that is at least multiple stories and taller than 35 feet in height.

Speaker Board

A professionally constructed and installed sign made of a durable, weather-resistant product such as metal or high-density plastic and may include a two-way speaker system for ordering from a vehicle in a drive-thru lane provided the volume of the speaker does not exceed ambient noise conditions as measured at the property line.

Special Sign

A sign classification that regulates murals and digital billboards.

Specific Use Permit

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

Story

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

Street

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

Subdivision

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

Subdivision Entry Sign

A sign which may be a freestanding monument or attached to a subdivision wall located at the entry of a platted subdivision from a local, collector, or arterial street.

Submittal

See Application.

Submittal Date

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

Temporary Lighting

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

Temporary Sign

A sign classification that is: constructed of either rigid or non-rigid material, and physically attached to, or freestanding on, the ground or any structure, and designed or intended to be attached or freestanding impermanently for a limited time. This term includes all temporary signs identified in this Article (general temporary signs, sidewalk signs, attached banners, detached banners, feather signs, and balloon signs).

Tenant

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

Use

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

Variance

An adjustment in application of the specific regulations of this Article to a particular lot, building, tenant, or storefront which, because of special conditions or circumstances, peculiar to the particular lot, building, tenant, or storefront, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other properties in the same vicinity and zoning or sign district.

Vehicle

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

Visible Light Reflectance

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

Walk-Up Board

A sign mounted near the sidewalk entrance to a building or affixed to a building wall where the sign is visible to pedestrian traffic.

Wall Sign

A permanently attached sign (other than those signs provided in Sec. 9.05.019or an incidental sign) that is affixed on an exterior building wall, and projects less than eighteen (18) inches from the wall to which it is attached.

Window Sign

A sign posted, printed, placed, or affixed to a window or glass door. A window sign includes any sign that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

Yard

The open area between building setback lines and lot lines.

Zoning District

A portion of the territory of the City within which certain uniform regulations and requirements or various combinations apply under the provisions of the City’s Zoning Ordinance, as amended.

Zoning Ordinance

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

Item No. 7.

Planning & Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2026
Staff Contact: Everett Johnson

AGENDA ITEM:
Future Agenda Items.

SUMMARY:
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BACKGROUND:

Date Submitted		**Jurisdiction**	
Owner			
Representative/Applicant			
Requested Action			
Purpose			
Land Area			
Location			
Comp Plan Designation			
Existing Zoning			
Public Notice			

Surrounding Properties			
	Land Use	**Zoning**	**Comp Plan Designation**
North			
East			
South			
West			

ATTACHMENTS: