

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					
<b>Residential Uses</b>																				
Industrialized Home (Modular Home)	P				P	P	P	P	P									Sec. 9.04.029(a)	2/DU	
Live-Work Unit										P				P	P			Sec. 9.04.029(b)	1/DU	
Manufactured Home	P																		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					2/DU	
Single-Family Dwelling, Detached	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					2/DU	
<b>Lodging / Group Living Uses</b>																				
Bed and Breakfast Facility	S	S	S	S							P	P						Sec. 9.04.030(a)	1 + (0.75) bedrooms	
Boarding/Rooming House										P	P							Sec. 9.04.030(b)	1 + (0.75) bedrooms	
Dormitory										P									1 + (0.75) bedrooms	
Hotel / Motel											S	S		P	S				1.25/guestroom + 1/200 sf of restaurant, retail, conference, or office area	
Recreational Vehicle Park	S																P		4/acre	
<b>Automotive Uses</b>																				
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

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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	
<b>Commercial Uses</b>																				
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			Sec. 9.04.032(c)	4/1,000 sf
Building, Materials, and Landscaping Store													P				P		3/1,000 sf	
CBD Store												S	S						2.5/1,000 sf	
Commercial Amusement, Indoor												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	
Hookah Lounge												S	S						3/1,000 sf	
Kennel												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
Office												P	P	P	P	P	P		Sec. 9.04.032(j)	3/1,000 sf

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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				
Pawn Shop / Pay Day Loans												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			2.5/1,000 sf
Private Club													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				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
<b>Recreation Uses</b>																			
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
<b>Public / Institutional Uses</b>																			
Cemetery	P	S	S								S	S				S		Sec. 9.04.034(a)	2/acre

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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				
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			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							4/1,000 sf
<b>Industrial Uses</b>																			
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
<b>Caretaking Services Uses</b>																			
Adult Day Services											P	P							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				
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
<b>Transportation Uses</b>																			
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			--
<b>Infrastructure Uses</b>																			
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		--

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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				
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			--
<b>Agriculture Uses</b>																			
Agriculture	P																		--
Agritainment	S																		1.5/1,000 sf
Feedlot	P																		--
Stable, Commercial	P																		--
<b>Accessory Uses</b>																			
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		Sec. 9.04.038(e)(2)	--
Fuel Pump												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		Sec. 9.04.038(e)(5)	--
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	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)	--

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				
Wind Energy Conversion System	P	S	S	S	S	S	S	S	S	S	S	S				P	P	Sec. 9.04.038(e)(9)	--
<b>Temporary Uses</b>																			
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			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.



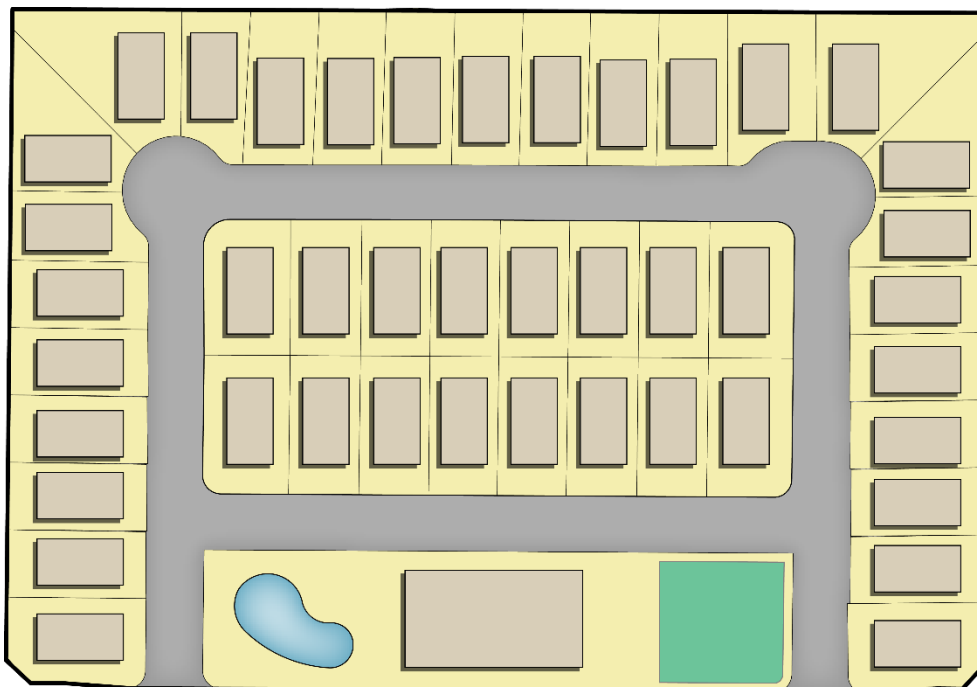
- (d) Townhome Unit and Single-Unit or Duplex Unit Park.
  - (1) All residential units within a Townhome Unit and Single-Unit or Duplex Unit Park are restricted to 35 feet in height.
  - (2) Where the residential units within a Townhome Unit or Single-Unit or Duplex Unit Park are erected to create inner 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.

## Sec. 9.04.032 Commercial Use-Specific Standards

- (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.

## Sec. 9.04.032 Commercial Use-Specific Standards

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

- (2) Regional Commercial (C-2) District.
  - (A) Drive-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) 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.
    - (iv) The minimum stacking space for the first vehicle stop shall be 100 feet and 40 feet thereafter for any other stops. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.
  - (B) Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
- (3) Downtown (DT) District-Core (CE) and Downtown (DT) District-Neighborhood (ND).
  - (A) No drive-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.

## Sec. 9.04.037 Infrastructure Use-Specific Standards

- (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.



## Sec. 9.04.037 Infrastructure Use-Specific Standards

## (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.

### 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

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- (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.

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- (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



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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).