

COMPREHENSIVE
ZONING
ORDINANCE

CITY OF BELTON

ORDINANCE No. 22790-1

Updated 04/02/2015

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**CITY OF BELTON, TEXAS
ZONING ORDINANCE**

ORDINANCE NO. 22790-1

AN ORDINANCE REPEALING THE COMPREHENSIVE ZONING ORDINANCE NO. 12975-1 OF THE CITY OF BELTON, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 9TH DAY OF DECEMBER 1975, AND ENACTING AND REVISING THE ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, COURTS AND OPEN SPACES, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING FOR A PLANNED DEVELOPMENT DISTRICT AND PROCESS FOR REVIEW AND ADOPTION; PROVIDING A FLOOD PLAIN PREFIX AND REGULATING CONSTRUCTION THEREIN; ESTABLISHING A PRESERVATION OVERLAY DISTRICT PREFIX PROVIDING APPROPRIATE STANDARDS AND REGULATIONS FOR THE PROTECTION, PRESERVATION AND ENHANCEMENT FOR DESIGNATED AREAS; CREATING A RESIDENTIAL CONSERVATION AND REVITALIZATION OVERLAY DISTRICT PREFIX; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE, PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING STANDARDS FOR LANDSCAPING AND SCREENING; PROVIDING LIGHTING AND GLARE STANDARDS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND IN THE ORDINANCE; CREATING A PLANNING AND ZONING COMMISSION; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN ITEMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE PROVIDING FOR A PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE AND PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER THE EXISTING ORDINANCE.

WHEREAS, under the laws of the State of Texas (H.B. No. 87 passed by the Fortieth Legislature), authority is conferred upon the City of Belton to establish zoning districts within the city for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code, Vernon (1988); and

WHEREAS the Ordinance adopted on December 9, 1975, known as the Zoning Ordinance of the City of Belton, together with all amendments and maps thereto, being one and the same, are hereby repealed, and that there be enacted in lieu thereof the following Comprehensive Zoning Ordinance of the City of Belton, together with a map creating and delineating specific Zoning Districts, in which the official zoning map defines the boundaries of each Use District; and

WHEREAS the City Council and the Planning and Zoning Commission of the City of Belton studied and evaluated the Zoning Ordinance of the City of Belton to ensure that it remains current and effective; and

WHEREAS, said City Council and Planning and Zoning Commission thoroughly studied and evaluated planning and zoning recommendations submitted by City staff, members of the development community, real estate community, professional planning consultants, citizens, and other interested segments of the private sector; and

WHEREAS, the approved Comprehensive Plan for the City of Belton makes recommendations for certain land uses and it is the City's desire to revise the Zoning Ordinance to comply with and be consistent with the Comprehensive Plan; and

WHEREAS, the City Council supports periodic review of the Zoning Ordinance herein in order to ensure that it will continue to accomplish the desired objectives and still remain a viable planning document in future years; and

WHEREAS, the City Council believes that the following Ordinance will serve to protect and preserve the health, safety, welfare and morals of the community, as well as promote the orderly development and growth of the City of Belton; and

WHEREAS, the City Council thoroughly studied and did recommend that a public hearing be held by the City Council concerning revisions to the Zoning Ordinance; and

WHEREAS, pursuant to such recommendation, a joint public hearing was held by the City Council and Planning and Zoning Commission on February 20, 1990 after written notice was mailed to all owners of real property as their names appeared upon the last approved tax roll, at least fifteen days before the date set for hearing in accordance with Subchapter A of the Texas Local Government Code Section 211.006 Vernon's (1988) and notice was published in a paper of general circulation in the City of Belton; and

WHEREAS, after public hearing and review of all testimony and requests, the Planning and Zoning Commission and the City Council recommend the Zoning Ordinance in its final form for adoption:

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

SECTION 1 ENACTING CLAUSE

THAT THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BELTON, TEXAS, AS PASSED AND APPROVED ON THE 9TH DAY OF DECEMBER 1975, TOGETHER WITH ALL AMENDMENTS THERETO IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

SECTION 2 PURPOSE

The zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to insure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the more appropriate use of land throughout the city.

SECTION 3 ZONING DISTRICT MAP

The boundaries of zoning districts set out herein are delineated upon a zoning district map of the city, adopted as part of this ordinance as fully as if the same were set forth herein in detail.

- 3.1 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance Number ~~22790~~ 2002-21. This copy shall be the official Zoning district Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- 3.2 An additional copy of the original Zoning district Map shall be placed in the office of the Building Official. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments and shall be identified as the official zoning map. Reproductions for informational purposes may be made of the official Zoning District Map.

SECTION 4 ZONING DISTRICT BOUNDARIES

4.1 The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A.** Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- B.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C.** Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D.** Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
- E.** Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of all bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
- F.** Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
- G.** Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H.** The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
- I.** Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, the property shall be considered as classified, A-Agricultural District, in the same manner as provided for newly annexed territory. (Section 6)
- J.** Permanent zoning changes made between December 9, 1975 and the date of passage of this ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to adopting ordinances for each particular permanent zoning change.

SECTION 5 COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the City of Belton, Texas which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Section 52 of this ordinance.

SECTION 6 ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Belton shall be classified as “A”, Agricultural District, until permanent zoning is established by the City Council of the City of Belton. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure set forth in Section 49 of this Ordinance.

6.1 In an area classified as “A”, Agricultural District:

- A.** No person shall erect, construct, proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Belton without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official.

- B.** No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building or use permitted in the “A” Agricultural District, unless and until such territory has been classified in a zoning district other than the “A”, Agricultural District, by the City Council in the manner prescribed by law except as provided in 6.1-C following.

- C.** An application for a building permit for any proposed use other than those specified in paragraph B above must be made to the Building Official of the City of Belton within three (3) months after annexation and referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The applicant shall show that plans and other preparation for developing the property commenced prior to annexation by the City. The action and recommendation of each body concerning any such permit shall take into consideration the appropriate land use for the area. The City Council, after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application pending permanent zoning.

SECTION 7 ZONING DISTRICTS ESTABLISHED AND DEFINITIONS

7.1 The City of Belton, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out in the Design Standards attached hereto as Exhibit “A”, apply to each district. The districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
A	Agricultural District
RE	Residential Estate District
SF-1	Single Family Residential District-1 (10,000 square-foot lots)
SF-2	Single Family Residential District-2 (7,500 square-foot lots)
SF-3	Single Family Residential District-3 (5,000 square-foot lots)
2F	Two Family Residential (Duplex) District
PH	Patio Home District
MF	Multiple Family District
MH	Mobile Home District
0-1	Office District - 1
0-2	Office District - 2
UC	University Campus District
NS	Neighborhood Service District
R	Retail District
CBD	Central Business District
CH	Commercial Highway District
C-1	Commercial District - 1
C-2	Commercial District - 2
IP	Industrial Park District
LI	Light Industrial District
HI	Heavy Industrial District

Overlay Districts

HP	Historic Preservation Overlay District
CR	Conservation & Revitalization Overlay District
RD	Redevelopment District
PD	Planned Development District
SUP or S	Specific Use Permit

7.2 DEFINITIONS AND PURPOSE OF BASE ZONING DISTRICTS:

A - AGRICULTURAL DISTRICT: This District is intended to provide a location for land situated on the fringe of an urban area and used for agricultural purposes, but that may become an urban area in the near future. Generally, the A-Agricultural District will be near developed areas; therefore, the agricultural activities conducted should not be detrimental to urban land uses. The type of uses and the area and intensity of uses permitted in this District shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

RE - RESIDENTIAL ESTATE DISTRICT: The RE-Residential Estate District is the most restrictive residential district. The principle use of land in this District is for low density, detached single family dwellings, with a minimum lot area of two (2) acres and related religious, recreational

and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient and attractive residential area. Low-density residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses by providing for adequate light, air and open spaces.

SF-1 - SINGLE FAMILY RESIDENTIAL DISTRICT - 1: The SF-1-Single Family Residential District - 1 is intended to provide for development of single family detached dwelling units on lots of not less than ten thousand (10,000) square feet. Other uses, such as religious, recreational and educational facilities and open spaces will be provided to maintain a balanced, orderly, convenient and attractive residential area.

SF-2 - SINGLE FAMILY RESIDENTIAL DISTRICT - 2: The SF-2 - Single Family Residential District - 2 is intended to be composed of detached, single family residences on lots of not less than seven thousand five hundred (7,500) square feet.

SF-3 - SINGLE FAMILY RESIDENTIAL DISTRICT - 3: The purpose of the SF-3 - Single Family Residential District -3 is to promote orderly and proper development of detached single family residential units on lots of not less than five thousand (5,000) square feet. The SF-3 District is appropriate for areas of the City with numerous vacant lots scattered among existing structures and is intended to provide for infill development in these areas.

PH - PATIO HOME DISTRICT: The PH - Patio Home District is provided to allow for development of Azero lot line≅ homes in a less restrictive residential district and utilizing a clustered lot pattern with a common usable open space system that is an integral part of the development. The minimum lot area shall be five thousand (5,000) square feet. The District is appropriate as a buffer between higher intensity uses and heavily traveled thoroughfares, and lower density residential uses.

2F - TWO FAMILY RESIDENTIAL DISTRICT: The 2F - Two Family Residential District is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of the two-family or duplex units is encouraged. This District may include entire neighborhoods, and when in accordance with the intent of the Comprehensive Plan, may provide a Abuffer≅ district between lower density residential areas and higher density or non-residential areas or major thoroughfares.

MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT: The MF - Multiple Family Residential District is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acres. The principle permitted land uses will include mid- and low-rise multiple family dwellings, garden apartments, condominiums and townhouses. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

MH - MOBILE HOME DISTRICT: The MH - Mobile Home District is a detached residential district establishing standards for the development of mobile home parks and subdivisions. Mobile home subdivisions include individually platted lots, for sale within the subdivision for the placement

of mobile home units. A mobile home park offers spaces for the placement of mobile home units on a lease or rental basis. The District will establish area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained.

O-1 - OFFICE DISTRICT - 1: The O-1 - Office District -1 is established to create a flexible District for low intensity office and professional uses (less than ten thousand (10,000) square feet of floor area). Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) story and utilizing buffers and landscape requirements established by the District. Adaptive reuse of existing structures is encouraged. Sites zoned O-1 may be built to two (2) stories or in excess of ten thousand (10,000) square feet if located away from any properties zoned for a single family. Buildings in this District should be compatible and in similar scale with residential uses and adjacent property.

O-2 - OFFICE DISTRICT - 2: The District is established to accommodate a variety of mid- and high-rise office developments providing for professional, financial, medical and similar services for local residents; corporate offices for regional and national operations; and major employment centers for city, county and state governmental entities. Limited retail establishments, incidental to the main uses, may be appropriate in association with large office complexes. These areas must also locate adjacent to a major thoroughfare. Multi-story buildings must also be buffered from nearby single-family areas through the use of setbacks, landscape buffers, and thoroughfares.

UC - UNIVERSITY CAMPUS: The University Campus District is intended to allow for a variety of residential and selected nonresidential uses which are compatible and primarily serve the University of Mary Hardin Baylor. The nonresidential uses should be smaller in scale (size) to be compatible to adjacent residential areas and should offer some support or serve the University or its students in some capacity. Expansion or additions to the UC District should be contiguous to the existing UC District.

NS - NEIGHBORHOOD SERVICE DISTRICT: The NS - Neighborhood Service District is established as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small freestanding retail structures, such as convenience food stores and neighborhood oriented personal service establishments. Sites zoned NS should generally utilize an existing or smaller lot within a logical neighborhood area, and the gross leasable floor area of structures should not exceed six thousand (6,000) square feet.

R - RETAIL: The R - Retail District is established to provide locations for various types of general retail trade, business and service uses. The District allows shopping areas or uses with a gross leasable floor area that exceeds four thousand (4,000) square feet. These shopping areas should be neat and attractive, utilizing established landscape and buffering requirements and be limited to two (2) stories in height. The AR \cong District should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

CBD - CENTRAL BUSINESS DISTRICT: The CBD - Central Business District is designed to accommodate the existing Adowntown \cong business area and to encourage appropriate development, rehabilitation, and redevelopment. The CBD District will accommodate a wide range of office, retail and service uses.

CH - COMMERCIAL HIGHWAY DISTRICT: The CH - Commercial Highway District is intended to provide for a variety of office, retail and service uses for the purpose of creating a high quality mixture of land uses along Interstate 35 and portions of U.S. 190. This District is also designed to allow multi-story construction. Uses requiring outside storage will be prohibited, but outside display, such as a new car dealership, will be permitted. Construction standards, landscape requirements and setback and screening regulations are enforced to insure consistency and stability in areas zoned CH.

C-1 - COMMERCIAL DISTRICT - 1: The C-1 - Commercial District-1 is intended predominately for heavy retail, and light intensity wholesale and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical office, retail, shopping and some residential environments. Operating characteristics which may be typical of uses permitted in the C-1 District include car wash, pawn shops, funeral home, and commercial amusement type uses. The C-1 District may require landscape requirements, buffering and screening as an integral part of site design.

C-2 - COMMERCIAL DISTRICT - 2: The C-2 - Commercial District-2 is intended to provide a centrally located and convenient location for small scale service and commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. Uses in this district may require open storage areas. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics that are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

IP - INDUSTRIAL PARK DISTRICT: The IP - Industrial Park District is intended to provide a low intensity campus or open setting for research and development laboratories, science and high technology firms and related office and support uses. The sites for such uses should typically be a minimum of two (2) acres in size and average five (5) to ten (10) acres, with significant amount of land dedicated to landscaping. No residential uses are allowed within the IP-Industrial Park District.

LI - LIGHT INDUSTRIAL DISTRICT: The LI - Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. Such uses do require accessibility to major highways, rail lines or other means of transportation. The LI District is perceived as capable of being compatible with residential uses due to the less intense nature of the permitted uses.

HI - HEAVY INDUSTRIAL DISTRICT: The HI - Heavy Industrial District is established to accommodate those manufacturing, assembly and fabrication processes with operation characteristics typically not compatible with less intensive operations. Residential uses are not compatible with the HI District. The District should have convenient access to high volume thoroughfares. Rail access is also highly desirable.

OVERLAY AND SPECIAL DISTRICTS:

HP - HISTORIC PRESERVATION OVERLAY DISTRICT: The HP - Historic Preservation Overlay District is intended to provide for the protection, preservation and enhancement of buildings, structures, sites and areas of architectural, historical, archaeological or cultural importance or value. The HP Overlay District is envisioned as a tool to help stabilize and improve property values, to encourage neighborhood conservation, to foster civic pride and past accomplishments, to protect and

enhance City attractions, to strengthen the economy and to promote the use of historical-cultural landmarks for the welfare of the community.

CR - CONSERVATION AND REVITALIZATION OVERLAY DISTRICT: The CR - Conservation and Revitalization Overlay District is intended for certain residential transition areas of the City which are characterized by significant concentrations of poor and fair structural housing conditions, and which may have a mixture of residential and existing commercial or other nonresidential use. This District presents the opportunity for higher density residential developments and compatible selected services and retail uses that are needed for the comfort, economy and convenience of the neighborhood. The Overlay District also permits the location of certain HUD-Code mobile homes, modular homes and other types of industrialized housing on individual lots, in an effort to stabilize and redevelop the area.

RD - REDEVELOPMENT DISTRICT: The RD - Redevelopment District is a mixed use land use district. The areas appropriate for the RD designation were once primarily residential but have evolved into an area that has nonresidential uses. Many of the nonresidential uses that exist and are moving into these areas are utilizing existing structures that were residential structures. It is the intent of this district to allow a mixture of residential and certain nonresidential uses to occur in the same area. It is anticipated that the nonresidential uses would be types that are generally compatible to residential uses.

PD - PLANNED DEVELOPMENT DISTRICT: The PD - Planned Development District accommodates associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, and residential developments of multiple or mixed housing. PD Districts may be used to permit new or innovative concepts in land utilization. While greater flexibility is given to allow special development, procedures are established to insure that misuse of the District does not occur. The minimum area for a planned development request shall be three (3) acres.

SUP OR S - SPECIFIC USE PERMITS: This section provides the City Council an opportunity to deny or conditionally approve identified uses which may be permitted in specified zoning districts. These uses generally have unusual nuisance characteristics or are of a public or semi-public character, often essential or desirable, for the general convenience and welfare of the community. Because, however, of the nature of the use, the importance of the use's relationship to the Comprehensive Plan, and possible adverse impacts on neighboring properties, review, evaluation and exercise of sound planning judgment relative to the location and site plan are required.

SECTION 8 A - AGRICULTURAL DISTRICT

8.1 GENERAL PURPOSE AND DESCRIPTION:

This District is intended to provide a location for principally undeveloped or vacant land situated on the fringe of an urban area and used for agricultural purposes, but may become an urban area in the future. Generally, the “A”, Agricultural District will be near development; therefore, the agricultural activities conducted in the “A”, Agricultural District should not be detrimental to urban land uses. The types of uses and the area and intensity of uses permitted in this District shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. The “A”, Agricultural District is also intended to protect areas that may be unsuitable for development because of physical problems, lack of infrastructure, constraints, or potential health or safety hazards such as flooding, as well as providing for preservation of natural open space areas.

8.2 PERMITTED USES

1. Single-family dwellings, pertaining to agricultural operations, on building lots of three (3) acres or more in area where said dwellings can be adequately served by individual water wells and septic tanks located on the building lot according to State and County health laws.
2. Farm, ranch and agricultural operations, including field crops, orchards, horticulture, animal husbandry, subject to the rules and regulations of the State Health Department, but not including feed lots, poultry farms, and commercial kennels.
3. Private or common open space areas as part of an approved subdivision.
4. Recreational areas operated by public, charitable or religious organizations.
5. All municipally owned or controlled facilities, utilities and uses including park and recreation areas.
6. Servant’s quarters and guest quarters used by bona fide farm workers, or other accessory buildings such as barns, sheds and other structures necessary for farming operations may be permitted, provided however, that no such accessory building or quarters to be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually regularly employed on the premises by the land owner or occupant of the main building. Accessory dwellings shall not be separately leased or sold from the main structure.
7. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein.
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. A detached private garage or an attached private garage in a compartment as a part of the main building.

- c. One antenna (amateur radio or CB-radio) and satellite dish antenna per lot, located in the rear yard or as specified in Section 35.
 - d. Private swimming pools.
 - e. Accessory structures provided the structures have the same setbacks as required for the main building.
- 8. Stable, private or commercial.
 - 9. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained.
 - 10. Family home.
 - 11. A temporary bulletin board or sign appertaining to the lease or sale of land or acreage. (See Section 38, Sign Regulations.)
 - 12. Utilities (public or private).
 - 13. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33.

8.3 HEIGHT REGULATIONS:

Maximum Height - two and one-half (2 1/2) stories.

8.4 AREA REGULATIONS:

A. Size of Yards:

- 1. Minimum Front Yard - Fifty feet (50')
- 2. Minimum Side Yard - Twenty feet (20'); Twenty-five feet (25') on corner adjacent to street (also see Section 36.4)
- 3. Minimum Rear Yard - Twenty-five feet (25')

B. Size of Lots:

- 1. Minimum Size of Lot Area - Three (3) acres
- 2. Minimum Lot Width - One hundred fifty feet (150')
- 3. Minimum Lot Depth - Three hundred feet (300')

C. Lot Coverage: N/A

D. Parking Regulations:

- 1. Single Family Dwelling Unit - Two (2) spaces on the same lot as the main structure (See Section 34, Off-Street Parking and Loading Requirements)

E. Other Regulations - As established by Sections 35, 36, 37, 38, 39, 40, and 41

SECTION 9 RE - RESIDENTIAL ESTATE DISTRICT

9.1 GENERAL PURPOSE AND DESCRIPTION:

The RE - Residential Estate Zoning District is designed to promote and encourage a suitable environment for family life on large parcels of land used only for suburban style single-family homes and their community services and facilities. This District is intended to encourage more open space, permeable surfaces, and greater setbacks with characteristics of semi-rural areas.

9.2 PERMITTED USES:

1. Single-family detached dwellings
2. Farms, nurseries, greenhouses or gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises except as provided under home occupation Section 42.1.100
3. The keeping of dogs, cats, and other normal domestic household pets. No more than two (2) large animals can be maintained per one-half (1/2) acre of lot area. Swine are expressly prohibited (also see Chapter 3 of the City Code of Ordinances)
4. Municipally-owned facilities and uses (no open storage or repair)
5. Real estate sales offices during the development of residential subdivisions in which the office is located
6. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
7. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined. Accessory buildings, including a private garage, when located not less than sixty feet (60') from the front lot line, nor less than three feet (3') from either side line, provided said accessory building shall not occupy more than fifty percent (50%) of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. Temporary metal buildings less than six hundred (600) square feet, which are used for tool and supply storage, are permitted. See Section 36 for additional accessory use requirements.
 - b. A detached private garage or an attached private garage, in a compartment as a part of the main building.

- c. One antenna (amateur or CB-radio) and/or satellite dish antenna located in the rear yard or as specified in Section 35
 - d. Servant's quarters and guest quarters, or other accessory buildings such as barns, sheds, and other structures may be permitted, provided however, that no such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold and shall not be separately metered.
 - e. Private open space or other recreational amenities approved as part of a homeowners association.
- 8. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
 - 9. Sewage treatment plant or pump station (publicly operated)
 - 10. Swimming pool (private)
 - 11. Water treatment plant
 - 12. Private non-commercial stables as an accessory use to the housing of animals owned by the resident.
 - 13. A temporary bulletin board or sign appertaining to the lease, hire or sale of a building, premise or acreage (See Section 38, Sign Regulations)
 - 14. Family Home
 - 15. Utilities (public or private)
 - 16. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

9.3 HEIGHT REGULATIONS:

Maximum Height - Two and one-half (2 ½) stories

9.4 AREA REGULATIONS:

A. Size of Yards:

- 1. Minimum Front Yard - Forty Feet (40')
- 2. Minimum Side Yard - Fifteen feet (15'); twenty-five feet (25') from street right-of-way (also see Section 36.4)
- 3. Minimum Rear Yard - Twenty feet (20')

B. Size of Lots:

1. Minimum Lot Area - Two (2) acres
 2. Minimum Lot Width - One hundred fifty feet (150')
 3. Minimum Lot Depth - Three hundred feet (300')
- C. Maximum Lot Coverage: Forty percent (40%) by main buildings; sixty percent (60%) including accessory buildings, driveways and parking areas
- D. Parking Regulations:
- Single Family Dwelling Unit - Two (2) spaces on the lot as the main structure (See Section 34, Off-Street Parking and Loading Regulations)

9.5 SPECIAL REQUIREMENTS:

- A. No permanent use of temporary dwelling, such as recreational vehicles, travel trailers or mobile homes may be used for on-site dwelling purposes.
- B. Electrical fencing is prohibited as perimeter fencing, barbed wire fencing is permitted.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, garden materials, etc.)
- E. Other Regulations - As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 10 SF-1 - SINGLE FAMILY RESIDENTIAL DISTRICT-1

10.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-1 - Single Family Residential District-1 is intended to provide for development of single family detached dwelling units on lots of not less than ten thousand (10,000) square feet. Other uses such as religious and educational facilities and open spaces will be provided for to maintain a balanced, orderly, convenient and attractive residential area.

10.2 PERMITTED USES:

1. Single-family detached dwellings
2. Greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises except as allowed as a home occupation
3. The keeping of dogs, cats, and other normal household pets, conforming to Chapter 3 of the City Code of Ordinances.
4. Municipally-owned facilities and uses (no open storage or repair)
5. Real estate offices during the development of residential subdivisions in which the office is located
6. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
7. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined. Accessory buildings, including a private garage, when located not less than sixty feet (60') from the front lot line, nor less than three feet (3') from either side line, provided said accessory building shall not occupy more than fifty percent (50%) of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the main building. Temporary metal buildings less than six hundred (600) square feet, which are used for tool and supply storage, are permitted.
 - b. A detached private garage or an attached private garage, in a compartment as a part of the main building.
 - c. One antenna (amateur or CB-radio) and/or satellite dish antenna located in the rear yard or as specified in Section 35

- d. Private open space or other recreational amenities approved as part of a homeowners association.
- 8. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
- 9. Sewage treatment plant or pump station (publicly operated)
- 10. Swimming pool (private)
- 11. A temporary bulletin board or sign appertaining to the lease, hire or sale of a building, premise or acreage (See Section 38, Sign Regulations)
- 12. Utilities (public or private)
- 13. Family Home
- 14. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

10.3 HEIGHT REGULATIONS:

- A. Maximum Height - Two and one-half (2 ½) stories

10.4 AREA REGULATIONS:

- A. Size of Yards:
 - 1. Minimum Front Yard - Twenty-five feet (25')
 - 2. Minimum Side Yard - Seven feet (7'); fifteen feet (15') from street right-of-way (also see Section 36.4)
 - 3. Minimum Rear Yard - Twenty feet (20')
- B. Size of Lots:
 - 1. Minimum Lot Area - Ten thousand (10,000) square feet
 - 2. Minimum Lot Width - Seventy feet (70')
 - 3. Minimum Lot Depth - One hundred feet (100')
- C. Maximum Lot Coverage: Forty percent (40%) by main buildings
- D. Parking Regulations: Single Family Dwelling Unit - Two (2) spaces on the lot as the main structure (See Section 34, Off-Street Parking and Loading Regulations)

10.5 SPECIAL REQUIREMENTS:

- A. No permanent use of temporary dwellings, such as recreational vehicles, travel trailers or mobile homes, may be used for on-site dwelling purposes.

- B. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, garden materials, etc.)
- C. Other Regulations - As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 11 SF-2 - SINGLE FAMILY RESIDENTIAL DISTRICT-2

11.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-2 - Single Family Residential District-2 is intended to be similar to the SF-1 except composed of detached, single family residences on lots of not less than seven thousand five hundred (7,500) square feet.

11.2 PERMITTED USES:

1. Single-family detached dwellings
2. Greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises except as allowed as home occupations
3. The keeping of dogs, cats, and other normal household pets, conforming to Chapter 3 of the City Code of Ordinances.
4. Municipally-owned facilities and uses (no open storage or repair)
5. Real estate offices during the development of residential subdivisions in which the office is located
6. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
7. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined. Accessory buildings, including a private garage, when located not less than sixty feet (60') from the front lot line, nor less than three feet (3') from either side line, provided said accessory building shall not occupy more than fifty percent (50%) of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the main building. Temporary metal buildings less than six hundred (600) square feet that are used for tool and supply storage are permitted.
 - b. A detached private garage or an attached private garage, in a compartment as a part of the main building.
 - c. One antenna (amateur or CB-radio) and/or satellite dish antenna located in the rear yard or as specified in Section 35
 - d. Private open space or other recreational amenities approved as part of a homeowners association.

8. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
9. Sewage treatment plant or pump station (publicly operated)
10. Swimming pool (private)
11. A temporary bulletin board or sign appertaining to the lease, hire or sale of a building, premise or acreage (See Section 38, Sign Regulations)
12. Family Home
13. Utilities (public or private)
14. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

11.3 HEIGHT REGULATIONS: Maximum Height - two and one-half (2 ½) stories

11.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Six feet (6'); fifteen feet (15') from street right-of-way (also see Section 36.4)
3. Minimum Rear Yard - Twenty feet (20')

B. Size of Lots:

1. Minimum Lot Area - Seven thousand five hundred (7,500) square feet
2. Minimum Lot Width - Sixty feet (60')
3. Minimum Lot Depth - One hundred feet (100')

C. Maximum Lot Coverage: Forty-five percent (45%) by main buildings and accessory buildings

D. Parking Regulations

1. Single Family Dwelling Unit - Two (2) spaces on the lot as the main structure (See Section 34, Off-Street Parking and Loading Regulations)

11.5 SPECIAL REQUIREMENTS:

- A. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes.
- B. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, garden materials, etc.)

SECTION 12 SF-3 - SINGLE FAMILY RESIDENTIAL DISTRICT-3

12.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-3 - Single Family Residential District-3 is designed to provide for a suitable residential environment for family life on parcels of land of smaller, more compact size, while limiting the uses to single-family residences and their community services and facilities.

12.2 PERMITTED USES:

1. Single-family detached dwellings
2. Greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises except as allowed as home occupations
3. The keeping of dogs, cats, and other normal household pets, conforming to Chapter 3 of the City Code of Ordinances.
4. Municipally-owned facilities and uses (no open storage or repair)
5. Real estate offices during the development of residential subdivisions in which the office is located
6. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
7. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined. Accessory buildings, including a private garage, when located not less than sixty feet (60') from the front lot line, nor less than three feet (3') from either side line, provided said accessory building shall not occupy more than fifty percent (50%) of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the main building. Temporary metal buildings less than six hundred (600) square feet that are used for tool and supply storage are permitted.
 - b. A detached private garage or an attached private garage, in a compartment as a part of the main building.
 - c. One antenna (amateur or CB-radio) and/or satellite dish antenna located in the rear yard or as specified in Section 35
 - d. Private open space or other recreational amenities approved as part of a homeowners association.

8. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
9. Sewage treatment plant or pump station (publicly operated)
10. Swimming pool (private)
11. A temporary bulletin board or sign appertaining to the lease, hire or sale of a building, premise or acreage (See Section 38, Sign Regulations)
12. Family Home
13. Utilities (public or private)
14. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

12.3 HEIGHT REGULATIONS: Maximum Height - two and one-half (2 ½) stories

12.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Five feet (5'); fifteen feet (15') from street right-of-way (also see Section 36.4)
3. Minimum Rear Yard - Twenty feet (20')

B. Size of Lots:

1. Minimum Lot Area - Five thousand (5,000) square feet
2. Minimum Lot Width - Fifty feet (50')
3. Minimum Lot Depth - Ninety feet (90')

C. Maximum Lot Coverage: Forty-five percent (45%) by main buildings and accessory buildings

D. Parking Regulations: Single Family Dwelling Unit - Two (2) spaces on the lot as the main structure (See Section 34, Off-Street Parking and Loading Regulations)

12.5 SPECIAL REQUIREMENTS:

- A. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes.
- B. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, garden materials, etc.)
- C. Other Regulations - As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 13 PH - PATIO HOME DISTRICT

13.1 GENERAL PURPOSE AND DESCRIPTION:

The PH - Patio Home District is provided to allow for development of “zero lot line” homes in a modified residential district which encourages greater use of the side yard areas. Clustered lot patterns with a common usable open space system can be incorporated as an integral part of the development. The minimum lot area shall be five thousand (5,000) square feet. The District is appropriate as a buffer between higher intensity uses and heavily traveled thoroughfares, and lower density residential uses.

13.2 PERMITTED USES:

1. Zero-lot line, or patio home, residential detached dwellings in a platted subdivision
2. Any use permitted in the SF-3 Zoning District
3. Common open space, community center, recreational building and facilities provided they are incidental to the above described residential uses and are approved on a final plat. Homeowners’ association rules and by-laws shall be approved by the City Planning and Zoning Commission and City Council.
4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

13.3 HEIGHT REGULATIONS: Maximum Height - Two and one-half (2 ½) stories

13.4 AREA REGULATIONS:

- A. Size of Yards: In the PH-Patio Home Zoning District, subdivision plats establishing the front, side and rear setback lines on each lot will be filed.
1. Minimum Front Yard: Twenty-five feet (25')
 2. Minimum Rear Yard: Twelve feet (12'); twenty feet (20') for structure accommodating required off-street parking if provided access from a dedicated or private alley (also see Section 36.4)
 3. Side Yard Regulations:
 - a. Side Yard Setback: Side setbacks are eight inches (8") on one side and ten feet (10') on the opposite side. The dwelling shall be no closer than ten feet, eight inches (10'8") between the face of exterior walls of neighboring dwelling units.
 - b. No roof overhang, gutter or extension from a wall will be allowed to extend into a neighboring property.
 - c. The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property.

- d. Each lot shall provide an access or use easement, a minimum of three feet (3') from the lot adjacent to the "zero" side to allow the adjacent property owner access for maintenance of his dwelling.
 - e. The majority of one side of the structure shall be located within three feet (3') of one side lot line. The building wall which faces the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings.
 - f. Minimum Side Yard Setback Adjacent to Street Right-of-Way - Fifteen feet (15')
- B. Size of Lots:
- 1. Minimum Lot Area - Five thousand (5,000) square feet
 - 2. Minimum Lot Width - Fifty feet (50')
 - 3. Minimum Lot Depth - Ninety feet (90')
- C. Maximum Lot Coverage: Sixty percent (60%) total, including main and accessory buildings
- D. Parking Regulations: Residential Structures - Two (2) spaces on the same lot as the main structure (See Section 34, Off-Street Parking and Loading Requirements)
- E. Usable Open Space Requirements: Each parcel of land, developed under PH standards, shall provide usable open space totaling fifteen percent (15%) of the area of a PH development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards, and patios. The fifteen- percent (15%) shall be computed on the percentage of total platted area in a PH subdivision excluding rights-of-way for major and secondary thoroughfares. At the time of site plan and/or subdivision plat approval, the Planning & Zoning Commission and/or City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.
- F. Maintenance Requirements for Common Areas: In order to insure the long term maintenance of common land and facilities in PH Districts and prevent unexpected maintenance expenditures by the City, the following shall be required:
- 1. Plats and site plans in PH Districts shall be approved subject to the submission of a legal instrument(s) setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property.
 - 2. The HOA shall be organized as a non-profit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants

which run with the land, and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Assessments shall also be handled in covenant form rather than as articles of incorporation since the latter may be easily amended. Included in the maintenance covenants shall be procedures for changing them at stated intervals since maintenance costs may change over time. Deeds shall also mention the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata share formula for all property owners.

G. Other Regulations:

1. No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes, may be for on-site dwelling purposes.
2. Single family dwellings (excluding patio homes) constructed in this District shall conform to the standards as set forth in the SF-3 District.
3. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)
4. As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 14 2F - TWO FAMILY RESIDENTIAL DISTRICT (DUPLEX)

14.1 GENERAL PURPOSE AND DESCRIPTION:

The 2F - Two Family Residential District is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of the two family or duplex units is encouraged. This District may include entire neighborhoods, or, when in accordance with the intent of the Comprehensive Plan, may provide a “buffer” or transition district between lower density residential areas and higher or non-residential areas, or major thoroughfares.

14.2 PERMITTED USES:

1. Two family residence (duplex)
2. Single family detached dwellings
3. Greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises except as allowed as home occupations
4. The keeping of dogs, cats, and other normal household pets, conforming to Chapter 3 of the City Code of Ordinances.
5. Municipally-owned facilities and uses (no open storage or repair)
6. Real estate offices during the development of residential subdivisions in which the office is located
7. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
8. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined. Accessory buildings, including a private garage, when located not less than sixty feet (60') from the front lot line, nor less than three feet (3') from either side line, provided said accessory building shall not occupy more than fifty percent (50%) of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the main building. Temporary metal buildings less than six hundred (600) square feet, which are used for tool and supply storage, are permitted.
 - b. A detached private garage or an attached private garage, in a compartment as

a part of the main building.

- c. One antenna (amateur or CB-radio) and/or satellite dish antenna located in the rear yard or as specified in Section 35
 - d. Private open space or other recreational amenities approved as part of a homeowners association.
8. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
 9. Sewage treatment plant or pump station (publicly operated)
 10. Swimming pool (private)
 11. A temporary bulletin board or sign appertaining to the lease, hire or sale of a building, premise or acreage (See Section 38, Sign Regulations)
 12. Family Home
 13. Utilities (public or private)
 14. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

14.3 HEIGHT REGULATIONS: Maximum Height - two and one-half (2 1/2) stories

14.4 AREA REGULATIONS:

- A. Size of Yards:
 1. Minimum Front Yard - Twenty-five feet (25')
 2. Minimum Side Yard - Eight feet (8'); fifteen feet (15') on corner lot adjacent to street (also see Section 36.4)
 3. Minimum Rear Yard - Twenty feet (20')
- B. Size of Lots:
 1. Minimum Lot Area - Seven thousand, two hundred (7,200) square feet; eight thousand (8,000) square feet on corner lots for each pair of dwelling units or three thousand, six hundred (3,600) square feet per unit.
 2. Minimum Lot Width - Sixty-five feet (65')
 3. Minimum Lot Depth - One hundred feet (100')
- C. Maximum Lot Coverage: Forty percent (40%) by main buildings and accessory buildings

- D. Parking Regulations: Residential Structures - Two (2) spaces on the same lot as the dwelling unit (See Section 34, Off-Street Parking and Loading Regulations)
- E. Other Regulations - As established by Sections 35, 36, 37, 38, 39, 40 and 41
- F. Special District Requirements:
 - 1. Lots in the 2-F District are platted in pairs such that a duplex may be placed on each pair of lots. The subdivision plat shall designate the pairs of lots and which lot lines are to be outside lot lines of each pair. There shall be only one dwelling unit per lot, and no dwelling unit shall cross a designated outside lot line. No single-family dwelling may be constructed on one of the designated pair of lots.
 - 2. All utilities shall be provided separately to each duplex in a 2-F District such that each unit is individually metered.
 - 3. Single family dwellings constructed in this District shall conform to the standards as set forth in the SF-3 District.

14.5 SPECIAL REQUIREMENTS:

- A. No permanent use of temporary dwellings, such as travel trailers, recreational vehicles, or motor homes, may be for on-site dwelling purposes
- B. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)

SECTION 15 MF - MULTIPLE FAMILY DISTRICT

15.1 GENERAL PURPOSE AND DESCRIPTION:

The MF - Multiple Family Residential District is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acre. The principal permitted land uses will include mid and low-rise multiple family dwellings, garden apartments, condominiums and townhouses. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low-density residential development.

15.2 PERMITTED USES:

1. Multiple-Family Dwelling (apartment building), greater than two (2) units per building
2. Two-Family residence (duplex)
3. Single-Family detached dwellings
4. Greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises except as allowed as home occupations
5. The keeping of dogs, cats, and other normal household pets, conforming to Chapter 3 of the City Code of Ordinances.
6. Municipally-owned facilities and uses (no open storage or repair)
7. Leasing offices for the apartment complex
8. Public schools (kindergarten through high school)
9. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
10. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined. Accessory buildings, including a private garage, when located not less than sixty feet (60') from the front lot line, nor less than three feet (3') from either side line, provided said accessory building shall not occupy more than fifty percent (50%) of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building.

When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the main building. Temporary metal buildings less than six hundred (600) square feet, which are used for tool and supply storage, are permitted.

- b. Covered parking areas
 - c. One antenna (amateur or CB radio) and/or satellite dish antenna located in the rear yard or as specified in Section 35.
- 11. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
 - 12. Sewage treatment plant or pump station (publicly operated)
 - 13. Swimming pool (private)
 - 14. Family Home
 - 15. Child Care Center
 - 16. Nursing Home
 - 17. Common open space, community center, recreational building, and other facilities or amenities provided they are intended for use by the residents of the multi-family apartment complex.
 - 18. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

15.3 HEIGHT REGULATIONS: Maximum Height – three (3) stories

15.4 AREA REGULATIONS:

A. Size of Yards:

- 1. Minimum Front Yard - Twenty-five feet (25')
- 2. Minimum Side Yard - Eight feet (8'); ten feet (10') between buildings without openings (windows); fifteen feet (15') between buildings with openings and when adjacent to side street; sixty feet (60') when building is in excess of one story in height and adjacent to Single Family Zoning District (also see Section 36.4)
- 3. Minimum Rear Yard - Twenty feet (20'); sixty feet (60') when the building is in excess of one story and adjacent to a Single Family Zoning District.

B. Size of Lots:

- 1. Minimum Lot Area - Two thousand, four hundred twenty (2,420) square feet per dwelling unit, not to exceed eighteen (18) dwelling units per acre (calculated on gross

acreage). The minimum lot size shall be ten thousand (10,000) square feet.

2. Minimum Lot Width - Eighty feet (80')
 3. Minimum Lot Depth - One hundred twenty feet (120')
- C. Maximum Lot Coverage: Forty percent (40%) total, including main and accessory buildings
- D. Parking Regulations: Two (2) spaces per unit (See Section 34, Off Street Parking and Loading Requirements).

15.5 REFUSE FACILITIES:

- A. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk or for more than one dwelling.
- B. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six feet (6'), not more than eight feet (8') in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

15.6 SPECIAL DISTRICT REQUIREMENTS:

- A. Single family or duplex units constructed in this District shall conform to SF-3 and 2F Districts standards.
- B. No permanent use of temporary dwellings, such as travel trailers, recreational vehicles or motor homes, may be for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each apartment unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed straight line)
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Other Regulations: As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 16 MH - MOBILE HOME DISTRICT

16.1 GENERAL PURPOSE AND DESCRIPTION:

The MH - Mobile Home District is a detached residential district establishing standards for the development of mobile home parks and subdivisions. Mobile home subdivisions include individually platted lots, for sale within the subdivision, for the placement of mobile home units. A mobile home park offers spaces for the placement of mobile home units on a lease or rental basis. The District will establish area and design requirements for parks and subdivisions, as well as, yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained.

16.2 PERMITTED USES:

1. Individually owned HUD code mobile homes and lots in platted mobile home subdivisions
2. Mobile home parks for residential use, providing, on a rental basis, lots for placement of mobile homes, with utilities. Small offices and washaterias are permitted as incidental uses within the park.
3. Modular or industrialized housing units
4. Single-family dwellings
5. Farms, nurseries, greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises
6. Municipally-owned facilities and uses (no open storage or repair)
7. Real estate sales offices during the development of the subdivision in which the office is located
8. Public schools (kindergarten through high school)
9. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work by order of the Building Official.
10. Accessory buildings and uses, as provided in Section 36, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. Temporary metal buildings less than one hundred twenty (120) square feet, which are used for tool and supply storage, are permitted.
 - b. A detached private garage or an attached private garage, in a compartment as a part of the main building
 - c. One antenna (amateur or CB radio) and/or satellite dish antenna

11. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
12. Sewage treatment plant or pump station (publicly operated)
13. Swimming pool (private), including recreation or community areas
14. Water treatment plant
15. Family home
16. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

6.3 AREA REGULATIONS:

- A. Size of Yards (For each space within Mobile Home Park or Subdivision):
 1. Minimum Front Yard - Thirty feet (30') from a dedicated street; fifteen feet (15') from any private street or drive.
 2. Minimum Side Yard - Five feet (5'); twenty feet (20') between units; twenty feet (20') from any zoning district line (also see Section 36.4)
 3. Minimum Rear Yard - Ten feet (10'); twenty feet (20') from any zoning district line
- B. Size of Lots:
 1. Minimum Lot Area - Three thousand, five hundred (3,500) square feet per unit
 2. Minimum Lot Width - Thirty-five feet (35')
 3. Minimum Lot Depth - One hundred feet (100')
- C. Minimum Dwelling Size: Four hundred eighty (480) square feet
- D. Maximum Lot Coverage: N/A
- E. Parking Regulations: Two (2) spaces per unit (See Section 34, Off Street Parking)
- F. Special District Requirements:
 1. Minimum Area for Mobile Home Subdivision (one unit on one platted lot) - Four thousand five hundred (4,500) square feet
 2. Area for Mobile Home Park - Minimum, five (5) acres; maximum, twenty-five (25) acres
 3. Minimum Average Vertical Clearance of Mobile Home Frame above Finished Ground Elevation - Eighteen inches (18")
 4. All mobile homes shall meet the requirements of Section 16.5

16.4 GENERAL PROVISIONS FOR MOBILE HOME PARKS:

- A. Tenant Parking: Each parking space shall be hard surfaced and located to eliminate interference with access to parking areas provided for other mobile homes and for public parking in the park (See Section 34, Off Street Parking and Loading Requirements)
- B. Visitor and Supplemental Parking: In addition to parking spaces required for each mobile home unit, there shall be parking provided for the mobile home community in general (See Section 34, Off Street Parking and Loading Requirements)
 - 1. One (1) visitor parking space for every four (4) mobile home spaces; and
 - 2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) mobile home spaces. These visitor and supplemental spaces may be located anywhere within the mobile home community provided that no mobile home space shall be situated further than one hundred fifty feet (150') from a visitor space.
 - 3. Each parking space will be not less than eighteen feet by ten feet (18' X 10'), which is not to be included in the lot size.
- C. Access: Each mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be an impervious surface dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety services. Each emergency access easement shall have a clear unobstructed width of twenty-feet (20'), shall connect to a dedicated public street, and shall have a turning area and radii a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed six hundred feet (600') in length. The mobile home park shall maintain fire lane easements.
- D. Walkways: Designated paved or concrete walkways will be provided on both sides of roadways or streets.
- E. Street Names and Signs: Within each mobile home park, all streets shall be named, and mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be approved by Planning and Zoning Commission and City Council.
- F. Other Signs: Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be approved by the City prior to installation.
- G. Intersections: Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.
- H. Street Lighting: Street lighting within the mobile home park shall be provided along all emergency access easements. Light standards shall have a height and spacing to insure an average illumination level of not under 0.2 foot candles (See Section 39, Lighting and Glare)

Standards)

- I. Electric and Telephone Service: All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the Park.
- J. Drainage and Soil Protection: The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each mobile home space shall provide adequate drainage for the placement of a mobile home. Exposed ground surfaces in all parts of every mobile home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- K. Water Supply Facilities: Water supply facilities for fire protection shall meet the minimum requirements of the Key Rate Schedule for the City of Belton Design Manual as most recently adopted by the State Board of Insurance of Texas.
- L. Fire Fighting:
 - 1. Approaches to all mobile homes shall be kept clear for fire fighting.
 - 2. The owner or agent of a mobile home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard city hydrants located within five hundred feet (500') of all mobile home spaces, measured along the drive or street.
 - 3. The owner or agent of a mobile home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of twelve inches (12") high.
 - 4. The owner or agent of a mobile home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the Director of Public Works.
- M. Sewer: All units shall be connected to City of Belton sewer lines meeting City standards or an approved sewerage treatment plant shall be provided to meet the minimum City requirements.
- N. Refuse Handling and Collection: Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility measured along the designated pedestrian or vehicular travelway. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units. If trash dumpsters are used, they shall be screened.
- O. Animals: A maximum of two (2) animals (dogs, cats, or other household pets) per dwelling unit will be permitted.

16.5 STRUCTURAL PROTECTION (Mobile Home Parks and Subdivisions):

- A. Anchorage of Mobile Homes: To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each mobile home shall be provided according to the Bureau of Labor Standards and other applicable State laws.

- B. Skirting:
 - 1. All mobile home units not attached to a permanent foundation shall provide weather resistant skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
 - 2. All required skirting shall be of a texture and color similar to the materials used in the construction of the mobile home unit.

16.6 OTHER REGULATIONS:

- A. Single family dwellings constructed in this District shall conform to the standards as set forth in the SF-3 District.
- B. Open storage is prohibited.
- C. Usable Open Space Requirements: Each parcel of land, developed under MH standards, shall provide usable open space (as defined in Section 42) totaling ten percent (10%) of the area of the MH development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or access easements, individually platted lots without open space easements, private yards and patios. The ten- percent (10%) shall be computed on the percentage of total platted area in a MH subdivision or park, excluding rights-of-way for major and secondary thoroughfares. At the time of site plan, and/or subdivision plat approval, the Planning and Zoning Commission and/or City Council may give full or partial credit for open space areas that exceed the maximum slope of which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.
- D. As establish by Sections 35, 36, 37, 38, 39 and 41.

SECTION 17 O-1 - OFFICE DISTRICT - 1

17.1 GENERAL PURPOSE AND DESCRIPTION:

The O-1 - Office District - 1 is established to create a flexible district for low intensity office and professional uses (less than ten thousand (10, 000) square feet of floor area). Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) story and utilizing buffers and landscape requirements established by the District. Adaptive reuse of existing structures is encouraged. Sites zoned O-1 may be built to two (2) stories or in excess of ten thousand (10,000) square feet if located away from any properties zoned for a single family. Buildings in this District should be compatible and in similar scale with residential uses and adjacent property.

17.2 USES PERMITTED:

1. Accessory uses to the main use
2. Automatic teller machines
3. Artist studio
4. Clinic, medical office or other licensed health care services (no overnight patients)
5. Church
6. Drug store or pharmacy
7. Florist (no outside storage)
8. Kiosk
9. Laboratory: scientific, research, testing, medical or optical so long as all operations are conducted indoors and no residual waste products are generated
10. Municipally-owned structures and facilities (no open storage or repairs)
11. Nursing Home
12. Postal facilities (public or private) excluding truck terminals
13. Professional, administrative and general office uses including:
 - a. Architect or planner
 - b. Bookkeeping or accountant
 - c. Engineering
 - d. General business
 - e. Interior decorator

- f. Insurance agency
 - g. Lawyer
 - h. Optician or optometrist
 - i. Psychologist
 - j. Real estate sales and offices
 - k. Reprographic or printing shop
- 14. Photography Studio
 - 15. Public schools or private schools
 - 16. Radio broadcasting without tower
 - 17. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained
 - 18. Uses permitted by Specific Use Permit according to Section 33

17.3 HEIGHT REGULATIONS: Maximum Heights - One (1) story; two and one-half (2 ½) stories if located more than sixty feet (60') from any property zoned or used for single-family residential.

17.4 AREA REGULATIONS:

A. Size of Yards:

- 1. Minimum Front Yard: Twenty-five feet (25')
- 2. Minimum Side Yard: Exterior, twenty feet (20'); interior, none
- 3. Minimum Rear Yard: No rear yard shall be required except when it adjoins a residential zoning district, then a rear yard of ten feet (10') is required.

B. Size of Lots:

- 1. Minimum Lot Size: Seven thousand (7,000) square feet
- 2. Minimum Lot Width: Sixty feet (60')
- 3. Lot Depth: N/A

17.5 SPECIAL DISTRICT REQUIREMENTS:

- A. Maximum Floor Area Ratio: 0.5:1 (See Illustration 1)
- B. Floor Area: Ten thousand (10,000) square feet; the maximum floor area may exceed ten

thousand (10,000) square feet if the entire structure is in excess of two hundred feet (200') from a residential use or zone.

C. Parking Requirements: As established by Section 34, Off Street Parking and Loading Requirements

1. Off street parking provided in the O-1 District shall be provided from side streets rather than major arterials. When such access is not possible due to lot location or configuration, access shall be permitted from major arterials reflected on the site plan submitted at the time of approval for building permit. Off street parking provided in the O-1 District shall be screened from abutting residential property. Such screens shall be constructed according to Section 41.
2. Entrances and/or exits shall be located so as to minimize traffic congestion. Driveways shall be located so that the opening, including the turning radius, is no closer than twenty-five feet (25') to the end of a street intersection curb return. Driveway opening shall be not less than twenty-five feet (25') as measured at the property line, not including the turning radius of the driveway apron. The distance between any two adjacent entrances or exits serving the same parking facility shall be not less than twenty-five feet (25') as measured at the property line.
3. The off street parking required shall be on the same lot or parcel of land as the structure they are intended to serve or on a lot or parcel of land abutting the lot they are intended to serve. On street parking shall not be included in meeting the required number of parking spaces.

D. Open storage is prohibited.

17.6 OTHER REGULATIONS:

As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 18 O-2 - OFFICE DISTRICT - 2

18.1 GENERAL PURPOSE AND DESCRIPTION:

This district is established to accommodate a variety of mid- and high-rise office developments providing for professional, financial, medical and similar services for local residents; corporate offices for regional and national operations; and major employment centers for city, county and state governmental entities. Limited retail establishments, incidental to the main uses, may be appropriate in association with large office complexes. These areas must also locate adjacent to a major thoroughfare. Since this district is intended for more intensive nonresidential uses, landscape treatment and other visual site treatments are anticipated. Multi-story buildings must also be buffered from nearby single-family areas through the use of setbacks, landscape buffers, and thoroughfares.

18.2 PERMITTED USES:

1. Accessory building or use
2. Automobile parking lot or garage
3. Bank, savings and loan, credit union or other financial institution
4. Caretakers or guards residence
5. Child care center
6. Church
7. Civic center
8. Clinic
9. College or university
10. Electrical substation
11. Fraternal organizations, college or civic club
12. Incidental retail or service uses
 - a. Business services
 - b. Day care center
 - c. Motels and hotels
 - d. Personal service shop
 - e. Reprographic or printing shop
 - f. Studio for photographs, musicians, artists, radio and television

13. Medical office
14. Municipally-owned structures and facilities
15. Office, professional, general, administrative, corporate office complex or center
16. Private recreation facility
17. Private utility
18. Professional, administrative and general office uses
19. Railroad or passenger bus station
20. School, private, primary or secondary
21. School, public or parochial
22. Scientific and research laboratory
23. State, County, or Federal facilities
24. Theater (indoor)
25. Transportation and utility structures and facilities
26. Utility distribution and transmission lines
27. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

18.3 HEIGHT REGULATIONS: Maximum height: None (except when adjacent to residential uses per Section 18.4)

18.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Fifty feet (50')
 - a. Where buildings or structures are erected or altered to exceed two stories in height, such buildings or structures shall not be located closer to any single-family, two-family or patio home residential district property line that a distance equal to the sum of the required yard specified plus twice the height of the building above two stories measured from the ground level.
2. Minimum Side Yard - None (interior); Twenty-five feet (25') adjacent side property lines; fifty feet (50') on corner lot

- a. Where buildings or structures are erected or altered to exceed two stories in height, such buildings or structures shall not be located closer to any single family, two family or patio home residential district boundary line than a distance equal to the sum of the required yard specified plus twice the height of the building above two stories.
 - 3. Minimum Rear Yard - Ten feet (10') from any alley line; twenty feet (20') where no alley line, lot line or easement line abuts the rear yard
 - a. Where buildings or structures are erected or altered to exceed two stories in height, such buildings or structures shall not be located closer to any single-family, two-family or patio home residential district boundary line than a distance equal to the sum of the required yard specified plus twice the height of the building above two stories.
- B. Size of Lots:
 - 1. Minimum Lot Area - Ten thousand (10,000) square feet
 - 2. Minimum Lot Width - N/A
 - 3. Minimum Lot Depth - N/A
- C. Maximum Lot Coverage:
 - 1. Fifty percent (50%), including a maximum of thirty percent (30%) for accessory buildings and structures
 - 2. Maximum Floor Area Ratio: - 1:1 (See Illustration 1)

18.5 SPECIAL DISTRICT REQUIREMENTS:

- A. Open storage is prohibited

18.6 OTHER REGULATIONS:

- A. As required by Sections 34, 35, 36, 37, 38, 39, 40 and 41
- B. Metal buildings such as “Butler” or “Delta” type prefabricated structures are prohibited.

SECTION 19A

UNIVERSITY CAMPUS-1 DISTRICT

19.1A GENERAL PURPOSE AND DESCRIPTION:

UC – University Campus District – 1 (“UC-1”) is intended to provide for a university or college campus and uses normally associated with or related to a university campus. This District is designed principally to govern the development of the campus of the University of Mary Hardin-Baylor (the “University”) and surrounding area. This District allows for uses appurtenant to the operation of the University, as well as certain support retail and professional service uses, which often locate in close proximity to a university or college campus, and certain residential uses.

19.2A PERMITTED USES:

1. University-operated educational, administrative, residential, and support facilities and accessory buildings used by the University (operated by the University), including by way of example and not limitation, educational buildings, university-related retail, student health facilities, worship facilities, intercollegiate and intramural athletics facilities, administrative facilities, student and faculty recreational facilities, performing arts facilities, cafeterias, scientific and research laboratories, artistic improvements, and parking facilities.
2. The University’s lease of University-owned facilities to religious non-profit organizations, third-party vendors, restaurants, support retail and professional service uses.
3. Boarding or room house (five (5) rooms or less) where the minimum rental period is one (1) month or more
4. Bookstore or card shop
5. Clinical, dental, and medical offices
6. The following incidental retail or Personal Service uses (as defined in the City of Belton zoning ordinance):
 - a. Antique shop
 - b. Business services, as defined by City Ordinance
 - c. Day care center
 - d. Florist
 - e. Bed & Breakfast
 - f. Personal services, as defined by City Ordinance
 - g. Reprographic or printing shop less than 4,000 sq ft in area
 - h. Studio for photographs, musicians, artists, radio and television

7. Institutions of religious and philanthropic nature, including by way of example and not limitation, a chapel or a church, or a University student organization center
8. Municipally-owned structures and facilities
9. Office supplies
10. Professional, administrative and general office uses
11. Single-family dwellings and two-family dwellings
12. State, County, or Federal facilities
13. Student Living Unit (SLU), occupied by one (1) person as a place of residence
14. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

19.3A HEIGHT REGULATIONS: Maximum height: None

19.4A AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Zero feet (0').
2. Minimum Side Yard – Zero feet (0'), except ten feet (10') if adjacent to non-university owned structures or a street.
3. Minimum Rear Yard - Zero feet (0'), except ten feet (10') if adjacent to non-university owned structures or a street.

B. Size of Lot:

1. Minimum Lot Area - Five thousand (5,000) square feet
2. Minimum Lot Width - Fifty feet (50')
3. Minimum Lot Depth - One hundred feet (100')

C. Maximum Lot Coverage – None

D. Parking regulations as established by Section 34, Off-Street Parking and Loading Requirements, except as provided in 19.3 C. above.

19.5A OTHER REGULATIONS:

- A. Outside storage is prohibited unless screened in a manner compliant with the City's Landscape Design Standards provided under Section V of the City of Belton Design Standards.

- B. As required by Sections 34, 35, 36, 37, 38, 39, 40 and 41.
- C. All development within the UC-1 must be less than 50 SLUs per acre within the 36 units per acre.

SECTION 19B

UNIVERSITY CAMPUS-2 DISTRICT

19.1B GENERAL PURPOSE AND DESCRIPTION:

UC – University Campus District – 2 (“UC-2”) is intended to provide for a university or college campus and uses normally associated with or related to a university campus. This District is designed principally to govern the development of the campus of the University of Mary Hardin-Baylor (the “University”) and surrounding area. This District allows for uses appurtenant to the operation of the University, as well as certain support retail and professional service uses, which often locate in close proximity to a university or college campus, and certain residential uses. UC-2 is located outside the campus core, but still in close proximity to the campus core with potential for associated and/or related development, as well as certain residential uses.

19.2B PERMITTED USES:

1. University-operated educational, administrative, residential (e.g., dormitories or university-operated apartments), and support facilities and accessory buildings used by the University (operated by the University), including by way of example and not limitation, educational buildings, university-related retail, student health facilities, worship facilities, intercollegiate and intramural athletics facilities, administrative facilities, student and faculty recreational facilities, performing arts facilities, cafeterias, scientific and research laboratories, artistic improvements, and parking facilities.
2. The University’s lease of University-owned facilities to religious non-profit organizations, third-party vendors, support retail, restaurants, and apartment development or management companies, or professional service uses.
3. Boarding or room house (five (5) rooms or less) where the minimum rental period is one (1) month or more
4. Bookstore or card shop
5. Clinical, dental, and medical offices
6. Single-family dwellings, platted in a manner consistent with the zoning requirements for SF-1, as defined in the City of Belton zoning ordinance
7. Incidental retail or Personal Service uses, as defined in the City of Belton zoning ordinance
8. Institutions of religious and philanthropic nature, including by way of example and not limitation, a chapel or a church, or a University student organization center
9. Municipally-owned structures and facilities
10. Office supplies
11. Professional, administrative and general office uses
12. State, County, or Federal facilities
13. Student Living Unit (SLU), occupied by one (1) person as a place of residence

14. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

19.3B HEIGHT AND AREA REGULATIONS:

A. Maximum Height:

1. Beginning with a height of three (3) stories (defined as twelve feet [12'] in the City of Belton Zoning Ordinance), with respect to the Building Setbacks as described hereinbelow, for every two feet (2') in height above three (3) stories, the Building Setbacks for a particular building shall increase by one foot (1'). Example: a sixty foot (60') building is twenty-four feet (24') higher than three (3) stories. The Building Setbacks for this building would increase by twelve feet (12').
2. This height restriction shall not apply to a monument, bell tower, steeple, or other artistic or aesthetic structure located no less than one hundred feet (100') from a boundary shared with residential property owner or a public street, and being of a height less than one-hundred fifty feet (150'), not including a lightning rod, spire or any structure necessary to affix an aircraft warning light to said improvement.

B. Building Setbacks:

1. Minimum Front Setback – Twenty-five feet (25').
2. Minimum Side Setback – Fifteen feet (15'); twenty feet (20') if adjacent to public street.
3. Minimum Rear Setback - Fifteen feet (15')

C. Size of Lots:

1. Minimum Lot Area - Five thousand (5,000) square feet
2. Minimum Lot Width - Fifty feet (50')
3. Minimum Lot Depth - One hundred feet (100')

D. Maximum Lot Coverage – The lesser of (i) Eighty percent (80%) of the buildable acreage, or (ii) in the case of a PD, the percentage coverage required by the base zoning to which a development is most similar (when applied to the buildable acreage). Buildable acres or acreage are determined by deducting from the gross acreage of any proposed development site, the sum of the following:

1. Acreage included in any floodplain, wetland, river, creek, stream, or pond.
2. Acreage that, because of grade, slope, or other physical characteristics, cannot be developed into a usable and functional element of the proposed development, including without limitation, all land having a slope of 25% or greater.

E. Parking regulations as established by Section 34, Off-Street Parking and Loading Requirements, except as provided in 19.3 C. above.

- F. No provision in this Section 19.3B shall be construed to prohibit the construction of improvements (“Building A”) between a given minimum Building Setback and another improvement (“Building B”) the height of which resulted in an increased setback for Building B. The calculations of Building Setbacks under Section 19.3B are intended to be applied on an individual basis with respect to each proposed improvement. For example, if Building B is of a height resulting in a minimum setback of two hundred feet (200’), while the minimum setback for Building A is twenty-five feet (25’) as measured from the same point of measurement, and the dimensions of Building A allow its construction between Building B and said point of measurement, Building A may be constructed in this space.

19.4B SPECIAL DISTRICT REQUIREMENTS:

- A. Outside storage is prohibited, unless screened in a manner compliant with the City’s Landscape Design Standards provided under Section V of the City of Belton Design Standards.

19.5B OTHER REGULATIONS:

- A. As required by Sections 34, 35, 36, 37, 38, 39, 40 and 41.
- B. All development within the UC-2 must be less than 50 SLUs per acre within the 36 units per acre.

SECTION 20 NS - NEIGHBORHOOD SERVICE DISTRICT

20.1 GENERAL PURPOSE AND DESCRIPTION:

The NS - Neighborhood Service District is established as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, freestanding retail structures, such as convenience stores and neighborhood oriented personal service establishments. Sites zoned NS should generally utilize an existing or small corner lot within a logical neighborhood area, and the gross leasable floor area of structures should not exceed six thousand, (6,000) square feet.

20.2 PERMITTED USES:

1. Antique shop, enclosed (no outside display or storage)
2. Bakery or confection shop, retail
3. Banks, savings and loans and other financial institutions
4. Barber or beauty shop
5. Book, camera or card shop
6. Church
7. Cleaning, small shop and laundry pick-up station
8. Clinic, medical or dental office, or other licensed health care services (no overnight patients)
9. Child care center or day care center
10. Drapery, needlework or weaving shops
11. Drug store or pharmacy
12. Florist shop (no outside display or storage; no landscape material sales)
13. Food or convenience stores (no gasoline sales)
14. Garden shop and plant sales, inside
15. Handicraft or hobby store
16. Health studio, gym or exercise class area
17. Key shop or locksmith
18. Laboratory, medical or dental

19. Letter, mimeograph and printing shop - retail only
20. Lodge or fraternal organization
21. Municipally-owned structures, facilities, or uses
22. Personal service shop
23. Photography or art studio, or studios for music, drama or speech
24. Postal facilities (public or private)
25. School, private or public
26. Self-service washateria or dry cleaning (Laundromat)
27. Service or retail, incidental to the main use
28. Shoe repair
29. State, County, or Federal facilities
30. Studio, broadcasting and recording (without tower)
31. Telephone exchange, switching and transmitting equipment (no outside storage)
32. Veterinarian office, no hospital (No outside kennels or pens)
33. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

20.3 HEIGHT REGULATIONS:

Maximum Height - One (1) story or twenty feet (20'); except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms may project, not to exceed six feet (6') beyond maximum building height.

20.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Five feet (5'); twenty-five feet (25') adjacent to a public street
3. Minimum Rear Yard - Twenty feet (20')

B. Size of Lot:

1. Minimum Lot Area - Seven thousand (7,000) square feet

- 2. Minimum Lot Width - Sixty feet (60')
- 3. Minimum Lot Depth - N/A
- C. Maximum Lot Coverage: Fifty percent (50%)
- D. Maximum Use Area: Each use shall not occupy more than six thousand (6,000) gross square feet within any building
- E. Parking Regulations: As required by Section 34, Off Street Parking and Loading Requirements

20.5 OTHER REGULATIONS:

- A. Open storage is prohibited
- B. As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 21 R - RETAIL

21.1 GENERAL PURPOSE AND DESCRIPTION:

The R - Retail District is established to provide locations for various types of general retail trade, business and service uses. The District allows shopping areas or uses with a gross leasable floor area which exceeds six thousand (6,000) square feet (those not permitted in the NS District). These shopping areas should utilize established landscape and buffering requirements and be limited to two stories in height. The R District should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

21.2 PERMITTED USES:

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Any use permitted in the NS - Neighborhood Service District
3. Auto parts sales (primarily new)
4. Bakery (retail sales only)
5. Clinic
6. Clothing and apparel store
7. Convenience store with gasoline sales
8. Discount, variety or department store
9. Fabric store
10. Food or grocery store
11. Furniture and appliance store
12. Gasoline or service station
13. Home improvement center (with incidental outside display of new products)
14. Key shop
15. Kiosk
16. Laboratory: scientific, research, testing, medical, or optical, so long as all operations are conducted indoors and no residual waste products are generated.
17. Nursing home or residence home for aged

18. Nursery or plant sales (incidental outside display) including greenhouse operations
19. Paint, wallpaper and hardware store
20. Pet shop
21. Restaurant or cafeteria, including drive through services (no service for consumption of food in the vehicle on premises)
22. Shopping center and related retail uses
23. Sporting goods store
24. Telephone or utility business office
25. Wholesale clubs or department stores available to the public with membership (no outside storage)
26. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33

21.3 HEIGHT REGULATIONS:

Maximum Height - Two (2) stories or forty feet (40'); except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms may project, not to exceed twelve feet (12') beyond maximum building height.

21.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Twenty-five feet (25')
3. Minimum Rear Yard - Twenty feet (20')

B. Size of Lot:

1. Minimum Lot Area - Seven thousand (7,000) square feet
2. Minimum Lot Width - Sixty feet (60')
3. Minimum Lot Depth - N/A

C. Maximum Lot Coverage: Forty percent (40%)

D. Parking Regulations: As required by Section 34, Off Street Parking and Loading Requirements

21.5 OTHER REGULATIONS:

- A. As established by Sections 35, 36, 37, 38, 39, 40 and 41
- B. Open storage is prohibited.

SECTION 22 CBD - CENTRAL BUSINESS DISTRICT

22.1 GENERAL PURPOSE AND DESCRIPTION:

The CBD - Central Business District is established to accommodate the existing development in the central area of Belton and to protect the character of the CBD. It recognized the unique characteristics of the downtown and its space limitations. Uses allowed in the District should be generally limited to those uses that currently comprise the downtown.

22.2 PERMITTED USE:

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Accessory warehousing of goods and materials that are used in the operation of uses permitted in this district
3. An accessory use customarily related to a principal use authorized in this District
4. Antique shop (no permanent outside sales or display)
5. Art gallery
6. Bus station or terminal
7. Candy or cake shop
8. Church
9. Drapery shop
10. Dry cleaning (small shop) establishments or pickup stations dealing directly with consumers. Central dry cleaning plants servicing more than one retail outlet are not permitted.
11. Dwelling units (See Ordinance 2013-12)
12. Florist
13. Fraternity or sorority
14. Gasoline service station
15. Generally recognized retail businesses, which supply commodities on the premises, such as groceries, meats, dairy products, baked goods, clothing and notions, or hardware and similar uses.
16. Hotels, motels, and bed and breakfast facilities

17. Multi-family dwellings
18. Municipally owned or controlled facilities, utilities and uses
19. Office buildings for professional occupations including, executive, administrative, legal, accounting, writing, clerical, stenographic, drafting and real estate and related accessory uses
20. Paved parking lot, including commercial parking lots
21. Personal service establishments which perform services on the premises such as: repair shops (watches, radios, TV's shoes, household appliances, etc.), tailor shops, beauty parlors or barber shops, photographic studios and similar uses.
22. Personal services including the following: outpatient medical clinics, offices of physicians, dentists, osteopaths and similar or allied professions such as drug stores.
23. Printing and newspaper printing shops
24. Restaurants and cafes
25. State, County or Federal facilities
26. Theaters, auditoriums and other similar entertainment facilities
27. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

22.3 HEIGHT REGULATIONS:

Maximum Height - Three (3) stories. Greater than three (3) stories allowed by S.U.P.

22.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twelve feet (12') from the back of an existing curb or one foot (1') behind the property line, whichever results in a greater setback from the existing curb.
2. Minimum Side Yard:
 - a. Interior - With fire retardant wall (see current adopted edition of Building Code)
 - b. Interior - Without fire retardant wall (see current adopted edition of Building Code.
 - c. Abutting residentially zoned property - Twenty feet (20')
 - d. Abutting a street - Ten feet (10')

3. Minimum Rear Yard:
 - a. Abutting non-residentially zoned property and constructed with fire retardant wall and alley separation - None
 - b. Without fire retardant wall or alley - Twenty feet (20')
 - c. Abutting residentially zoned property - Twenty feet (20')
- B. Size of Lot:
 1. Minimum Lot Area - N/A
 2. Minimum Lot Width - N/A
 3. Minimum Lot Depth - N/A
- C. Maximum Lot coverage: One hundred percent (100%)
- D. Parking Regulations: As established by Section 34, Off Street Parking and Loading Requirements

22.5 OTHER REGULATIONS:

- A. Outside storage is prohibited.
- B. As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 23 CH - COMMERCIAL HIGHWAY DISTRICT

23.1 GENERAL PURPOSE AND DESCRIPTION:

This proposed District is intended to provide for a variety of office, retail, and service uses for the purpose of creating a high quality mixture of land uses along Interstate 35 and portions of U. S. 190. This District is also designed to allow multi-story construction. Uses requiring outside storage will be prohibited, but outside display, such as a new car dealership, will be permitted. Construction standards, landscape requirements and setback and screening regulations are enforced to insure consistency and stability in areas zoned CH.

23.2 PERMITTED USES:

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Any uses permitted in the R - Retail District.
3. Commercial amusement (indoor or outdoor), but not including drag strips, auto, motorcycle or go-cart racing
4. Community or exposition center, public or private
5. Hotel or motel
6. Hospital or nursing home
7. Multi-family (constructed to standards as prescribed in the MF Zoning District)
8. Municipally-owned structures and facilities
9. New car sales (used car sales permitted only as an incidental use to the main use)
10. Restaurant, with drive-in service
11. Such uses as may be permitted under provisions of Specific Use Permits, Section 33 (See Amendment-Ordinance #96-11)

23.3 HEIGHT REGULATIONS:

1. None; but the height shall not exceed two (2) stories on any portion of a site within two hundred feet (200') of property zoned or developed as SF or 2F.
2. Maximum Floor Area Ratio - 4:1 (see Illustration 1)

23.4 AREA REGULATIONS:

- A. Size of Yards:

1. Minimum Front Yard - Sixty feet (60')
 2. Minimum Side Yard - Twenty feet (20')
 3. Minimum Rear Yard - Twenty feet (20')
- B. Size of Lot:
1. Minimum Lot Area - Seven thousand, two hundred (7,200) square feet
 2. Minimum Lot Width - Sixty feet (60')
 3. Minimum Lot Depth - One hundred twenty feet (120')
- C. Maximum Lot Coverage: Fifty percent (50%)
- D. Parking Regulations: As established by Section 34, Off Street Parking and Loading Requirements.

23.5 OTHER REGULATIONS:

- A. Outside storage is prohibited.
- B. As established by Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 24 C-1 - COMMERCIAL DISTRICT - 1

24.1 GENERAL PURPOSE AND DESCRIPTION:

The C-1, Commercial District-1 is intended predominately for heavy retail, and light intensity wholesale and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical office, retail, shopping, and some residential environments. Operating characteristics which may be typical of uses permitted in the C-1 District include car wash, pawn shops, funeral home, and commercial amusement type uses.

24.2 PERMITTED USES:

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Any use allowed in the Retail District
3. Auto laundry or car wash
4. Auto leasing and renting
5. Auto parts sales (new) with outside display
6. Auto repair (minor)
7. Auto sales (primarily new)
8. Boarding or rooming house
9. Boat sales
10. Bus terminal or station
11. Commercial amusement (indoor)
12. Consumer repair services
13. Dance studio
14. Draperies and furniture upholstery
15. Dry cleaning, commercial (operations which exceed 6,000 square feet of floor area or 1,500 square feet for the actual dry cleaning operation)
16. Electrical transmission tower and/or substation
17. Equipment sales (primarily new)
18. Food sales (including restaurants providing service primarily to drive-in customers)

for consumption of food in vehicles.)

19. Funeral services, mortuary, mausoleum or grave monument sales
20. Furniture, wholesale
21. Home improvement center with outside storage
22. Hotel or motel
23. Interior decorating sales and repair service
24. Lubrication service (quick lubes, fast lubes, etc.)
25. Manufactured or mobile home sales (new)
26. Motorcycle sales (primarily new)
27. Office showroom
28. Pawn shop
29. Pet shop
30. Plumbing or electrical supply (retail sales)
31. Swimming pool or spa sales
32. Tire dealership
33. Tool and light equipment rental
34. Tractor sales (primarily new)
35. Trailer rental
36. Veterinarian clinic (no housing of animals outside)
37. Wholesale club or department store (with outside storage)
38. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

24.3 HEIGHT REGULATIONS:

Maximum Height: Two and one-half (2 ½) stories

24.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
 2. Minimum Side Yard - Twenty-five feet (25'); thirty feet (30') adjacent to a street
 3. Minimum Rear Yard - Twenty feet (20')
- B. Size of Lot:
1. Minimum Lot Area - Seven thousand, two hundred (7,200) square feet.
 2. Minimum Lot Width - Sixty feet (60')
 3. Minimum Lot Depth - One hundred feet (100')
- C. Maximum Lot Coverage: Forty percent (40%)
- D. Parking Regulations: As established by Section 34, Off-Street Parking and Loading Requirements
- E. Other Regulations: As established in Sections 35, 36, 37, 38, 39, 40 and 41

SECTION 25 C-2 - COMMERCIAL DISTRICT - 2

25.1 GENERAL PURPOSE AND DESCRIPTION:

The C-2, Commercial District-2, is intended to provide a centrally located and convenient location for small scale service and commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. Uses in this District may require open storage areas. The uses envisioned for the District will typically utilize smaller sites and have operation characteristics that are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

25.2 PERMITTED USES:

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Any use allowed in the C-1 District
3. Auto parking lot or garage (commercial)
4. Auto sales, new or used
5. Auto upholstery shop
6. Automobile repair (major) garages, parts sales and body repair, auto painting, window tinting.
7. Bakery (Wholesale or commercial)
8. Book binding
9. Carpentry, cabinet, painting, plumbing, welding or tinsmithing shops
10. Commercial antenna
11. Commercial amusement (indoor or outdoor)
12. Commercial and wholesale dry-cleaning
13. Engraving
14. Equipment sales (new or used) and rental (heavy)
15. Feed and grain store
16. Flea market (indoors only)
17. Frozen food locker

18. Furniture manufacture and refinishing shop
19. Heating and air conditioning
20. Home improvement center
21. Limited warehousing and wholesale distribution (including “mini” or convenience warehouse)
22. Lumber yard
23. Maintenance or janitorial service
24. Manufactured or mobile home sales (used)
25. Milk depot or ice cream plant
26. Newspaper printing
27. Nursery and plant sales with outside storage as a primary use
28. Open or outside storage uses
29. Portable building sales
30. Telephone exchange (with outside storage)
31. Tool rental (with outside display)
32. Tractor sales (new or used)
33. Trailer and truck rental (including outside storage)
34. Truck and heavy load vehicle repair
35. Upholstery shop
36. Veterinarian (with outside kennels)
37. Welding shop
38. Wholesale building materials sales or lumberyard
39. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

25.3 HEIGHT REGULATIONS:

Maximum Height: Two and one-half (2 ½) stories

25.4 AREA REGULATIONS:

- A. Size of Yards:
 - 1. Minimum Front Yard - Twenty feet (20')
 - 2. Minimum Side Yard - Fifteen feet (15'); twenty feet (20') adjacent to a street
 - 3. Minimum Rear Yard - Fifteen feet (15')
- B. Size of Lot:
 - 1. Minimum Lot Area - Five thousand (5,000) square feet
 - 2. Minimum Lot Width - Fifty feet (50')
 - 3. Minimum Lot Depth - One hundred feet (100')
- C. Maximum Lot Coverage: Fifty percent (50%)
- D. Parking Regulations: As established by Section 34, Off-Street Parking and Loading Requirements
- E. Other Regulations: As established in Sections 34, 35, 36, 37, 38, 39, 40 and 41

SECTION 26 IP - INDUSTRIAL PARK DISTRICT

26.1 GENERAL PURPOSE AND DESCRIPTION:

The proposed IP, Industrial Park District is intended to provide a low intensity campus or open setting for research and development laboratories, science and high technology firms and related office and support uses. The sites for such uses should typically average three (3) acres in size, with significant amount of land dedicated to landscaping. No residential uses are allowed within the IP-Industrial Park District.

26.2 PERMITTED USES:

1. Commercial bakery
2. Electrical substation, transmission lines and public utility facilities
3. Experimental and testing laboratories
4. Manufacturing, assembly or packaging of products from previous prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious metals or stones
5. Manufacture of electric and electronic components, instruments and devices, such as televisions, radios and phonograph equipment
6. Manufacture of food products, pharmaceutical and the like, except that such use shall not include production of fish or meat products, sauerkraut, vinegar or the like, or the rendering or refining of fats and oils.
7. Medical and surgical appliances (manufacturing)
8. Medical laboratory
9. Municipally owned buildings and uses
10. Office, professional, general and administrative (corporate headquarters)
11. Office warehouse
12. Research and development activities
13. Warehousing and distribution
14. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

26.3 HEIGHT REGULATIONS:

Maximum Height - None

26.4 AREA REGULATIONS:

- A. Size of Yards:
 - 1. Minimum Front Yard - Fifty feet (50')
 - 2. Minimum Side Yard - Fifty feet (50')
 - 3. Minimum Rear Yard - Twenty feet (20')
- B. Size of Lot:
 - 1. Minimum Lot Average - Three (3) acres
 - 2. Minimum Lot Width - One hundred feet (100')
 - 3. Minimum Lot Depth - N/A
- C. Minimum Lot Coverage: N/A
- D. Parking Regulations: As established by Section 34, Off Street Parking and Loading Requirements
- E. Other Regulations: As established by Sections 34, 35, 36, 37, 38, 39, 40 and 41

SECTION 27 LI - LIGHT INDUSTRIAL DISTRICT

27.1 GENERAL PURPOSE AND DESCRIPTION:

The LI, Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. Such uses to require accessibility to major highways, rail lines or other means of transportation.

27.2 PERMITTED USES:

1. Apparel and other products assembled from finished textiles
2. Bakery, commercial
3. Book bindery
4. Bottling works
5. Bus station or terminal
6. Candy manufacturing
7. Carting, express, hauling or storage yard (trucking company)
8. Contractor's yard
9. Cosmetic manufacturer
10. Drugs and pharmaceutical products manufacturing
11. Electrical transmission lines and substations or generating plant
12. Electronic products manufacturing
13. Facilities for the manufacturing, fabrication, processing or assembly of products provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
14. Farm implement manufacturing
15. Fur goods manufacture, but not including tanning or dyeing.
16. General warehousing activities (including convenience storage or "mini" warehouse)
17. Glass products from previously manufactured glass
18. Household appliance products assembly and manufacture from prefabricated parts

19. Housing prefabrication
20. Industrial and manufacturing plants including the processing or assembling of parts for production or finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or noise is emitted and not more that twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment
21. Industrialized housing, modular and mobile home manufacturing or housing prefabrication parts manufacture
22. Milk depot, dairy
23. Municipally owned structures and uses
24. Musical instruments assembly and manufacture
25. Newspaper printing
26. Outdoor drive-in theater
27. Plastic products manufacture, but not including the processing of raw materials
28. Railroad team track or spur
29. Rodeo grounds
30. Shoe manufacturing
31. Sporting and athletic equipment manufacture
32. Testing, research and scientific laboratories
33. Tire retreading or capping
34. Veterinarian clinic (with outside kennels)
35. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

27.3 HEIGHT REGULATIONS:

Maximum Height: Thirty-five feet (35'), or two (2) stories

27.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Twenty feet (20')

3. Minimum Rear Yard - Twenty feet (20')
 4. Additional - For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable State law.
- B. Size of Lot:
1. Minimum Lot Area - Seven thousand, two hundred (7,200) square feet
 2. Minimum Lot Width - Sixty feet (60')
 3. Minimum Lot Depth - one hundred feet (100')
- C. Maximum Lot Coverage: N/A
- D. Parking Regulations: As established by Section 34 , Off Street Parking and Loading Requirements
- F. Other Regulations: As established by sections 35, 36, 37, 38, 39, 40 and 41

SECTION 28 HI - HEAVY INDUSTRIAL

28.1 GENERAL PURPOSE AND DESCRIPTION:

The HI, Heavy Industrial District is established to accommodate those manufacturing, assembly and fabrication processes with operation characteristics typically not compatible with other less intensive operations. Residential uses are not compatible with the HI District. The District should have convenient access to high volume thoroughfares. Rail access is also highly desirable.

28.2 PERMITTED USES:

1. Acetylene and other gasses manufacture
2. Brick kiln or tile plant
3. Cement, lime, gypsum or plaster of Paris manufacture
4. Concrete or asphalt batch plant
5. Distillation of bones and glue manufacture
6. Fat rendering and fertilizer manufacture
7. Gravel or soil storage
8. Meat packing plant
9. Paper or pump manufacture
10. Petroleum or gas well or drilling
11. Petroleum or its products, refining or bulk tank storage
12. Refinery or chemical plant
13. Smelting of tin, copper, zinc or iron ones, and other metals
14. Stockyards or slaughter of animals including tanning of hides
15. Wrecking yards, salvage yards, reclamation of products, and junkyards but only on the condition that the premises upon which such activities are conducted are behind the front building and are wholly enclosed within a building or by a solid fence not less than eight feet (8') in height
16. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

28.3 HEIGHT REGULATIONS

Maximum Height - Sixty feet (60') or three (3) stories

28.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - None, unless adjacent to a residential district or openings are provided (either doors or windows), then a sixty-foot (60') rear setback shall be observed.
3. Minimum Rear Yard - None, unless adjacent to a residential district or openings are provided (either doors or windows), then a sixty foot (60') rear setback shall be observed.
4. For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable State laws.

B. Size of Lot:

1. Minimum Lot Area: Fifteen thousand (15,000) square feet minimum
2. Minimum Lot Width: Seventy-five feet (75')
3. Minimum Lot Depth: N/A

C. Maximum Lot Coverage: In no case shall more than fifty percent (50%) of the lot area be covered by the main building and accessory buildings.

D. Floor Area Ratio: Maximum F.A.R., 1.0 to 1 (See Illustration #1)

E. Parking Regulations: As established by Section 34, Off Street Parking and Loading Requirements

F. Other Regulations: As established by Sections 35, 36, 37, 38, 39, 40 and 41

28.5 COMPLIANCE WITH STATE LAWS AND FEDERAL LAWS

No uses shall be allowed which are prohibited by State law or which operate in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas State Department of Health, or the Texas Water Quality Control Board, as the case may be.

OVERLAY AND SPECIAL DISTRICTS

Overlay and Prefix Districts shall be used in conjunction with other base zoning districts (A, RE, SF-1, SF-2, SF-3, 2F, PH, MF, MH, O-1, O-2, UC, NS, R, CBD, CH, C-1, C-2, IP, LI and HI). In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence. New districts or changes in existing base districts may be requested at the same time overlay or prefix/suffix districts are requested. The Redevelopment District is a special district that requires no base district.

SECTION 29 HP - HISTORICAL PRESERVATION OVERLAY DISTRICT

29.1. PURPOSE

The City Council of Belton, Texas, hereby declares that as a matter of public policy, the protection, enhancement, and preservation of landmarks and districts of architectural, archaeological, cultural, and historic significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

This act is intended to:

protect and enhance the landmarks and districts which represent distinctive elements of Belton's historic, architectural, and cultural heritage;

foster civic pride in the accomplishments of the past;

protect and enhance Belton's attractiveness to visitors and the support and stimulus to the economy thereby provided;

insure the orderly, efficient, and appropriate growth and development of the City;

promote economic stability and prosperity of the community by encouraging the most appropriate use of historic properties within the City; and

encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation.

29.3. DEFINITIONS

Alteration. Shall mean any exterior change, demolition, or modification to a property with historic overlay zoning, including but not limited to:

1. Exterior changes to or modifications of structures, architectural details, or visual characteristics;
2. Construction of new structures;
3. Disturbance of archeological sites or areas; or
4. Placement or removal of exterior objects that affect the exterior qualities of the property.

Applicant. The owner of record of a property with existing or proposed historic overlay zoning, the agent or lessee thereof with the approval of the owner of record in a notarized form, or a person holding a bona fide contract to purchase the property with approval of the property owner.

Archeological resource. A site with archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

Architectural feature. The architectural elements embodying style, design, general arrangement, and components of the exterior of any building or structure, including, but not limited to, the kind, color, and texture of the building materials, and the style and type of all windows, doors, lights, signs, and porches.

Building. A structure for business or residential use, created to shelter people or things, such as a house, barn, church, hotel, warehouse or similar structure, including a historically related complex, such as a courthouse and jail or a house and barn. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Certificate of appropriateness. The certificate issued by the City approving alteration, rehabilitation, construction, reconstruction, or improvement of a property with historic overlay zoning.

Certified local government. A federal government program authorized by the National Historic Preservation Act, 16 U.S.C. 470 et seq., that provides for the participation of local governments in a federal/state/local government partnership.

City. The City of Belton, Texas, as represented by the Mayor and City Council.

Commission. The Historic Preservation Commission created under this section.

Construction. The addition or placement of any improvement to a property with existing or proposed historic overlay.

Contributing. A building, structure, site, or object within a designated historic district which:

- embodies the significant physical features and characteristics of the district, or adds to the historical association, historical architectural qualities, or archeological values identified for the district; and
- was present during the period of significance relating to the documented significance of the district; and
- possesses historic integrity or is capable of yielding important information about the period.

Dangerous structure. A structure that poses an imminent threat to public health or safety.

Demolition. The complete or partial removal of a building, structure, object, or site, including landscape features and archeological sites.

Demolition by neglect. Improper maintenance, neglect in the maintenance of, or lack of maintenance of any structure or property with historic overlay zoning, which results in deterioration of the structure and threatens the preservation of the structure.

Design guidelines. The "Design Guidelines for Historic Belton, Texas" as adopted by the City Council and as may be amended from time to time.

Designation. The process by which the City Council may designate certain buildings, land, areas, and districts in the City with historic overlay zoning and define, amend, and delineate the boundaries thereof.

Economic hardship. The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a property with historic overlay zoning as required by the *United States Supreme Court in Penn Central Transportation Company v. New York City*, 438 U.S. 104 (1978) and subsequent decisions. A reasonable economic return does not have to be the most profitable return possible or allow the highest and best use of the property.

Historic district. An area of the City containing a grouping of historic properties that are designated with historic overlay zoning and that may contain properties that are both contributing and non-contributing, but that is united historically or aesthetically. For the purpose of this section, the entirety of an historic district shall have historic overlay zoning.

Historic landmark. Any building, structure, object, site, or portion thereof with historic overlay zoning.

Historic preservation officer. The Planning Director or his/her designee who shall serve as the historic preservation officer for the City and who shall oversee the historic preservation program for the City.

Historic resource. Any building, structure, or object with historic overlay zoning being considered for relocation.

Improvement. Any building, structure, or object constituting a physical betterment of real property, or any part of such betterment, including but not limited to streets, alleys, curbs, lighting fixtures, signs and the like.

Initiated designation. The historic designation procedure is considered to be initiated immediately when the City Council, the Planning and Zoning Commission, or the Historic Preservation Commission votes to initiate it or, in the case of initiation by the property owner(s), when the designation report is filed with the Planning Director.

Landscape. Any improvement or vegetation including but not limited to: shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to subsurface alterations, site regrading, fill deposition, and paving.

Low-income homeowner. Any homeowner that meets the U. S. Department of Housing and Urban Development (HUD) qualifications for low income.

National Historic Landmark. A district, site, building, structure, and/or object that has been formally designated as a National Historic Landmark by the U.S. Secretary of the Interior and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. National Historic Landmarks are automatically listed in the National Register.

National Register of Historic Places. A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archeological resources. The National Register Program is administered by the Commission, by the state historic preservation office,

and by the National Park Service under the Department of the Interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.

Noncontributing. A building, site, structure, or object that is located within a designated historic district, but does not add to the historic associations, historic architectural qualities, or archeological values for which the district is significant because:

- it was not present during the period of significance;
- it does not relate to the documented significance of the property; and/or
- due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity and/or is capable of yielding important information about the period.

Object. A material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet is related to a specific setting or environment.

Ordinary repair or maintenance. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, or outward appearance, and that includes in-kind (same original material) replacement or repair.

Relocation. Any changes in the location of a building, object, or structure, either within its present setting or to another setting.

Secretary of the Interior's Standards for the Treatment of Historic Properties. A federal document providing standards and guidelines for the appropriate rehabilitation, preservation, restoration, and reconstruction of historic buildings.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing buildings, or objects.

Structure. A work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man. The term includes, but is not limited to engineering projects, earthworks, and bridges.

29.4. HISTORIC PRESERVATION COMMISSION

Number of members, appointment. The Historic Preservation Commission shall consist of five (5) members. Appointment of members shall be made by the City Council.

Make-up of the Commission. A member must be a resident of the City and have lived within the City for a minimum of twelve (12) months immediately prior to appointment.

In making appointments to the Commission, the Council shall attempt to maintain a balance of interest and skills on the Commission by assessing the individual qualifications of the candidates, including, but not limited to, their knowledge and demonstrated interest in preservation-related fields such as architecture, history, archaeology, planning, or urban or community design. All members shall have a knowledge of and demonstrated interest in historic preservation. At least one member shall be an owner-occupant of a property with historic overlay zoning.

Regardless of profession, background, or experience, members of the Commission will require ongoing training and education in architectural history, historic preservation law, and other relevant topics. Initial and

annual training for new members, as well as an up-to-date reference manual for Commissioners, shall be provided.

Terms. Commission members shall serve for a term of two (2) years, their terms to be staggered, with the exception that for the initial Commission members, the City Council shall appoint the three (3) current members of the Commission for two (2) years, and two (2) new members for a term of three (3) years.

The inaugural Commission shall consist of the following members with terms expiring as stated.

<u>Name</u>	<u>Expiration of Term</u>
Jack Folsom	September 8, 2014
Larry Guess	September 8, 2014
Berneta Peoples	September 8, 2014
New member	September 8, 2015
New member	September 8, 2015

Terms of members shall expire on September 8; provided, however, that members shall continue to serve until their successors are appointed.

Vacancies. Vacancies shall be filled by the Mayor, subject to ratification by the City Council, for the unexpired term of any member whose term becomes vacant.

Removal. All members of the Commission shall serve at the pleasure of the City Council and may be removed with or without cause upon a majority vote of the City Council.

Any member who misses three consecutive meetings shall forfeit his or her position, and a replacement shall be appointed by the Mayor, subject to ratification by the City Council, to fill the unexpired term.

Any member may resign by submitting a letter of intent to the City Council.

Election of chair and vice-chair. The chair and vice-chair of the Commission shall be elected by and from members of the Commission.

Compensation. Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

Quorum. Three members shall constitute a quorum for transactions of business, and no decision shall be rendered without a concurring vote of at least three members.

Regular meetings. The Commission shall meet at least monthly, if business is at hand.

Special meetings. Special meetings may be called at any time by the Commission chair, vice chair, or at the written request of at least three members, or upon notice from the historic preservation officer or zoning administrator that a matter requires the consideration of the Commission.

Compliance with Texas Open Meetings Act. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552 of the Texas Government Code, as amended.

Rules of Order. The Commission shall follow Robert's Rules of Order or other rules of procedure as determined by the Commission.

29.5. RESPONSIBILITIES OF THE COMMISSION

The Commission shall be empowered to:

1. Make recommendations to the City for the employment of professional consultants as necessary to carry out the duties of the Commission.
2. Adopt parliamentary rules and procedures necessary to carry out the business of the Commission.
3. Adopt criteria for the evaluation of significance of historic landmarks and rules for the delineation of historic district boundaries, subject to ratification by the City Council.
4. Review and take action on the designation of historic landmarks and the delineation of historic districts, subject to ratification by the City Council.
5. Recommend and confer recognition upon the owners of historic landmarks or properties within historic districts by means of certificates, plaques, or markers.
6. Review and recommend to City Council and other applicable City boards and Commissions all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the City that may affect the purpose of the ordinance.
7. Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural properties or resources and all properties located within designated historic districts located in the City. Such information shall be maintained securely and made accessible to the public, and should be updated at least every ten (10) years.
8. Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property, and any locally designated property, as deemed necessary.
9. Create sub-committees from among its membership and delegate to these committees such responsibilities as necessary to carry out the purposes of this ordinance.
10. Maintain written meeting minutes, which are recorded by staff and demonstrate all actions taken by the Commission and the reasons for taking such actions.
11. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
12. Review and take action on all certificate of appropriateness applications.
13. Review and take action on all appeals on action taken by the historic preservation officer regarding the administrative review of certificate of appropriateness applications.
14. Develop, prepare, and adopt specific design guidelines, subject to ratification by the City Council, for use in the review of all certificates of appropriateness applications.
15. Prepare and submit annually to the City Council a report summarizing expenditures, goals and objectives, and work completed during the previous year, as well as anticipated budgetary requests.

16. Make recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of historic properties within the City.
17. Recommend to City Council the acquisition of historic properties endangered by demolition where their preservation is essential to the purpose of this ordinance and where private preservation is not feasible.
18. Propose incentive program(s) to City Council for the owners of historic properties.
19. Review and take action on all City preservation-related incentive program applications involving work on historic properties, for compliance with adopted "Design Guidelines for Historic Belton, Texas" pursuant to this ordinance.
20. Recommend whether to accept, on behalf of the City government, any donation of preservation easements and/or development rights, as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.

29.6. HISTORIC PRESERVATION OFFICER

The City Manager or its designee shall appoint a qualified City official or staff person to serve as Historic Preservation Officer (HPO). The City may utilize in-house staff or contract using those individuals whose expertise are required to deliberate on specific, related matters. In addition, the planning department will be responsible for coordinating the city's preservation activities with those of state and federal agencies and with local state, and national preservation organizations.

Responsibilities. The HPO shall be empowered to:

1. Administer this ordinance and advise the Commission on matters submitted to it.
2. Maintain and hold open for public inspection all documents and records pertaining to the provisions of this ordinance.
3. Receive and review all applications pursuant to this ordinance to ensure their completeness.
4. Review and take action on all certificates of appropriateness applications subject to administrative review pursuant to this ordinance.
5. Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the Commission pursuant to this ordinance.
6. Ensure proper posting and noticing of all Commission meetings, schedule applications for Commission review, provide information packets to its members prior to the meetings, record meeting minutes, and facilitate all Commission meetings.
7. Review and help coordinate the City's preservation and urban design activities with those of local, state, and federal agencies and with local, state, and national preservation organizations in the private sector.

29.7. CRITERIA FOR DESIGNATION OF HISTORIC PROPERTIES OR DISTRICTS

The Commission shall use criteria for evaluation of significance of an historic landmark or historic district as established by the National Park Service for use in the administration of the National Register of Historic Places. The Commission shall refer to the National Register Bulletin No. 15, *How to Apply the National Register Criteria for Evaluation*, published by the National Park Service, for further guidance in the application of these criteria.

The following criteria shall be considered in determining whether historic overlay zoning should be applied to an individual property or historic district:

- A. Association with events that have made a significant contribution to the broad patterns of our history.
- B. Association with the lives of persons significant in our past.
- C. Embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- D. Archaeological value, in the sense that the property has yielded, or may be likely to yield, information important in prehistory or history.

Additional criteria for designation of historic districts. In addition to the general criteria listed above, the Commission shall consider the following.

Where the designation is made based on the general character of the proposed historic district, these findings may include, but shall not necessarily be limited to:

- a. Scale of buildings and structures typical of the area.
- b. Architectural style typical of the area.
- c. Architectural period typical of the area.
- d. Building materials typical of the area.
- e. Colors used in buildings typical of the area.
- f. Signage and street furniture typical of the area.
- g. Landscapes typical of the area.
- h. Typical relationships of buildings to the landscapes in the area.
- i. Typical relationships of buildings in the area to the street.
- j. Setbacks and other physical patterns of buildings in the area.
- k. Typical patterns of rooflines of buildings in the area.
- l. Typical patterns of porch and entrance treatments of buildings in the area.

Where the designation is made based on the character of a limited number of specific buildings in the proposed historic district, the findings may include, but shall not necessarily be limited to:

- a. Architectural style of the buildings.
- b. Architectural period of the buildings.
- c. Textures of materials used in the buildings.
- d. Colors of the materials used in the buildings.
- e. Rooflines of the buildings.

- f. Porch and entrance treatments of the buildings.
- g. Height and mass of the buildings.
- h. Relative proportions of the buildings (width to height, width to depth).

Already listed properties. Properties that, as of the date of the adoption of this ordinance, are listed as a Recorded Texas Historic Landmark (RTHL) or State Archeological Landmark (SAL), or that are listed individually or within an historic district on the National Register of Historic Places (NR) shall be considered eligible for designation as historic landmarks pursuant to this ordinance.

The historic preservation officer shall compile a list of such properties and shall initiate an application for historic overlay zoning for each property so identified, pursuant to this ordinance.

The Commission may establish a process by which it identifies additional properties that are so recognized on the National Register or by the State, either on an annual basis or as such properties are listed and that information becomes known to the Commission, and may direct the historic preservation officer to initiate applications for historic overlay zoning for those properties, pursuant to this ordinance.

29.8. DESIGNATION PROCESS

These provisions pertaining to the designation of historic properties constitute a part of the comprehensive zoning plan of the City.

Owners of proposed historic properties shall be notified prior to the Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence, which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic property. The City may designate an historic landmark without the property owner's approval.

The procedure for designating a historic landmark or to establish or amend a historic district may be initiated by the City, or by the individual property owner(s), or by at least 20% of the residents of the potential district. An application for designation shall be made on forms as prescribed by the City and shall be filed with the HPO along with any fees in accordance with the municipal fee schedule. Buildings, structures, sites or areas located within the City which substantially comply with the criteria found in Section 29.7 may be recommended by the Commission to the City Council as historic landmarks or historic districts. The application shall contain:

- For a proposed historic landmark, the name, address, telephone number of applicant, and physical address of the property.
- For a proposed historic district, the name, address, telephone number of applicant, and no more than 50% negative responses from owners of properties in the proposed district, where a poll has been taken, each property is counted separately, and no response is considered an affirmative response.
- Site plan of the proposed landmark property, or map indicating the geographic boundaries of the proposed district, showing all affected buildings and/or structures.
- Detailed historic description and background on the proposed landmark or proposed district.
 - Current photographs of the overall property or area, along with any historical photographs, if available.

- Any other information which the HPO or Commission may deem necessary.

Upon receipt of a completed designation application, the HPO shall schedule a hearing at the next available regularly scheduled Commission meeting. Notice of the application shall be mailed to the property owner(s) and advertised in the official newspaper and/or posted on the property as provided for a zoning change.

A proposed historic landmark or district for which an application for designation has been received shall be protected by and subject to all of the provisions of this ordinance governing demolition, minimum maintenance standards, and penalties until a final decision by the City Council becomes effective, but not to exceed 180 days.

At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance or insignificance of the subject property or district. Other interested parties and technical experts may also present testimony or documentary evidence, which will become part of a record. The burden of proof shall be upon the applicant.

The Commission may take action to approve, postpone requesting additional information, or deny the application. The HPO shall forward any final recommendation to the Planning and Zoning Commission within thirty (30) days of the hearing. Denials may be appealed directly to City Council.

The Planning and Zoning Commission shall give notice and conduct its hearing upon receipt of the recommendation from the Commission. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City. The Planning and Zoning Commission shall review the application to ensure that the recommended designation will not pose a conflict with the underlying land use zoning and shall forward its recommendation to the City Council within thirty (30) days after taking action on the application.

Upon receipt of the joint recommendation on the application from the Commission and the Planning and Zoning Commission, the City Council shall schedule a hearing on the application within thirty (30) days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City. Significance shall be considered only on the record made before the Commission and the Planning and Zoning Commission.

Upon designation of a historic landmark or historic district by the City Council, the designation shall be recorded by legal description on the City's official zoning maps, in the records of real property of Bell County, and with the tax appraisal office.

The applicant or any persons adversely affected by any determination of the Commission may appeal the decision to City Council. Appeal requests shall be on forms as prescribed by the City and shall be filed with the HPO within seven (7) days of the Commission's decision and scheduled for the next available regularly scheduled City Council meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City. Appeals to the City Council shall be considered only on the record made before the Commission, and may only allege that the Commission's decision was arbitrary, capricious, or illegal.

29.9. ORDINARY MAINTENANCE

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of an historic landmark or a property within an historic district which does not involve a

change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted. The HPO shall determine what is "ordinary maintenance."

29.10. MINIMUM MAINTENANCE STANDARDS

No owner or person with an interest in real property designated as an historic landmark or a property located within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the Commission, create a detrimental effect upon the historic character of the landmark or district.

Examples of serious disrepair or significant deterioration include:

- (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
- (b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
- (c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.
- (d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- (e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- (f) Rotting, holes, and other forms of material decay.
- (g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- (h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.
- (i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

29.11. DEMOLITION BY NEGLIGENCE

Demolition by Neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the planning department staff shall work together in an effort to reduce Demolition by Neglect involving properties with historic overlay zoning. A Demolition by Neglect citation as determined by the Commission may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in Section 29.10 herein.

- 1) While the HPO will act as the point of contact, the Planning Department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and planning department staff, the City Manager shall make the final determination.
- 2) The procedure for citing a property owner for Demolition by Neglect shall be as follows:
 - (a) Initial identification is made by visual inspection of the area by the HPO or a Commission member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
 - (i) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by U.S. mail of the defects of the building and informed of any incentive programs that may be available for repair. The owner shall be given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to the HPO. The stabilization proposal will be presented to the Commission at the next available meeting. If the Commission approves the proposal, a certificate of appropriateness (if necessary) may be issued administratively by the HPO. The approval will detail the specific work that is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the Commission on the status of the property every thirty (30) days, once work begins on the property.
 - (ii) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
 - (iii) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the Commission for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property shall be posted with a notice of the violation in accordance with the provisions of this Ordinance, and a public hearing on the citation shall be scheduled.
 - (iv) At the public hearing, the owner will be invited to address the Commission's concerns and to show cause why a citation should not be issued. The Commission may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions.
 - (v) If the owner is cited for the condition of Demolition by Neglect of the property, he shall be given fourteen (14) days to submit a stabilization proposal to the HPO, and at the discretion of the Commission, up to one (1) year to correct the defects. The HPO shall update the Commission on the status of the property every thirty (30) days once work begins on the property.
 - (vi) If the owner does not respond with a stabilization proposal, the matter shall be turned over to the City Attorney's office for recommendation to the City Council for legal action.
- (3) The City may create programs, or enter into partnerships with local non-profit organizations, to assist low-income and/or elderly homeowners with maintenance.

29.12. CERTIFICATES OF APPROPRIATENESS

- (a) *Applicability.* A certificate of appropriateness shall be required in the following circumstances before

the commencement of development within or work upon any property with historic overlay zoning:

- (1) Whenever such work or development requires a building permit or certificate of zoning compliance issued by the City;
 - (2) Whenever such work includes the erection, moving, demolition, reconstruction, restoration, or alteration of the exterior of a property with historic overlay zoning, except when such work satisfies all the requirements of ordinary maintenance and repair as defined in Section 29.3, definitions.
- (b) *Certificate of appropriateness required.* No building permit shall be issued by the building official for any property with historic overlay zoning until the application for such permit has been reviewed and a certificate of appropriateness has been approved by the HPO or the Commission.
- (c) *Procedures.*
- (1) After an application for a certificate of appropriateness is submitted, the HPO shall determine whether the application shall be eligible for administrative review or the application shall be considered by the Commission.
 - (2) An application shall be eligible for administrative review by the HPO for the following:
 - a. Paint colors for the exterior of a structure including siding, trim, doors, steps, porches, railings, and window frames. This shall not include painting or otherwise coating previously unpainted masonry;
 - b. The placement and screening, if necessary, of roof-mounted equipment and other mechanical equipment of various types;
 - c. The placement and design of screening treatments for trash and recycling receptacles;
 - d. Fences to be installed in the rear and/or side yard;
 - e. Ground lighting;
 - f. Elements attached to a facade of any building, garage or carriage house including, but not limited to door hardware, hinges, mailboxes, light fixtures, sign brackets, street address signage and historic interpretive signage.
 - g. Replacing roofing materials or color on a flat roof that will not be visible from the ground or from immediately adjacent taller buildings;
 - h. Gutters and downspouts;
 - i. Installation or removal of landscaping, including trees;
 - j. Accessibility ramps;

- k. Changes to awning fabric color for an existing awning;
 - l. Landscape elements, including but not limited to walks, paving, benches, outdoor furniture, planters, pools, trellises, arbors and gazebos;
 - m. Installation of any elements required by other codes such as emergency lighting;
 - n. Modifications that are considered non-permanent such as, but not limited to, window films and temporary features to weatherize or stabilize a historic resource;
 - o. Minor modifications to an existing certificate of appropriateness that still meets the intent of the original approval;
 - p. Renewal of an expired certificate of appropriateness.
- (3) If an application for administrative review is approved or approved with conditions, the HPO shall issue a certificate of appropriateness pursuant to section (d) below.
 - (4) If the HPO: forwards the application to the Commission because it does not meet the criteria in subsection (2) above, does not act on the application within ten (10) business days of receipt of the complete application, disapproves the application, or the applicant wishes to appeal the administrative decision or associated conditions of the certificate of appropriateness application, the Commission shall consider the application. An appeal to an administrative decision shall be filed with the Commission within ten (10) business days of said decision.
 - (5) If an application is to be considered by the Commission, the HPO shall inform the applicant of the meeting date at which the application shall be considered. The applicant shall have the right to be heard and may be accompanied or represented by counsel and/or one or more construction or design professionals at the meeting.
 - (6) The HPO shall review the application and make a recommendation to the Commission during the meeting at which the application shall be considered.
 - (7) After hearing the applicant and any other interested parties, and considering the recommendation from the HPO, the Commission shall take one of the following actions:
 - a. Approve the proposed work or development and issue a certificate of appropriateness.
 - b. Approve the proposed work or development with conditions and issue a conditional certificate of appropriateness.
 - c. Disapprove the certificate of appropriateness.
 - (8) In the case of the disapproval of a certificate of appropriateness by the Commission, the Commission shall state in writing the reasons for such disapproval and may include suggestions in regard to actions the applicant might take to secure the approval of the Commission concerning future issuance of a certificate of appropriateness.

(d) *Certificate.*

- (1) It shall be the responsibility of the HPO to issue the actual certificate of appropriateness following administrative approval or approval by the Commission with any designated conditions, and to maintain a copy of the certificate of appropriateness, together with the proposed plans. These shall be public documents for all purposes.
- (2) Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the building official to inspect from time to time any work performed pursuant to a certificate of appropriateness to assure such compliance. In the event that such work is not in compliance, the building official shall issue a stop work order and/or citation as prescribed by ordinance. The Commission may request that the building official inspect the work and issue a stop work order.

(e) *Criteria.* The HPO or the Commission shall determine whether to grant a certificate of appropriateness based on the following criteria:

- (1) The effect of the proposed change upon the general historic, cultural and architectural nature of the historic property or historic district;
- (2) The appropriateness of exterior architectural features, including parking and loading spaces, which can be seen from a public street, alley or walkway; and
- (3) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the historic district, contrast or other relation of such factors to other buildings or structures built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical and cultural values.

(f) *Guidelines.* In all of its determinations of architectural appropriateness and historical integrity in the design and construction of historic properties or signs, the HPO or the Commission shall use the most recent edition of the book entitled, "The Secretary of the Interior's Standards for the Treatment of Historic Properties: With Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings", attached hereto as Exhibit "A" for reference, or any future publication which replaces this book, and the following criteria as guidelines:

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a historic property and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All historic properties shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes that may have taken place in the course of time are evidence of the history and development of an historic property and its environment. These changes may have acquired

significance in their own right, and this significance shall be recognized and respected.

- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a historic property shall be treated with sensitivity.
 - (6) Weakened architectural features that are found in kind are to be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other properties.
 - (7) Surface cleaning shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken without approval from the Historic Preservation Commission.
 - (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
 - (9) Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and when such design is compatible with the size, scale, color, material, a character of the property, neighborhood or environment. Wherever possible, new additions or alterations shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.
- (g) *Supplemental guidelines.* The HPO or the Commission may develop, and the City Council may approve, such supplemental guidelines as it may find necessary to implement the regulations of historic overlay zoning or the findings applicable to the designation of a particular historic property. Such guidelines may include, but are not limited to the following:
- (1) Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;
 - (2) Illustrations of appropriate architectural details;
 - (3) Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;
 - (4) Illustrations of appropriate porch treatments or entrances; or
 - (5) Illustrations of appropriate signage or street furniture.
- (h) *Certificate of appropriateness for demolition.*
- (1) *Certificate required.* No historic property shall be demolished or removed unless such demolition shall be approved by the Commission and a certificate of appropriateness for such demolition shall be granted.
 - (2) *Procedure.*

- a. The procedure for issuance of a certificate of appropriateness for demolition shall be the same as for the issuance of other certificates of appropriateness with the following modification.
 - b. After the hearing, the Commission may approve the certificate of appropriateness, thereby authorizing the demolition, or the Commission may disapprove the certificate of appropriateness and postpone the demolition or removal for a period of one hundred and twenty (120) days. The purpose of such a postponement would be to allow the Commission and any interested parties to explore alternatives to demolition.
 - c. The Commission may extend the postponement period for an additional sixty (60) days in order to enable the completion of ongoing negotiations.
 - d. Notwithstanding any provision of this ordinance, the City Council reserves the right to prohibit the demolition of a landmark structure with six (6) affirmative votes.
- (3) *Supplemental demolition criteria.* In determining whether to issue a certificate of appropriateness for demolition, the Commission, and, on appeal, the City Council, shall consider the following criteria, in addition to the criteria specified in this section:
- a. The uniqueness of the property as a representative type or style of architecture, historic association, or other element of the original designation criteria applicable to such structure or tract.
 - b. The condition of the property from the standpoint of structural integrity and the extent of work necessary to stabilize the property.
 - c. The economically viable alternatives available to the demolition applicant, including:
 - 1. Donation of a part of the value of the subject structure or site to a public or nonprofit agency, including the conveyance of development rights and facade easement.
 - 2. The possibility of sale of the property, or any part thereof, to a prospective purchaser capable of preserving such property.
 - 3. The potential of the property for renovation and its potential for continuing use.
 - 4. The potential of the property for rezoning in an effort to render such property more compatible with the physical potential of the property. The ability of the property to produce a reasonable economic return on investment for its owner; provided, however, that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this section.

- (i) *Certificate of appropriateness for relocation.*
 - (1) *Certificate Required.* No historic resource shall be relocated unless such relocation shall be approved by the Commission and a certificate of appropriateness for such relocation shall be granted. For the purposes of this subsection concerning relocation, the term “historic resource” shall be used to describe an individual building, structure, or object designated according to the procedures in Section 29.8.
 - (2) *Procedure.* The procedure for issuance of a certificate of appropriateness for relocation shall be the same as for the issuance of other certificates of appropriateness with the following additions.
 - a. If the historic resource is a Recorded Texas Historical Landmark or listed on the National Register of Historic Places, the applicant shall be required to notify the appropriate party at the Texas Historical Commission and receive a response in writing, prior to submitting an application for the relocation to the Historic Preservation Commission.
 - b. Documentation shall be provided to the Commission at the time of application for a certificate of appropriateness that provides the following information:
 - 1. Overview of the proposed relocation of the historic resource, including:
 - (a) Reasons for relocating the historic resource; and
 - (b) Reasons for selection of destination site.
 - 2. Photographs, which document all aspects of the historic resource. Requirements for photographs shall be provided by the Commission. At a minimum, photographs provided by the applicant shall include but are not limited to:
 - (a) Each elevation of the building;
 - (b) Street view;
 - (c) All prominent architectural features; and
 - (d) Any additional accessory buildings that also have historic overlay zoning, showing how they relate to the primary structure.
 - (e) Requirements for photographs shall be maintained and provided by the Commission.

3. Site plan of historic resource in current location.
 4. Site plan of historic resource in new location.
 - c. Public notices of the proposed relocation shall be required as follows:
 1. *Signed notice.* Within five (5) business days of receipt of an application for a certificate of appropriateness for relocation, the City shall post a sign showing notice of the application on the originating location and on the proposed destination location, for the purpose of notifying the public of the proposed relocation.
 2. *Mailed notice.*
 - (a) Ten (10) business days prior to the Commission meeting when the application will be heard, written notices shall be mailed to each owner, as indicated by the most recently approved City tax roll, of real property within 300 feet of the existing property with the resource proposed for relocation and 300 feet of the proposed new location. Notice may be served by its deposit in the U.S. Mail in the City, properly addressed with postage paid.
 - (b) Mailed notices shall contain at least the following specific information:
 - (1) The general location of land that is the subject of the application and/or a location map;
 - (2) The legal description or street address;
 - (3) The substance of the application;
 - (4) The time, date and location of the Historic Preservation Commission meeting;
 - (5) A phone number to contact the City; and
 - (6) A statement that interested parties may appear at the hearing.
 - d. When a historic resource is relocated to a new site, the historic resource shall retain the historic overlay and therefore continue to be subject to the requirements of a certificate of appropriateness.
- (3) *Supplemental relocation criteria.* In determining whether to issue a certificate of appropriateness for relocation, the Commission, and, if necessary, on appeal, the City

Council, shall consider the following criteria, in addition to the criteria specified in this subsection:

- a. The historic resource is imminently threatened by demolition or removal of historic overlay zoning.
- b. Reasonable alternatives have been examined to mitigate the threat to the historic resource, in lieu of relocation. Alternatives may include, but are not limited to:
 1. Modification of the proposed project affecting the historic resource to avoid its impact on the location of the historic resource.
 2. Incorporation of the historic resource, in its entirety, into the proposed project that would affect the location of the historic resource.
- c. When relocated, the historic resource shall remain in the City of Belton.
- d. The structural condition of the historic resource has been examined so that it has been determined that the historic resource may be moved and that damage to the historic resource which would result from the move can be minimized. Stabilization of the historic resource prior to and/or during the move may be required.
- e. A new location for the historic resource has been determined that would be compatible with the architectural aspects of the historic resource, to the extent possible. Consideration shall include the review of all of the following:
 1. Size of the resource and destination lot;
 2. Massing;
 3. Architectural style;
 4. Review of all adopted design guidelines by the Commission in determining compatibility; and
 5. Other historic resources, which are not the primary resource on the site, but are historically associated with the primary resource, also should be relocated, if possible, and may be considered for relocation with the primary resource on the same certificate of appropriateness.
- f. Any historic resource relocated pursuant to this section shall be required to conform to any siting conditions at the new location. These siting conditions shall include, but are not limited to, setback requirements, structural alteration requirements such as enclosed parking requirements, and architectural requirements such as exterior finishes and orientation.

g. The applicant agrees to the following additional conditions of the certificate of appropriateness:

1. The historic resource shall be secured from vandalism and other damage for the time that it remains vacant as a result of the relocation process.
2. The applicant shall be required to display a plaque, provided and paid for by the City, which documents the historic resource's original location, date of relocation, and reason for relocation.
3. The historic overlay shall convey with the historic resource to its new location.
4. The historic overlay shall be removed from the originating property, unless one of the following applies:
 - (a) The property is located within an historic district; or
 - (b) Only an accessory structure has been moved and the primary structure on the site remains; or
 - (c) The site itself is historically significant.
5. The City may apply the historic overlay to the destination lot(s), by following the procedures for applying historic overlay in Section 29.8 of the code. If the historic resource is being moved into an already designated historic district, the historic overlay shall remain and apply to the destination lot or lot(s).
6. The applicant shall provide photographs to the HPO of the relocated historic resource once relocation is complete.
7. Information regarding the relocation shall be filed in the appropriate City and county records.

(4) *Fee Waivers.* If a certificate of appropriateness for relocation has been approved by the Commission, the following fees shall be waived:

- a. Building moving and permits fees
- b. Notice requirement fees.

(j) *Appeals.* Appeals of certificate of appropriateness decisions made by the Commission shall be made within fifteen (15) days to the City Council.

29.13. ECONOMIC HARDSHIP

No certificate of appropriateness for demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the City unless the owner proves compliance with the following standards for economic hardship:

- (a) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible; and
- (b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (c) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed; and
- (d) The property cannot be moved or relocated to another site similar site or within the District.

1) The City shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income-producing and non-income-producing properties, as recommended by the Commission. Non-income properties shall consist of owner-occupied single-family dwellings and non-income-producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the City may include, but not be limited to, the following:

- (a) Purchase date price and financing arrangements
- (b) Current market value
- (c) Form of ownership
- (d) Type of occupancy
- (e) Cost estimates of demolition and post demolition plans for development
- (f) Maintenance and operating costs
- (g) Inspection report by licensed architect or structural engineer having experience working with historic properties
- (h) Costs and engineering feasibility for rehabilitation
- (i) Property tax information
- (j) Rental rates and gross income from the property
- (k) Other additional information as deemed appropriate

2) Claims of economic hardship by the owner shall not be based on conditions resulting from:

- (a) Evidence of demolition by neglect or other willful and negligent acts by the owner
- (b) Purchasing the property for substantially more than market value at the time of purchase
- (c) Failure to perform normal maintenance and repairs

- (d) Failure to diligently solicit and retain tenants
- (e) Failure to provide normal tenant improvements

3) Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the Commission at the hearing.

29.14. ENFORCEMENT

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event that work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission and verification by the HPO, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the Commission to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work order is in effect until a decision is rendered by the Commission on the application.

29.15. PENALTIES

It shall be unlawful to construct reconstruct, significantly alter, restore, or demolish any building or structure designated with historic overlay zoning in violation of the provisions of this ordinance. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration, or demolition to restrain, correct, or abate such violation or to prevent any illegal act, business, or maintenance in and about such premises, including acquisition of the property

Any person, firm, or corporation violating any provision of this ordinance shall be guilty of a Class C misdemeanor, punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than two thousand dollars (\$2,000.00). Each day the violation continues shall be considered a separate offence. Such remedy under this section is in addition to any abatement restitution.

SECTION 30 CR-RESIDENTIAL CONSERVATION AND REVITALIZATION OVERLAY DISTRICT PREFIX

30.1 GENERAL PURPOSE AND DESCRIPTION:

The CR, Conservation and Revitalization Overlay District is intended for certain residential transition areas of the City which are characterized by significant concentrations of poor and fair structural housing conditions, and which may have a mixture of residential and some commercial or other nonresidential uses nearby. This District presents the opportunity for different residential developments and compatible selected services and retail uses that are needed for the comfort, economy and convenience of the neighborhood. The Overlay District also permits the location of certain HUD-Code mobile homes, modular homes and other types of industrialized housing on individual lots, in an effort to stabilize and/or redevelop the area.

30.2 PERMITTED USES:

- A. The CR prefix allows all uses permitted in the primary base district, as identified by the Permitted Uses section of the applicable base District.
- B. The following uses are also permitted in the Districts having an attached CR prefix:
 - 1. Placement of HUD-Code mobile homes on individual lots meeting minimum SF-3 dimensional requirements subject to the following criteria:
 - a. Wheels, axles and tongue or towing device removed and permanently installed and attached to a permanent foundation. The permanent foundation must be certified by a registered professional engineer or architect.
 - b. The dwelling has a three (3) in twelve (12) minimum roof pitch.
 - c. The eaves and roof overhang shall be a minimum of six inches (6").
 - d. The exterior siding and roofing material are comparable to other structures in the area (wood, brick, etc.).
 - e. The foundation fascia or skirting is masonry, brick, stucco, or siding, whichever is comparable to other structures in the area.
 - f. Development standards for the SF-3 Zoning District are met (Section 12.3).
 - 2. Placement of Modular Homes or other types of industrialized housing units, on individual lots meeting minimum SF-3 requirements set forth in Section 12.
 - 3. Single-family, Duplex or Patio Homes

30.3 REGULATIONS AND REQUIREMENTS FOR THE CR PREFIX:

- A. The Conservation and Revitalization, CR, prefix may be applied to areas of the City within the following zoning classifications: SF-1, SF-2, SF-3, 2F, MF, O-1, NS, R, or C-1.

- B. The regulations and/or requirements of the base zoning district shall apply unless specifically amended through the following process.
1. A detailed site plan shall be prepared for the area designated for the CR Overlay District according to the criteria specified in Section 32.4 (B) of this Ordinance.
 2. In determining the design criteria for the CR Overlay District, the guidelines set forth in the Comprehensive Plan shall be considered in addition to the following:
 - a. Compatibility to existing adjacent structure(s), architectural character, materials, and scale
 - b. Relationship of adjacent existing structures to the street and site location
 - c. Site utilization shall be compatible to adjacent sites. Existing vegetation should be maintained where possible.
 - d. Height of proposed use in relation to the adjacent use
 - e. The basic shape and building form of the facades of new construction and move-ins should be compatible with the facade shapes and forms already existing in the area
 3. Parking Regulations:
As required by Section 34, Off-Street Parking and Loading Requirements
 4. Other Regulations: As established by Section 35, 36, 37, 38, 39, 40 and 41.

SECTION 31

RD-REDEVELOPMENT DISTRICT

31.1 GENERAL PURPOSE AND DESCRIPTION:

The RD-Redevelopment District is a mixed-use land use district. The areas appropriate for the RD designation were once primarily residential but have evolved into an area that has nonresidential uses. Many of the nonresidential uses which exist and are moving into these areas are utilizing existing structures which were residential structures. It is the intent of this district to allow a mixture of residential and certain nonresidential uses to occur in the same area. It is anticipated that the non-residential uses would be types which are generally compatible to residential use.

31.2 PERMITTED USES:

1. Any use allowed in SF-3 District
2. Any use allowed in O-1 or NS District
3. Duplex
4. Multi-Family (maximum of 16 units per complex)
5. Boarding or rooming house
6. Patio Home
7. Townhouse
8. Any use allowed by SUP in the NS or O-1 District

31.3 HEIGHT REGULATIONS:

Maximum Height: Two and one-half (2 2) stories

31.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Five feet (5'); twenty-five feet (25') adjacent to a street
3. Minimum Rear Yard - Twenty feet (20')

B. Size of Lot:

1. Minimum Lot Area - Five thousand (5,000) square feet unless the existing lot is already platted less than 5,000 square feet and no change is proposed. Then there is no minimum lot area required.
2. Minimum Lot Width - Fifty feet (50')

- 3. Minimum Lot Depth - One hundred feet (100')
- C. Maximum Lot Coverage: Forty percent (40%)
- D. Parking Regulations: As established by Section 34, Off-Street Parking and Loading Requirements

31.6 OTHER REGULATIONS:

As established by Section 35, 36, 37, 38, 39, 40 and 41.

31.7 SPECIAL REQUIREMENTS:

- A. No temporary dwellings, such as recreational vehicle, travel trailers, or mobile homes may be used for on-site dwelling purposes.
- B. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)

SECTION 32 PD - PLANNED DEVELOPMENT DISTRICT

32.1 GENERAL DESCRIPTION AND PURPOSE:

The Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of use which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to insure against misuse of increased flexibility.

32.2 PERMITTED USES:

Any use permitted in this Ordinance shall be permitted if such use is specified in the amending Ordinance granting a Planned Development District. The size, location, appearance, and method of operation shall be in conformance with the City of Belton Design Standards and may be modified to the extent necessary to insure compliance with the purpose of the standards.

32.3 PLANNED DEVELOPMENT REQUIREMENTS:

- A. Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may 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, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as identified by Design Standards.
- B. The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and general statement citing the reason for the PD request.
- C. The City of Belton Design Standards shall serve as the framework under which project applications and proposals will be reviewed.

32.4 In establishing a Planned Development District in accordance with this action, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Development District.

- A. Site Development Plan- This drawing shall set forth the final plans for development of the Planned Development District. Approval of the Site Plan shall be the basis for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the Building Official for a building permit. The Site Plan must be approved by the Planning and Zoning Commission and City Council. A public hearing for the Development Plan shall be required.

The Site Development Plan shall include:

- a. A site inventory analysis including an appropriately scaled drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include as a delineation of any flood prone areas.
- b. An appropriately scaled drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing and proposed utility services; including size of water and sewer mains; the location and width for all curb cuts; the land area of all abutting sites; and the zoning classification thereof on an accurate survey of the tract with as a topographical contour interval of not more than five feet (5').
- c. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings and between building and property lines, street lines and alley lines. Also to be included on the site plan is as a plan showing the arrangement and provision of off-street parking.
- d. A landscape plan showing turf areas, screening walls, preserved trees, trees to be planted, ornamental plantings, and where required, water quality, irrigation and lighting plans, in accordance with the Design Standards.
- e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council if deemed appropriate.
- f. All Development Plans may have supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending Ordinance.
- g. All Development Plans shall conform to the City of Belton Design Standards.

32.5 The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 49. This procedure is further expanded as follows for approval Site Development Plans.

- A. The Planning and Zoning Commission and City Council may approve the Site Development Plan in public hearings, as a single public hearing for the PD request is adequate when:
 - 1. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for the Site Development Plan; or
 - 2. Information on a conceptual master plan and attached application is sufficient to determine the appropriate use of the land and the Development Plan will not deviate substantially from it.
- B. If the above two conditions are not met, then another public hearing must be held by the Planning and Zoning Commission and City Council prior to approval of the Site Development Plan.

C. The Ordinance establishing the Planned Development District shall include the Site Development Plan. The Site Development Plan may be approved in sections. When the Plan is approved in sections, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent sections will be required.

32.6 When a PD District is being considered, a written report from the City Manager or his designated representative, discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public school district and from private utilities may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council.

32.7 All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained as part of this ordinance.

32.8 Planned Development Ordinances Continued:

Prior to adoption of this Ordinance, the City Council had established various Planned Development Districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance specified in Appendix A-3 shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption.

Any changes in design appearance, use or function must otherwise conform to Design Standards.

32.10 USES OR DEVELOPMENTS ALLOWED ONLY BY PD:

A. Single Family Attached Dwelling (Townhouse)

1. Area Requirements:

a. One-family attached dwelling defined as a dwelling unit on a separately platted lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate wall, served by separate utilities and not occupied by more than one family shall be permitted.

b. One-family attached dwellings need not provide a side yard except that a minimum required side yard adjacent to a side street of ten feet (10') shall be provided at each one-family attached dwelling complex so that the ends of any two adjacent building complexes shall be a least ten feet (10') apart. The required side yards of one-family attached dwellings maybe designated upon a plat approved by the Planning and Zoning Commission. A complex of attached one-family dwellings shall have a minimum length of three (3) dwelling units and shall not exceed three hundred feet (300') in length or width of a cluster module.

- c. A single-family attached dwelling shall be located on a platted lot with a minimum width of twenty-five feet (25'), a minimum depth of ninety feet (90') and contain a minimum area of two thousand seven hundred (2,700) square feet.
- d. The minimum front and rear yards shall be twenty feet (20').

SECTION 33 SUP OR S - SPECIFIC USE PERMITS

33.1 SPECIFIC USES:

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize application and shall be accompanied by a site plan (see Section 32.4, B) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings and the uses to be permitted; location and instruction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

33.2 SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alley and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the SUP request.
1. Is the use harmonious and compatible with surrounding existing uses or proposed uses?
 2. Are the activities requested by the applicant normally associated with the requested use?
 3. Is the nature of the use reasonable?
 4. Has any impact on the surrounding area been mitigated?
- B. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
- C. No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or

drawings) and approved by the Planning and Zoning Commission and City Council.

- D. If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission. After six (6) months from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for continued validity. If the site plan is determined invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit.
- E. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration or change.
- F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
- G. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.

33.3 USE REGULATIONS:

A building or premise used for any of the following purposes shall be permitted by Specific Use Permit only. Uses listed below, which are already allowed by right in a District (as listed under "Permitted Uses"), shall not be required to have a Specific Use Permit.

33.4 A - AGRICULTURAL DISTRICT:

1. Airport (public or private)
2. Asphalt or concrete batching plant (temporary)
3. Boarding or lodging house
4. Broadcasting facilities including towers
5. Campgrounds
6. Carnival or circus, commercial (by resolution of City Council for specific time period.
7. Cemetery
8. Charitable organizations other than churches
9. County, State or Federal facilities
10. Country clubs or golf courses and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf
11. Day nursery or child care center
12. Dirt storage or sales
13. Electric substation, transmission line or other public service utilities not operated by the City of Belton
14. Garden or farm equipment sales
15. Greenhouse (commercial)
16. Heliport or helistop

17. Hospital
18. Kennel (inside or outside)
19. Microwave tower or commercial antenna in excess of forty feet (40')
20. Mobile concession vehicles selling fruits and vegetables
21. Museum (private)
22. Parking lot
23. Riding academy or other equestrian related activities
24. Rodeo arena
25. Sand or gravel extraction or storage and other mining activities
26. Sewage treatment plant (privately operated)
27. Stables (commercial)
28. Stadium (public or private)
29. University, college, kindergarten, elementary, junior, middle, high school, or parochial school and related facilities
30. Zoo (public)

33.5 RE - RESIDENTIAL ESTATE DISTRICT:

1. Airport (private or public)
2. Cemetery
3. Church or rectory
4. Commercial antennas
5. Country club or golf course and related uses such as driving ranges, but not including similar forms of commercial amusement such as miniature golf.
6. Day nursery or child care in place of residence (less than ten (10) children)
7. Hospital and related uses
8. Museum (private)
9. Public utilities such as an electric substation and transmission line (Installations such as electric substations, gas regulating stations, etc., and office, repair storage or production facilities must be located more than 100 feet from residential units.)
10. Equestrian related facilities (commercial)
11. Sewage treatment plant (private)
12. Stadium (public or private)
13. University, college, kindergarten, elementary, junior, middle, high school, or parochial school and related facilities (public or private.)

33.6 SF-1 -SINGLE FAMILY RESIDENTIAL DISTRICT -1; SF-2 - SINGLE FAMILY RESIDENTIAL DISTRICT-2; SF-3 - SINGLE FAMILY RESIDENTIAL DISTRICT-3; 2F - TWO-FAMILY RESIDENTIAL DISTRICT; MF - MULTIPLE FAMILY DISTRICT; PH - PATIO HOME DISTRICT; MH - MOBILE HOME DISTRICT:

1. Airport (public or private)
2. Batching plant (temporary)
3. Bed and breakfast inn or facility, or tourist home
4. Cemetery
5. Charitable organization other than church or rectory
6. Child care in place of residence (less than ten (10) children)
7. Church and ancillary buildings
8. Country club or golf course and related uses such as driving ranges, but not including similar forms of commercial amusement such as miniature golf.

9. Hospital
10. Microwave tower or commercial antenna
11. Modular or industrialized housing unit (excluding mobile homes)
12. Museum (private)
13. Post office
14. Public utilities such as electric substation or transmission line (Installations such as electric substations, as regulating stations, etc., and office, repair, storage or production facilities must be located more than 100 feet from residential units.)
15. Sewage treatment plant (private)
16. University, college, kindergarten, elementary, junior, middle, high school or parochial school and related facilities (public or private)

33.7 O-1 - OFFICE-1; O-2 - OFFICE-2

1. Alcoholic beverages for On-Premise consumption (O-2 only See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Bail Bonding Agents and Services (O-2 only)
3. Bed and breakfast facility
4. Broadcasting facilities, radio, television, microwave tower, or commercial antenna
5. Cemetery
6. Commercial carnival (by resolution of City Council for specific time period)
7. Electric substation, transmission line or other public use utilities
8. Heliport or helistop
9. Hospital
10. Military service clubs, lodges, etc.
11. Office showroom (O-2 only)
12. Reprographic services greater than 4,000 square feet
13. Residential uses (O-1 only)
14. Restaurant (O-2 only)
15. Seasonal fruit and vegetable sales or mobile concession trailers
16. Telegraph office
17. University or parochial school and related facilities
18. Zoo (public)

33.8 UC -UNIVERSITY CAMPUS

1. Audio Visual stores and other appliances
2. Bed and breakfast facility
3. Bus terminal
4. Cafeteria or restaurant
5. Convenience food store
6. Drug store or pharmacy
7. Laundromat
8. Personal services shop
9. Printing or reprographic shop greater than 4,000 square feet
10. Shoe repair
11. Theater (over 50 person seating capacity)
12. Beauty/barber shop (See amendment - Ordinance 97-27)

13. Height over three stories for University of Mary Hardin-Baylor owned non-residential structures. (See Ordinance 2008-23)

33.9 NS - NEIGHBORHOOD SERVICE

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. Beer and wine sales only with less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 50% or less revenue from alcohol
2. Broadcasting facilities, studios only
3. Buildings in excess of 6,000 square feet
4. Broadcasting facilities, radio, television or microwave towers
5. Carnival (by resolution of city Council for specific time period)
6. Cemetery
7. Drapery or furniture upholstery
8. Electric substation, transmission line or other public use utilities
9. Gasoline sales, associated with food convenience stores
10. Indoor amusement (video games)
11. Restaurant or cafeteria
12. Office showroom
13. Telegram office
14. University or parochial school and related facilities

33.10 R - RETAIL; CH - COMMERCIAL HIGHWAY:

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. All Alcoholic beverage sales with greater than 50% and less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 75% or more revenue from alcohol
2. Auto parts sales (used, inside the building only), no wrecking yard operations
3. Auto sales (primarily new) (See amendment - Ordinance 94-24 in Amendments)
4. Bowling alley
5. Broadcasting facilities, radio, television, microwave tower, or commercial antenna
6. Car wash
7. Carnival (by resolution of City Council for specific time period)
8. Cemetery
9. Dance studio
10. Electric substation, transmission line or other public use utilities
11. Fairgrounds
12. Food sales (primarily serving customers inside vehicles)
13. Garden center (with outside storage)
14. Home improvement center (with outside storage or garden center)
15. Hospital
16. Indoor amusement (video games)
17. New boat sales, RV sales
18. Private clubs
19. Restaurants with private clubs with alcoholic beverage sales or drive-in service
20. Rodeo or other sports arena
21. Seasonal fruit and vegetable sales or mobile concession trailers
22. Tool and equipment rental
23. University or parochial school and related facilities

24. Zoo (public)
25. Tattoo parlor (CH only-See amendment - Ordinance 96-11)
26. Glass Shop (See Amendment-Ordinance 97-19)
27. New and used mobile home sales (See amendment - Ordinance 98-01)
28. Alternative Financial Services (CH Only) (See amendment-Ordinance 2014-37)

33.11 CBD - CENTRAL BUSINESS DISTRICT

1. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. All Alcoholic beverage sales with greater than 50% and less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 75% or more revenue from alcohol
2. Broadcasting facilities, radio or television studios only
3. Carnival (by resolution of City Council for specific time period)
4. Electric substation, transmission line or other public use utilities
5. Exhibition hall
6. Instrument testing
7. Janitor service
8. Laboratory
9. Mortuary or funeral parlor
10. Private club
11. Restaurant with private club
12. Television studio
13. Structures over three (3) stories in height
14. Dwelling units (See amendment - Ordinance 98-21)
15. Artisan Workshop & Gallery (See amendment-Ordinance 2002-27)

33.12 C-1 - COMMERCIAL DISTRICT-1

1. Airport (public or private)
2. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. All Alcoholic beverage sales with greater than 50% and less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 75% or more revenue from alcohol
3. Auto sales, used
4. Bowling alley
5. Broadcasting facilities, radio, television, microwave tower or commercial antenna
6. Carnival (by resolution of City Council for specific time period)
7. Cemetery
8. Commercial amusement (indoor or outdoor)
9. Electric substation, transmission line or other public use utilities
10. Fairgrounds
11. Flea market (indoor or outdoor)
12. Heliport or helistop
13. Limited warehousing and wholesale distribution
14. Lumber yard
15. Maintenance or janitorial service
16. Mini-warehouse or self storage
17. Open storage uses
18. Portable building sales
19. Private clubs

20. Race track, horse or dog (commercial)
21. Restaurants with private cubs with alcoholic beverage sales (no drive through for alcohol sales)
22. Seasonal fruit and vegetable sales or mobile concession trailers
23. University or parochial school and related facilities
24. Caretaker/Guard Residence (See amendment-Ordinance 98-22)
25. Alternative Financial Services (See amendment-Ordinance 2014-37)

33.13 C-2 - COMMERCIAL DISTRICT-2

1. Airport
2. Alcoholic beverages for On-Premise consumption (See Ordinance 2013-13)
 - a. All Alcoholic beverage sales with greater than 50% and less than 75% revenue from alcohol
 - b. All alcoholic beverage sales with 75% or more revenue from alcohol
3. Automobile or truck display or sales (new or used)
4. Boat storage
5. Cemetery
6. Electric substation, transmission line or other public use utility
7. Electronic manufacturing
8. Flea market (indoor or outdoor)
9. Heliport or helistop
10. Indoor sports, recreation and entertainment
11. Kennels (outside) with a veterinarian clinic
12. Motor freight terminal
13. Moving and storage company
14. Nursing home or home for the aged
15. Private club
16. Restaurant with private club
17. Retail concrete sales (ready made for retail sales by non-wholesale or non-commercial manufacturers)
18. Rodeo or other sports arena
19. Seasonal fruit and vegetable sales or mobile concession trailers
20. Stable (commercial)
21. Alternative Financial Services (See amendment-Ordinance 2014-37)

33.14 LI - LIGHT INDUSTRIAL

1. Airport, heliport or helistop
2. Manufacturing of acetylene and other gases
3. Brick kiln or tile plant
4. Cemetery
5. Coal, coke or wood yard
6. Concrete or asphalt batching plant
7. Drive-in theater
8. Electric substation, transmission line and other public use utility
9. Flea market (outdoors)
10. Gravel, sandstone or petroleum extraction

11. Gun club or shooting range
12. Lumber mill (for processing raw materials)
13. Other mining activities
14. Petroleum products storage
15. Petroleum or gas well
16. Planing mill
17. Printing plant
18. Race track, horse or dog
19. Sexually oriented uses (adult bookstores, adult motion pictures, and nude modeling or photography studios)

33.15 HI - HEAVY INDUSTRIAL

1. Acid manufacturing
2. Airport
3. Animal feed lot, stockyards, or slaughter of animals
4. Arsenal
5. Cemetery
6. Explosives manufacturer
7. Gravel, soil or mineral mining or extraction
8. Magnesium manufacturing or processing
9. Open or unscreened junk or salvage yard
10. Any use which exceeds the performance standards as per Section 40 of this Ordinance.

33.20 PERSONAL WIRELESS SERVICE FACILITIES - (See Ordinance 2001-38)

- PART 1:**
1. **PURPOSE:** These regulations for personal wireless service facilities are adopted for the general purposes of the Zoning Ordinance and for the following specific purposes.
 - a. To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively and efficiently;
 - b. To encourage the users of support structures and antennas to collocate where possible, and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal;
 - c. To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services; and
 - d. To minimize the visual impact of towers through design, screening, and landscaping.
 2. **DEFINITIONS:**
 - a. **ALTERNATIVE SUPPORT STRUCTURE OR TOWER** means a building, clock tower, bell steeple, light pole, or similar alternative for mounting an antenna. For the purposes of this section, the terms “alternative support structure or tower” shall not apply to a legally nonconforming or off-premise sign, as those terms are defined in Section 38.8 of the City’s Zoning Ordinance.

- b. **ANTENNA** means any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic spectrum waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, Omni-directional antennas such as whips, and other similar transmitting or receiving equipment intended for personal or communications use.
- c. **COLLOCATION** means the mounting or installation of an antenna on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
- d. **DIRECTOR** means the Development Services Director or the City's designated representative.
- e. **EQUIPMENT ENCLOSURE** means a small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for operating personal Wireless service facilities. Associated equipment may include air conditioning and emergency generators.
- f. **HEIGHT** means the vertical distance between the finished grade at the base of the tower or non-residential structure, and the lowest point of contact with the building, and the highest point of the structure, including the antennas.
- g. **HISTORIC DISTRICT, STRUCTURE OR SITE** means any district, structure or site designated as historic by any lawfully authorized local, state or federal historic preservation entity, including the City.
- h. **PERSONAL WIRELESS SERVICES** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. Personal communication service, cellular radiotelephone service, specialized mobile radio services and paging services are examples of personal wireless services.
- i. **PERSONAL WIRELESS SERVICE FACILITIES** means facilities for the provision of personal wireless services.
- j. **RESIDENTIAL STRUCTURE** means any structure where at least fifty percent of the building's intended use is residential.
- k. **STEALTH TECHNOLOGY** means systems, components and materials used in the construction of the personal wireless service facility to make it less intrusive with respect to the surrounding property.
- l. **UNLICENSED WIRELESS SERVICE** means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services in the Federal Communications Act.

3. ADMINISTRATIVE REVIEW: The Development Services Department shall administratively review, and may approve, applications proposing personal wireless service facilities that comply with the following conditions:

- a. Facilities located within Heavy Industrial (HI) and Light Industrial (LI) zoning districts if tower height does not exceed 120 feet or encroach into any restricted airspace or zones and is located no closer than 1,000 feet to the boundary of any residential land use or zoning district;
- b. Facilities located atop of any nonresidential and non-historic building, within any zoning district, if the facilities do not increase the overall height of the building or structure more than fifteen feet and do not encroach into any restricted airspace or zones;
- c. Facilities located on the vertical exterior of any nonresidential and non-historically significant building, within any zoning district, provided the antenna or antenna support structure or equipment is:
 - 1) Mounted flush with the exterior of the building or projects no more than 24 inches from the surface of the building to which it is attached, and does not increase the height of the building to which it is attached more than fifteen feet, and that said projection is at least fifteen feet above grade; and
 - 2) Textured and colored so as to blend with the surrounding surface of the building.
- d. Facilities meeting criteria (a) through (c) above and located on structures used primarily for institutional purposes -- including governmental facilities; public and private primary, secondary, college or university educational facilities, hospitals and churches -- which facilities shall be eligible for administrative approval by the City Manager.
- e. Facilities used on a temporary basis in conjunction with special event, emergency situation or in case of equipment failure, if the time frame for use does not exceed a thirty day time period; or
- f. Facilities utilizing stealth technology located in Office-1 (O-1), Office-2 (O-2); Neighborhood Service (NS), Commercial (C-1), Commercial-2 (C-2), Light Industrial (LI); and Heavy Industrial (HI) zoning districts. Collocation standards apply to facilities utilizing stealth technology.
- g. Facilities in any zoning district which collocate on an existing structure.
- h. Facilities 75' or taller in height must include a red flashing light installed as an aid to aviation in conformance with standards of the Federal Aviation Administration.

4 SPECIFIC USE PERMIT:

- a. A Specific Use Permit (SUP) shall be required for other personal wireless

service facilities proposed to be located in a historic district or on a historic structure or site.

- b. A SUP shall be required for all facilities ineligible for administrative review. Personal wireless service facilities shall be permitted in all non-residential zoning districts following approval of a SUP.
- c. An application for a SUP for personal wireless service facilities shall be granted or denied to further the purposes of this section, meet the general standards for a SUP, and conform to the City's Comprehensive Plan. Every Application shall be evaluated for compatibility of height with surrounding areas and provision for collocation.
- d. The conditions of a SUP may impose standards that are stricter than those required by this section.

5. APPLICATIONS: An application for administrative approval or a SUP for personal wireless service facilities shall include the following items (in addition to the site plan and other information required for a SUP application generally):

- a. The linear distance between the proposed support structure and the nearest residential structure and/or residential zoning district boundary line;
- b. An inventory and 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, showing the following information:
 - 1) Location, height and design of each antenna support structure;
 - 2) Coverage area for each facility; and
 - 3) Distance between the proposed support structure or antenna and existing support structures.
- c. Grid plans (propagation map) of the service area for existing and future structures for a period of not less than five years;
- d. Realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways;
- e. For a new tower, description of provision for collocation of additional facilities on the tower;
- f. If not collocating, statement of reasons and detailed evidence to support each reason;
- g. Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the requirements of the City of Belton Building Code; and

- h. Certification that all antennas and antenna support structures shall comply with Federal height and lighting restrictions.
6. **NOTIFICATION:** The radius for notice of rezoning to surrounding property owners shall be increased to 500 feet for an application for a conditional use permit for personal wireless service facilities. The procedure for notice to surrounding property owners shall also apply to applications for administrative approval.
7. **COLLOCATION:** No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:
- a. Height is not sufficient to meet applicant's engineering requirements;
 - b. Structural strength is not sufficient to support applicant's proposed facilities and cannot be reinforced in accordance with engineering requirements;
 - c. Other aspects of structure do not meet applicant's technical design requirements;
 - d. Electromagnetic interference would result from collocation;
 - e. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable.
 - f. Downers of alternative structures are unwilling to accommodate the applicant's needs within thirty days after the date such owners received applicant's written request; or
 - g. Other factors render alternative support structures unsuitable.
8. **DESIGN STANDARDS:**
- a. Boundary and use setbacks.
 - 1) No guy or guy anchor for a facility shall be closer than twenty feet to a bounding property line.
 - 2) The distance between the base of a self-supported tower and the property line of any residential district or use shall not be less than three times the height of the tower structure.
 - b. Security screening fence.
 - 1) The base of every tower shall be completely enclosed by a solid, opaque fence or wall, no less than eight feet in height.

- 2) In a residential zoning district or on property that abuts a residential district or use, mechanical equipment and accessory structures shall also be completely enclosed by a solid, opaque fence or wall, not less than eight feet in height.
- 3) A security screening fence for a facility built or permitted after May 17, 2001, may not be less than six feet in height.
- 4) A security fence shall be built to safely discourage unauthorized access to facilities by climbing.
- 5) External and internal gates and doors that provide access to a facility shall be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access.
- 6) Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or right-of-way.

c. Landscape:

- 1) A facility site shall comply with Section 37 of the Zoning Ordinance regarding landscape.
- 2) A facility site shall screen as much of the total facility as possible from prevalent views. In the alternative, the existing site may be used as a background so that the total facility blends into the background with increased sight distances.
- 3) Landscaping shall be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstructions and street and sidewalk obstruction.

d. Parking: At least one paved off-street parking space shall be designated per facility site.

e. Red Flashing Light: A red flashing light shall be installed atop any tower 75' or taller as an aid to aviation in conformance with standards of the Federal Aviation Administration.

9. ABANDONMENT OF TOWER: At such time as the facility is no longer utilized for service, the tower applicant shall submit written notification to the City of Belton Development Services Department, within thirty days of non-use.

In the event the use of any facility has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Development Services Director, who shall reserve the right to request documentation and/or affidavits from the owner/operator

regarding the issue of tower usage.

Upon such abandonment, the owner/operator of the tower shall have 990 days within which to complete either of the following: (1) request to reactivate the use of the tower or transfer the tower to another owner/operator; the use of the tower must be identical to that approved for the original applicant, or (2) dismantle and remove the tower and associated facilities.

If the facility remains abandoned after the 90-day period, the City will require the removal of the facility, within 90 days of the abandonment period. All aspects of the facility, including but not limited to paving material, support structures, wires, fencing, and platforms shall be removed from the site.

- 10. REVOCATION OF PERMIT:** All components of personal wireless service facilities, including but not limited to paving material, support structures, wires, fencing and platforms, shall be removed by the property owner no later than 90 days after the date the SUP is revoked.
- 11. APPEAL PROCESS:** Any person aggrieved, by a decision of the Director may appeal the decision to the Zoning Board of Adjustment.

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: The Zoning Ordinance of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 4: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that Public Notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

SECTION 34: OFF-STREET PARKING AND LOADING REQUIREMENTS

34.1 PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

34.2 SPECIAL OFF-STREET PARKING PROVISIONS - RESIDENTIAL DISTRICTS

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. No required parking shall be allowed except on a paved concrete or asphalt parking space or other similar all-weather surface in the SF-1, SF-2, SF-3, PH, 2F, MF, and MH Districts.
- C. In the A-O and RE Districts, the required parking shall be on, at a minimum, washed gravel or similar all-weather surface.
- D. No parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle.
- E. In the SF-1, SF-2, SF-3, PH and 2F Zoning Districts, there shall be a minimum of two (2) additional paved parking spaces provided behind the front property line for the purpose of allowing on-site stacking or maneuvering to the required spaces.

34.3 SPECIAL OFF-STREET PARKING PROVISIONS - NON-RESIDENTIAL AND MF DISTRICTS.

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 39.
- B. For safety and firefighting purposes, free access through to adjacent parking areas shall be provided in accordance with Chapter 3 of the Code of Ordinance (General Fire Safety Regulations).
- C. In Office, Retail and Commercial Zoning Districts, and the IP-Industrial Park Zoning District, all required parking shall be provided on paved concrete, asphalt, or other similar impervious surface. In the LI Zoning District, parking shall be provided on an all-weather surface. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- D. Each standard off-street surface parking space size shall be in accordance with the City of Belton Design Manual.

- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping devices installed so as to prevent parking of motor vehicles in any required landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line or sidewalk. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three-foot (3') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into a parking space.
- F. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened according to Section 41.
- G. Handicap parking space(s) shall be provided according to Appendix M of the Standard Building Code.

34.4 OFF-STREET LOADING SPACE - ALL DISTRICTS

- A. All retail, commercial and industrial structures having five thousand (5,000) square feet or more of gross floor area shall provide and maintain an off-street area for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for the first twenty thousand (20,000) square feet of gross floor area and one (1) space for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof. A loading space shall consist of an area of a minimum of twelve (12) by thirty (30) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated maneuvering area for trucks (see Illustration 2).
- B. Kindergartens, day schools, and similar child training and care establishments shall provide one (1) paved off-street loading and unloading space for an automobile on a through "circular" drive for each ten (10) students.

34.5 PARKING ACCESS FROM A PUBLIC STREET - ALL DISTRICTS

- A. In the approval of a Development Plan (Detail Site Plan), consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all Single-Family and Duplex Zoning Districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Building Official or designated representative.
 - 1. Where based upon analysis by the City, projected volumes of traffic entering or leaving the Planned Developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the developer in order to reduce such interference.

2. The determination of additional right-of-way or paving requirements shall be made at the time the final plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas except multi-family uses.
- D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to the City of Belton Design Manual.
- E. See Section 36.4 for setback requirements for garages and carports in residential districts adjacent to a public street.

34.6 PARKING REQUIREMENTS BASED ON USE:

In all Districts, there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

1. Auto laundry or car wash (self-serve): One (1) space per five hundred (500) square feet of gross floor area.
2. Bank, Savings and Loan, or similar institution: One (1) space per three hundred (300) square feet of gross floor area.
3. Bed and Breakfast Facility: One (1) space per guestroom in addition to the requirements for a normal residential use.
4. Bowling Alley: Six (6) parking spaces for each alley or lane.
5. Bus or truck repair, parking or storage area, or garage: One (1) space for each five hundred (500) square feet of floor area or repair garage with a minimum of five (5) spaces.
6. Business or professional office (general): One (1) space per three hundred (300) square feet of gross floor area except as otherwise specified herein.
7. Church, rectory, or other place of worship: One (1) parking space for each three (3) seats in the main auditorium.
8. College or University. One (1) space per each day student.
9. Community Center, Library, Museum, or Art Gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
10. Commercial Amusement: One (1) space per three (3) guests or one (1) space per one-hundred (100) square feet of gross floor area, whichever is greater.
11. Dance Hall, Assembly or Exhibition Hall without Fixed Seats: One (1) parking space

for each one hundred (100) square feet of floor area thereof.

12. Day Nursery: One (1) space per ten (10) pupils plus one (1) space per teacher.
13. Dwellings, Single Family and Duplex - Two covered spaces for each unit, located behind the front building line.
14. Dwellings, Multi-Family: Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit
15. Flea Market: One (1) space for each five hundred (500) square feet of site area. Dirt or gravel parking lots are not permitted.
16. Fraternity, Sorority, or Dormitory: One (1) parking space for each two (2) beds on campus, and one and one-half (1.5) spaces for each two beds in off-campus projects.
17. Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Machinery or Equipment Sales and Service, Clothing or Shoe Repair or Service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
18. Gasoline Station: Minimum of six (6) spaces for employees. Adequate space shall be provided for waiting, stacking and maneuvering automobiles for refueling.
19. Golf Course: Three (3) parking spaces per hole.
20. Hospital: One (1) space per employee on the largest shift, plus one and one-half (1.5) spaces per each bed or examination room whichever is applicable.
21. Hotel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
22. Library or Museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet.
23. Lodge or Fraternal Organization: One (1) space per two hundred (200) square feet.
24. Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop, or Similar Establishment: One (1) parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area.
25. Medical or Dental Office: One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
26. Mini-Warehouse: Four (4) spaces per complex plus (1) one additional space per five thousand (5,000) square feet of storage area.
27. Mobile Home Park: Two (2) spaces for each mobile home plus additional spaces as

required herein for accessory uses.

28. Mortuary or Funeral Home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
29. Motel: One (1) parking space for each sleeping room or suite plus one (1) additional space for each two hundred (200) square feet of commercial floor area contained therein.
30. Motor Vehicle Salesroom or Used Car Lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
31. Nursing Home: One (1) space per five (5) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
32. Race Track for Horses or Dogs: One (1) for each three (3) seats plus one (1) space for each employee. Stable areas shall provide storage areas for horse trailers according to Section 34.4 (A).
33. Country Club or Golf Club: One (1) parking space for each one hundred fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
34. Retail Store or Personal Service Establishment, Except as Otherwise Specified Herein: One (1) space per two hundred (200) square feet of gross floor area.
35. Restaurant, Private Club, Night Club, Cafe or Similar Recreation or Amusement Establishment: One (1) parking space for each one hundred (100) square feet of floor area.
36. Rooming or Boarding House: One (1) parking space for each sleeping room.
37. Sanitarium, Convalescent Home, Home for the Aged or Similar Institution: One (1) parking space for each five (5) beds.
38. School, Elementary: One (1) parking space for each fifteen (15) students (design capacity).
39. School, Secondary or Middle: One (1) parking space for each fourteen (14) students, faculty and staff (design capacity).
- 40a. School, High School: One space for each one and one-half (12) students, faculty and staff (design capacity). (See Ordinance 2008-23)
- 40b. Student Living Unit: 1.25 parking spaces per Student Living Unit or the number established by Section 34, Off-Street Parking and Loading Requirements. (See Ordinance 2008-23)
41. Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school): One (1) parking space for each three (3) seats or bench seating spaces.
42. Truck Stops: One (1) truck parking space for each ten thousand (10,000) square feet

of site area plus one (1) vehicle parking space per two hundred (200) square feet of building area.

43. Warehouse, Wholesale, Mini, Manufacturing or Other Industrial Type Uses: One (1) space for one thousand (1,000) square feet of gross floor area.

34.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES:

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
- C. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- E. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, 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. Shared parking must be on the same lot. Such approval may be rescinded by the City Council and additional parking shall be obtained by the owners in the event that the City Council determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety or welfare.

34.8 LOCATION OF PARKING SPACES:

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed six hundred (600) feet from any other non-residential building served.

- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.
- C. Required parking in the CBD District may be reduced by the Planning and Zoning Commission and City Council, by separate resolution, if it is determined that due to existing space constraints, the requirements of this Ordinance cannot be met. This alternative shall apply only to new uses in existing structures and previously platted lots. No variance may be granted for lots that are replatted or new construction on replatted lots unless approved by the Board of Adjustment. On-site reduction may be approved by the City staff after submittal of a site plan showing the proposed parking plan.

34.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

34.10 LANDSCAPING AND SCREENING.

All parking areas shall conform to the Landscape Requirements established by Section 37, and the Screening Fence and Wall Regulation established by Section 41.

34.11 FIRE LANES.

- A. Fire lane easements shall be provided in all multi-family and nonresidential areas.
- B. Fire lane easements shall be a minimum of twenty-four feet (24') wide with a minimum twenty-foot (20') turning radius or a minimum of twenty feet (20') wide with a twenty-four foot (24') turning radius. A fire lane easement shall be located within one hundred fifty feet (150') of all points of any structure. All fire lanes shall have access from a public street and shall be continuous. No "dead end" fire lanes are permitted.
- C. It shall be the property owner's responsibility to maintain the fire lane.

SECTION 35: SPECIAL AND ADDITIONAL SUPPLEMENTARY REGULATIONS.

35.1 LOT AREA:

- A. The minimum residential lot area for the various Districts shall be in accordance with the individual districts except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Ordinance, may be used for a single-family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth in the respective District.
- B. Public and semi-public institutions such as hospitals, churches and schools located in any District shall have a minimum site area of one (1) acre.
- C. Location of Dwellings and Buildings - Only one main building for single-family and two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every means of access shall have a minimum width of twenty-five feet (25') at the property line. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning and Zoning Commission so as to comply with the City Subdivision Regulations' requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

35.2 FRONT YARD:

- A. On corner lots, the front yard setback shall be observed along the frontage of both intersection streets, unless shown specifically otherwise on a final plat, according to Section 35.1 (A).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (See Illustration 3).
- C. Where a building line has been established by a plat approved by the City Council or by ordinance, and such line required is a greater or lesser front yard setback than prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such Ordinance or plat provided no such building line shall be set back less than twenty feet (20').
- D. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. (See Illustration 4.)
- E. Where lots have double frontage, extending from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed. (See Illustration 5.)
- F. In all residential districts, the minimum front yards specified may be reduced by a maximum

of five feet (5') if twenty-five percent (25%) of the dedicated street lengths in the subdivision are curvilinear in design. In no case shall the required front yard be less than twenty feet (20'). The term "curvilinear in design" shall refer to any street segment which is designed with a degree of curvature not less than 3° 30' and not greater than 22° 55', and which shall offset a minimum distance of thirty feet (30'), and offset being measured perpendicular to the initial tangent line of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets. (See Illustration 6.)

- G. The minimum front yard setback requirements may be reduced by a maximum of five feet (5') in all Single-Family and 2F Districts provided that at least fifty percent (50%) of the structures on a given block are set back an additional five feet (5') from the original setback. The average setback along the block shall equal the original setback requirement. The purpose of this requirement is to encourage a variety of front yard setbacks along a street creating a more pleasing appearance of houses in the subdivision. In no case shall the front yard setback be less than twenty feet (20'). The desired front setback for each lot shall be designated on the final plat. (See Illustration 7.)
- H. Minimum front yard setbacks for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street shall be twenty-five feet (25'). (See Illustration 8.)
- I. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping three feet (3') or higher above the street center line obstructs the vision of a motor vehicle drive approaching any street, alley or driveway intersection.
 - 1. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions. (See Illustration 9.)
 - 2. At an intersection with an alley, this clearance must be maintained for ten feet (10'). (See Illustration 9.)
 - 3. Fences, walls, and hedges three feet (3') in height, as measured from the centerline of the street, or less may be located in the visual clearance areas of all districts.
- J. Gasoline service station pump islands may not be located nearer than eighteen feet (18') to the property line adjacent to a public street. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten feet (10') to the property line.
- K. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.
- L. Satellite dishes are prohibited in the front yard area of any district. Only one satellite dish shall be permitted per lot or primary structure. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter.

35.3 SIDE YARDS:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after December 9, 1975 except that where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line shall be designated on the plat approved by the Planning and zoning Commission containing a side yard of fifteen feet (15') or more. On lots that were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar appurtenances are permitted in the side yard.

35.4 SPECIAL HEIGHT REGULATIONS:

- A. In the districts where the height of buildings is restricted to two(2) or two and one-half (2 ½) stories, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed thirty-five feet (35') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side and rear yards for each foot that such structures exceed three (3) stories.
- B. Amateur radio antennas and other transmitting and receiving devices of microwave or electromagnetic waves for broadcasting use, shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed forty feet (40') and proper guy wire securement shall be followed. In no manner shall the use of such equipment infringe upon adjoining property owners. Roof mounted satellite dishes in excess of fifty (50) pounds shall be approved by a registered architect or professional engineer by written letter to the building official, prior to installation, stating the antenna's stability and support.

35.5 MISCELLANEOUS REQUIREMENTS:

- A. All measurements of setback requirements shall be made according to Illustrations 10, 11, and 12.
- B. Swimming Pools: See Article IV, Swimming Pools, of the Belton City Code.

35.6 RADIO, TELEVISION AND MICROWAVE TOWERS:

No radio, television or microwave tower for a commercial use shall be located within a distance equal to or less than the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area or residence.

35.7 A MODULAR HOME MAY BE PERMITTED IN ANY A, RE, SF, 2F, PH, MH, OR MF ZONING DISTRICT PROVIDING THAT THE FOLLOWING REQUIREMENTS ARE MET:

- A. The dwelling meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
- B. Conforms to all applicable zoning standards for the respective zoning district.
- C. Is affixed to an approved permanent foundation system.
- D. The building official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Article 1221f V.T.C.S.)
- E. The modular home is placed on an approved platted lot of the City of Belton.

35.8 VARIOUS USES WHICH HAVE SUPPLEMENTED REGULATIONS:

A. FLEA MARKETS

- 1. Time of Operation - The flea market shall not open prior to thirty (30) minutes before sunrise and shall not remain open longer than thirty (30) minutes past sunset.
- 2. Sign Control - All signs in connection with this use shall be of a permanent nature and shall be located on private property. Individual vendors shall be allowed to place a temporary or portable sign at their vender space only.
- 3. Traffic Control
 - a. If, in the opinion of the City's Chief of Police (based on a study of the amount of traffic generated by the use and analysis thereof), a need for traffic control exists, he shall make such recommendation to the City Council, who by their action, may require that said traffic be handled by persons trained in traffic control at the expense of the owner or operator.
 - b. At the direction of the City, by direction of the City Council, permanent traffic signs or markings may be required for the routing of traffic, parking, and pedestrian walkways.
- 4. Life of Permit - Once a Specific Use Permit for a flea market (outdoor) use is granted by the City, it shall be held by the permittee subject to review by the City. A permit shall expire one (1) year from the date of issuance unless extended by the City Council upon written request of the permittee.
- 5. Public Health Requirements
 - a. All flea markets operating by virtue of this permit shall conform to all City, County, State, and Federal regulations governing public health, food service, or handling laws and other similar regulations.

- b. A minimum of one permanent restroom facility with separate facilities for men and women shall be minimally required for each flea market, whether indoor or outdoor. For flea markets over one acre in size, an additional permanent public restroom with separate facilities for men and women shall be provided for each additional acre. Public restrooms shall be considered to be a permanent structure, having permanent walls, roof, and foundation and containing a minimum of two water closets and a lavatory each for men and women. In the case of the men's restroom, one urinal may be substituted for one water closet.
- c. The sale, trade, exchange, or barter of any live fish, fowl, animal, reptile, or other living creature is specifically prohibited.
- d. The sale, trade, exchange, or barter of any produce, meat product, or any other products for consumption which require refrigeration is specifically prohibited unless the merchant (1) is licensed by the Bell County Health Department, (2) has adequate refrigeration for such projects, and (3) sells all such products in a totally enclosed building.
- e. Any food service, including beverage dispensing, shall be licensed by the Bell County Health Department. If the food is edible substances, beverages, or ingredients used or intended for use for human consumption) shall be served only by establishments having a valid license issued by the Bell County Health Department. Said food served shall be consumed on the premises of the food establishment within the area designated by the health authorities as area covered by applicable public health regulations.

B. BED AND BREAKFAST FACILITIES

- 1. Breakfast shall be the only meal served and to paying guests only. The meal shall be confined to a continental-type breakfast, consisting of pastries (prepared outside the facility), milk, cereal (cold), fruit juice, and coffee. Breakfast consisting of items other than those mentioned will require the facility to meet all State of Texas and Bell County Health District requirements for commercial food service.
- 2. The owner who manages the facility shall provide clean linens and towels as necessary; provide adequate heating, ventilation and lighting; provide adequate hot and cold water; provide for adequate sewage disposal; maintain the outside area in a clean and sanitary manner; and properly clean the premises and facilities during the guests' stay and after each guest has departed.
- 3. Each owner who manages the facility must acquire a permit for the facility from the Bell County Health Department no less than once each year and upon demand as required by a complaint. The inspections must be passed successfully.

C. ALTERNATIVE FINANCIAL SERVICES

- 1. A lot containing an alternative financial service shall be located at least 1,000 feet from the any lot containing another financial service, as measured in a straight line

between the nearest points of one lot to the other lot.

2. A lot containing an alternative financial service, shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points on one lot to the other lot.
3. No alternative financial services shall be permitted within the Central Business District.

35.9 ADMINISTRATIVE ADJUSTMENTS IN REQUIRED BUILDING SETBACKS
(See Ordinance 2012-29)

1. The Planning Director is hereby granted the authority to authorize minor building encroachments up to 15% into the front, side or rear setbacks.
2. Prior to approval of an administrative adjustment, the Planning Director shall determine that the granting of the adjustment will not be detrimental to the public health, safety, and welfare of nearby properties.
3. The Planning Director is hereby authorized to approve setback adjustments based on encroachments resulting from proposed developments, existing mistakes in building placement, and existing tree coverage or topographic conditions.

SECTION 36

ACCESSORY BUILDING AND USE REGULATIONS

- 36.1** In a residence or apartment district, an accessory building is a subordinate or incidental building, attached to or detached from the main building without separate kitchen facilities, not used for commercial purposes and not rented.
- 36.2** In other districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.
- 36.3** Accessory dwelling units in the A and RE Districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:
- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from that upon which the main dwelling is constructed. Each lot must have a minimum of one-half (1/2) acre upon which an accessory dwelling unit may be constructed.
 - B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit.
 - C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - D. Setback requirements shall be the same as for the main structure.

36.4 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND APARTMENT DISTRICTS:

- A. Size of Yards:
 - 1. Front Yard: Detached from accessory buildings shall have a front yard not less than the main building or as specified in the particular district.
 - 2. Side Yard: There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line or easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
 - 3. Rear Yard: There shall be a rear yard not less than three feet (3') from any lot line or alley line, or easement line, except that:
 - a. If no alley exists, the rear yard shall be not less than ten feet (10') as measured from the rear lot line.

- b. Where apartments are permitted, the main building and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line.
- c. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building.
- d. Accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3"). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the height of the building is no greater than eight feet (8') and a solid fence or wall of the same height shall be built on the rear lot line to screen the building from property located to the rear.
- e. Garages arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear yard or alley easement line a minimum distance of twenty feet (20').

36.5 ACCESSORY BUILDINGS IN MH DISTRICT:

In the MH District, no carport, garage, storage building, office or caretaker's dwelling, laundry house, or other permitted structure may be located nearer than ten feet (10') to any side or rear line of the site. Such structures shall also be subject to front yard requirements above.

SECTION 37

Please refer to *Belton Design Standards* adopted April 2014 for more information on landscape requirements.

SECTION 38: SIGN REGULATIONS

38.1 PURPOSE AND OBJECTIVES:

The purpose of this Section is to provide clear regulations for the permitting, design, location, construction, modification, use, maintenance, and removal of signs in the City of Belton and its extraterritorial jurisdiction. The objectives are: to improve the effective use of signs as a means of communication in the City to maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property and public safety; and to insure the fair and consistent enforcement of these sign regulations.

38.2 ADMINISTRATION:

The provisions of this ordinance shall be administered and enforced by either one or more of the following: the Development Services Director, Code Enforcement Official, and Building Official of the City of Belton.

38.3 PERMIT PROCEDURES AND FEES:

A. Requirements:

No sign shall be erected, constructed, relocated, altered, repaired, or maintained except as provided in this ordinance until a permit for such has been issued. All sign construction shall conform to the applicable adopted International Building Code (IBC), as adopted.

B. Application for Permits:

All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises as visible from the right-of-way, a drawing of the site plan or building facade indicating the proposed location of the sign, and sign specifications. Applications shall be made to the Development Services Director on forms provided by the City.

C. Fee Required:

Fees for a permit to erect, alter, replace, repair or relocate a sign shall be as provided in the Belton Fee Ordinance.

D. Repair, Building Permit Required:

It shall be unlawful for any person to repair or make alterations to any sign without first obtaining a building permit.

E. Late Fee:

When a sign is erected, placed, altered or maintained, or work started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this ordinance.

F. Electrical Permit:

Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained. The electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the International Building Code. No sign shall be erected in violation of the Electrical Code.

38.4

SPECIAL DEFINITIONS:

For the purpose of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. **Banner.** A piece of fabric or similar material that is attached to a pole, enclosed in a frame, mounted or leathered as a temporary sign device.
2. **Billboard.** A non-premise sign (also called off-premise sign) as regulated under Section 38.24, Billboards and Other Off Premise Sign.
3. **Building.** Any structure intended for shelter, occupancy, housing, or enclosure for persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
4. **Changeable Copy Message Center.** A sign upon which copy is changed, either automatically or manually, or remotely. Examples include time, temperature, and date signs, and reader boards with changeable letters or changeable pictorial panels.
5. **Civic Use.** Any site for public or semi-public facilities, including governmental offices, police and fire facilities, hospitals, convention centers, and public and private schools. Also includes major religious facilities and other religious activities events.
6. **Clad/Cladding.** A covering used to obscure support structures and are incorporated into an overall design of a sign
7. **Elevation.** A mechanically accurate, "head on" drawing of a face of a building or object, without any allowance for the effect of the laws of perspective. Any measurement on an elevation will be in a fixed proportion, or scale, to the corresponding measurement on the real building.
8. **Façade.** Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five (45) degrees of one another, they are to be considered as part of a single façade.
9. **Frame.** A window component.

10. **Head.** The top horizontal member over a door or window opening.
11. **Luminance.** The brightness of a sign or a portion thereof expressed in terms of foot-candles. For the purposes of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.
12. **Masonry.** Construction materials such as stone, brick, or tile. Concrete Masonry Unit (CMU) and stucco are not defined as masonry products.
13. **Mass.** The physical size and bulk of a structure.
14. **Master Signage Plan.** An administrative permit issued by Building Official which establishes standards (size, design, location, etc.) for all exterior signs associated with a multi-tenant/ multi-building development.
15. **Material.** As related to the determination of "integrity" of a property, material refers to the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.
16. **Off- Premise Sign.** See Billboard.
17. **Panel.** A sunken or raised portion of a door with a frame-like border.
18. **Pole.** A piece of wood, metal, etc., usually long and square or cylindrical, set upright to support a building, sign, gate, etc. which is used in the construction and support of allowable signage when cladding is incorporated.; pillar; post.
19. **Premises.** A lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the County.
20. **Projecting Sign.** Any sign attached to and placed perpendicular to or at an angle to a building façade.
21. **Property.** Area of land containing a single lot or a group of lots.
22. **Public Use.** See Civic Use.
23. **Seasonal Banner.** Any sign generally designed for temporary, long-term or seasonal use mounted to a light standard.
24. **Sign, Attached.** Any sign attached to, applied on, or supported by any part of a building (such as a wall or roof) which encloses or covers usable space. (Also called wall sign)
25. **Sign, Detached.** Any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or

are parked only temporarily, incidental to their principal use for transportation. (Also termed pole signs or freestanding signs)

26. **Sign, Device.** Any flag, hot air balloon, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached, by the same rules as other signs. (Also termed wind device)
27. **Sign, Non-or Off-Premises.** Any sign which is not a premise sign, including billboards.
28. **Sign, Political.** Any type of non-premise sign which refers only to the issues or candidates involved in a political election.
29. **Sign, Premise.** Any sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on the premises, or the sale, lease, or construction of those premises. (Also called an on-premise sign)
30. **Sign, Projected.** Any sign which extends out or beyond the face of the building more than eighteen (18) inches.
31. **Sign, Special Purpose.** A sign temporarily supplementing the permanent signs on the premises. Signs indicating a business opening. For Lease, or For Rent are special purpose signs.
32. **Sign, Vehicular.** Any sign on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs that are being transported to a site of permanent erection or identification, company name or logo painted or permanently affixed to the vehicle, or signs on vehicles transporting goods or providing services.
33. **Sign.** Any structure, display, device, flag, light, figure, letter, word, message, symbol, plaque, or poster visible from outside the premises as announcement or business identification on which it is located and designed to inform or attract the attention of persons not on that premise, including searchlights.
34. **Special Event Banner.** Same as Seasonal Banner.
35. **Temporary Sign.** A sign displayed for a limited period of time which is placed to advertise or announce a special event, or which is not considered permanent business identification or a window sign that does not exceed the maximum sign allowance for a particular use. Temporary signs may be displayed for a period of a maximum of sixty (60) days per calendar year, not to exceed ninety (90) consecutive days.
36. **Thematic Banner.** Same as Seasonal Banner.
37. **Visibility Triangle.** A triangular shaped area established at street intersections or

street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See illustration, Section 38.13, G)

- 38. **Wall Sign.** Any sign attached to, applied on, or supported by, any part of a building (such as a wall or roof) which encloses or covers usable space. (Also called **attached sign**)
- 39. **Window Sign.** Any sign painted, applied to, hung inside or intended to be viewed through window glass.

38.5 APPLICABILITY AND EFFECT:

- A. A sign may be erected, placed, established, painted, created or maintained in the jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of this Code. These regulations apply to both signs with commercial and non-commercial messages.
- B. The effect of this Section is to prohibit all signs not expressly permitted by this Section, except as approved through the appeals process established by this Code.

38.6 JURISDICTION:

In accordance with the Texas Local Government Code, these regulations as well as the stipulations and regulations outlined within §216., of such Code - Regulation of Signs by Municipalities, apply to all areas within the corporate limits of the City of Belton and those areas within the extraterritorial jurisdiction.

38.7 MASTER SIGN PLAN:

Pursuant to the procedures and provisions outlined herein, a Master Sign Plan shall be required for all multiple-tenant buildings, planned unit developments, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved Master Sign Plan. In addition to other general administrative review criteria in this ordinance, the Planning and Zoning Official of the City of Belton must determine the following in order to grant final approval for the Master Sign Plan:

- A. The plan provides that signs of a similar type and function within the development will have a consistent building material.
- B. The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this ordinance.
- C. A Master Sign Plan shall expire twelve (12) months after the date that the Master Sign Plan was approved unless:

1. A complete Building Permit application has been submitted or, if no Building Permit is required, a Certificate of Occupancy has been issued.
2. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be submitted within twelve (12) months from the date Site Plan approval is granted. Each subsequent application must be submitted within twelve (12) months from the date of issuance of a Certificate of Occupancy by the Building Official for the previous phase of the development.

38.8

NONCONFORMING AND UNLAWFUL SIGNS:

A nonconforming sign may continue except as otherwise provided in or authorized by this Section. A nonconforming sign is a sign that was lawfully established prior to the effective date or applicability of these regulations or subsequent amendments, but does not comply with current sign regulations, while an unlawful sign is a sign that was established after the effective date or applicability of these regulations or subsequent amendments and does not comply with current sign regulations. In order to achieve the purposes of the sign regulations, there is established herein a policy for the removal or abatement of nonconforming signs over time.

- A. A permanent advertising sign not in conformance with these regulations, which has lawfully permitted and erected prior to the enactment of said regulations, shall be considered a nonconforming sign. A sign, which has been deemed nonconforming, shall be exempted from the provisions of this ordinance, unless damaged by natural causes or otherwise destroyed or taken down, or removed for any purpose other than maintenance operation that is allowed. It may not be re-erected, reconstructed, or rebuilt, except in full compliance and conformance with this ordinance. Any nonconforming sign which is damaged or is deteriorated to a point where its restoration cost exceeds sixty percent (60) of its replacement value shall be removed, unless otherwise authorized to remain.
- B. An unlawful sign is not a nonconforming sign and must be removed within thirty (30) days of official notice from the City. Any sign erected or maintained which is not in conformance with this chapter or prior ordinances of the City, is hereby declared to be a public nuisance, and shall be removed or brought into compliance within the thirty (30) day period indicated. If the Building Official finds that any sign or other advertising structure installed since the adoption of this ordinance is prohibited by the provisions of this ordinance, the Building Official shall give written notice to the permittee or the owner of the property upon which the structure is located. If the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth in this ordinance within thirty (30) days after such notice, the Building Official may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to the permittee or owner. The Planning and Zoning Official may cause any sign or other advertising structure which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

38.9 VARIANCES:

Within thirty (30) days after denial of a sign permit by the Building Official, a request for a variance may be filed with the Planning and Zoning Official to appear before the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant a variance if it finds that the unusual shape or topography of the property in question or some other significant location factor prevents signage allowable under the provisions of this ordinance from adequately identifying the business or other activity located on such property. (TLGC 211.008-211.011)

38.10 ABANDONED SIGNS:

All nonconforming and abandoned signs that cease to advertise that business, person or activity for more than ninety (90) days of official notice from the City shall be eliminated or made to conform to current sign regulations. This may occur by means of forced removal or property liens as determined by the City of Belton.

38.11 SUMMARY OF PERMITTED SIGNS:

The following table establishes permitted signs within the corporate limits of the City of Belton and those areas within the extraterritorial jurisdiction based on underlying Zoning District regulations as referenced and in relation to adjacent roadway classifications. All sign types not listed are prohibited.

Table 1: Summary of Permitted Signs

Sign Type	RE, SF-1, SF-2, & MF Districts	A, 2F, PH, MH, & MF Districts	O-1, 0-2, & RD Districts	NS District	C-1, C-2, LI, IP, HI, & PD Districts	HP, UC, CBD, & CR Districts	R District	CH District
A = allowed without permit P = sign permit required C = Certificate of Design Compliance, sign permit required A/C = allowed without permit subject to special conditions								
Non-Public and Non-Civic Uses								
Banner	--	--	P	--	P	C	P	P
Manual Changeable Copy	P	P	P	P	P	C	P	P

Sign Type	RE, SF-1, SF-2, & MF Districts	A, 2F, PH, MH, & MF Districts	O-1, 0-2, & RD Districts	NS District	C-1, C-2, LI, IP, HI, & PD Districts	HP, UC, CBD, & CR Districts	R District	CH District
Electronic Changeable Copy	--	--	--	--	SUP	--	--	SUP
External Illumination	--	--	P	P	P	C	P	P
Flag/Flag Pole	A	A	A	A	A	A	A	A
Incidental	A	A	A	A	A	A	A	A
Internal Illumination	--	--	P	--	P	C	P	P
Residential	A	A	A	A	A	A	A	A
Subdivision Entry Features	P	P	--	--	--	--	--	--
Temporary	P	P	P	P	P	C	P	P
Public and Civic Uses								
Banner	--	--	P	P	P	C	P	P
Manual Changeable Copy	P	P	P	P	P	C	P	P
Electronic Changeable Copy	--	--	--	--	SUP	--	--	SUP
External Illumination	P	P	P	P	P	C	P	P
Flag/Flag Pole	A	A	A	A	A	A	A	A
Incidental	A	A	A	A	A	A	A	A
Internal Illumination	--	P	P	P	P	C	A	P
Temporary	P	P	P	P	P	C	P	P

38.12

SIGNS EXEMPT FROM REGULATIONS:

- A. The following signs shall be exempt from regulation under this Code:
1. Any Public Notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located;

3. Holiday lights and decorations with no commercial message, but only between October 16 and January 15;
4. Decorative landscape lighting only;
5. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial messages of any sort;
6. Address and postbox numerals conforming to incidental sign regulations;
7. Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
8. Legal notices;
9. Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries; and
10. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance.

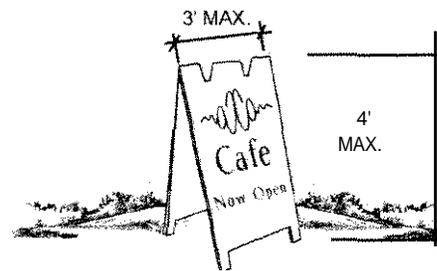
38.13

PROVISIONALLY EXEMPT SIGNS

The signs listed below may be erected without a sign permit provided that standards of this Section shall be met.

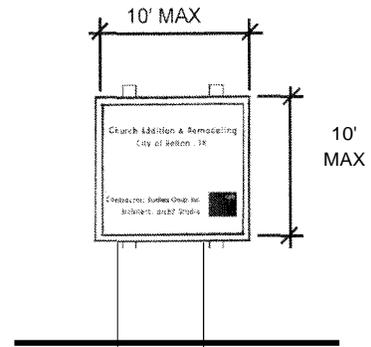
A. A-Frame Signs

A-frame signs no taller than four (4) feet nor wider than three (3) feet with a maximum area per side of twelve (12) square feet along sidewalks abutting the advertised businesses in The Downtown Belton Historical District and in retail centers having at least twenty thousand (20,000) square feet of gross leasable area when the property manager has approved the sign in writing. A-frame signs will be allowed during normal business hours. The owner of a business shall be responsible for maintaining a copy of said written approval on the premises of the advertised building. Similar designs intended for incidental advertising and notification will be allowed for individual or stand alone business locations, and only within ten feet (10') of entrance or primary service drives.



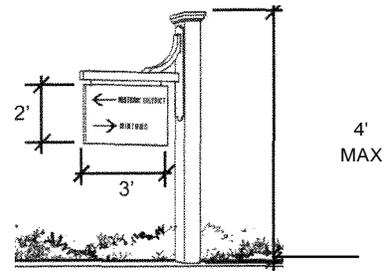
B. Construction Site

These signs shall not exceed a total of one hundred (100) square feet. Such signs shall be removed within one (1) week following completion of the work. "Construction site" sign is defined as a temporary sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural, or financial firms involved with the project, and is not intended as or to serve as advertising or identification of a project beyond the construction phase.



C. Directional

The sign shall not exceed four (4) feet in height and six (6) square feet in sign face area. The sign may be used to direct vehicles or pedestrians. These signs are not to be used for the purpose of advertisement.



Special Sale Signs

1. "For Sale" signs placed on vehicles, provided that the area of the sign does not exceed two (2) square feet.
2. "Garage Sale" signs not larger than four (4) square feet and are allowed on the site of the garage sale only.

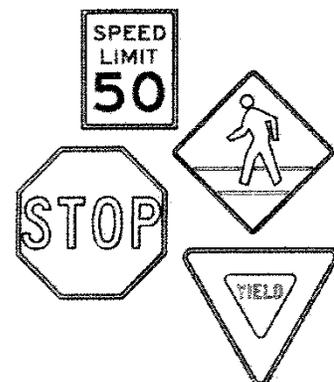
E. "No Trespassing" or "Posted"

These signs shall be allowed subject to the following standards:

1. They shall not exceed one (1) square foot in area.
2. They shall be located on private property.
3. There shall be not more than one (1) per one hundred (100) feet of property line.

F. Parking and Traffic

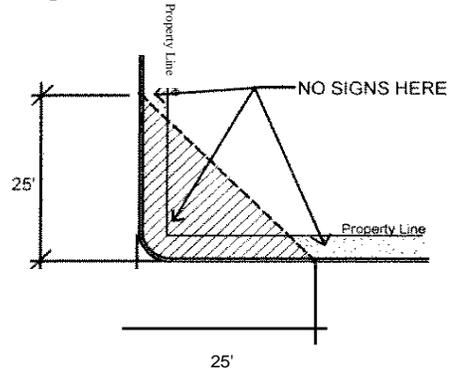
These signs conform to the Manual of Uniform Traffic Control Devices, as published by the U.S. Department of Transportation, Federal Highway Administration. Signs shall not exceed four (4) square feet in area and may be placed on private property to direct and guide traffic and parking on same private property. Such signs shall not include advertising visible from any location outside of the property on which the sign appears.



G. Political

Temporary signs advertising political parties or candidates for election or signs that otherwise provide for freedom of expression unrelated to any commercial endeavor may be erected or displayed and maintained on private property sixty (60) days prior to election and removed three (3) days after general, primary, runoff or special election provided that:

1. The placement of signs shall have the consent of the property owner.
2. No such signs shall be placed on or within public rights-of-way on public property or within visibility triangles.



H. Real Estate

One (1) on-premises real estate sign, indicating that a property or any portion thereof is available for inspection, sale, lease, or rent by a Real Broker or property owner sign is permitted in compliance with the following standards:

1. Sign is non-illuminated.
2. Sign is removed within fifteen (15) days after property closing or lease signing.
3. Signs in a residential area do not exceed three (3) square feet in area by five (5) feet in height with a two (2) foot separation for each parcel, property, or structure.
4. Signs in a commercial area do not exceed thirty-two (32) square feet.
5. One (1) additional sign in conformance with other provisions of this Section may be allowed on a site abutting more than one (1) roadway.
6. Real estate signs shall comply with the setback and height standards for the zoning district in which they are located.
7. No such signs shall be placed on or within public rights-of-way, on public property or within visibility triangles.

I. Service Entrance

An incidental sign for building identification, provided the sign area does not exceed four (4) square feet, and is non-illuminated.

J. Signs along Streets, Public Ways, or Railroads

No sign or flag under this section may be placed on or over the area located within ten (10) feet of the back of the street curb for city or county rights-of-way or the actual right-of-way, whichever is greater, or within twenty-five (25) feet for state rights-of-way or the actual right-

of-way, whichever is greater, or if no curb exists, the impervious surface of the street, or if unpaved, the area located within ten (10) feet of the portion of the city ordinarily used for vehicular travel, the median of a street, across the public right-of-way line extended across a railroad right-of-way, or in the restricted areas at street intersections designated by the City of Belton Code, with the following exceptions:

1. Permanent signs, including: Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Bus stop signs erected by a public transit company. No advertising is permitted at bus stops except for a single sign no larger than two (2) square feet that advertises the bus stop;
3. Informational signs of public utility regarding its poles, lines, pipes, or facilities;
4. Canopy, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of this Code;
5. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way;
6. Special event signs in State rights-of-way, subject to approval of a permit issued by the Texas Department of Transportation;
7. Temporary signs approved and erected as part of a special event that has been approved in accordance with the City of Belton Code are allowed.
 - a. Such signs may be erected no earlier than seventy-two (72) hours before the first day of the special event, and must be removed within 24 hours following the last day of the special event.
 - b. Special event signs may not exceed four (4) square feet in size and may not be placed in a manner that inhibits or interferes with vision or otherwise affects public safety.

K. Window Signs/Advertising Posters

A sign posted, painted, placed, or affixed in or on a window exposed to public view not exceeding thirty (30) percent of an individual window area are provisionally exempt. An excess of the thirty (30) percent will cause the entire area to be calculated as an element of total allowable site signage. (See section 37.18.A.2 for calculation methodology)

L. Home Occupation Signs

One non-illuminated identification sign that is physically attached to the exterior wall of the dwelling, with a sign area no bigger than two (2) square feet.

M. Other Incidental Signs

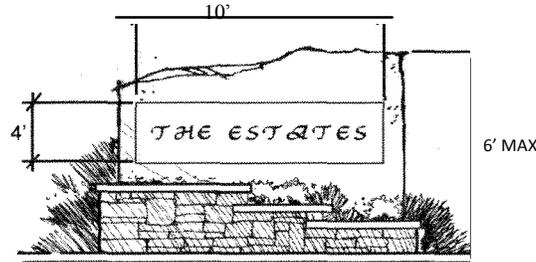
Any other incidental signs secondary in purpose to the use of the lot on which it is located

and not exceeding four (4) square feet in area in addition to those in Section 38.16. These signs are not to be used for the purposes of advertisement.

N. Certain light pole mounted banners pursuant to Section 38.22

O. Subdivision Entry Signs

Subdivision entry signs are allowed at the primary entrance into a subdivision, subject to the following standards:



1. Subdivision entry signs are allowed at one (1) primary entrance unless the subdivision has entrances on two (2) different major arterials. in such case an entrance sign may be placed on each of the major arterial roadways;
2. Subdivision entry signs must be Monument Signs, subject to the definition of this Code, and may contain a maximum of forty (40) square feet per sign face with a maximum height of six (6) feet;
3. Subdivision entry signs must be constructed of stone, brick and masonry material(s) other than CMU and stucco and must be compatible with surrounding development.
4. Subdivision entry signs must be setback a minimum of five (5) feet from the property line outside of the required sight triangle [defined as a sight visibility triangle defined by measuring twenty-five (25) feet to a point along the property lines and joining said points to form the hypotenuse of the triangle and located outside of any public utility easement.
5. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face.
 - a. Irrigation must be provided consistent with the standards of Section 37.2.
 - b. The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.
 - c. Must be submitted as part of Master Sign Plan and Construction Plans.
 - d. All landscape materials shall be maintained so to insure an attractive appearance and a healthy and vigorous growth environment

38.14**SIGNS PROHIBITED UNDER THIS CODE:**

All signs not expressly permitted under this Code or exempt from regulation hereunder in accordance with the previous Section are prohibited within the corporate limits of the City of Belton and those areas within the extraterritorial jurisdiction. Such signs include, but are not limited to:

- A.** Beacons;
- B.** Portable Signs;
- C.** Roof signs above the lesser of the height of the structure or allowable freestanding sign height within the District in which it is located;
- D.** Strings of lights not permanently mounted to a rigid background, except those exempt under the previous Section;
- E.** Inflatable signs and tethered balloons greater than eighteen (18) inches in diameter;
- F.** Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs;
- G.** Signs, temporary or otherwise, affixed to a tree or utility pole;
- H.** Signs violating the "visibility triangle" provisions;
- I.** Off-premise advertising signs, except as expressly permitted in this Code;
- J.** Streamers;
- K.** Electronic Message Centers in fixed or traveling mode; except as provided for under allowable exceptions in Section 38.11, Table 1; and including LED and similar billboards.
- L.** Unshielded Neon; and
- M.** Un-cladded pole or support structure.
- N.** Signs displaying inappropriate, crude, or offensive content or display.

38.15**SIGN LIGHTING STANDARDS:**

- A.** No illuminated sign which has a sign area of one hundred fifty (150) square feet or less shall have luminance greater than three hundred (300) foot candles, nor shall it have luminance greater than three hundred (300) foot candles for any portion of the sign within a circle two (2) feet in diameter.
- B.** No illuminated sign which has a sign area greater than one hundred fifty (150) square feet shall have a luminance greater than two hundred (200) foot candles for any portion of the sign within a circle of two (2) feet in diameter.
- C.** No unshielded light source may be visible from the edge of the public right-of-way at a height of three (3) feet.

- D. All required electrical connections and components shall be mounted so to not be visible from the public right-of-way.

38.16 SIGN DESIGN AND AREA REGULATIONS

Table 2. Sign Dimensional Standards by District

Zoning District	Classification	Maximum Area Per Sign (Square Footage)	Maximum Height (Feet)	Minimum Setback (Feet)	Maximum Number Per Lot	Conditions
RE, SF-1, SF-2, & SF-3 (Non-Public and Non-Civic Uses)	Freestanding, Monument Sign	2	5	2	1	38.18A
	Flag/ Flag Pole	40	25	5	--	--
	Wall	.5 per linear foot of primary façade	--	--	--	38.18C
RE, SF-1, SF-2, & SF-3 (Public and Civic Uses and CN District)	Freestanding, Monument Sign or Low Profile Pole Sign	32	5	10	1	38.18A
	Flag/ Flag Pole	20	5	10		
	Flag/ Flag Pole	40	25	5	--	38.18E
	Wall	.5 per linear foot of primary façade	--	--	-	38.18C
A, 2F, PH, MH & MF (All uses)	Freestanding, Monument Sign or Low Profile Pole Sign	32	8	5	1 per 500' of frontage or fraction thereof	38.18A
	Flag/ Flag Pole	20	6	5		
	Flag/ Flag Pole	40	25	5	--	38.18E
	Wall	1 per linear foot of primary façade	--	--	--	38.18C
O-1, O-2, & RD Districts (All uses)	Freestanding, Monument Sign or Low Profile Pole Sign	32	8	5	1 per 500' of frontage or fraction thereof	38.18A
	Flag/ Flag Pole	20	6	5		
	Flag/ Flag Pole	40	25	5	--	38.18E
	Wall	1 per linear foot of primary façade	--	--	-	38.18C

Zoning District	Classification	Maximum Area Per Sign (Square Footage)	Maximum Height (Feet)	Minimum Setback (Feet)	Maximum Number Per Lot	Conditions
C-1, C-2, LI, IP, HI, & PD (All uses)	Freestanding Monument Sign or	1 per linear foot of primary façade no to exceed a maximum of 48 square feet per sign face	6	5 (10 in IP, LI, and HI Districts)	1 per 500' of frontage or fraction thereof	36.18 A 38.18 F
	Low Profile Pole Sign	20	8	5 (10 in IP, LI, and HI Districts)		
	Cladded Pole Signs on Properties with IH35 or US 190 Frontage, 2 pole minimum	225	20	5	1 per 600' of frontage or fraction thereof	38.18 D 38.18 F
	Flag/Flag Pole	40	20	5	--	38.18 E
	Wall	1 per linear foot of primary façade	--	--	--	38.18 C 38.18 F
	R, NS, & CBD	Freestanding Monument Sign	40	5	5	1
	Flag/Flag Pole	40	25	5	--	38.18 A
	Wall	1 per linear foot of primary façade	--	--	--	38.18 C 38.18 F
HP Overlay, UC, & CR Overlay Districts	For Detailed Information Related to Signs in this District, See the Design Guidelines for Signs Monument signs shall be no greater than 5 feet in height and pole signs will not be permitted.					
CH District	Freestanding Monument Sign	60	8	5	1 per 200' of frontage or fraction thereof	38.18 A
	High Profile Monument Sign	225	20	5	1 per 600' of frontage	38.18 F
	Flag/Flag Pole	40	20	5	--	38.18 E
	Wall	1 per linear foot of primary façade				38.18 C

PRINCIPLES OF SIGN AREA COMPUTATION

The following principles shall control the computation of sign area and sign height.

D. Computation of Area of Individual Signs:

1. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the structure or border used to differentiate a sign face from the structure against which a sign face is placed.
2. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, window, or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
3. The permitted area for all monument signs, pursuant to Table 2 of Section 38.16 shall be inclusive of the sign base and sign structure. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed fifty (50) percent of the overall sign structure.

B. Computation of Area of Multi-faced Signs

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one (1) of the faces.

C. Computation of Height

The height of a sign shall be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

D. Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs shall be computed by applying the Zoning District formulae contained in Section 38.16. Maximum Area Per Sign, to the lot



A. Monument Signs and Low-Profile Signs

Monument signs or low-profile signs are the only permanent freestanding sign allowed, except on properties with I-35 or US 190 frontage, where cladded signs are also permitted.

1. Monument Signs

- a. Monument signs shall have only two (2) sign faces.
- b. The structure of monument signs shall be constructed of materials and colors compatible with those utilized on the primary building's facade.
- c. Monument signs located on the same property must be paced a minimum of eighty (80) feet apart from other freestanding signs for which a permit is required.
- d. A shared monument sign is encouraged. Such a monument sign must be located on one (1) of the properties included in the sign text.



2. Low-Profile Signs

- a. All low-profile signs must have two (2) poles.
- b. Low-profile signs are permitted on any property as an alternative to permitted monument signs.



- c. Low-profile signs may have only two (2) sign faces.
- d. Low-profile signs located on the same property must be spaced a minimum of eighty (80) feet apart from other freestanding signs for which a permit is required.
- e. A shared low-profile sign is encouraged. Such a sign must be located on one (1) of the properties included in the sign text.
- f. In the C-1, C-2, C-3 and IN Districts:
 - i. The use of low profile signs requires the installation of a landscaped area equal to twice the area of one (1) face of the pole sign. The required landscaping shall be located at the base of the pole sign. The owner and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.
 - ii. For properties in excess of five hundred (500) feet of frontage, additional sign square footage is allowed as determined in Table 2. The cumulative square footage of allowed signs may be distributed between the maximum number of allowed signs with no one (1) sign exceeding ninety (90) square feet in size.

3. Residential Districts

In the SF-1, SF-2, SF-3, and RE Districts, externally illuminated free standing signs shall only be located adjacent to arterial roadways.

B. Landmark Signs

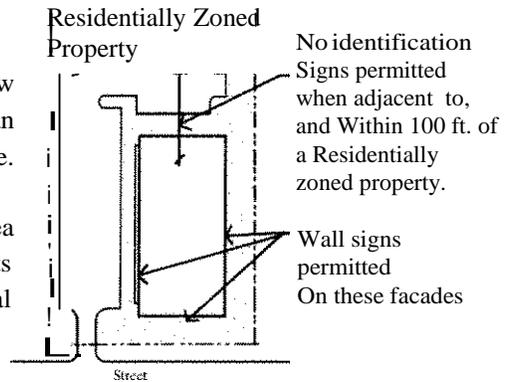
To be recognized and designated as landmark signs, an individual sign (one (1) per property) must be approved by the procedures adopted by the City of Belton. To be considered for designation, these signs shall exhibit such a unique character, design, or historical significance to be recognized as such to the community.

C. Wall Signs

- 1. The calculation of wall signage shall be based upon a builder's primary entrance and building façade as defined in Section 38.4.



2. Wall signs may be placed on any portion of the building wall, but may not exceed the height of the wall.
3. Wall signs may be placed on any face of the building, except those directly adjacent to, and within one hundred (100) feet of a residential property line within a Residential Zoning District. If the residential zoned property is developed as a Non-Residential use then this restriction shall not apply.
4. Posters, signs or announcements located in window areas not exceeding thirty (30) percent of an individual window area shall not be calculated as an element of total allowable site signage. Any sign area in excess of the thirty (30) percent will cause the entire area of the poster, sign or announcements to be calculated as an element of total allowable wall signage.
5. In the SF-1, SF-2, SF-3, and RE Districts, externally illuminated wall signs shall only be located on properties fronting on arterial roadways.

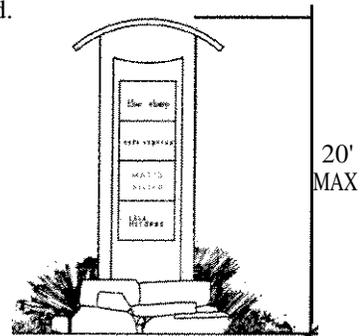


D. High Profile Monument Signs on Properties with 1-35 or US 190 Frontage

High profile monument signs are permitted on properties with 1-35 or US 190 frontage, and which have commercial or industrial zoning, provided they meet the following requirements:

1. Height limit shall be twenty (20) feet. For signs on properties with 1-35 or US 190 frontage, additional height may be allowed.

- a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of the main lanes of 1-35 or US 190.

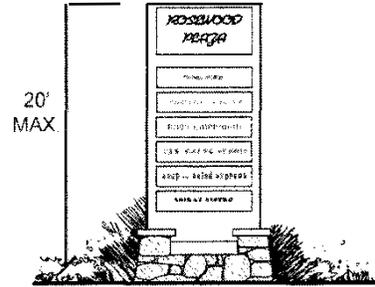


- b. Determination of the elevational difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the center line of the main lanes of 1-35 or US 190 nearest the sign.
- c. The additional height allowance will only apply for properties and sign locations that are determined to be lower in elevation than the main lanes of 1-35 or US 190, as measured by (b) above.

2. Maximum area shall be two hundred twenty-five (225) square feet per face.

3. High profile monument signs shall have only have (2) sign faces.

4. Properties with I-35 or US 190 frontage may have only one high profile monument sign for each six hundred (600) feet of frontage. High profile monument signs shall be spaced a minimum of six hundred (600) feet apart. If a property or commercial or industrial subdivision has less than six hundred (600) feet of frontage on I-35 or US 190 a high profile monument sign shall not be permitted.



5. All signs shall maintain a minimum clearance from electric power lines of fifteen (15) feet horizontally and fifteen (15) feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner. Such signs are allowed in addition to permitted signage on the tract.

6. Alternative construction methods, including pole signs, may be considered by the Building Official as long as the sign construction is compatible with the architectural design of the primary building or master architectural design of the commercial or industrial subdivision.

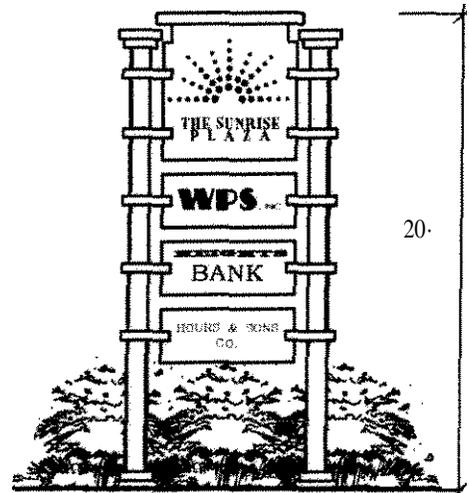
E. POLE SIGNS ON PROPERTIES WITH I-35 OR US 190 FRONTAGE

Pole signs are permitted on properties with I-35 or US 190 frontage, and which have commercial or industrial zoning provided they meet the following requirements:

1. Pole signs must have two (2) poles.

2. Height limit shall be twenty (20) feet. For signs on properties with I-35 or US 190 frontage, additional height may be allowed:

a. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the center line of the outside main travel lane of the I-35 or US 190 roadway.



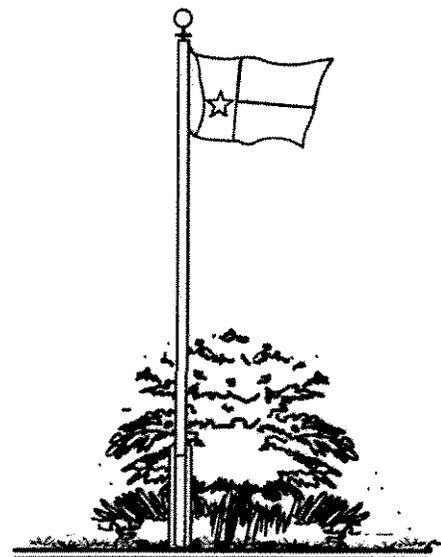
b. Determination of the elevational difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the main I-35 roadway section nearest the sign.

- c. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than the I-35 or US 190, as measured above.
- 3. Maximum area shall be two hundred twenty-five (225) square feet per face.
- 4. Pole sign shall have only two (2) sign faces.
- 5. Properties with I-35 or US 190 frontage may have only one (1) pole sign for each six hundred (600) feet of frontage shall be permitted. Pole signs shall be spaced a minimum of one hundred (100) feet apart.
- 6. All signs shall maintain a minimum clearance from electric power lines of fifteen (15) feet horizontally and fifteen (15) feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner. Such signs are allowed in addition to permitted signage on the tract.

F. GOVERNMENTAL FLAGS

Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are permitted in all zoning districts provided that they meet the following requirements.

- 1. United States flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes, Title 4, Chapter 1 – The Flag.
- 2. Governmental flags shall not exceed the Maximum Height and Size as provided for in Table 2 of Section 38.16 Sign Design and Area Regulations. The overall measurement of the flag pole shall not exceed twenty-five (25) feet in height as measured from the base of the pole to the top regardless of where the governmental flag pole is located.
- 3. When a flagpole is located on the top of a roof; the placement and attachment of the pole shall meet the building code for wind and structural loading requirements.



The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A building permit shall be required for this type of installation.

4. Within Zoning Districts NS, C-L C-2, LI, HI, and IP ground mounted flag poles can exceed the twenty-five (25) foot height limit but shall not exceed the maximum building height as allowed in that district.

G. Changeable Copy Sign

Changeable Copy Signs shall follow design standards in Table 2 of Section 38.16 and Sign Dimensions by District for a changeable copy sign as defined in Section 38.4. The definition shall also apply for all types of signs used within this section. Changeable copy signs are limited to use by Public and Civic uses and may require a special use permit (SUP) as granted by the City of Belton.

38.19 MUNICIPAL WAYFINDING SIGNS:

Notwithstanding any conflicting provisions, the City shall allow directional signs, including subdivision directional signs. The location, design, construction, installation and maintenance of these signs shall be the responsibility of the City of Belton.

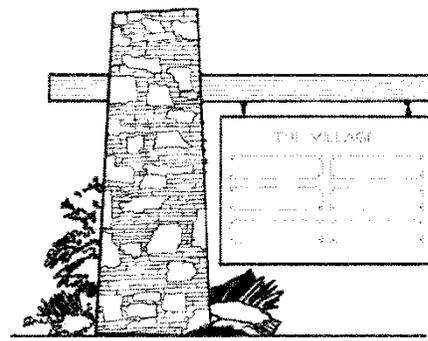


38.20 GOVERNMENTAL SIGNS

All governmental entities shall conform to the requirements of these regulations.

38.21 MULTI-TENANT SIGNS:

Developments containing two (2) or more businesses, whether in a single building or multiple buildings, shall share a sign structure for advertisement of multiple businesses located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the development. Such signs shall comply with the following:



- A. The lot or lots involved must be contiguous with one another, and constitute a single cohesive development;
- B. The sign(s) must be located on a lot that one (1) of the advertised businesses occupies;
- C. The sign shall be designed in the overall architectural style of the buildings within the development;
- D. The sign may be any sign type that is otherwise allowed by this ordinance;

- E. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage;
- F. Individual pad or lease sites, defined in the approved Site Plan, are treated as separate lots for purposes of determining allowable signage:
 - 1. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign;
 - 2. Monument Signs, used as multi-tenant signs for developments with four (4) or more tenants, may have an allowable sign area not to exceed sixty-four (64) square feet.
- G. In addition to signage that would otherwise be allowed on a lot for business identification purposes, one (1) additional monument sign not exceeding five (5) feet in height and thirty-two (32) square feet in area may be located at each intersection of public roadways and/or private roadways for purposes of directing traffic to various areas and businesses within the development;
- H. All other provisions of this ordinance shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of Zoning District, spacing, illumination, materials, etc.

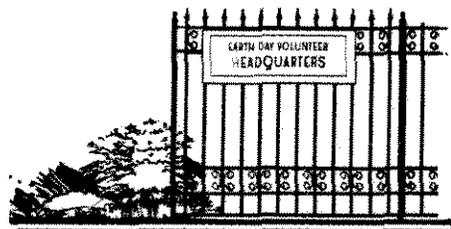
38.22 TEMPORARY SIGNS:

A. Private Property

Temporary signs on private property, limited to banners and non-exempt window signs, are allowed only upon issuance of a temporary sign permit, which shall be subject to the following requirements:

1. Term

A temporary sign permit allows the use of a temporary sign for no more than thirty (30) days from date of issuance.



2. Number

Only one temporary sign will be permitted at a time to the same business on the same lot.

3. Other Conditions

A temporary sign is allowed only in designated Districts and is subject to all other requirements of that District.

B. Temporary Street Banners

The City Manager is authorized to establish procedures for the permitting and installation of temporary banners placed in public right-of-way. Such banners shall be allowed for the following public events upon compliance with the established procedures:

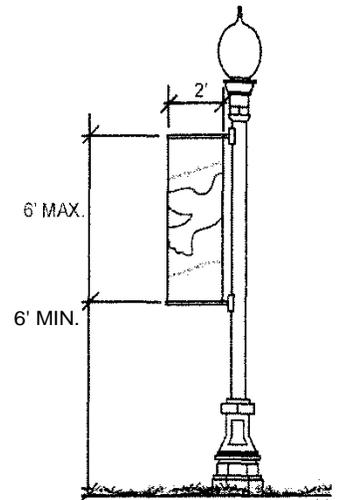


1. Events of a charitable or humanitarian nature;
2. Events of an educational, scholastic or artistic nature;
3. Other events of community or public interest which are non-political in nature and are for the benefit of a non-profit group, or which benefit the community.
4. Other events addressed in municipal park permits.

C. Light-Pole Mounted Banners

Light-pole mounted banners, as defined in Section 38.4, shall be allowed pursuant to subsections a and b below. For purposes of this subsection only, light-pole mounted banners shall be collectively referred to as "banners."

1. All banners shall comply with the following:
 - a. Limited to not more than one (1) banner on any light-pole;
 - b. Limited to no more than two feet by six feet (2' x 6') in exterior dimension and twelve (12) square feet in area per banner;
 - c. Minimum height of six (6) feet as measured from adjacent grade to the bottom of the banner;



- d. Maximum height of twelve (12) to the top of the banner;
 - e. Banners shall be maintained in good repair; should they become excessively faded, tattered or torn, they shall be replaced or removed:
 - f. Banners shall not be illuminated, except for indirect lighting associated with the main lamp of the light-pole to which it is mounted.
2. The following light-pole mounted banners shall be allowed;

a. Banners in the CBD and Historic Preservation Districts

Banners are allowed in the CBD and Historic Preservation districts, but are limited to the advertising of community events, seasonal themes, etc., sponsored by a governmental entity or by a non-profit community organization with approval by the city pursuant to established special permitting procedures (City Manager approval).

b. Banners in residential subdivision street right-of-way

Banners are allowed along collector-level or higher classification streets within the platted boundaries of a residential subdivision and shall be designed with one (1) overall, uniform design scheme. Such banners are limited to subdivision identification or seasonal decorations and works of art, and shall not be spaced closer than three-hundred (300) feet apart. Such banners require the approval of the applicable electrical utility and the custodian of the public right-of-way, in addition to a sign permit from the Division of Planning and Development Services.

c. Banners in commercial subdivision street right-of-way

Banners are allowed along collector-level and higher classification streets within the platted boundaries of a commercial subdivision and shall be designed with one (1) overall, uniform design scheme. Such banners are limited to subdivision identification, shopping center or campus identification, or seasonal decorations and works of art, and shall not be spaced closer than three-hundred (300) feet apart. Such banners must be approved by the applicable electric utility and the custodian of the public right-of-way. in addition to receiving a permit from the Division of Planning and Development Services.

d. Banners on perimeter of private property

Banners identified in (b) and (c) above and subject to all the provisions identified therein except message and spacing, may be installed along the

periphery within ten (10) feet of property lines fronting public or private streets of collector-level or higher classification in lieu of the public right-of-way. Such banners may advertise products and services available on the site. Spacing shall be no closer than eighty (80) feet between banners. Such banners shall be allowed in addition to site signage otherwise allowed by this ordinance, and shall require approval of a sign permit. Fees shall be based on the overall banner package, not on a per-banner basis.

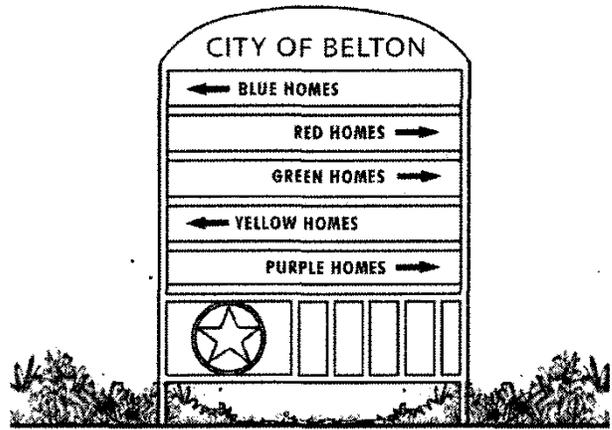
- e. Banners on the interior of private property

In addition to banners authorized in (a) through (d) above, banners shall be allowed within the interior of the parking lot zoned R-Retail or more permissive, and may advertise products and services available on the site. The number of banners shall not exceed one (1) per fifty (50) vehicle parking spaces. Such banners shall be allowed in addition to site signage otherwise allowed by this ordinance, and shall require approval of a sign permit. Fees shall be based on the overall banner package, not on a per-banner basis.

D. Temporary Residential Directional Signs

Temporary residential directional signs shall be permitted within any zoning district, provided they serve a temporary purpose, are maintained in an attractive and sound banner, and may be removed by the City of Belton. Temporary residential directional signs may be allowed for a period of time from final acceptance of all public improvements for the subdivision until ten (10) days following the issuance of Certificates of Occupancy for 50% of the addition. Temporary residential directional signs shall be subject to the following requirements:

1. The location shall be approved by the City of Belton.
2. They shall be located within two hundred (200) feet of an intersection but no closer than twenty (20) feet from the intersection.
3. Not located within visibility triangle.
4. They shall not be illuminated or affixed in any manner, street or light poles, utility poles, other signs or sign structures.
5. They shall be made only in accordance with specifications provided by the City of Belton.



6. They shall include the name, address, and phone number of the owner or party responsible for the removal and maintenance of the sign. This information must be written in weatherproof ink or paint on at least one (1) face of the sign in letters not exceeding one-half (1/2) inch in height.
7. They shall be located no greater than two (2) miles or two (2) intersections, whichever is greater, from the project or property to which they refer, as measured along existing streets.
8. No other type of premise signage shall be permitted as subdivision directional signage.
9. They shall be limited to two (2) per intersection with no more than (1) per corner.
10. The person/persons requesting the sign will be responsible for paying all costs associated with the construction, installation and maintenance of the sign.
11. Upon completion of the term, the City of Belton may remove the sign and allow relocation to another permitted site, or convert the sign in place to public use to provide directional way finding to public uses and activity centers.

38.23

SIGN CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the International Building Code (IBC) at all times.
- B. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- C. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.
- D. All signs shall maintain a minimum clearance from electric power lines of ten (10) feet horizontally and fifteen (15) feet vertically, or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.
- E. Any spotlights allowed to illuminate signs or sign illumination shall be shielded such that their light source cannot be seen from abutting roads or properties.

BILLBOARDS AND OTHER OFF PREMISE SIGNS:**A. General Regulations**

An off-premise sign permitted and erected after April 9, 2002 shall comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.

B. Off-Premise Advertisement Permit

1. An Off-Premise Advertisement Permit is required. It shall be unlawful for any person to erect, relocate or structurally alter, within the City of Belton, any off-premise advertising structure as defined in this ordinance, Section 38.4 Special Definitions, without first obtaining a permit from the City, and making payment of the fee as defined in the most current fee schedule. A permit for off-premise sign construction is valid for a period of six (6) months from the date of issuance. No permit is required for repair, repainting or maintenance which does not entail structural change or for change of copy or message. Failure to obtain a required sign permit subjects the property owner/lessee to prosecution under this ordinance.
2. Application for an off-premise advertisement permit shall be made upon a form provided by the City and shall contain and have attached the following information:
 - a. Name, address and telephone number of the applicant, and name and firm of person erecting sign;
 - b. If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;
 - c. Location of building, structure, address or legal lot and block to which or upon which the sign or other advertising structure is to be attached or erected;
 - d. A site plan indicating position of the proposed sign and other existing advertising structures in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, setback clearance zone;
 - e. Copy of stress diagrams or plans, when needed, containing information necessary for the Building Official to determine the and structural;
 - f. Indicate whether the sign will require electricity, and if so, obtain an electrical permit as required;
 - g. Bond as required by paragraph B6 of this ordinance;
 - h. Copy of permit approved by Texas Department of Transportation, if state law requires a state permit, and

- i. Such other information as the Building Official shall require to show full compliance with this and all other standards of the City of Belton.
4. Upon the filing of an application for a permit, the Building Official shall:
 - a. Examine the plans and specifications and the premises upon which the proposed structure shall be erected as needed: and
 - b. Issue a permit if the proposed structure complies with the requirements of this ordinance and all other standards of the City of Belton. If the work authorized under an off-premise advertisement permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.
4. Every applicant, prior to issuance of a permit pursuant to paragraph B1, shall pay the City a nonrefundable fee in an amount determined by current sign permit rates, and on file in the City Clerk's office.
5. Within thirty (30) days after denial of a sign permit by the Building Official, a request for a variance may be filed with the Building Official to appear before the Zoning Board of Adjustment. The Board of Adjustment may grant a variance if it finds that the unusual shape or topography of the property in question or some other significant location factor prevents signage allowable under the provisions of this ordinance from adequately identifying the business or other activity located on such property.
6. Subject to the need determined by the Building Official, based on the construction materials for the sign type proposed, an applicant for a sign permit shall, before the permit is granted, present to the Building Official a bond in the minimum amount established by current rates. The bond is conditioned for the faithful observance of all laws and ordinances relating to signs and other advertising structures, and shall indemnify and save harmless the City of Belton from any and all damages, judgments, costs or expenses which the City may incur or suffer by reason of granting the permit.

C. Size of Off-Premise Signs

1. Maximum sign area shall be six hundred seventy-two (672) square feet, excluding cutouts, with maximum dimensions of fourteen feet (14') in height and forty-eight feet (48') in width. Cutouts may not exceed twenty percent (20%) of the sign's effective area. Typical minimum sign area shall be three hundred eighty-six (386) square feet, excluding cutouts, with maximum dimensions of approximately ten feet (10) and six inches (6") by thirty-six feet (36").
2. No sign may have more than one (1) side facing a particular direction of travel on the main traveled right of way. Signs may not be stacked or placed side by side.
3. A sign may not be created that exceeds an overall height of forty-two and one-half feet (42 ½) from the highest point of the sign to the grade level of the centerline of the main – traveled way closest to the sign, at a point perpendicular to the sign location.

D. Spacing and Location

1. Off premise signs are allowed only in the following zoning districts:
 - a. Commercial 1 (C1)
 - b. Commercial 2 (C2)
 - c. Commercial Highway (CH)
 - d. Light Industrial (LI)
 - e. Heavy Industrial (HI)
2. Off-premise signs are allowed only in the following areas:
 - a. Adjacent and oriented to Interstate 35
 - b. Adjacent and oriented to US Highway 190
3. An off-premise sign may not be erected within one thousand five hundred feet (1,500') of another off-premise sign on the same side of the roadway and the outer or leading edge of the sign may be located no closer than twenty-five feet (25') to the right of way.
4. For spacing purposes, all measurements shall be made along the nearest edge of the highway or street right of way.
5. Residential zoning districts:
 - a. No off-premise sign shall be permitted if property zoned Residential is located between the sign location and the roadway toward which the sign would be oriented.
 - b. No off premise sign may be erected within two hundred feet (200') of any property zoned Single Family 1, Single Family 2, Single Family 3, Single Family Estate, Patio Home, Multi Family 1, Multi Family 2, Two Family, Mobile Home, or Historic Preservation Overlay District.
6. Signs may not be located in such a manner as to cause a vehicle operator to be distracted or confused or to obscure or interfere with official road signs, or hamper an operator's view of merging or intersecting traffic at road intersections or at road and railroad intersections.
7. No part or foundation or support off any off-premise sign may be placed on, in, or over any private property without the written consent of the property owner.

8. No part or foundation or support of any off-premise sign may be placed on, in, or over any public property or street rights of way, or upon telephone or utility poles, or natural features such as trees and rocks. Encroachment into a public utility or drainage easement may be allowed with a street use license.
9. Notwithstanding any other provision or other applicable law or regulation, no person shall remove, cut, or otherwise alter any vegetative screening on public property or private landscaping required by code as a condition of permit approval in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited shall be deemed nonconforming and shall be required to become the next nonconforming off-premise sign relocated.
10. No off-premise sign may be erected or maintained upon the roof of any building structure.
11. No off-premise sign may be constructed where it obscures or shades the windows or doorways of adjacent buildings.
12. No off-premise sign may be permitted which, because of its size, shape, or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.
13. An off-premise sign must have a single steel post and be constructed and shall be erected in conformance with current building codes.
14. An off-premise sign erected within the boundaries of the City's Extra Territorial Jurisdiction (ETJ) after April 9, 2002, shall conform to the standards of this ordinance, as allowed by state law.

E. Inventory and Maintenance

1. The owner or operator of one or more off-premise signs within the City of Belton, shall inventory the signs on forms provided by the City and file the completed forms with the City within 180 days from April 9, 2002. No incentive credit or permit for alteration or relocation may be issued for an off premise sign that was not timely inventoried and reported to the City within this time frame.
2. An off-premise advertising structure must be adequately maintained so as to show no evidence of deterioration, including but not limited to, rotting supports, peeling advertising displays, excessive rust, fading, discoloration or holes.
3. Whenever the Building Official finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than fifty percent (50%) of its replacement value. the he will notify and order the owner to repair the sign within thirty (30) calendar days. If it is concluded that an off - premise sign has deteriorated more than fifty percent (50%) of its replacement value, or is not repaired within thirty (30) calendar days, the Building Official shall notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove

the off premise sign or poster panel from the property within a specified time. All off-premise signs ordered to be removed shall be stricken from the authorized list when the time limit is set and the removal notice ends without incentive credit.

F. Alteration

An off- premise sign may not be altered "with regard to size, shape, orientation, height, location, or illumination without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size shape, orientation, height, location, or illumination of an inventoried off-premise sign do not require an alteration permit An alteration permit expires if the approved modifications are not completed within ninety (90) days of permit issuance.

G. Demolition

A demolition permit is required prior to removal of an existing off- premise sign. Demolition must be completed within ninety (90) days from permit issuance. The permit must state the number of faces to be demolished.

B. Off-Premise Sign Cap

The number of off -premise signs in the City is limited to the number of such signs legally in existence on April 9, 2002.

I. Incentives

1. To encourage removal of off-premise signs that do not comply with current sign standards, the owner of a sign that was lawfully erected in compliance with all standards then in effect, or lawfully in place at the time it was annexed into the City, may be awarded credit for removing such sign.
2. One credit will be awarded for each face that is removed from a lawfully existing on-premise sign. In order to receive a permit for the erection of an off-premise sign one credit must be used for each new face.
3. The City shall issue a permit to any person holding sufficient credits, for erection of an off-premise sign in a location approved by the City, in its sole discretion. The permit must state the number of faces to be erected.
4. Credits are transferable successive business owners.
5. Credit is received when a permittee removes a sign voluntarily, even if the reason is loss of the lease. No credit shall be awarded for the removal of an off-premise sign that was in violation of Federal, State or City laws when erected, or which did not secure a proper building permit and complete the building permit process to include issuance and final inspection.

6. To be awarded a credit under the incentive program, a sign owner or operator must notify the City (60) days of the removal of an off-premise sign and receive a letter issued by the City awarding a credit. Failure to apply for a credit within sixty (60) days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces.
7. The Building Official will provide to the Planning and Zoning Commission, on an annual basis, an accounting of sign credits. The Commission's annual accounting shall be final if not appealed in writing to the Commission within thirty (30) days from the date that the accounting is presented to the Commission. In making a final determination, the Commission will consider evidence presented by the appellant, Building Official, and any other interested person.

J. Relocation

When a sign located in the City of Belton within the proposed right of way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the City will also issue a permit for a sign that meets all current City standards, except that the relocated sign:

- a. must have a permit, but will not require payment of a permit fee;
- b. may be erected no less than five feet (5') from any highway right of way line;
- c. may be constructed with the same number of poles and same type of materials as the existing sign; and
- d. may be erected without enlarging the sign face.

K. Other Provisions

1. When a sign, or a substantial part of a sign, is damaged by natural causes, or otherwise destroyed, or taken down, or removed for any purpose other than maintenance operation, it may not be re erected, reconstructed, or rebuilt except in full compliance and conformance with this ordinance. For purposes of this section, substantial shall mean if the cost of repair exceeds sixty percent (60%) of the cost of a new sign of the same construction and size.
2. All off premise advertising signs shall be permanently identified with the name of the sign owner or agency in control of the sign. Said identification shall be easily read from the roadway on which the sign is intended to be read.
3. No sign or other advertising structure shall:
 - a. Obstruct free and clear vision at any street intersection;

- b. Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color;
 - c. Make use of the words "STOP", "LOOK", "DANGER", or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic; or
 - d. Present a traffic hazard by using illumination resembling an emergency signal.
4. Any sign allowed under this ordinance may contain, in lieu of any other copy, any lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other requirements of this ordinance.
 5. A sign owner may request a variance from the Board of Adjustment from the provisions of this chapter relating to sign spacing, area, height, and setback in accordance with hardship findings of the Zoning Ordinance.
 6. Wind loads and structural requirements shall conform with the Building Code as adopted by the City of Belton.
 7. No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance, and if so, may be declared a public nuisance and be forwarded to the Housing Board for action.
 8. No sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
 9. A permanent advertising sign not in conformance with these regulations, which was lawfully permitted and erected prior to the enactment of said regulations, shall be considered a non-conforming sign. A sign which has been deemed non conforming shall be exempted from the provisions of this ordinance, unless damaged by natural causes or otherwise destroyed or taken down, or removed for any purpose other than maintenance operation which is allowed. It may not be re-erected, reconstructed, or rebuilt, except in full compliance and conformance with this ordinance. Any non conforming sign which is damaged or is deteriorated to a point where its restoration cost exceeds sixty percent (60%) of its replacement value shall be removed, unless otherwise authorized to remain.
 10. An unlawful sign is not a non conforming sign and must be removed within (30) days. Any sign erected or maintained which is not in conformance with this chapter or prior ordinances of the City, is hereby declared to be a public nuisance and shall be removed or brought into compliance within the (30) day period indicated. If the Building Official finds that any sign or other advertising structure installed since the adoption of this ordinance is prohibited by the provisions of this ordinance, the Building Official shall give written notice to the permittee of the owner of the property upon which the structure is located. If

the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth in this ordinance within thirty (30) days after such notice, the Building Official may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to permittee or owner. The Building Official may cause any sign or other advertising structure which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

End of Section 38

SECTION 39: LIGHTING & GLARE STANDARDS

39.1 PURPOSE

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

39.2 GLARE

Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three feet (3'). The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles.

39.3 NON-RESIDENTIAL SITE LIGHTING

All off-street parking areas for non-residential uses in non-residential districts which are used after dark, shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements for intensity:

- a. On the parking area surface, an average of at least two (2) foot candles, initial measurement, and a minimum average of one (1) foot candle on a maintained basis.
- b. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.

39.4 LUMINARIES

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and/or so installed and maintained as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as provided in 39.5.

39.5 SPECIAL OR TEMPORARY LIGHTING: LOW WATTAGE

Bare bulbs or strings of lamps are prohibited, except during holidays, special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used. Christmas tree sales are considered a temporary holiday use for the purpose of this section.

SECTION 40 PERFORMANCE STANDARDS

40.1 In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards hereinafter specified. In the C-2, IP, LI and HI Districts, in addition to the permitted uses, all uses which may be allowed by PD or SUP, such as manufacturing, processing, fabricating, packing, or storage use, shall also conform in operation, location and construction to the performance standards hereinafter specified for noise, smoke and particulate matter, odorous matter, fire or explosive hazard materials, toxic and noxious matter, vibration, and glare.

40.2 NOISE

At no point at the property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band group designation in the following table:

A. Maximum Permissible Daytime* Octave Band

DECIBEL LIMITS AT THE BOUNDING PROPERTY LINE**

Octave Band*** (cps)	37	75	150	300	600	1200	2400	4800	A-Scale
Decibel Band Limit (db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

Note: A-Scale levels are provided for monitoring purposes only and are not applicable to detail sound analysis.

* Daytime shall refer to the hours between sunrise and sunset on any given day.

** Bounding Property Line shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicate open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

*** Also termed Frequency Band

B. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:

When noise is present at nighttime, subtract (-7 dB.)

When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (-7 dB.)

When noise is present for not more than the following, add (+ 10 dB.)

- ½ minute in any 2-hour period
- 1 minute in any 1-hour period
- 10 minutes in any 2-hour period
- 20 minutes in any 4-hour period

C. Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association or the American National Standards Institute.

D. Exemptions: Noise

The following uses and activities shall be exempt from the noise level regulations:

1. Noises not directly under the control of the property user
2. Noises emanating from construction and maintenance activities between 7:00 A.M. and 9:00 P.M.
3. The noises of safety signals, sirens, warning devices and emergency pressure relief valves
4. Transient noises of moving sources such as automobiles, trucks, airplanes, and trains
5. Residential air-conditioning units

40.3 SMOKE AND PARTICULATE MATTER

No operation or use shall cause, create, or allow the emission for more than three (3) minutes in any one-hour of air contaminants which 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 Ringleman 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 3-1302-1 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 which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and -2 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 (1) hour.
- D. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter, or which 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 shall 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 four (4) grains per 1000 cubic feet of air.

40.4 ODOROUS MATTER

- A. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation 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 of 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 American Society for Testing Materials ASTM D 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of ASTM D 1391-57 is hereby incorporated by reference.

40.5 FIRE OR EXPLOSIVE HAZARD MATERIALS

- A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, 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 of the City of Belton.
- 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 of the City of Belton.

40.6 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 which will exceed ten percent (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.

40.7 VIBRATION

No operation or use shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency</u> <u>(Cycles per Second)</u>	<u>Displacement</u> <u>In Inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

Exemptions (Vibrations) - Ground vibration caused by motor vehicles, trains, aircraft operations from an FAA approved airport, temporary construction or demolitions are exempt from vibration regulations.

SECTION 41 SCREENING FENCE AND WALL STANDARDS

41.1 PURPOSE:

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

41.2 LOCATION OF REQUIRED SCREENING:

- A. In the event that a multi-family or non-residential Zoning District sides or backs upon a RE, SF, 2F, or PH District, or in the event that any non-residential district sides or backs to a MF or PH District, a solid screening wall or fence of not less than six feet (6') nor more than eight feet (8') in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence on his property line dividing his property from the residential district. In cases where the City Staff finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the City Staff finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or other suitable permanent materials which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

- B. All required screening walls shall be equally finished on both sides of the wall.
- C. In all districts where screening of loading areas facing a street is required, screening shall be provided not less than six feet (6') in height adjacent to the loading area at the property line. Said screening shall be required along all streets except where such use was in existence at the date of adoption of this Ordinance. Screening adjacent to a street shall be masonry.
- D. Open storage materials, commodities, or equipment permitted in the R, C-1, C-2, IP, and MH Districts, shall comply with the following requirements:
1. Located behind the front building line.
 2. Observe all yard requirements
 3. A six-foot (6') high screening fence shall be provided. Screening of open storage areas may be of materials other than masonry, as approved by the City Staff.

4. Standards shall not apply to new and used automobile dealers and similar facilities requiring outdoor display of vehicles for sale.
- E. In all districts where screening of open storage is required, such screening shall be required only for those areas used for open storage. A six-foot (6') high fence shall be provided and maintained at the property line adjacent to the area to be screened. Screening of open storage areas may be of materials other than masonry as approved by the Planning and Zoning Commission.
- F. Refuse storage areas not adjacent to an alley or rear service area for all uses other than single-family and duplex dwellings shall be visually screened by a six foot (6') high solid fence on all sides except the side used for garbage pickup service, such side shall not be required to be screened.
- G. Where any alley intersects with a street, no fence or plant taller than three feet (3') may be placed within a sight visibility triangle defined by measuring ten feet (10') to a point along the property lines and joining said points to form the hypotenuse of the triangle. (See Illustration 9.)
- H. In any residential district or along the common boundary between any residential and non-residential district where a wall, fence, or screening separation is erected, the following standards for height, location, and design shall be observed:
 1. Any fence or wall located to the rear of the minimum required front yard line except as determined by the provisions of Section 35.2 shall not exceed eight feet (8') in height above the grade of the adjacent property.
 2. The maximum height of a fence or wall in a required front yard of a single-family, duplex, or patio home shall not exceed thirty-six inches (36"). Combinations of berms and fences shall not exceed thirty-six inches (36") in height.
 3. Where a corner lot is platted with two front yards, and a house is constructed facing one of the front yards, the second front yard shall be deemed to be a side yard, which may be fenced in the same manner as any other side yard adjacent to a street, except that the fence shall be constructed on an angle beginning at the intersection of the building line with the lot line and ending at a point on the street right-of-way located a minimum of ten feet (10') from the lot line. (See Illustration 9.)

SECTION 42 DEFINITIONS

42.1 PURPOSE:

- A. For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall be mandatory and not directory.
1. **ACCESSORY BUILDING**
A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises. Accessory buildings may include parking garages, adjacent farm structures, home workshops and tool houses, storage sheds, home greenhouses, etc. An accessory dwelling shall mean the same as accessory building except it may be used as a residence
 2. **ACCESSORY USE**
A use customarily incidental, appropriate and subordinate to the principal use of land or building (s) and located upon the same lot therewith.
 3. **ADVERTISING SIGN OR STRUCTURE**
Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale be construed as advertising signs for the purpose of this Ordinance.
 4. **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.
 5. **ALLEY**
A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
 6. **ALTERNATIVE FINANCIAL SERVICES**
A check cashing business, payday advance or loan business, or car title loan business.
 7. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE)**
Any building, room, place or establishment of any nature or kind and by whatever name called, where more than two (2) amusement devices are operated for a profit, whether the same be operated in conjunction with any other business or not,

including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated machines designed exclusively for children and devices designed to train persons in athletic skill or golf, tennis, baseball, archery or other similar sports.

8. **ANTENNA**
An instrument or device consisting of wires, poles, rods or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.
9. **ANTENNA, NONCOMMERCIAL (AMATEUR RADIO OR CB RADIO)**
An antenna not exceeding forty feet (40') in height above the round elevation at the base of the tower, pole, structure or support. A satellite dish antenna not to exceed twelve feet (12') in diameter shall also be considered as a noncommercial radio antenna.
10. **ANTENNA (COMMERCIAL)**
An antenna in excess of forty feet (40') in height from the base primarily used for commercial broadcasting. A satellite dish in excess of twelve feet (12') in diameter shall be considered a commercial antenna. A microwave-transmitting tower is also a commercial antenna.
11. **ANTIQUÉ SHOP, SALES IN BUILDING**
A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.
12. **APARTMENT HOUSE**
See Multiple Family Dwelling.
13. **ARTISAN WORKSHOP & GALLERY**
An establishment where customized furniture, crafts, artwork or similar items are designed, fabricated, finished, displayed and sold to the general public. (See Amendment 2002-27)
14. **AUTO LEASING AND RENTING**
Storage, leasing or renting of automobiles, motorcycles, and light load vehicles.
15. **AUTO PARKING LOT OR GARAGE**
An area or structure designed for the parking of motor vehicles.
16. **AUTO PARTS, SALES IN BUILDING**
The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreation vehicles.
17. **AUTO PARTS, SALES IN OPEN**
The use of any land area for the outside display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreation vehicles, but not including

wrecking yards and junkyards.

18. **AUTO STORAGE**
The storage or impoundment, on a lot or tract, of operable automobiles for the purpose of holding such vehicles for sale or distribution.
19. **AUTOMOBILE**
A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following; passenger cars, trucks, buses, motor scooters and motorcycles.
20. **AUTOMOBILE REPAIR GARAGE**
An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
21. **AUTOMOBILE REPAIR, MAJOR**
General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
22. **AUTOMOBILE REPAIR, MINOR**
Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.
23. **AUTOMOBILE SERVICE STATION**
Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under Minor Automobile Repair. Vehicles that are inoperative and are being repaired may not remain parked outside an Automobile Service Station for a period greater than seven days.
24. **BANK, SAVINGS AND LOAN OR CREDIT UNION**
An establishment open to the public, for deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is typically licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. This excludes pawn shops, check cashing businesses, payday advance/loan businesses and car title loan businesses.
25. **BAKERY AND CONFECTIONERY WORKS**
A manufacturing facility for the production and distribution of baked goods and confectioneries.

26. **BASEMENT (OR CELLAR)**
A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
27. **BOARDING HOUSE**
A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) persons or more, but not exceeding twenty (20) persons on a weekly or monthly basis.
28. **BUILDING**
Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
29. **BUILDING HEIGHT**
The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or a decline of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
30. **BUILDING LINE**
A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected. (See Illustration 10.)
31. **BUILDING, MAIN**
A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
32. **BUILDING MATERIALS SALES AND HARDWARE, INSIDE STORAGE**
Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage inside a building.
33. **BUILDING MATERIALS AND SALES HARDWARE, OUTSIDE STORAGE**
Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage outside a building and sale of ready-mix concrete from small batching plants, but subject to the following exceptions and/or provisions:
- a. The stockpiling of various types of rock and sand shall not exceed twenty-eight (28) cubic yards of any type; and
 - b. In the event ready mix concrete is offered for sale, the establishment shall provide a trailer of not more than one (1) cubic yard capacity in order to transport the mix; shall not prepare the mix in a "drum mixer" of more than one (1) cubic yard capacity; and shall not produce the mix in a "continuous batch mixer" at a rate of more than fifteen cubic yards per hour.

34. **BUILDING OFFICIAL**
The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.
35. **BUS TERMINAL**
Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
36. **BUSINESS SERVICE**
Establishments primarily engaged in providing services, not elsewhere classified, to business enterprises on a fee contract basis, and including but not limited to, advertising agencies, computer programming and software services, and office equipment rental or leasing.
37. **CABINET AND UPHOLSTERING SHOP**
An establishment for the production, display and sale of cabinets, furniture and soft coverings for furniture.
38. **CAR TITLE LOAN BUSINESS**
An establishment that makes small consumer loans that leverage equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing **liens** on the car or vehicle cancel the application. The loan terms are often 30 days and **failure** to repay the **loan** or make **interest** payments to extend the loan allows the lender to take possession of the car or vehicle. This definition excludes state or federally chartered banks, savings and loan associations or credit unions engaged **primarily** in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.
39. **CARETAKERS' OR GUARDS' RESIDENCE (NON-RESIDENTIAL)**
A residence located on a premises with a main non-residential use and occupied only by a caretaker or guard employed on the premises.
40. **CARPORT**
A structure open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."
41. **CARWASH**
Structure used to wash motorcycles, automobiles and light load vehicles.
42. **CEMETERY**
Property used for the interring of the dead.
43. **CERTIFICATE OF OCCUPANCY**
An official certificate issued by the City through the Building Official that indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

44. **CHECK CASHING BUSINESS**
An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose of compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumable to retail buyers, that cashes checks or money transfers for a minimum flat fee as a service that is incidental to the main use. This definition excludes state or federally chartered banks, savings and loan associations or credit union, pawnshop, grocery store or gas station, so long as the gas station does not handle more than 100 transactions within any calendar month.
45. **CHILD CARE IN PLACE OF RESIDENCE**
Any residence which receives four or more children under the age of fourteen (14) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, for regular periods of time and for compensation, excluding the caretaker's own children, and that provides care after school for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own children, does not exceed twelve (12) at any given time. The term "child care" shall not include overnight lodging, medical treatment, counseling or rehabilitative services and does not apply to any school.
46. **CHILD CARE CENTER (OR DAY CARE CENTER)**
A commercial institution or place designed for the care of four (4) or more unrelated children during the hours of 6:00 A.M. to 10:00 P.M.
47. **CHURCH**
A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.
48. **CITY COUNCIL**
The governing body of the City of Belton, Texas, references to the "City" shall mean the City of Belton.
49. **CIVIC CENTER**
A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a governmental agency.

50. **COMPREHENSIVE PLAN**
Graphic and textual form policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.
51. **COMMERCIAL AMUSEMENT (INDOOR)**
An amusement or entertainment enterprise wholly enclosed and operated within a building. This includes, but is not limited to, bowling alleys, skating rinks, health clubs, racquet ball clubs, bingo parlors, indoor tennis courts, gymnasiums, swimming pools and nautilus facilities.
52. **COMMERCIAL AMUSEMENT (OUTDOOR)**
An outdoor area or structure, open to the public which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks, drive-in theaters, water slides and carnivals.
53. **COMMUNITY CENTER**
A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.
54. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)**
A permanent manufacturing facility for the production of concrete or asphalt.
55. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)**
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.
56. **CONSTRUCTION YARD (TEMPORARY)**
A storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.
57. **CONTRACTOR'S SHOP AND STORAGE YARD**
A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.
58. **COUNTRY CLUB (PRIVATE)**
A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
59. **COURT**
An open, unobstructed space bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

60. **COVERAGE**
The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
61. **DANCE HALL**
An establishment open to the general public for entertainment, in particular, dancing.
62. **DISTRICT**
Any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.
63. **DRY CLEANING PLANT**
An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.
64. **DRY CLEANING, SMALL SHOP**
A custom cleaning shop or pick up station not exceeding six thousand (6,000) square feet of floor area, including but not limited to dry cleaning plans having no more than one thousand, five hundred (1,500) square feet of floor area for dry cleaning equipment.
65. **DWELLING**
Any building or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes. (See Mobile Home.)
66. **DWELLING, SINGLE-FAMILY**
A detached dwelling designed to be occupied by not more than one family.
67. **DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)**
See "Townhouse".
68. **DWELLING, TWO-FAMILY, (DUPLEX)**
A detached dwelling designed to be occupied by two families living independently of each other.
69. **DWELLING UNIT (MODEL)**
A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.
70. **DWELLING, ALLOWABLE DENSITY (See Ordinance 2008-23)**
- (1) Low Density; Maximum of six (6) units per acre.
 - (2) Medium Density in University Campus District; Nine (9) dwelling units and thirty –six (36) residents per acre
 - (3) Medium Density; All other Zoning Districts-Maximum of twelve (12) units per acre
 - (4) High Density: Maximum of eighteen (18) units per acre

71. **EASEMENT**
A grant of one or more of the property rights by the property owner to and /or for the use by the public, a corporation or another person or entity.
72. **ELECTRICAL SUBSTATION**
A subsidiary station in which electric current is transformed.
73. **ENGINE AND MOTOR REPAIR**
The adjustment, reconditioning or restoration to working order of engines and motors.
74. **EXHIBITION AREA**
An area or space either outside or within a building for the display of topic-specific goods or information.
75. **FAIRGROUNDS**
An area where outdoor fairs, circuses or exhibitions are held.
76. **FAMILY**
One or more persons related by blood, marriage or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.
77. **FAMILY HOME**
A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons.
78. **FARM, RANCH, GARDEN OR ORCHARD**
An area used for growing usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
79. **FEED STORE**
An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
80. **FIELD CONSTRUCTION OFFICE**
A building or structure, of either permanent or temporary construction, used in connection with a development or construction project 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.

81. **FLEA MARKET**
An outdoor, or partially indoor premise where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments and auction establishments.
- This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts show or sales held by nonprofit organizations are also not included under this definition.
82. **FLOOD PLAIN**
An area of land subject to inundation by a 100-year frequency flood, as shown on the FEMA flood plain map of the City of Belton.
83. **FLOOR AREA**
The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages and breezeways.
84. **FLOOR AREA RATIO (FAR)**
The floor area of a main building or buildings on a lot, divided by the lot area. (See Illustration 1.)
85. **FLORIST SHOP**
An establishment for the display and retail sale of flowers, small plants and accessories.
86. **FOOD STORE**
A business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.
87. **FRATERNAL ORGANIZATION, LODGE, OR CIVIC CLUB**
An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.
88. **FURNITURE, HOME FURNISHINGS, AND EQUIPMENT STORES**
This group includes retail stores selling goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.
89. **GARAGE APARTMENT**
A dwelling unit for one family erected in conjunction with a garage.

90. **GARAGE, PARKING**
Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.
91. **GARAGE, PRIVATE**
An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."
92. **GARDEN SHOP**
A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other material used in planting and landscaping, but not including cultivation and propagation activities outside a building.
93. **GASOLINE, SERVICE OR FILLING STATION**
(See Automobile Service Station.)
94. **GENERAL COMMERCIAL PLANT**
Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
95. **GENERAL MANUFACTURING**
(See Industrial, General)
96. **GENERAL RETAIL STORES**
This major group includes retail stores that sell a number of lines of merchandise including, but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc.
97. **GOLF COURSE**
An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
98. **GYMNASTIC OR DANCE STUDIO**
A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
99. **HALFWAY HOUSE**
A home for not more than six (6) persons who have demonstrated a tendency toward alcoholism, drug abuse, antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, all of which live together as a single housekeeping unit.
100. **HEAVY LOAD VEHICLE**
A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles

(originally manufactured as RV's, not converted), tractor-trailers, buses, vans and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

101. HEAVY MACHINERY SALES AND STORAGE

A building or open area, other than a right-of-way or public parking area, used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

102. HELIPORT

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

103. HELISTOP

The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

104. HOME OCCUPATION

Any occupation or activity carried on principally by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise or selling of goods or services is carried out on a regular basis and in connection with which there is no display of a merchandise or advertising sign other than one non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used, except such as is customary for purely domestic or household purposes and does not create obnoxious noise or other conditions such as odor, increased traffic, smoke or electrical interference. A beauty or barbershop, tearoom or restaurant, rest home or clinic, childcare center, bed and breakfast facility, or cabinet, metal or auto repair shop shall not be deemed a home occupation.

105. HOUSEHOLD APPLIANCE SERVICE AND REPAIR

The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, counter top kitchen appliances, vacuum cleaners and hair dryers.

106. INCIDENTAL USE

Any use different from the primary use but which complements and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.

107. INDUSTRIAL, GENERAL

Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

108. **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.
109. **KENNELS (INDOOR PENS)**
An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.
110. **KENNELS (OUTDOOR PENS)**
An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.
111. **KIOSK**
A small, free-standing, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 25 square feet.
112. **LANDSCAPING**
Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
113. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)**
A facility where patrons wash, dry or dry-clean clothing and other fabrics in machines operated by the patron.
114. **LIGHT LOAD VEHICLES**
A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two axles, such as pickup trucks, vans, recreational vehicles (less than thirty-two (32) feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
115. **LIGHT MANUFACTURING**
Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. Such operations shall meet the performance standards, bulk controls, and other requirements of this ordinance.
116. **LOADING SPACE**
An off-street space or berth used for the delivery and loading or unloading of vehicles.

117. LOT
Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place. (See Illustration 10, 11, and 12.)
118. LOT, AREA
The total area, measured on a horizontal plane, included within lot lines.
119. LOT, CORNER
A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135E). (See Illustration 16.)
120. LOT, DEPTH
The mean horizontal distance between the front and rear lot lines. (See Illustration 11.)
121. LOT, DOUBLE FRONTAGE
A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5.)
122. LOT, FLAG OR PANHANDLE
A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five (25) feet. The maximum distance of the area less than the required width from the front property line shall be one hundred ten (110) feet.
123. LOT, INTERIOR
A lot other than a corner lot.
124. LOT, KEY
A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot. (See Illustration 17.)
125. LOT FRONTAGE
That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
126. LOT LINE, FRONT
The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, it not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 10.)

127. **LOT LINE, REAR**
The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 12.)
128. **LOT LINE, SIDE**
Any lot line not the front or rear lot line.
129. **LOT LINES OR PROPERTY LINES**
The lines bounding a lot as defined herein.
130. **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 Bell County or a lot subdivided by metes and bounds description prior to May 9, 1967.
131. **LOT WIDTH**
The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 10.)
132. **MAIN BUILDING**
The building(s) on a lot which is occupied by the primary use.
133. **MASONRY CONSTRUCTION**
Exterior construction materials including brick, stone, granite, marble, concrete and other built up/tilt panels.
134. **MASSAGE ESTABLISHMENT**
Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
135. **MAUSOLEUM**
Property used for the interring of the dead and where bodies are interred above ground in staked vaults.
136. **MEDICAL FACILITIES**
a. **Convalescent, Rest or Nursing Home:** A health facility used for or customarily occupied by persons recovering from illness or suffering from infirmities of age, and furnished meals or continuing nursing care for compensation.

- b. Dental, Medical or Chiropractic Clinic: A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- c. Dental Office or Doctors Office: Same as dental or medical clinic.
- d. Hospital: An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities and staff offices which are an integral part of the facilities.
- e. Public Health Center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- f. Sanitarium: An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- g. Massage Establishment (See #130)

137. MISCELLANEOUS RETAIL STORES

Establishments engaged in the retail sale of specialized lines of merchandise not elsewhere classified, including, but not limited to, drug, liquor, apparel and accessories, handcraft, and pastries.

138. MOBILE HOME (OR HUD CODE MANUFACTURED HOME)

A dwelling designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

139. MOBILE HOME DISPLAY AND SALES

The offering for sale, storage or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

140. MOBILE HOME PARK

A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more mobile homes or trailer houses in designated spaces.

141. MOBILE HOME SUBDIVISION

A parcel of land which has been designed, platted, improved, and is intended for the placement of individually owned mobile home units on platted lots which can be purchased outright by the owners of the mobile home units.

142. MODULAR HOME (OR INDUSTRIALIZED HOUSING)

"Modular home" means a structure or building module as defined, under the

jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

143. **MORTUARY OR FUNERAL PARLOR**
A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
144. **MOTEL OR HOTEL**
A building or group of buildings designed for and occupied as a temporary dwelling place of individuals and providing four or more room units where customary hotel services such as linen, maid service, telephone and upkeep of furniture is provided.
145. **MOTORCYCLE**
A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor-scooters, mopeds, and similar vehicles are classified as motorcycles.
146. **MOTORCYCLE SALES SERVICE**
The display, sale and servicing, including repair work, of motorcycles.
147. **MOTOR VEHICLE**
Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles and buses.
148. **MULTIPLE-FAMILY BUILDING**
(Same as Dwelling, Multiple-Family)
149. **MULTIPLE-FAMILY RESIDENCE**
(Same as Dwelling, Multiple Family)
150. **MUNICIPALLY-OWNED FACILITIES AND USES**
Any area, land, building, structure, and /or facility owned, used, leased, or operated by the City of Belton, Texas.
151. **NEW CAR DEALER (See Amendment - Ordinance 091091-1 in Amendments)**
(See Amendment-Ordinance 94-24 in Amendments)
Retail sales of new automobiles or light load vehicles by an individual, company or corporation possessing a valid state license to sell new automobiles and having a valid franchise with a bona fide automobile manufacturer and a letter from the manufacturer approving a new auto sales satellite location.
- Used automobiles and light load vehicles may be sold in conjunction with new automobiles providing they are on the same lot.

New heavy trucks may also be sold and displayed by a new car dealer as long as truck sales are incidental and accessory to the new car sales.

Used fleet vehicles from recognized rental firms (Example: Hertz, National, Avis, etc.) May be sold by the rental firm that originally purchased the vehicles or their subsidiary companies and be classified the same as a new automobile dealer for zoning purposes provided that:

- a. All of the vehicles being offered for sale shall be vehicles originally purchased as new automobiles from a dealer or manufacturer by the rental firm.
- b. All vehicles are of the current or two previous model years.

For the purposes of this ordinance, dealer demonstrator vehicles that belong to a new automobile dealer, as defined by this ordinance, and have never been registered, may be considered new vehicles.

Also referred to as New Car Sales; Auto Sales (Primarily New); Auto Sales-New or Used; Automobile or Truck Display or Sales (New or Used) in this ordinance.

152. NONCONFORMING USE

A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

153. NURSERY

An establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, trees and other materials used in indoor or outdoor planting.

154. NURSING HOME

A home where elderly or handicapped persons are provided with lodging, meals and nursing care.

155. OCCUPANCY

The use or intended use of the land or buildings by proprietors or tenants.

156. OFFICE, PROFESSIONAL AND GENERAL ADMINISTRATIVE (Also see 132)

A room or group of rooms used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering and business offices of public utilities, organizations and associations, but excluding medical offices.

157. OFFICE CENTER

A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

158. **OFFICE SHOWROOM/WAREHOUSE**
An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
159. **OFFICIALLY APPROVED PLACE OF ACCESS**
Access, other than a dedicated street, to a property that is approved by the City of Belton.
160. **OPEN STORAGE (ALSO OUTSIDE STORAGE)**
The keeping, displaying or storing outside a building of any new or used goods, material, merchandise or equipment on a lot or tract for more than twenty-four (24) hours.
161. **PAINT SHOP**
A commercial establishment where painting services are performed.
162. **PARK OR PLAYGROUND**
A recreation facility, recreation center, or park owned or operated by a public agency such as a City or School District and available to the general public.
163. **PARKING LOT**
An off street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
164. **PARKING SPACE**
See City Design Manual.
165. **PATIO HOME (ZERO LOT LINE DWELLING)**
A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.
166. **PAY DAY ADVANCE OR LOAN BUSINESS**
An establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debt against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
167. **PAWN SHOP**
An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker). Retail sales also take place of primarily used items. .
168. **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES**
Establishments less than 2,000 square feet in gross floor area, primarily engaged in

providing services generally involving the care of the person or his apparel including, but not limited to, barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pickup stations, tailor or seamstress, and reducing salons/health clubs (no outside storage).

169. **PET SHOP**
A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building.
170. **PLANNED DEVELOPMENT DISTRICT**
Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.
171. **PLANNING & ZONING COMMISSION**
A board, appointed by the City council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the ?Commission≡.
172. **PLAT**
A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Belton and subject to approval by the Planning and Zoning Commission and files in the plat records of Bell County.
173. **PLOT**
A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.
174. **PORTABLE BUILDING SALES**
An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.
175. **PREMISES**
Land together with any buildings or structures situated thereon.
176. **PRIMARY USE**
The principal or predominant use of any lot or building.
177. **PRINCIPAL BUILDING**
Same as main building.
178. **PRINTING OR REPROGRAPHIC SHOP**
A small establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet. A printing company shall be any printing business which operates in a space of 4,000 square feet or larger.

179. **PRIVATE CLUB**
An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and other falling with the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
180. **PRIVATE RECREATION FACILITY**
A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.
181. **PRIVATE UTILITY, OTHER THAN LISTED**
A non-public utility requiring special facilities in residential areas or on public property such as heating, cooling or communications not customarily provided by the municipality or public utilities.
182. **PUBLIC OR MUNICIPAL BUILDING OR FACILITY**
Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and or primarily occupied by the State of Texas, the United States, the City of Belton, or any subdivision or agency of the State of Texas, the United States or the City of Belton, or by any public or quasi-public utility.
183. **RAILROAD OR BUS PASSENGER STATION**
Any premises for the transient housing or parking of motor-driven buses and trains and the loading and unloading of passengers.
184. **RAILROAD TEAM TRACK, FREIGHT DEPOT OR DOCKS**
A facility/place for the loading and unloading of materials on trains.
185. **RAILROAD TRACK AND RIGHT-OF-WAY**
The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.
186. **RECREATION CENTER**
A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities.
187. **RECREATIONAL VEHICLE (RV)**
A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also, see heavy load vehicle. A recreational vehicle park is an area or commercial campground for RV's and similar vehicles or trailers to reside, park, rent or lease on a temporary basis.
188. **RESIDENCE**
Same as a dwelling; also, when used with District, an area of residential regulations.
189. **RESIDENTIAL DISTRICT**
District where the primary purpose is residential use.

190. **RESTAURANT OR CAFETERIA**
An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-through window.
191. **RESTAURANT (DRIVE-IN TYPE)**
An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
192. **RETAIL OR SERVICE, INCIDENTAL**
The rendering of incidental retailing or services incidental to the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy.
193. **RETAIL STORES AND SHOPS**
An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
194. **ROOM**
A building or portion of a building that is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.
195. **ROOMING HOUSE**
(See Boarding House.)
196. **SALVAGE OR RECLAMATION OF PRODUCTS (also see Wrecking Yard)**
The reclamation and storage of used products or materials.
197. **SAND, GRAVEL, STONE OR PETROLEUM EXTRACTION**
The process of extracting sand, gravel, stone or petroleum from the earth.
198. **SATELLITE DISH ANTENNA**
- a. Satellite television reception dish shall mean a round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit.
 - b. Usable satellite signals shall mean satellite signals, from the major communication satellite that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.
199. **SCHOOL, PRIVATE, PRIMARY OR SECONDARY**
A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum general equivalent to public elementary or secondary schools.
200. **SCHOOL, PUBLIC OR PAROCHIAL**
A school under the sponsorship of a public or religious agency providing elementary

or secondary curriculum, but not including private trade or commercial schools.

201. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES**
Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
202. **SERVANT'S QUARTERS**
An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.
203. **SEXUALLY ORIENTED USES**
Establishments and businesses showing X-rated movies or live acts, displaying and selling pornographic material, and other use dealing primarily with indecent or obscene materials, acts or paraphernalia.
204. **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.
205. **SMALL ENGINE REPAIR SHOP**
Shop for repair of lawnmowers, chain saws, lawn equipment and other machines with one-cylinder engines.
206. **STABLE, COMMERCIAL**
A stable used for the rental of stall space and for the sale or rental of horses or mules.
207. **STABLE, PRIVATE**
An area used solely for the owner's private purposes for the sale or keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.
208. **STANDARD MASONRY CONSTRUCTION**
Having at least seventy-five percent (75%) of the exterior walls of a building constructed of brick, stone or other masonry construction.
209. **STORY**
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables, and other normal roof structures.
210. **STORY, HALF**
A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

211. **STREET**
Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is seventy feet (70') or greater.
212. **STREET, INTERSECTION**
Any street that joins another street at an angle, whether or not it crosses the other.
213. **STRUCTURE**
Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building.)
214. **STRUCTURAL ALTERATIONS**
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
215. **STORAGE OR WHOLESALE WAREHOUSE**
A building used primarily for the storage of goods and materials.
216. **STUDIOS FOR PHOTOGRAPHER, MUSICIAN AND ARTIST**
A building or portion of a building used as a place for work by a photographer, musician or artist.
217. **STUDIOS FOR RADIO AND TELEVISION**
A building or portion of a building used as a place for radio or television broadcasting.
218. **TELEPHONE LINE AND EXCHANGE**
A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.
219. **THEATER (DRIVE-IN)**
An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seating in automobiles.
220. **THEATER (INDOOR)**
A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
221. **TIRE DEALER, NO OPEN STORAGE**
A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.
222. **TIRE DEALER, WITH OPEN STORAGE**
A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

223. **TIRE RETREADING AND CAPPING**
The process by which tires are treated with a new tread.
224. **TOOL RENTAL SHOP**
A building or a portion of a building used for the display and rental of tools and instruments.
225. **TOURIST HOME (Bed and Breakfast Inn or Facility)**
A dwelling occupied as a permanent residence by an owner or renter which serves breakfast and in which sleeping accommodations in not more than five (5) rooms are provided or offered for transient guests for compensation.
226. **TOWNHOUSE**
A dwelling that is part of a structure containing three or more units, each designed for occupancy by one family with each unit attached by a common wall, a minimum of twenty feet (20') in length.
227. **TRADE AND COMMERCIAL SCHOOLS**
Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art or occupation.
228. **TRAILER COURT**
See Mobile Home Park.
229. **TRAILER, HAULING**
A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.
230. **TRAILER HOME**
See Mobile Home.
231. **TRAILER OR MOBILE HOME SPACE**
A plot of ground within a mobile home park, trailer court or mobile home subdivision designed for the accommodation of one mobile home.
232. **TRAILER RENTAL**
The display and offering for rent of trailers designed to be towed by light load vehicles.
233. **TRAILER, TRAVEL OR CAMPING**
A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, designed to be towed behind another vehicle.
234. **TRANSFER STORAGE AND BAGGAGE TERMINAL**
A facility for the storage of baggage and other items in transit.
235. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES**
Permanent facilities and structures operated by companies engaged in providing

transportation and utility services including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

236. **TRANSIT STATION OR TURNAROUND**
Passenger terminal or loading facilities for a privately or publicly owned transit system.
237. **TRUCK**
A light or heavy load vehicle (see definitions for light and heavy load vehicles.)
238. **TRUCK AND BUS REPAIR**
An establishment providing major and minor automobile repair services to heavy load vehicles.
239. **TRUCK AND BUS LEASING**
The rental of new or used panel trucks, vans, trailers, recreation vehicles or motor-driver buses in operable condition and where no repair work is done.
240. **TRUCK PARKING LOT**
Area for parking heavy load vehicles.
241. **TRUCK TERMINAL**
An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
242. **TRUCK SALES (HEAVY TRUCKS)** (See amendment - Ordinance 091091-1 in Amendments) The display, sale or rental of new or used vehicles in operable condition. (Also referred to as Equipment Sales; Automobile or Truck Display or Sales (New or Used) in this ordinance.)
- Trucks under 3,000 pounds gross carrying weight shall be considered light trucks and are considered the same as automobiles. Trucks over 3,000 pounds gross carrying weight shall be considered heavy trucks, except as provided herein, new and used heavy truck sales shall be permitted in the C-1, C-2, LI and HI districts.
243. **TRUCK STOP**
Any building, land, area, or premise, or portion thereof used for the retail dispensing or sales of fuels, lubricants and accessories commonly utilized by heavy load vehicles, but not including those uses listed under Major Automobile Repair, as applying to heavy load vehicles.
245. **USABLE OPEN SPACE**
An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%); shall have no dimension of less than ten feet (10'); and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains. Usable open space shall not

include: rooftops; accessory buildings, except those portions of any building designed specifically for recreational purposes; parking areas; driveways; turnaround areas, or the right-of-way or easement for streets or alleys.

246. **USED CAR DEALERS** (See amendment - Ordinance 901091-1 in Amendments)
An individual, company or corporation with the appropriate state license, involved in the sale of used, pre-owned or pre-registered automobiles and light trucks except as defined under New Car Dealer.

(Also referred to as Auto Sales, new and Used; Auto Sales, Used; Automobile or Truck Display or Sales (New or Used) in this Ordinance.)

247. **UTILITY DISTRIBUTION/TRANSMISSION LINES**
Facilities which serve to distribute and transmit electrical power, gas and water, including, but not limited to, electrical transmission lines, gas transmission lines and metering stations.

248. **VARIANCE**
An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship 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. Only the Board of adjustment of the City of Belton can grant a variance.

249. **VETERINARIAN CLINIC**
An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment.

250. **WRECKING YARD (JUNKYARD)**
Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

251. **YARD**
An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration #3.)

252. **YARD, FRONT**
A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 10.)

253. **YARD, REAR**
The area extending across the rear of a lot measured between the lot lines and being

the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 12.)

254. YARD, SIDE

The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 12.)

255. ZERO LOT LINE DWELLING

Same as Patio Home.

256. ZONING DISTRICT MAP

The official map upon which the boundaries of the various Zoning districts are drawn and which is an integral part of the Zoning Ordinance.

SECTION 43 PLATTING PROPERTY NOT PERMANENTLY ZONED

- 43.1 The Planning and Zoning Commission of the City of Belton shall not approve any plat of any subdivision within the City Limits of the City of Belton until the area covered by the proposed plat shall have been permanently zoned by the City Council of the City of Belton. A plat may be approved on land with the A - Agricultural District designation if the proposed use of the property is determined to be the permanent use of the property.
- 43.2 The Planning and Zoning Commission of the City of Belton shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City of Belton is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.
- 43.3 In the event the City Council cannot schedule a public hearing on a proposed annexation, the Planning and Zoning Commission, at its discretion, may hold public a hearing on the permanent zoning that is to be given to the area or tract to be annexed. The Planning and Zoning Commission may make a recommendation on both the annexation and zoning to the City Council so that the City Council can, if it desires, act on the annexation with input from the Planning and Zoning Commission regarding appropriate zoning. Zoning may not be placed on any property until the annexation ordinance has officially been adopted.
- 43.4 Refer to the Subdivision Ordinance for platting requirements within the City's extraterritorial jurisdiction.

SECTION 44 CLASSIFICATION OF NEW AND UNLISTED USES

- 44.1 It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City of Belton. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:
- A. The Building Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
 - B. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
 - C. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
 - D. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs A, B, and C above shall be followed for determination of the new standards.

SECTION 45 CREATION OF BUILDING SITE

- 45.1 No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:
- A. The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission, and filed in the Plat Records of Bell County, Texas.
 - B. The plat, tract, or lot faces upon a dedicated street and was separately owned prior to December 9, 1975 or prior to annexation to the City of Belton whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this Ordinance may be issued on each such original separately owned parcel without first complying with paragraph A preceding.
 - C. The plat or tract is all or part of a site plan officially approved by the City Council, and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.
- 45.2 No building hereafter erected, converted or structurally altered shall be used or occupied until a Certificate of Occupancy has been issued by the Building Official which signifies compliance to the appropriate Zoning District.

SECTION 46 NONCONFORMING USES AND STRUCTURES

- 46.1 A nonconforming status shall exist under the following provisions of this ordinance.
- A. When a use or structure, which does not conform to the regulations prescribed in the district in which such use or structure is located, was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance, adopted December 9, 1975, and has been operating since, without discontinuance.
 - B. When on the effective date of this Ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the previous Zoning Ordinance or which was a nonconforming use thereunder, or which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located.
- 46.2 No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this Ordinance except in the following circumstances: (See Ordinance 2001-19)
- A. To provide for off-street loading or off-street parking spaces upon the approval of the Zoning Board of Adjustments; or
 - B. To remodel or build an addition to an existing residential structure in the following zoning districts, in conformance with the Area Regulations for Single Family-3 districts: O-1, O-2, NS, CBD, CH C-1, C-2 and LI.
- 46.3 Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations, expansions, or extensions shall be made, except those required by law or ordinance, including Section 46.2, unless the building is changed to a conforming use.
- 46.4 Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
- 46.5 Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official.
- 46.6 Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this Ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming use for a period of six (6) months and shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use which, not involving a permanent type of structure, is moved from the premises shall be considered to have been abandoned.
- 46.7 If a structure occupied by a nonconforming use is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming use not exceeding sixty percent (60%) of its reasonable value, reconstruction will be permitted, but the size or function of the nonconforming use cannot be expanded.

SECTION 47 PLANNING AND ZONING COMMISSION

47.1 CREATED; MEMBERSHIP; OFFICERS:

There is hereby created in accordance with Subchapter 211.007 of Vernon's Texas Local Government Code a City Planning and Zoning Commission which shall consist of nine (9) members, each of whom shall be a resident of the City and shall be selected for his unselfish interest in city affairs. Members shall be appointed by the City Council. Of the nine (9) members, five (5) shall serve a period of one (1) year from the date of initial appointment and four (4) shall serve for a period of two (2) years from the date of appointment. Vacancies shall be filled by appointments for unexpired terms only.

Members may be removed from office at any time by a majority vote of the City Council for neglect of duty, malfeasance in office or for any action the City Council deems detrimental to the best interest of the City. All members shall serve without pay. All members shall be present for seventy-five percent (75%) of the scheduled meetings or shall be subject to removal from the Commission. The Secretary shall keep minutes of all meetings held by the Planning and Zoning Commission and full record of all recommendations to be made by the Planning and Zoning Commission to the City Council. A Chairman and Vice-Chairman shall be elected by the Planning and Zoning Commission from its membership.

47.2 QUORUM; VOTING:

Five members of the Planning and Zoning Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of one vote each, a quorum being present. All actions by the Planning and Zoning Commission shall be by a majority vote of those members present.

If any member has a conflict of interest in review of any item on the Commission's agenda, he or she shall remove themselves from the room and refrain from voting only on the item for which a conflict exists.

47.3 MEETINGS:

The Planning and Zoning Commission shall meet at such times in the City Hall as may be designated by the Chairman or Vice-Chairman in the absence of the Chairman, and at such intervals as may be necessary to orderly and properly transact the business of the Commission.

47.4 DUTIES AND ZONING RESPONSIBILITIES:

The Planning and Zoning Commission shall be an advisory body to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and permanent zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of the plats of subdivisions as may be submitted to it by the City Council. It is recommended that the Planning and Zoning Commission make no less than an annual study of the City's Comprehensive Plan and be prepared to make such recommendations to the Council as deemed necessary to keep the City's Comprehensive Plan with the needs and uses of the City. The Planning and Zoning Commission shall serve in an advisory capacity on any Planning related item(s) in the City.

47.5 PROCEDURE ON ZONING HEARINGS:

The procedure and process for zoning changes and/or amendments shall be in accordance with Section 49.

SECTION 48 ZONING BOARD OF ADJUSTMENT

48.1 ORGANIZATION

There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by resolution of the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. 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. Each member reappointed or each new appointee shall serve for a full term of two (2) years unless removed as hereinabove provided. Provided, however, that the City Council may appoint two (2) alternate members of the Zoning Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor or City Manager, so that all cases to be heard by the Zoning Board of Adjustment will always be heard by a minimum number of four members. The alternate members shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

48.2 PROCEDURE

The Zoning Board of Adjustment shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Ordinance or Statutes of the State of Texas. The Chairman shall vote and meetings of the Zoning Board of Adjustments shall be held at the call of the Chairman and at such other times as the Zoning Board of Adjustments may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Zoning Board of Adjustments shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Board and shall be a public record.

48.3 APPEALS

1. Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer, department or board of the municipality affected by the decision of the City Manager or his designee. Such appeal shall be taken within ten (10) days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment, a notice of appeal specifying the rounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been files with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not e stayed, otherwise than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the office from whom the appeal is taken and on due cause shown.

3. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made. The notice shall be given at least ten (10) days prior to the date set for the hearing. At the hearing any party may appear in person or by attorney or agent.

48.4 JURISDICTION

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Zoning Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established.

1. Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building or the reconstruction of a structure destroyed by fire or the elements not to exceed sixty percent (60%) of its reasonable value and the addition of off-street parking or off-street loading to a nonconforming use.
2. To hear and decide appeals where it is alleged that is error on any order, requirement, decision or determination made by the City Manager or his designee in the enforcement of this Ordinance.
3. Permit such variance or modifications of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. In exercising its power to grant a variance in accordance with this Ordinance, the Zoning Board of Adjustment shall make findings and show in its minutes that:
 - a. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.
 - b. That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed, under the Ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.

48.5 ACTIONS OF THE BOARD

1. In exercising its powers, the Zoning Board of Adjustment may, in conformity with the provisions of Subchapter 211.008 through 211.011 of Vernon's Texas Local Government Code, as amended: reverse or affirm, wholly or partly, may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the

powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.

2. The concurring vote of four (4) members of the Zoning Board of Adjustment shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to affect any variance in said Ordinance.
3. Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustment or any taxpayer or any officer, department, or board of the municipality may present to the court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision by the Zoning Board of Adjustment and its recommendation in the minutes and not thereafter.

SECTION 48.6 ADMINISTRATIVE ADJUSTMENTS IN REQUIRED BUILDING SETBACKS

See Section 35.9 of the Zoning Ordinance.

SECTION 49 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

49.1 DECLARATION OF POLICY

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map
- B. To recognize changed or changing conditions or circumstances in a particular locality
- C. To recognize changes in technology, the style of living, or manner of conducting business.

49.2 AUTHORITY TO AMEND ORDINANCE:

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any Ordinance regulations or Zoning District boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property. In no case shall the City Council act upon any zoning request prior to action by the Planning and Zoning Commission

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.

- 49.3** Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on a form suitable to the Zoning Administrator and shall be filed with the City and shall be accompanied by payment of the appropriate fee as established by the City of Belton, Texas and on file with the City Clerk.

49.4 PUBLIC HEARING AND NOTICE

Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City Taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official newspaper of the City. Changes in the ordinance text, which do not change

zoning district boundaries, do not require written notification to individual property owners. Notices for the public hearing for changes to the ordinance text before the City Council will also be published at the same time notice of the Planning and Zoning Commission meeting I published but not less than fifteen (15) days prior to the public hearing date(s).

49.5 FAILURE TO APPEAR

Failure of the applicant or his representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay shall constitute sufficient grounds for the Planning and Zoning Commission to terminate or deny the application.

49.6 COMMISSION CONSIDERATION AND REPORT

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Planning and Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- F. Any other factors which will substantially affect the health, safety, morals, or general welfare.

49.7 If the Planning and Zoning Commission denies the zoning request, it shall offer reasons to the applicant for the denial.

49.8 CITY COUNCIL CONSIDERATION

- A. Proposal Recommended for Approval by the Commission:** Every proposal which is recommended favorable by the Planning and Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearings thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

- B. Proposal Recommended for Denial by the Commission:** When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the City council and notify the applicant. If the proposal is denied by the Commission, the request shall not be forwarded to the City council unless the applicant requests an appeal to the City Council or the request is sent for review by the Commission by simple majority vote. When a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths ($\frac{3}{4}$) majority vote by the City Council shall be required for approval. A request which has been denied by the Planning and Zoning Commission and/or City Council may be resubmitted at any time for reconsideration by the City. (A new filing fee must accompany the request.) The City Council may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.
- C. City Council Hearing and Notice:** Notice of City Council hearing shall be given by publication at the same time notice is given for the Planning and Zoning Commission public hearing in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.
- D. Three-Fourths Vote:** a favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20 %) of the area of the adjacent landowners which comply with the provisions of the State laws commonly referred to as the Atwenty percent rule.≡ If as protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths ($\frac{3}{4}$) vote of the City Council.

49.9 FINAL APPROVAL AND ORDINANCE ADOPTION

Upon submittal of the zoning request by the City Council, the applicant shall submit a metes and bounds description to the City for the preparation of the amending ordinance. The amending ordinance shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. The amending ordinance will not be approved until a correct description has been prepared for the amending ordinance.

SECTION 50 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

50.1 Certificates of Occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered.
- B. Change in use of an existing building to a use of a different classification
- C. Occupancy and use of vacant land, except agricultural use
- D. Change in the use of land to a use of a different classification
- E. Any change in the use of a nonconforming use.
- F. Any change in use or occupancy of any non-residential structure.
- G. Any change in tenancy of any non-residential structure.

No such use, or change of use, shall take place until a Certificate of Occupancy therefor shall have been issued by the Building Official.

50.2 Procedure for New or Altered Buildings: Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within ten (10) days after a written request for the same has been made to said Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

50.3 Procedure for Vacant Land or a Change in Building Use: Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use to a conforming use, as herein provided, application for Certificate of Occupancy shall be made to said Building Official for review according to Section 46. If the proposed use is in conforming use, as herein provided, shall be made to said Building Official. If the proposed use is in conformity with the provisions of the Ordinance, the Certificate of Occupancy therefore shall be issued within ten (10) days after the application for same has been made.

50.4 Contents: Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provision of the building and fire laws and Ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

50.5 Temporary Certificates: Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Official for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

50.6 Certificates for Nonconforming Uses: A Certificate of Occupancy shall be required for all lawful nonconforming use of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance.

SECTION 51 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

51.1 By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the exiting zoning ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior ordinance had not been repealed.

SECTION 52 PENALTY FOR VIOLATIONS

52.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding one thousand dollars (\$1,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 53 VALIDITY

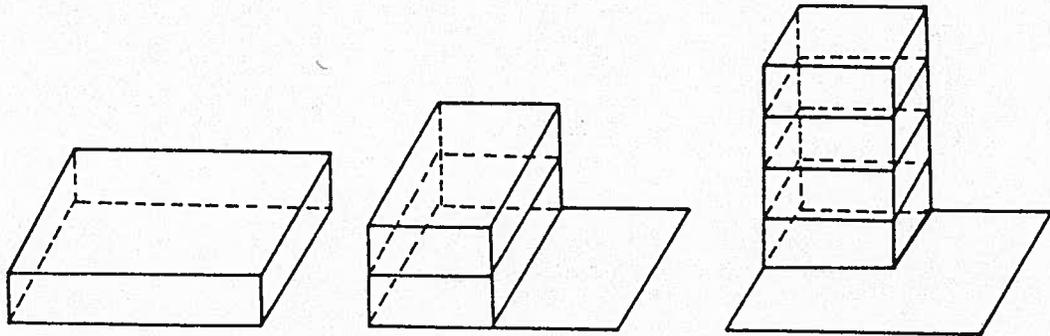
53.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

APPENDIX

APPENDIX ILLUSTRATIONS

A-1

ILLUSTRATION # 1



EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

ILLUSTRATION # 2

OFF-STREET MANUEVERING FOR LOADING AREA

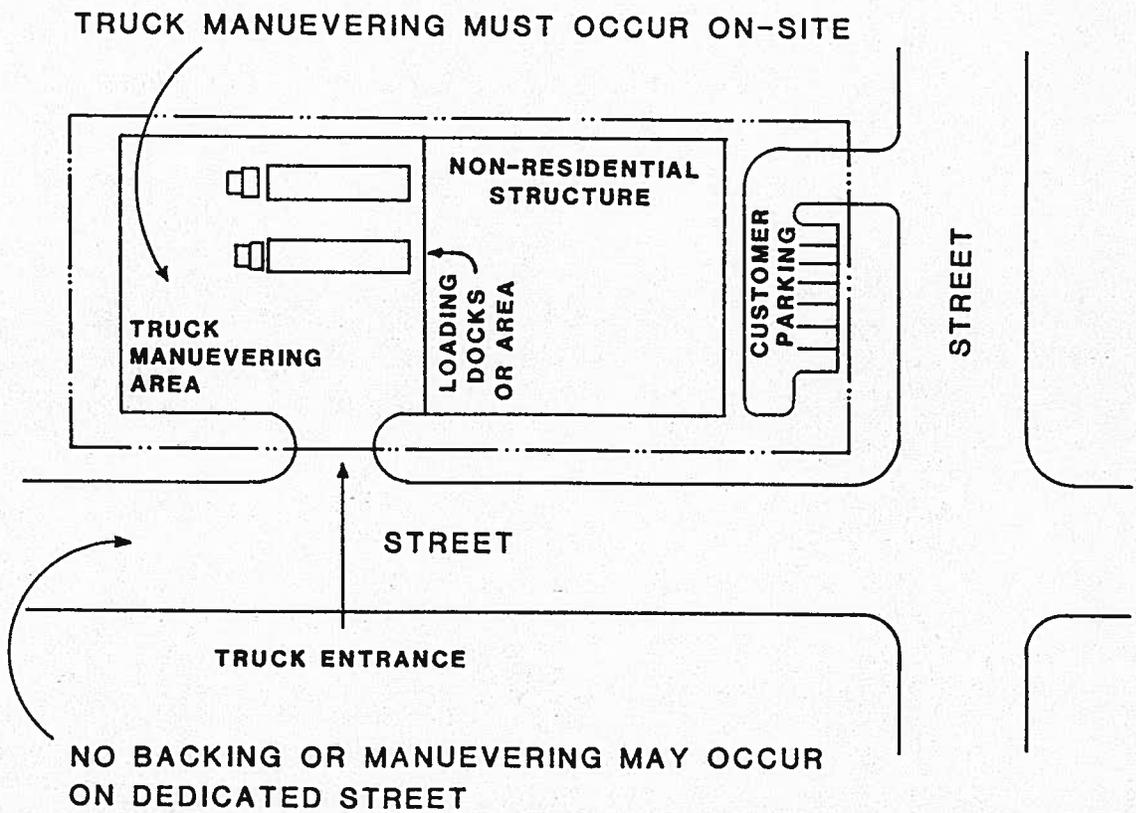
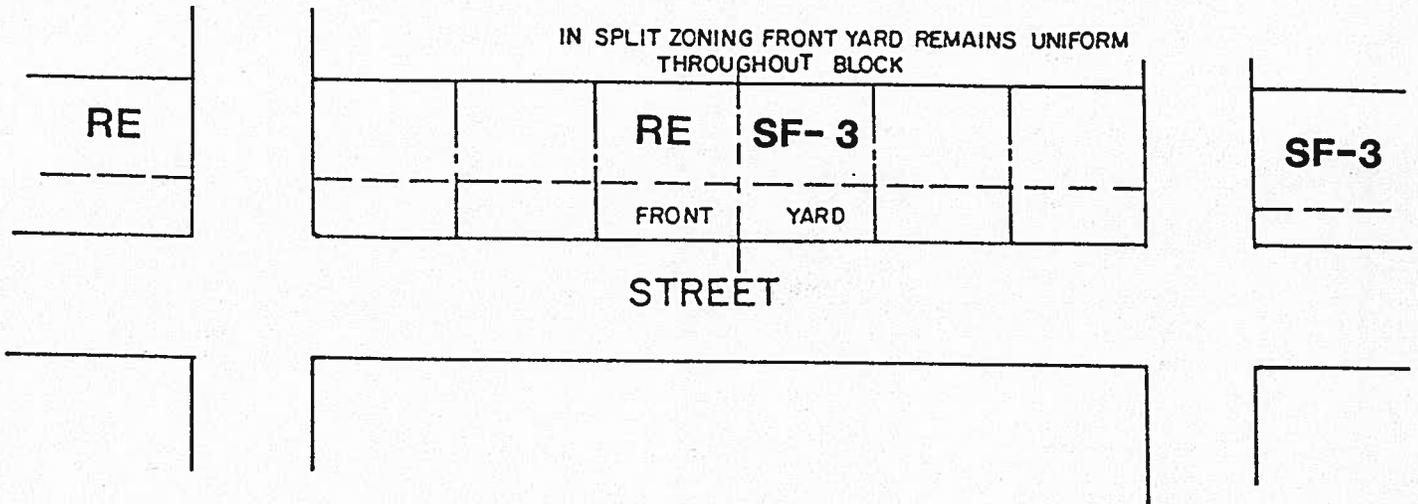


ILLUSTRATION # 3



FRONT YARD WHERE ZONING CHANGES IN A BLOCK

ILLUSTRATION # 4

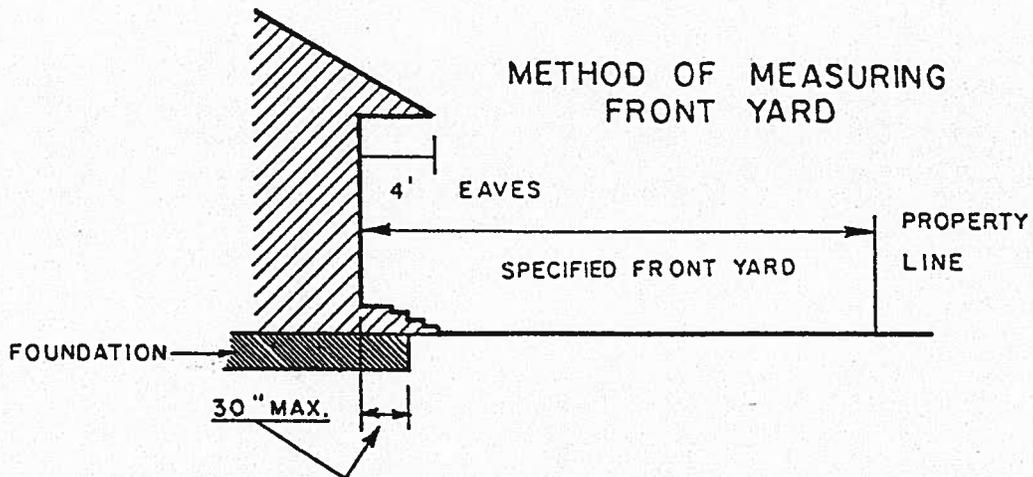


ILLUSTRATION # 5

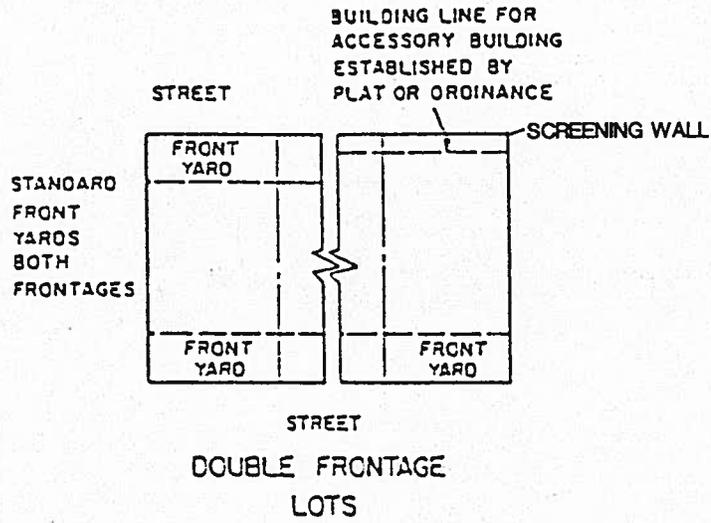


ILLUSTRATION # 6

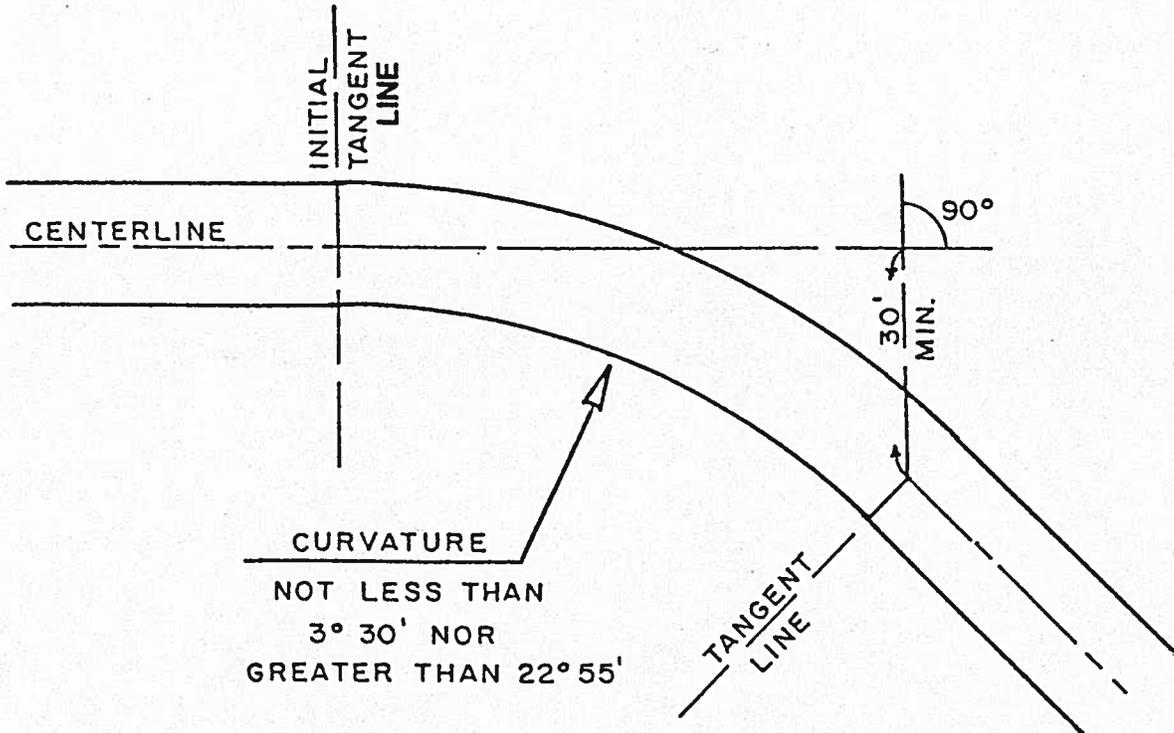
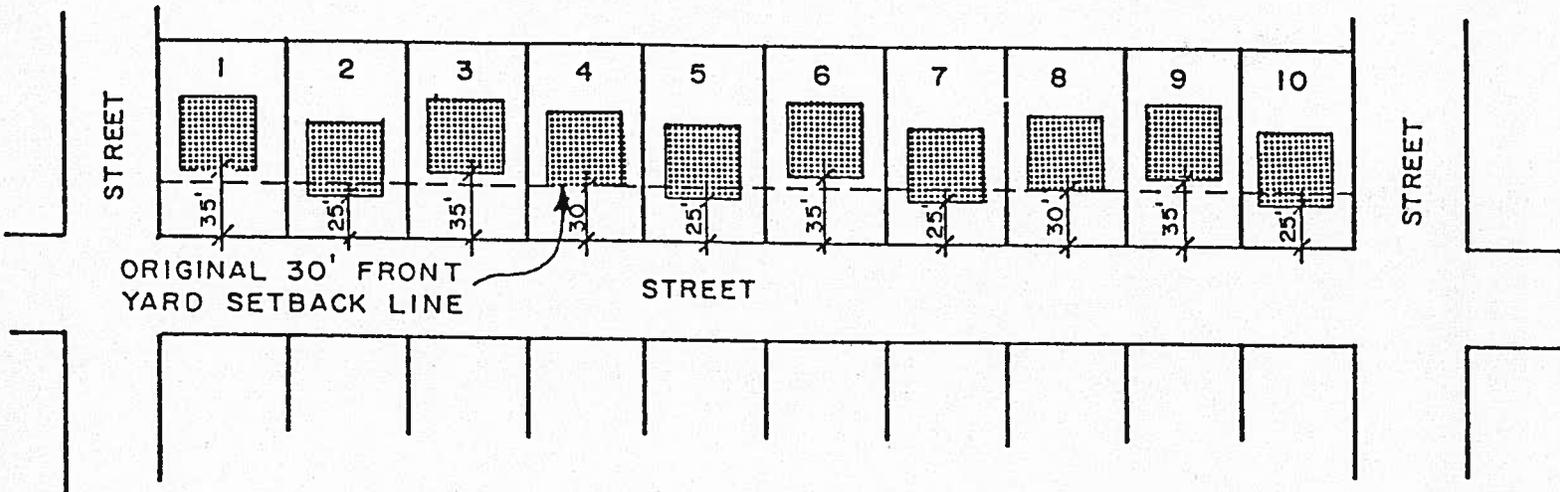


ILLUSTRATION # 7



THE AVERAGE SETBACK LINE
OF LOTS 1-10 SHALL BE 30'

CALCULATIONS OF MULTIPLE FRONT YARD SETBACKS

ILLUSTRATION # 8

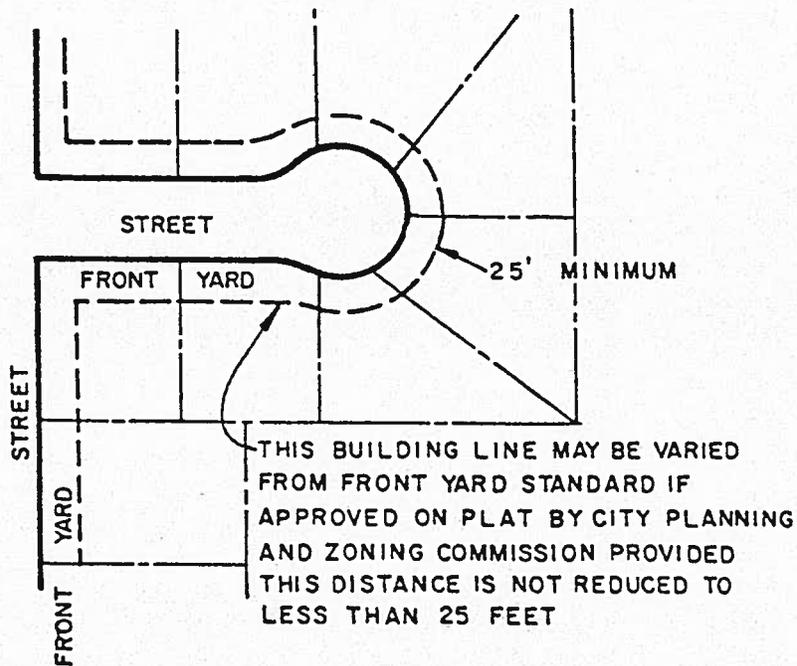
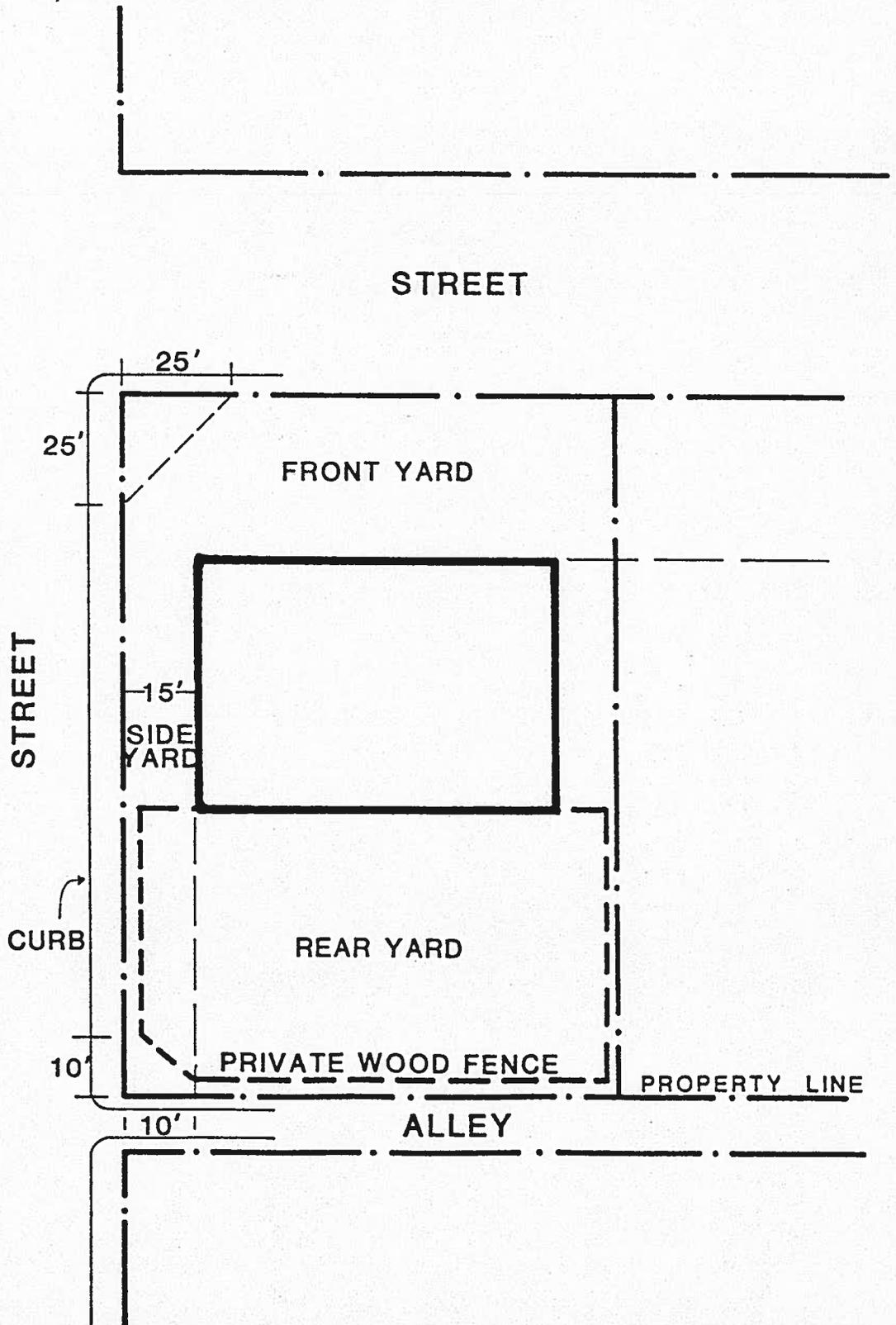
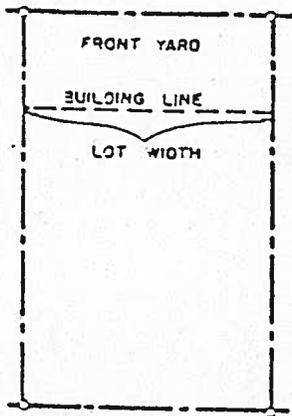


ILLUSTRATION # 9

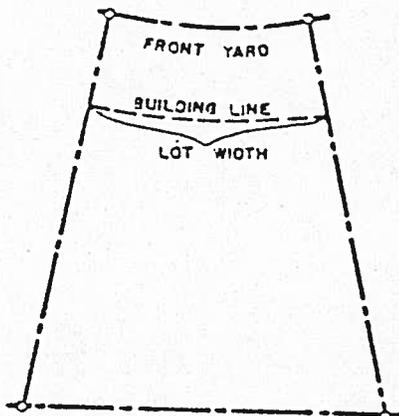
FENCE & SIGHT REQUIREMENTS
FOR CORNER LOTS



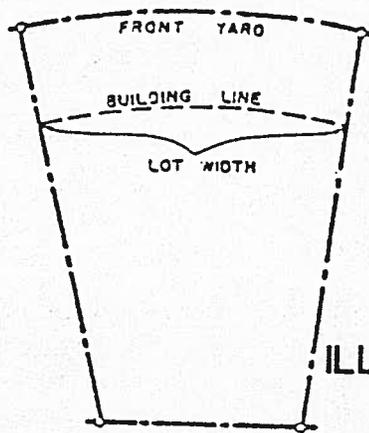
LOT WIDTH



(A)



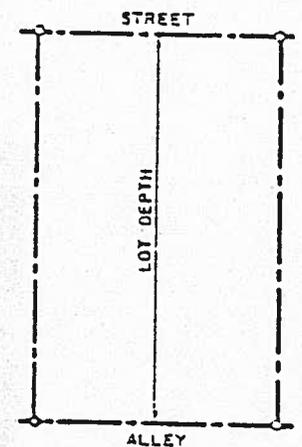
(B)



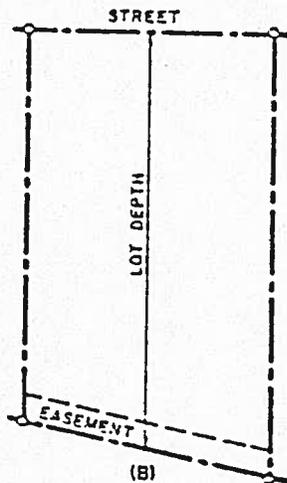
(C)

ILLUSTRATION #10

LOT AREA & DEPTH



(A)



(B)

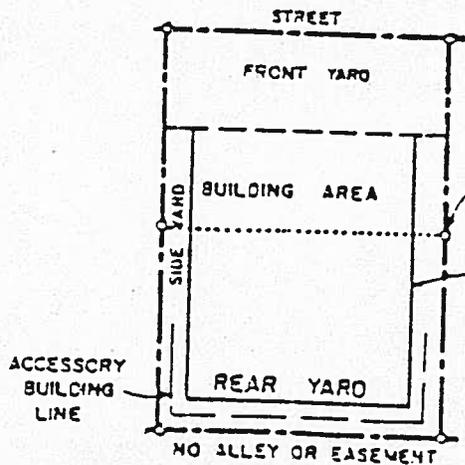
LOT DEPTH IS A FUNCTION OF LOT WIDTH AND LOT AREA REQUIREMENTS

LOT AREA IS CALCULATED EXCLUDING ALLEYS AND STREETS

LOT AREA MAY INCLUDE EASEMENTS ON LOT

ILLUSTRATION #11

YARDS



MID POINT ON LOT LINE
RESIDENTIAL STRUCTURE BUILDING LINE

ACCESSORY BUILDING LINE

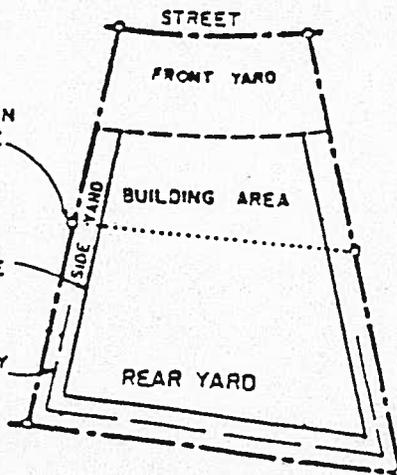


ILLUSTRATION #12

ILLUSTRATION # 13A

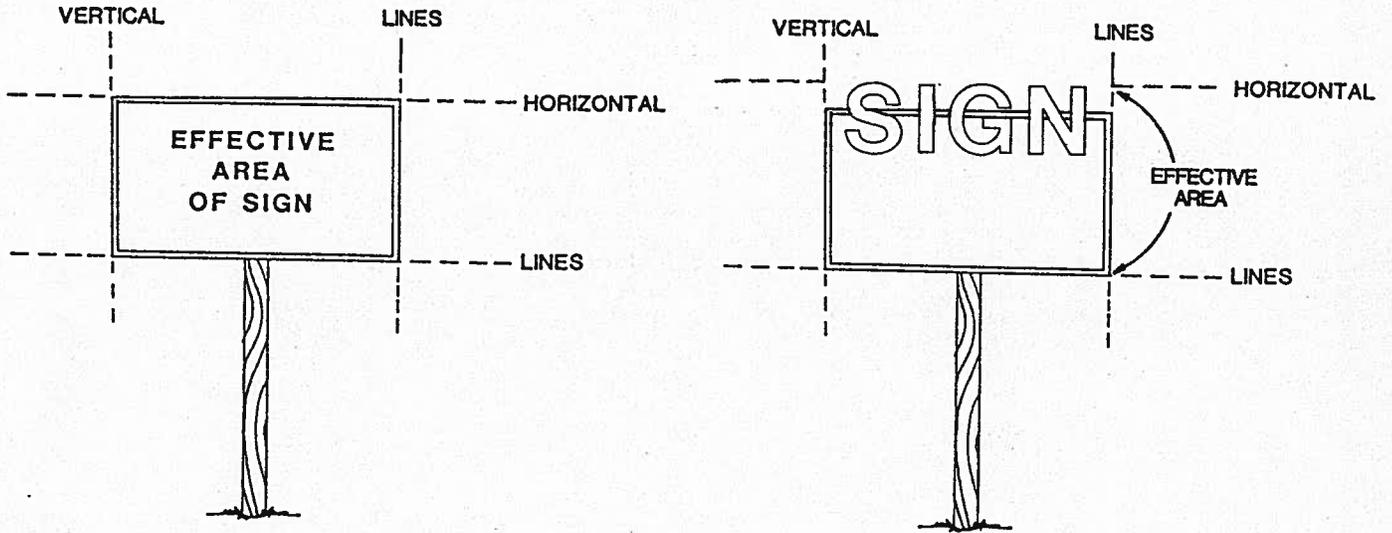


ILLUSTRATION # 13B

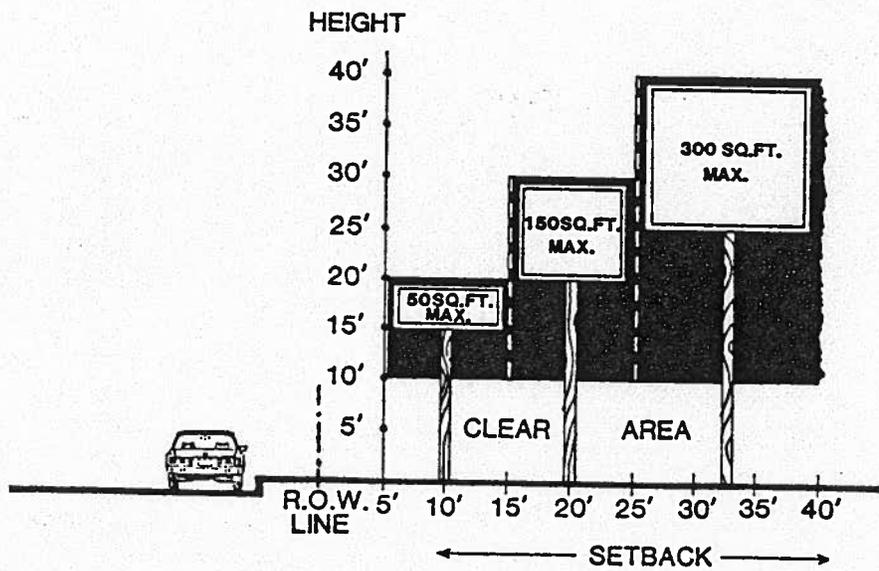


ILLUSTRATION #13C

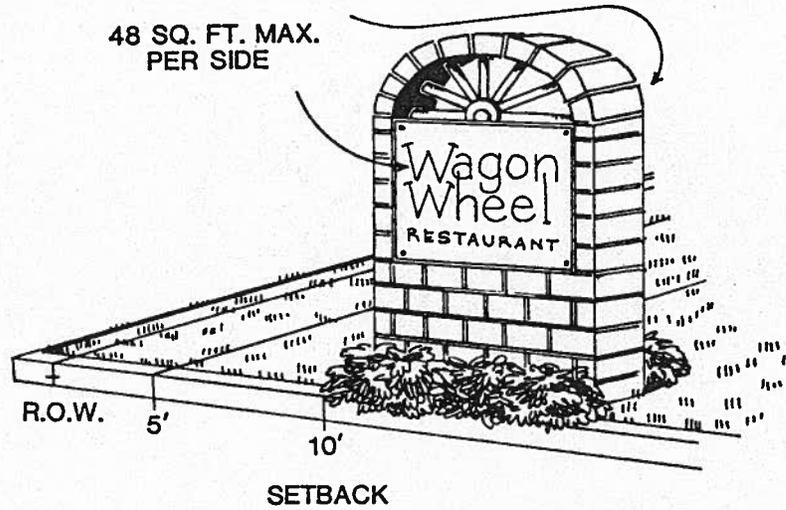
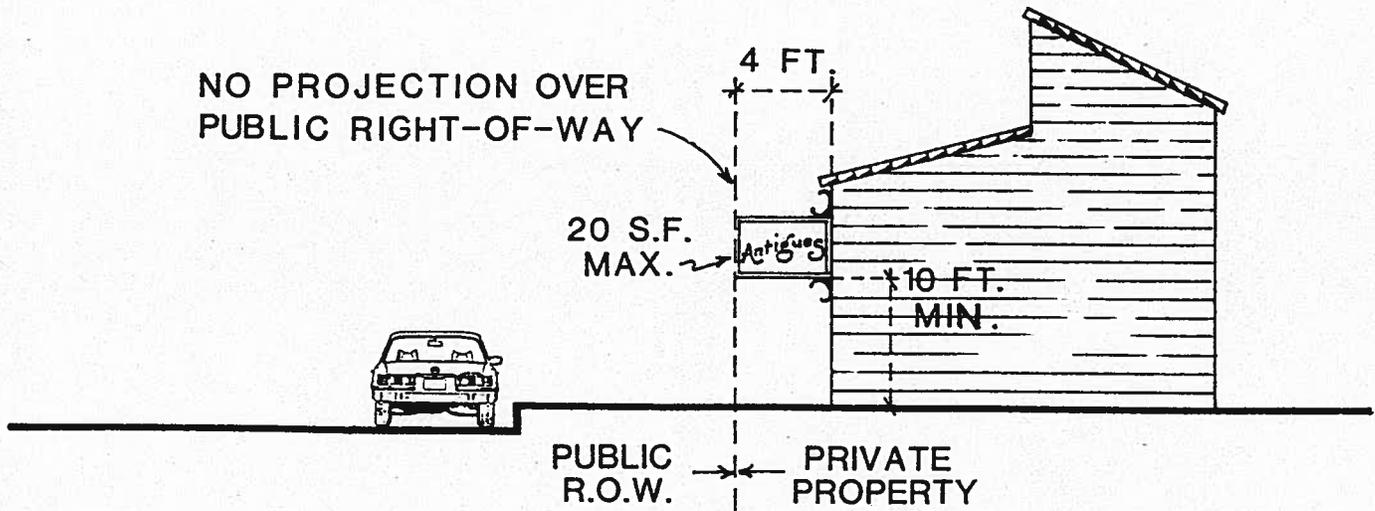
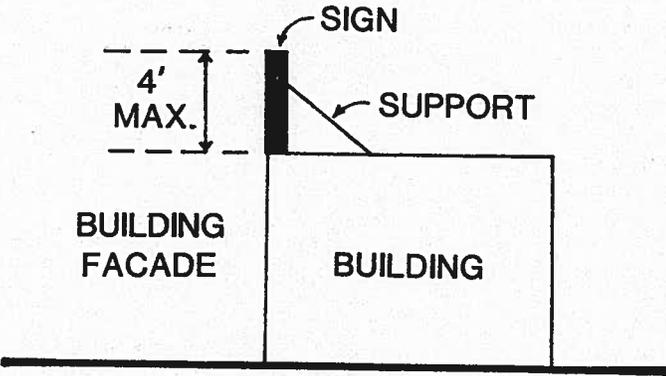
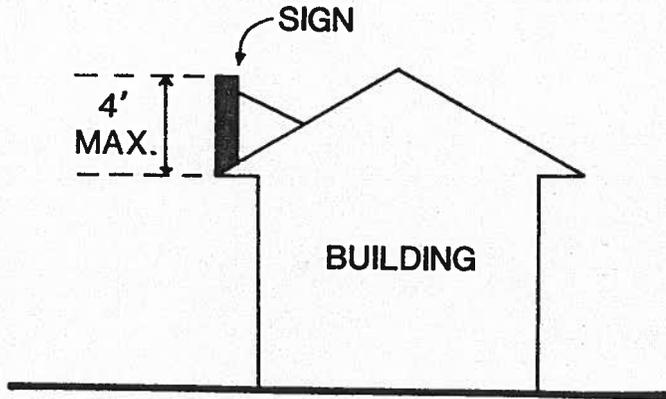


ILLUSTRATION #14



NO DETACHED SIGNS PERMITTED

ILLUSTRATION #15



ATTACHED SIGNS PARALLEL TO THE BUILDING FACADES

ILLUSTRATION # 16

CORNER LOT

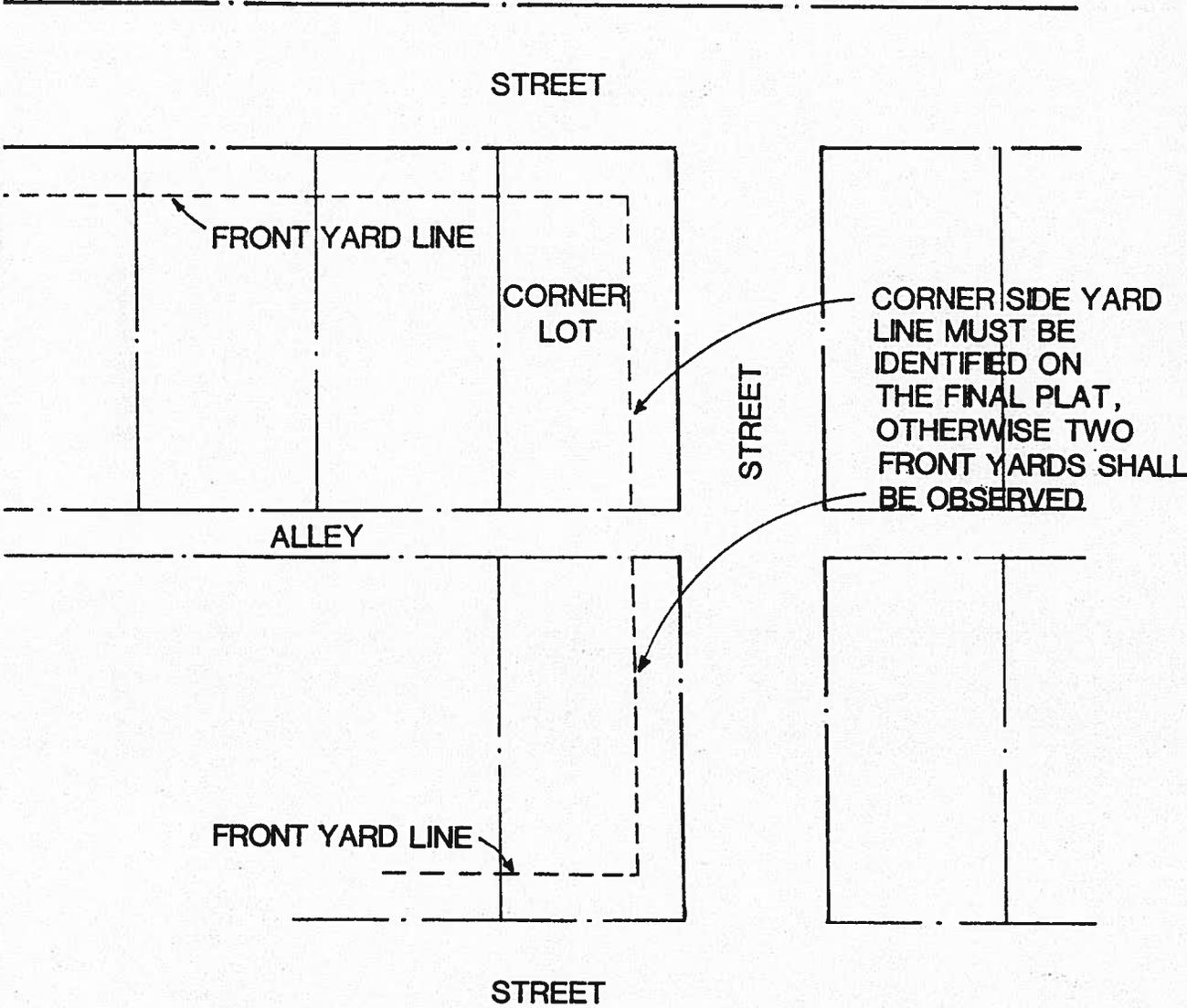
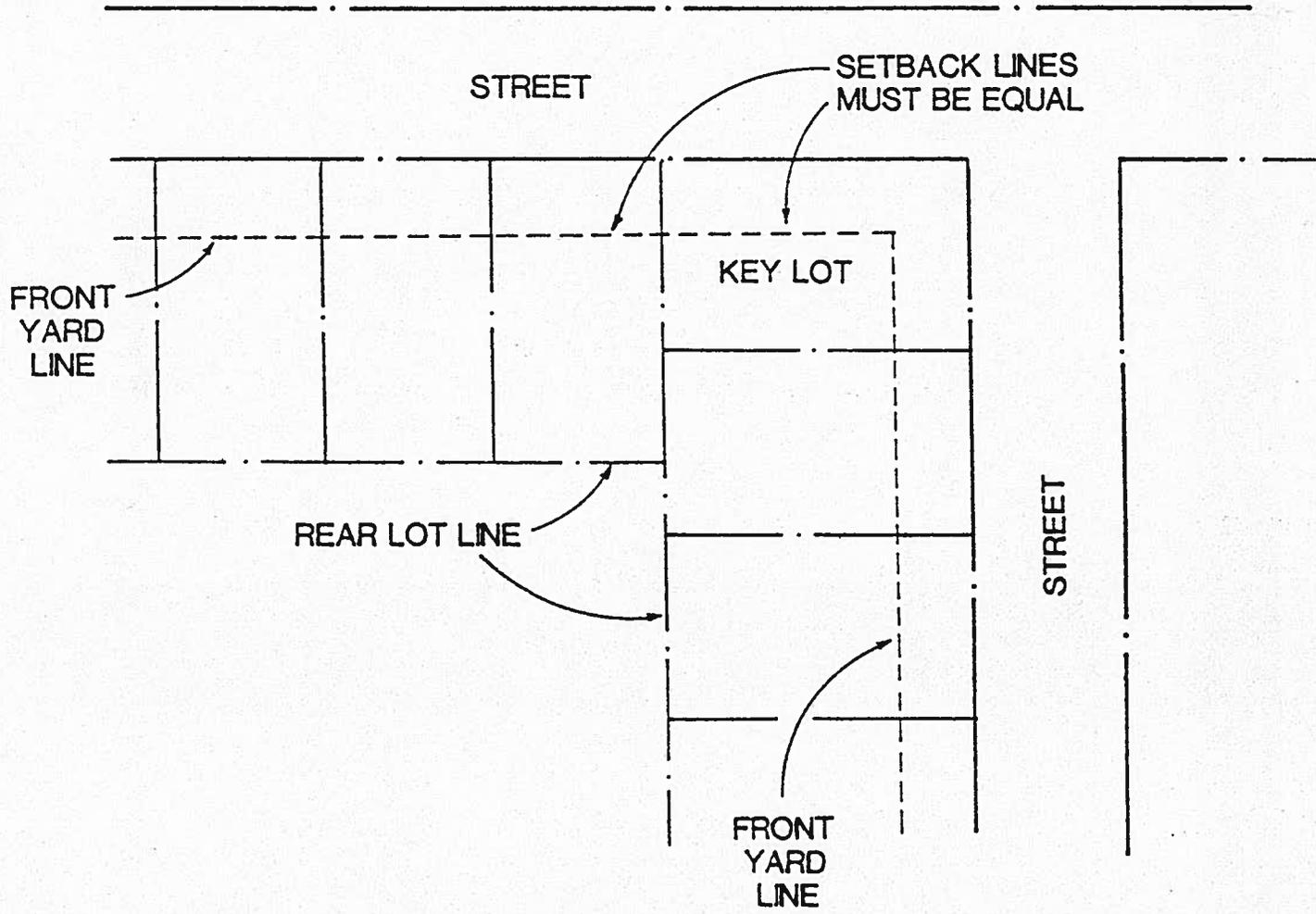


ILLUSTRATION #17

KEY LOT RESIDENTIAL SUBDIVISIONS



A-2 SPECIFIC USE PERMITS

Unless otherwise noted, the following Specific Use Permits are included within this ordinance as originally approved. For specific requirements or restrictions for each SUP, refer to the original amending Ordinance.

CARRIED FROM 1967 ZONING ORDINANCE

- S-1 Mary Hardin Baylor College (Superseded by UC District)
- S-2 Cemetery
- S-3 Rodeo Grounds (No longer exist-Confederate Park)
- S-4 Texas Highway Department Yard & Building
- S-5 City Yard & Building
- S-6 Nursing Home
- S-7 County and City Yards & Buildings
- S-8 Private Club
- S-9 Cemetery
- S-10 City-County Yards
- S-11 Kindergarten-Nursery
- S-12 Kindergarten-Nursery
- S-13 Custom Personal Service (Beauty Shop)
- S-14 Electrical Substation

SPECIFIC USE PERMITS SINCE 12-9-75

- S-15 10-11-77 Beauty Shop-Rezoned Retail, Lots 1A & 2A, Block 1, French Addition-**VOID**
- S-16 4-22-80 Frank Smith Drive In on 439-Rezoned Retail-**VOID**
- S-17 4-22-80 Park Drive In, 201 S. Davis, Rezoned Retail
- S-18 5-26-81 Private Club, W. Avenue O, Rezoned Commercial and MHP-**VOID** (S-35)
- S-19 2-9-82 Private Club, Lot 1, Block 93, Original Town-Lot A-3, Block 1, Bellview Addition, 1012 E. 2nd Avenue (Wong's Chinese Restaurant)-**VOID**
- S-20 2-9-82 Compression Station for Gas, Lot 1, Block 1, Centex Gas Addition, 2501 S. Pearl Street-CenTex Gas **VOID** by S-59
- S-21 7-13-82 Personal Service, Lot 3A, Block 3, J. T. Alexander Addition, Bell Fine Arts Association, 438 N. Wall Street

S-22	3-8-83	Day Care, Lot 2C, Outblock 199, 3205 N. Main Street
S-23	3-8-83	Beauty Shop, Lot 1, Block 9, J. T. Alexander Addition, 316 E. 6th Avenue
S-24	11-3-83	Private Club, Lot 3, Block 5, Original Town, 127 N. East Street, Judge=s Chamber- VOID to S-29
S-25	12-11-84	UMHB Day Care, Lot 5, Block 8, Embry & Keys Addition, 11th Avenue- VOID to UC District
S-26	4-9-85	Craft & Accessory Shop, Lot 1, Block 8, J. T. Alexander Addition, 206 E. 6th Avenue
S-27	9-10-85	UMHB Day Care, Lot 2A & 2B, Block 8, Embry & Keys Addition, 206 & 207 W. Tenth, VOID to UC District
S-28	3-11-86	Auto/Boat Storage, .577 Acres, J. Bennet, A-71, Lake Road, Neighborhood Service
S-29	3-10-87	Private Club, Lot 3, Block 5, Original Town, 127 N. East Street- VOID by S-41
S-30	5-22-87	Private Club, Expo Center
S-31	8-11-87	Private Club, Part of Outblock 202, 2431 N. Main Street, Wok's Restaurant, Grothway Square
S-32	9-8-87	Bed & Breakfast, Lot 3, Block 62, Original Town, 1019 N. Main
S-33	3-8-88	Drive-In Restaurant, Lots 1 & 2, Block 70, Original Town, Marvin Crow, 6th Avenue- VOID (Moved to Waco Road.)
S-34	6-14-88	Drive-In Restaurant, Lot 1, Block 1, Wade Meadows Addition, Montrose & N. Main Street, Chew Chew=s-(Now Salgado=s)
S-35	6-14-88	Private Club, Part of 7.26 Acres in Outblock 217, Original Town, 1418 W. Avenue O, Old VIP Club

SPECIFIC USE PERMITS SINCE 2-27-90

S-36	9-25-90	Used Car Sales, Part of Lot 1, Block 1, Royal Oaks Addition, 2323 N. Main Street, R. S. Young Pontiac/Buick- VOID by S-50
S-37	10-2-90	Used Car Sales, Lot 4, Block 4, J. H. Connell Addition, 922 S. Main Street, Robert Tulloch
S-38	11-6-90	Head Start Center, Belton Garden Apartments, 800 Shady Lane
S-39	12-4-90	Used Car Sales, Lot 1 & 2, Block 2, Eastland Addition, 815 E. 8th Avenue, T. L. Leach
S-40	2-5-91	Mobile Home, Part of 10 Acres, M. F. Connell, Abstract #6, Avenue H & Ray Street, O. D. Sanford
S-41	5-14-91	Private Club, Part of Lot 3, Block 5, Original Town, 127 N. East Street, Terry D. Aiken
S-42	7-2-91	Private Club, Lots 3C & 4B, Block 202, Grothway Square, 2449 N. Main Street, Betty Passarelli

S-43	8-6-91	Fruit Stand/Cedar Yard, Part of Outblock 195, Original Town, 3110 N. Main Street, Bill Pruitt
S-44	11-5-91	Day Care, 1.03 Acres, J. Bennet, Survey, Abstract 71, 101 Lake Road, Gloria Rodriguez
S-45	11-5-91	Mobile Home, E. 2 of S. 2 , Lot 2, Block 2, Nancy Bigham Addition, 612 E. 3rd Avenue, Robert Youngs/Velma Blankenship
S-46	4-7-92	5th & 6th Grade Center, Lot 1, Block 1, BISD Addition, 1704 Sparta Road, Belton Independent School District
S-47	6-2-92	Used Car Sales, Part of Outblock 206, Original Town, Loop 121 @ Highway 190, Hamp Kennedy- VOID by 2006-09
S-48	10-5-93	Used Car Sales, 1.53 Acres of Outblock212, 2606 S. IH-35, Harold Whitfield
S-49	10-5-93	Expansion of HS Parking, Lot 1, Block 1, BISD Addition, 600 Lake Road, Belton Independent School District
S-50	1-4-94	Used Car Sales, Part of Lot 1, Block 1, Royal Oaks Addition, 2323 N. Main Street, David McCutcheon- VOID by S-55
S-51	3-15-94	New Church, Part of Outblock 202, Original Town, N. Main @ 24th, Christ the King Catholic Church
S-52	7-19-94	Used Car Sales, .8 acres, M. F. Connell Survey, Abstract #6, 1901 S. IH-35, Dwayne Digby
S-53	7-19-94	Private Club, 1.979 Acres, M. F. Connell, Abstract #6, 2801 S. IH-35, Oxbow Steakhouse, Bobby Glover
S-54	9-20-94	Used Car Sales, Part of Lots 3 & 4,Block 51, Original Town, 311 N. Main Street, Carlton Richardson- VOID by Domino=s Pizza
S-55	1-17-95	Office Complex, Barron Addition, Sparta Road, Andrew Barron
S-56	3-21-95	Used Car Sales, Part of 7.53 Acres in M. F. Connell Survey, Abstract #6, 2604 S. IH-35, Chisholm Trail Trade Center, Ernest Nunez- VOID by S-66
S-57	8-15-95	Garage Apartment, Lor 4, Block 50, Original Town, 328 N. Main Street, Dr. George Nixon
S-58	10-17-95	Used Car Sales, IH-35 @ Beal Street, Terry Galloway
S-59	10-17-95	Extend S-20 to add 1.94 Acres, 2501 S. Pearl Street, CenTex Gas Company
S-60	4-16-96	Auto Detail Shop, .447 Acres, Lot 2, Block 3, J. M. Wilson Addition, Corner S. Wall Street & Avenue K, Curtis Wickliffe
S-61	8-20-96	Used Car Sales, Part of Lots 3 & 4, Block 5, Original Town, 323 N. Main, Barry Simpson (Not Used)
S-62	9-17-96	Used Car Sales, Part of Lot 1, Block 1, Royal Oaks Addition, 2323 N. Main Street, Barry Simpson
S-63	1-21-9	Addition to Southwest Elementary, 9.2 Acres of Block 130, Original Town, 611 Saunders Street, Belton Independent School District

S-64	2-18-97	Used Car Sales, .502 Acres, Burton Outblock, M. F. Connel Survey, Abstract #6, 2200 S. IH-35, James Ledger
S-65	2-18-97 9-26-06	Used Car Sales, 2002 S. IH-35, David Peschel Amended - Used Car, Boat & Trailer Sales, Terry Gallaway
S-66	2-18-97	Tool & Equipment Rental, 2604 S. IH-35, Gaylor Mills DBA US Rentals VOID by S-77
S-67	3-18-97	Playground, Part of Kelso Outblock, M. F. Connell, Abstract #6, S. Walker Street, Faith Baptist Church of Belton
S-68	4-15-97	Mini-Warehouses, 5.293 Acres, Lewis Walker Survey, Abstract 860, 1709 Sparta Road, Brent Duncan
S-69	5-20-97	Glass Shop, Part of Block 69 & 70, Original Town, 615 Waco Road, Billy Harris
S-70	9-15-97	Tiger Stadium Bleachers, Lot 1, Block 1, BISD Addition, 600 Lake Road, Belton Independent School District
S-71	9-16-97	Beauty Shop, Lot 1C, Block 62, Original Town, 103 E. 10th Avenue, Dana Parks (Hurley) VOID by S-78
S-72	1-20-98	New & Used Mobile Home Sales, Lot 2, Block 1, Brentham II Addition, 1305 W. Highway 190, Brent Brentham/Jerry Brentham
S-73	7-21-98	Day Care, Part of Lot 3, Block 52, Original Town, 403 N. Pearl Street, Angela Ward
S-74	8-18-98	Caretakers Apartment, Lot 1, Block 1, Big Red Storage Addition, 1709 Sparta Road, Brent Duncan
S-75	10-20-98	Day Care, Part of Lot 2, Block 19, Original Town, 103 W. Avenue C, LaQuite Parker
S-76	1-19-99	Softball Field, Lot 1, Block 1, BISD Addition, 600 Lake Road, Belton Independent School District
S-77	5-18-99	Used Car Sales, .959 Acres, M. F. Connell Survey, Abstract 6, 2604 S. IH-35, John Kirchmeier
S-78	5-18-99	Bed & Breakfast, Lot 1C, Block 62, Original Town, 103 E. 10th Avenue, Dana Hurley
S-79	8-17-99	Classroom, 1.783 Acres, M. F. Connell Survey, Abstract 6, 1205 S. Walker Street, Faith Baptist Church
S-80	8-17-99	Used Car Sales, Lot 2, Block 32, Original Town, 515 S. Main Street, Carlton Ray Richrdson
S-81	1-4-00	Used Car Sales, Part of Lot 2, Block 53, Original Town, 339 N. Main Street, Mark Brown VOID by S-89
S-82	5-16-00	Used Car Sales, Lot 1, Block 1, Turtle Creek, Phase V, 1702 N. Main Street, Gary L. Wolfe
S-83	5-16-00	Bed & Breakfast, Part of Lot 2, Block 54, Original Town, 410 N. Main Street, Wesley & Marie Riddle

S-84	9-19-00	Used Car Sales, Lots 3A & 3B, Block 3, Burton Outblock, 2220 S. IH-35, Kenneth Hill
S-85	1-16-01	Tower, 3 Acres, M. F. Connell Survey, Abstract 6, 1611 N. Main Street, AT&T Wireless
S-86	2-20-01	Used Car Sales, Part of Block 3, Curry Outblock, 1706 S. IH-35, David Peschel
S-87	6-19-01	Garden Center with Outside Storage, Lot 3, Block2, Burton Outblock, 2002 S. IH-35, Limestone & Landscapes, LLC
S-88	9-18-01	Mobile Food Concession, Lot 1, Block 7, Edney Addition, 722 E. 4th Avenue, Belton New life Ministries
S-89	2-19-02	Used Car Sales, Part of Lot 2, Block 53, Original Town, 339 N. Main Street, Mark Brown (Amendment to S-81)
S-89.5	4-9-02	Garden Center w/ Outside Storage, Lot 1, Block 1, Dunlop Outblock, 0.38 Acres in the M. F. Connell Survey, Abstract #6, 1401 S. IH-35, Oracio Licea Reyes
S-90	4-23-02	Mini-Warehouses, 9.84 Acres, M. F. Connell Survey, Abstract #6, 2000 Block S. Connell Street, Grady Bailey
S-91	5-28-02	Mini-Warehouses, 3.059 acres in the M. F. Connell Survey, Abstract #6, 1605 & 1609 S. Wall Street, Maureen Marnan
S-92	8-13-02	Artisan Workshop & Gallery, S. 2 of Lots 4, 5, & 6, Original Town, 200 E. 1st Avenue, Rebecca Jenkins
S-93	9-24-02	New Trailer Sales, 2.881 acres, M. F. Connell Survey, Abstract #6, 106 W. Avenue O, Eugene Craven
S-94	10-22-02	Used Car Sales, 0.254 acres, M. F. Connell Survey, Abstract #6, 311 W. Highway 190, Tony Hill
S-95	3-25-03	Open Storage of Landscaping Products, east part of Lot 3, Bock 3, Taylor Addition, 811 Spring Street, Robert Farr
S-96	3-25-03	Private Club in Restaurant, 1.377 acres, M. F. Connell #6, Lot 6, Block 2, Elkins Outblock, 109 W. Avenue O, BIGE, Inc. (Amended 7-27-04 for Bingo Hall)
S-97	4-27-04	Mobile Home Sales - .944 acres, M. F. Connell Survey #6, Lots 1 & 2, Block 3, Elkins Outblock, 1321 S. IH-35, Lillian Fisher/Campbell Brenner
S-98	6-22-04	Used Car Sales - .511 acres, J. P. Wallace Survey #906, Dan Barkley, SW Corner W. Avenue O & S. Loop 121
S-99	7-27-04	Landscape Sales (Outside Storage) – N. 650' of 9.862 acres of the G. F. Lankford Survey #510, W. of S. IH-35 and N. of Dillard Road
S-100	8-24-04	Restaurant w/Private Club-Lot 3, Block 87, Original Town, 812 E. Central Avenue
S-101	9-28-04	Landscape Sales (Outside Storage) – S. 700' of 15.1 acre tract, G. K. Lankford Survey, Abstract #510, NW Corner Dillard Road and S. IH-35 Service Road
S-102	10-26-04	Office/Showroom (A/C & Heating Contractor) – Lot 4, Block 44, Original Town, at S. Wall Street and the Southbound service road of S. IH-35
S-103	10-26-04	Used Car Sales – W. 148 feet of the north half of Block K, Original Town, 1020 S. Wall

Street

S-104	10-26-04	Manufactured Home – Lots 8 & 16, and part of Lot 9, Block 1, Richards Second Addition, 1411 E. Central Avenue
S-105	1-25-05	Retail Sales with Outside Storage – Lot 6, Block 11, Brooking Addition, 611 Holland Road
S-106	3-22-05	Private Club – Nolan Creek Gin – 200 Block S. East Street
S-107	9-27-05	Metal Mart w/ Outside Storage – Dog Ridge Road @ W. Highway 190

PLANNED DEVELOPMENT DISTRICTS

Unless otherwise noted, the following Planned Developments are included within this ordinance as originally approved. For Specific requirement or restriction for each individual Planned Development, refer to the original amending ordinance for each Planned Development.

PD-1	Superseded	
PD-2	Superseded	
PD-3	Superseded	
PD-4	South Wall Low Income Housing & Head Start	112491-1
PD-5	Dunns Canyon & 439 Townhouses, Terry Potts	12583-1
PD-6	H. E. B.	52483-1
PD-7	Town Lake Subdivision	11084-2
PD-8	Montrose-Single Family Attached.....	121184-1
PD-9	Dunns Canyon South of Estates, Terry Potts.....	21285-2
PD-10	Park Place	111285-1
PD-11	Expo and Annexation, Both Sides of Loop 121	51386-4
PD-12	Turtle Creek, Terry Potts	70886-2
	Turtle Creek Park Apartments-Extension.....	2000-29
PD-13	Lamplight.....	82686-1
PD-14	Montrose, Zero Lot Line, William Thompson	101486-1
PD-15	Superseded	
PD-16	Superseded	
PD-17	Superseded	
PD-18	Payless Loop 121 & Highway 190, McGraw.....	60987-1
PD-19	Star Mobile Home Park, RV and Retail	101188-1

PLANNED DEVELOPMENT DISTRICTS SINCE 2-27-90

PD-20	River Place Estates, Phase III, Block 6, Residential	94-16
PD-21	Legend Oaks Addition	2001-54
PD-22	114 E. 6th Avenue.....	2002-24
PD-23	2226 S. Penelope Street	2002-30
PD-24	400 S. Main Street.....	2002-52
PD-25	305-307-309 E. Avenue Q	2003-04
PD-26	1401 S. Loop 121.....	2003-22
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COMPREHENSIVE
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CITY OF BELTON

ORDINANCE No. 22790-1

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