



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
MEETING AND PUBLIC HEARING  
MONDAY, JULY 6, 2009 - 7:00 P.M.  
BELTON CITY HALL ANNEX, 520 MAIN STREET**

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**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF THE MINUTES OF THE JUNE 1, 2009 PLANNING COMMISSION MEETING**

**IV. CASES WITH PUBLIC HEARING**

- A. CASE #SUP09-13: CONSIDERATION OF A SPECIAL USE PERMIT (SUP) TO ALLOW A CHURCH TO OPERATE AT 500 N. SCOTT IN A C-2 (GENERAL COMMERCIAL) ZONING DISTRICT.**

**V. CASES**

- B. DISCUSSION: UNIFIED DEVELOPMENT ORDINANCE (UDO)**

**VI. DIRECTOR'S REPORT**

**VII. NEXT MEETING: July 20, 2009**

**VIII. ADJOURNMENT**

# MEETING MINUTES

JUNE 1, 2009

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
June 1, 2009

CALL TO ORDER:

Chairman Paul Myers called the meeting to order at 7:03 p.m.

ATTENDANCE:

Commission: Chairman Myers, Councilman Bobby Davidson, Commissioners Sally Davila (7:09 p.m.), Tim McDonough, Holly Girgin, Scott VonBehren, and Larry Thompson.

Staff: Jay Leipzig, Director of Planning and Development; Shannon Marcano, City Attorney; Ann Keeton, Community Development Secretary.

Absent: Mayor Pro Tem Gary Lathrop, and Commissioner Roger Horne.

MINUTES:

Commissioner Girgin moved to approve the minutes of the May 18, 2009, meeting. Commissioner Thompson seconded the motion. All members present voted in favor, and the motion carried.

DISCUSSION- UNIFIED DEVELOPMENT ORDINANCE (UDO):

Mr. Leipzig introduced Shannon Marcano from the City Attorney's office and he stated that Ms. Marcano will be working with the Commission as they move through the UDO development process. He led the Commission in a discussion of a few sections of a draft of the UDO.

STAFF REPORT-UDO:

*UDO Schedule:*

Mr. Leipzig reported the Commission is currently on schedule with the implementation of the UDO. A presentation will be made for the Chamber of Commerce and the Belton Corporation of Economic Development to explain the UDO. In addition, there will be an open house for the "development community" to acquaint them with information about the development packets, city policies and the UDO. He indicated it is possible there will not be a Commission meeting held on June 15, 2009. Commissioner Davila arrived at the meeting at 7:09 p.m.

*Introductory Provisions & Enforcement:*

The definitions have remained the same but there are now diagrams associated with some of the descriptions to clarify requirements, making it user friendly according to Mr. Leipzig.

*Agricultural & Residential Zoning Districts:*

Zoning Districts: The zoning districts included in the UDO were reviewed by Mr. Leipzig. He pointed out two districts that are not in the City Zoning Ordinance and those were R-3A, Apartment Community Residential District; and PR, Parks, Recreation; and Public Use District.

This district is for multi-family developments that are under single ownership. He compared the R-3A district to a PUD district and referred to it as an apartment community.

The City parks are currently in the A (Agricultural) district, but under the UDO they will be in the PR district.

Use Tables: The use tables in the UDO can be found with the zoning districts rather than in a separate table. Mr. Leipzig indicated there are some changes that will be made, but generally the use standards have not changed. The Zoning Ordinance presents some data in text form while the UDO presents the same data in tables. According to Mr. Leipzig, the “Projections into Required Yards” topic is shown in table form, which clarifies the information for the developers, builders, and property owners. Additionally, he stated the UDO language will be simplified to prevent confusion.

*Business, Commercial & Industrial Zoning Districts:*

Zoning Districts: It was reported the PO, Professional Office District, is a new zoning category which will include high-quality office districts, and is the same type of district as the current BP-R (Business Park Restricted).

Mr. Leipzig went on to explain the C-3, Regional Commercial District, is also a new district. This district would be located on Interstate highways or entryways into the City.

The Industrial “I” designation will be changed to “M” in the UDO. The two districts will be named M-1, Light Industrial District and M-2, General Industrial District. It was explained by Mr. Leipzig, the planning community has used “M” to designate industrial for several years.

The PR, Parks, Recreation and Public Use District, will also be added as a new zoning district in this section of the UDO.

Bulk and Dimensional Standards Table: It was pointed out by Mr. Leipzig there are tables and diagrams to clarify regulations, and he specifically called attention to a diagram illustrating setback requirements.

Overlay and Special Purpose Districts: In an explanation of overlay districts, Mr. Leipzig reported the base zone is the foundation and the overlay enhances and allows additional district provisions. He described two overlay districts that could be incorporated into the UDO.

- OTB: He proposed an OTB, Old Town Belton Overlay District, be added to the UDO which would aid in preserving the downtown area.
- GCO: A Gateway Commercial Overlay District was mentioned as an important overlay district for the City entrances.
- PUD: Planned Unit Development District was said to be a great tool for planning if there is a development that does not fit into one zoning district. It was compared to the Special Use Process (SUP) which allows for restrictions or controls which result in a high quality development.

*Parking and Loading Requirements:*

This section has a detailed table of Off-Street Parking Requirements and Minimum Parking Spaces Required. Mr. Leipzig pointed out on a Parking Spaces Required Table some of the requirements were to be determined by the Community Development Director. Mr. Leipzig explained this requirement is actually determined by the fire code and gives some latitude to calculate requirements rather than using the zoning code formulas.

Various parking design diagrams are present in the UDO to make clear the options allowed by city code.

*Landscaping Requirements:*

Mr. Leipzig told Commission members that staff is working with the Park Department to develop a draft of a tree ordinance, which will eventually be incorporated into the UDO. This ordinance will suggest types of trees appropriate for planting in some developments. The landscaping portion of the UDO will also include pictures and diagrams. Seeding and/or sodding will be managed at the beginning of projects, preventing issues requiring variances at the end of projects according to Mr. Leipzig. The UDO requirements will all match with the site plan review and inspection criteria.

**UDO DISCUSSION:**

Chairman Myers expressed his satisfaction with the way the UDO is laid out as "one package." In the fall, Mr. Leipzig indicated he would like to have trial projects using the UDO as a guide. Councilman Davidson commented on the positive aspect of the UDO having all the appropriate information located in one place, rather than in various sections of the book.

*Adesa:*

A brief history of Adesa Auto Auction's landscaping problems was reported by Mr. Leipzig. He informed the Commission members the property was hydro-seeded twice and both times the seed washed away. Staff met with Harold Chapman, Adesa manager, and it has been agreed that Adesa will sod the property. Mr. Leipzig recommended the site be sodded in the fall and the escrow will be held by the City until June 1, 2010. He went on to explain there are a couple of remaining public works issues dealing with curb cuts at the Adesa site. It was stated that Adesa is responsible for maintaining the area around the pond.

*Southview / Boardwalk:*

Mr. Leipzig reported the City Council approved the TIF for Boardwalk at Belton, and staff is in the process of setting up a meeting with the developer to take a look at the concept plan. He announced a major change to the plan is the removal of the residential component and now the entire development will be commercial.

*UDO:*

It was stated the Planning Commission will participate in the complete UDO process including review of the rough drafts. Ms. Marcano added that in the future, when cases are presented to the Commission, the Commissioners will be knowledgeable on the subject of the UDO since they participated in the development process.

DIRECTOR'S REPORT:

*Belton Glass:*

It was reported that one of the conditions of approval for the Belton Glass SUP was to complete the exterior stucco on the building at 309 Main Street. According to Mr. Leipzig, the stucco is finished and painted. The repairs over the door have been completed and City staff assisted the owner to make contact with at&t and relocate the phone wire at the site. Mr. Leipzig reminded Commission members the awnings must be installed over the doors by July 1, 2009.

*Fairway Ridge:*

Mr. Leipzig gave an explanation of the replat that was withdrawn from the Commission agenda at the last meeting. The developer, Roger Hunt, was asking for a variance to the lot depth and to lot square footage. Mr. Hunt has five lots that do not meet the square footage requirements but after discussion with staff, he will replat those five lots into four lots resulting in the square footage requirements being met. The replat will be resubmitted and placed on a future Commission agenda.

Mr. Leipzig reported it was recently discovered there is an addressing issue associated with the subdivision. He told Commission members the street name will be changed on the replat.

*Enhanced Enterprise Zone:*

It was announced by Mr. Leipzig certain areas of Belton qualify as an Enhanced Enterprise Zone, but a formal application must be submitted and approved by the State. If approved, companies locating in the Enterprise Zone could receive tax abatements as an incentive. This issue will go to the City Council for review. According to Mr. Leipzig, Cass County is also working on an Enhanced Enterprise Zone application.

*All American City:*

He reported the committee is reviewing a draft presentation that will be made June 17-19 in Tampa, Florida. He apprised the Commissioners about the funds that have been raised to send representatives to this presentation in Florida.

*Neighborhood Stabilization Program Funds (NSP):*

The City has applied for a second round of NSP funds, community development block grant funds through the State. He said these funds can be used for housing rehabilitation and acquisition. He gave an explanation about the submittal process and told the names of the cities that are collaborating on the applications.

ADJOURNMENT:

Councilman Davidson moved to adjourn the meeting. Commissioner McDonough seconded the motion. All members voted in favor and the meeting adjourned at 7:50 p.m.

Ann Keeton  
Community Development Secretary

# SPECIAL USE PERMIT

500 N. SCOTT

**BELTON MISSOURI - PLANNING COMMISSION  
REGULAR MEETING – CITY COUNCIL ROOM  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, JULY 6, 2009 – 7:00 P.M.**

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*STAFF REPORT: Robert G. Cooper, City Planner*

**CASE #SUP09-13**

**Request:** Special Use Permit to allow a church to operate in a C-2 (General Commercial) District.

**Location:** The west side of N. Scott Avenue between King Street and Turner Road. The street address is 500 N. Scott Avenue, Suite I.

**Legal Description:** The property is not platted.

**Owner / Applicant:** Thanh & Khanh Cao (building owner) / Pastor, Yolanda Browne (applicant)

**Size of Site:** 120-ft. x 170-ft. (20,400-sq. ft.) / 0.47-acre

**Existing Zoning / Land Use:** C-2 / General Commercial

**Proposed Use:** Church

***Surrounding Zoning / Land Use:***

North: C-2 / General Commercial  
East: C-2 / General Commercial  
South: C-2 / General Commercial  
West: R-1 / Single-Family Residential

***Comprehensive Plan:*** Commercial

**Nature of Current Request**

The applicant, Pastor, Yolanda Browne, has contacted the City to gather information on what requirements are needed to open a church. Pursuant to Appendix A of the Zoning Ordinance, 'Religious Organizations' require a special use permit regardless of zoning. 'Religious Organizations' as defined by the Standard Industrial Classification Manual (SICM)..."establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities."

### **Welfare and Convenience of the Public**

Staff believes that permitting a local community church in the proposed location could contribute to the welfare and convenience of the public by providing a service in the neighborhood and for individuals living and working in Belton.

### **Injury to Surrounding Property**

Staff believes that the proposed use (church) will not have an adverse affect on the surrounding or abutting properties.

### **Domination of the Neighborhood**

The site on North Scott Avenue is a commercial building with multiple tenant users. The space (Suite I) which will be used by the church is located at the rear of the building, with a maximum tenant space, approximately 600-sq. ft.

It appears to staff, the proposed use as a church will not dominate the neighborhood.

### **Off-Street Parking / Access**

The Zoning Ordinance requires, "*one (1) parking space for each three (3) seats*". Based on the total size of the lot and the available tenant space, it appears there will be ample parking. In addition, the City of Belton allows (and encourages) shared parking with adjoining businesses, provided the adjacent parking lot is located no more than 400-ft. from the church building.

There is a double-point access from North Scott Avenue, which is the primary source of ingress/egress to the site. Due to the relatively low volume of users for the church, no additional access or traffic calming devices are needed.

### **Planning Commission Alternatives**

The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.

4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

**Staff Recommendation**

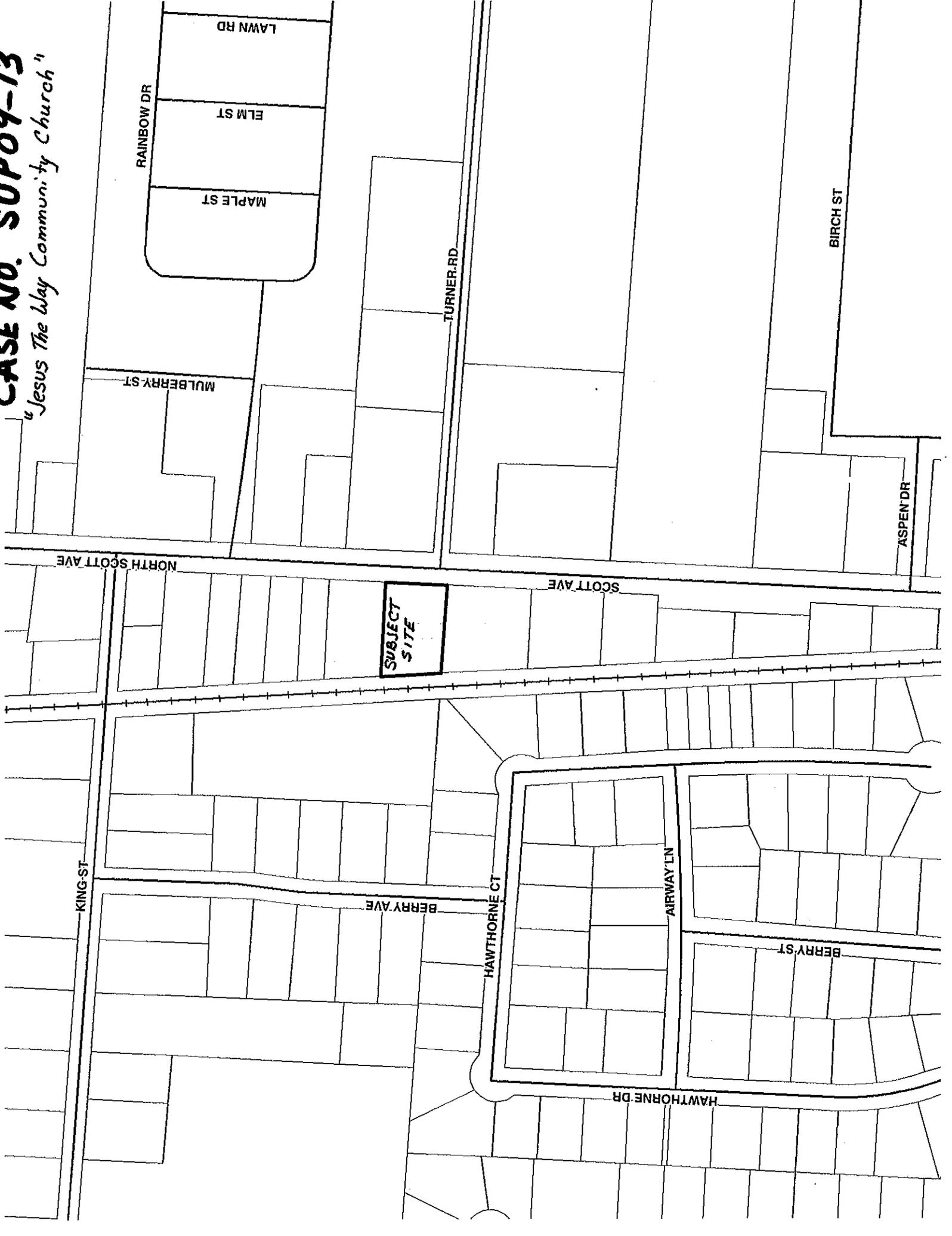
Planning staff would recommend that this Special Use Permit be approved subject to the following conditions:

1. That no certificate of occupancy be issued for the church until the site has had a final inspection for compliance with applicable city codes.
2. That the Special Use Permit be renewed by the Planning Commission in one (1) year to ensure compliance.

**Attachments:**

Vicinity Map  
Aerial Photograph

**CASE NO. SUPO4-13**  
*"Jesus The Way Community Church"*





SCOTT AVE

TURNER RD

**UNIFIED  
DEVELOPMENT  
ORDINANCE**

DATE: July 6, 2009

TO: Planning Commission

FROM: Robert G. Cooper, City Planner  
Jay Leipzig, Planning & Community Development Director

RE: **DISCUSSION: UNIFIED DEVELOPMENT CODE / Use-Specific Standards, Residential Uses; Accessory Uses & Structures; Temporary Uses and Events.**

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***Purpose of Meeting:***

*The purpose of the meeting is: 1) to discuss and establish a comprehensive development code as a Unified Development Ordinance. This meeting will be dedicated to discussing use specific standards, and accessory uses.*

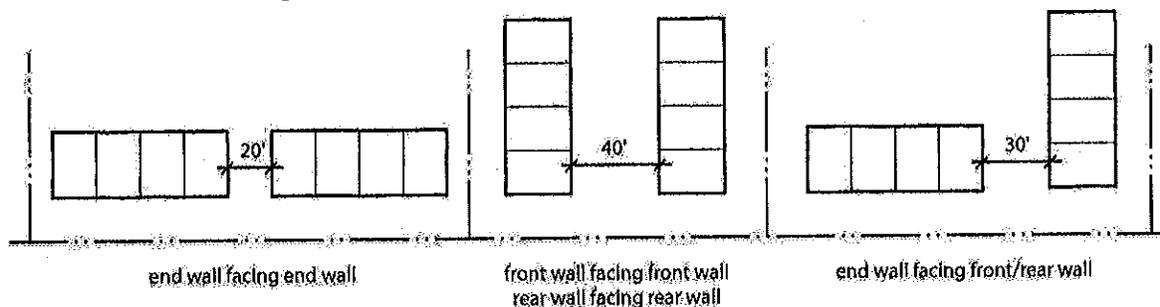
**STAFF REPORT**

**Use-Specific Standards, Residential Uses**

**A. Single-Family Attached and Multiple-Family Dwellings**

1. **Number of Buildings per Lot**  
Multiple buildings containing attached single-family and multiple-family dwellings are permitted on a single zoning lot.
2. **Number of Units per Building**
  - a. No more than eight attached single-family dwelling units are permitted within a single building.
  - b. There is no limit on the number of multiple-family dwellings permitted within a single building.
3. **Minimum Separation between Buildings**  
Single-family attached and multiple-family buildings situated around a courtyard will have the following minimum distance requirements as measured between exterior walls:
  - a. back to back, 40 feet;
  - b. front to front, 40 feet;
  - c. end to end, 20 feet;
  - d. end to back, 30 feet;
  - e. end to front, 30 feet;
  - f. no dwelling unit will face directly upon the rear of a building; and

- g. service areas and vestibules, porches, balconies and canopies not extending more than 10 feet from the building, will be excluded from the distance requirements of this section.



4. **Building Design**

Attached single-family and multiple-family dwellings must:

- a. be designed with windows and/or doors on all building facades that face a street to avoid the appearance of blank walls; and
- b. be designed with garage doors or carports facing an alley, where there is an alley serving the site, or facing an interior driveway, whenever possible. Where attached garages face a public street, they may not extend more than twenty feet beyond the street-facing façade.

5. **Private Yards for Attached Single-Family Dwellings**

All attached single-family dwelling unit developments must include private yards space in accordance with the following:

- a. attached single-family dwellings must have private yards consisting of a minimum of 200 square feet in area for each attached single-family dwelling unit;
- b. a private yard may be located next to a front wall, rear wall or end wall, provided that it is immediately adjacent to the attached single-family dwelling unit it serves and is directly accessible from the unit by way of a door or steps;
- c. required private yards must be landscaped with turf, groundcover, shrubs, trees or other landscape improvements, such as walkways or patios; and
- d. private yards may be enclosed with fences.

6. **Common Open Space for Multiple-Family Dwellings**

In addition to the minimum lot area required per dwelling unit in the district, all multiple-family dwelling unit developments must include common open space in accordance with the following:

- a. a minimum of 150 square feet of common open space must be provided per dwelling unit;
- b. common open space must be accessible to all dwelling units and improved with landscaping, recreational facilities, and/or pedestrian walkways; and common open space must be maintained by the property owners association.

## **B. Cluster Residential Developments**

### **1. Description**

- a. The purpose of this section is to encourage subdivision design that is more efficient and provides more open space and greater natural resource protection than conventional subdivision designs. Cluster residential developments allow more compact and less costly road networks and utilities, and can also be used to preserve an area's semi-rural character.
- b. The standards of this section require that a specified portion of each cluster residential development be set aside and permanently reserved as open space. The required open space may be used to provide recreational opportunities for the development's residents and/or to protect significant natural resources on the site.

### **2. Bulk and Dimensional Standards**

- a. Cluster residential developments are expressly exempt from the lot area, lot width, building coverage and yard requirements of this code. Lots must be of size and shape to allow for compliance with applicable building codes and to provide for a high-quality living environment for subdivision residents. Lots abutting or within 150 feet of an existing or approved subdivision may be no smaller than 80 percent of the average lot size within the adjacent subdivision.
- b. Cluster residential developments must comply with all other bulk and dimensional standards.
- c. A minimum 25-foot yard must be provided adjacent to all rights-of-way and the boundary of the development.
- d. All buildings within a cluster residential development must be separated by a minimum of 15 feet, except that single-family attached and multiple-family buildings must be separated.

### **3. Minimum Site Area**

All cluster residential developments must contain a minimum of two acres of land.

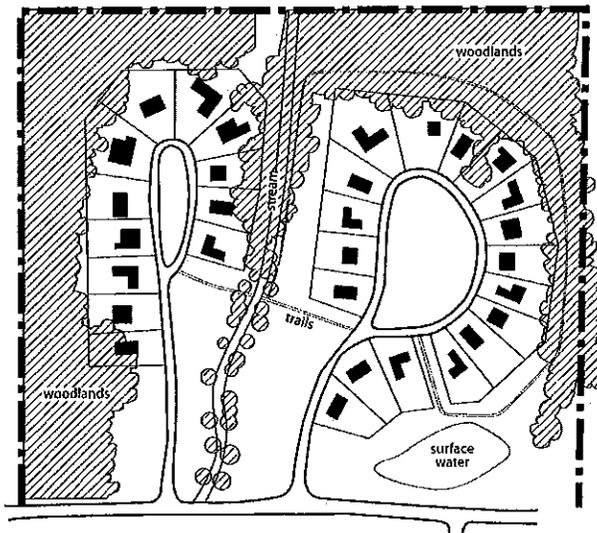
### **4. Maximum Density/Minimum Lot Area**

- a. The maximum number of dwelling units allowed within a cluster residential development is computed by dividing the overall area of the site by the applicable minimum lot area per dwelling unit.
- b. Individual lots in a cluster residential development are not required to comply with the minimum lot area standards.
- c. If the cluster residential development is located in more than one district, the maximum number of dwelling units must be calculated separately for each portion of the site lying within a different district.

- d. If the cluster residential development is sprinkled, a higher density may be allowed as a trade-off provision.

5. **General Design Principles**

- a. Cluster residential developments are subject to all other subdivision design and improvement standards of this subdivision ordinance unless otherwise expressly stated.
- b. Lots and development sites within cluster residential developments must, to the maximum extent practical, be located outside of areas containing woodlands, grasslands, surface waters, steep slopes drainage-ways, rock outcroppings and other natural resource features.



6. **Open Space**

- a. **Amount Required**  
All cluster residential developments must dedicate a minimum of 30 percent of the overall site area as permanent, active or passive open space.
- b. **Use, Location and Design**
  - (1) Open space must be dedicated or reserved for one or more of the following uses:
    - (a) conservation of, and avoidance of development in, any areas that potentially pose a significant hazard to people or property such as drainage-ways, wetlands and lands whose soils or slopes make them particularly unsuitable for development or susceptible to erosion;
    - (b) conservation and protection of any identified significant natural areas, including streams, rare plant communities, wildlife

habitats, or other environmentally sensitive areas where development might threaten water quality or ecosystems; and

- (c) provision of active and/or passive outdoor recreation opportunities, either for the general public or for the development's residents or employees and their guests (this requirement is not intended to preclude a membership requirement or fee for use of recreation facilities such as golf, swim, or tennis clubs, as long as residents have an opportunity to join the club or pay to use club facilities).
- (2) Highest priority for the location, design and use of open space must be given to conserving and avoiding development in any natural hazard areas or significant natural areas on the site.
- (3) Open space may contain active recreation areas and only those buildings, structures, access-ways and parking facilities that are necessary and accessory to its principal uses (e.g., parking lots, pedestrian paths, utility lines, driveways, and club houses). All such structures and surfaces must be designed to protect and enhance the natural character and function of the open space. All active recreation areas must comply with the following:
  - (a) development of the area must include a tree and native vegetation preservation plan that protects mature vegetation areas and limits disturbance to the minimum required for construction;
  - (b) landscaping must comply with the planting list; and
  - (c) the location, size, character and shape of required open space must be located on portions of the site that are most appropriate for the intended use (e.g., open space proposed for ball fields must be located on land that is relatively flat, dry, and can be accessed conveniently and safely by intended users).

**c. Boundary Markers**

- (1) Boundary markers must be put in place clearly marking required open space areas before, during and after construction.
- (2) Boundary markers must be installed at the intersection of private lot lines with the outer edge of the permanent open space area before receiving final City approval of plans for clearing, grading, or sediment and erosion control.
- (3) Construction fencing must be placed at the outer edge of the existing vegetation to be preserved in the permanent open space area. This fencing must be maintained throughout the construction process.
- (4) Permanent signs reading "Permanent Open Space Set-Aside—Do Not Disturb" must be placed at the edge of the permanent open space as follows:
  - (a) For single-lot developments, signs must be posted every 100 feet along the open space boundary.

**For multiple lots located along an open space set-aside, signs must be located at the intersection of every other lot line along the open space**

**(b) Construction in Phases**

A description of planned development phases must be included in the application for, and made a part of the approval of the final plat for the cluster housing development. Each scheduled phase of development must include a proportion of required common open space based on the proportion of dwelling units that are being constructed in each phase.

**7. Ownership and Maintenance of Open Space**

- a. The applicant must identify the owner of the open space. The designated owner and the owner's successors are responsible for maintaining the open space and any associated facilities. If a property owners association is the owner, membership in the association is mandatory and automatic for all property owners of the subdivision and their successors. If a property owners association is the owner, the property owners association must have lien authority to ensure collection of dues from all members.
- b. **The applicant must submit a management plan for the open space and all common areas. The management plan must:**
  - (1) allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
  - (2) estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided;
  - (3) provide that any changes to the management plan be approved by the development review committee; and
  - (4) provide for enforcement of the management plan.
- c. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance, plus any administrative costs and penalties, may be charged to the owner, property owner association, or to the individual property owners that make up the property owners association. Unpaid costs will become a lien on all subdivision properties. May be applied separately or wholly, pending City Attorney's determination.

**8. Legal Instrument for Permanent Protection**

The open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection must include clear restrictions on the use of the open space. These restrictions must include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the open space. The legal instrument must be one of the following:

- a. **A permanent conservation easement (RSMO 67.880) in favor of either:**
  - (1) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or
  - (2) a governmental entity (if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement);
- b. an open space tract protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
- c. an equivalent legal tool that provides permanent protection, as approved by the City attorney.

### **C. Manufactured Home Parks**

#### **1. General Standards for Manufactured Home Parks**

- a. Manufactured home parks must contain a minimum area of 15 acres.
- b. The minimum width of a manufactured home park is 300 feet.
- c. A manufactured home park must be entirely owned by an individual, firm, trust, partnership, public or private association or corporation. No lots may be individually sold.
- d. Manufactured home parks can only be used for residential purposes, customary and incidental accessory uses common to residential districts, and service buildings. Manufactured homes may be offered for sale in the park by owners selling their individual units only.
- e. No manufactured home may be located for occupancy or occupied unless on a designated lot within a manufactured home park, unless otherwise expressly permitted by this Code. No manufactured home may be parked within a public right-of-way for more than 24 hours.
- f. Recreational vehicles may not be occupied at any time.

#### **2. Circulation System**

##### **a. Internal Street System**

- (1) Public and approved private streets must be constructed in accordance with City construction standards for primary residential streets.
- (2) Manufactured home parks must have at least two permanent vehicular entrances that are at least 40 feet in width. Separation must not be less than half the diagonal (side-by-side not permitted).

##### **b. Pedestrian Circulation**

A sidewalk with a width of at least four feet must be constructed along one side of each street within the manufactured home park, in accordance with City construction standards.

3. **Lighting**

The interior and exterior of all manufactured home parks must be constructed with sufficient exterior lighting that allow for safe movement of vehicles and pedestrians at night. Lighting of streets and community buildings must provide an average illumination level of one-half foot-candles. All exterior lighting must be installed and maintained by the operator of the park.

4. **Recreation Areas**

- a. A minimum of 500 square feet of recreation and/or open space area must be provided per manufactured home lot. Each recreational or open space area must contain a minimum of 5,000 square feet in area and be provided with adequate recreational equipment and facilities. These include suitable landscaping, fencing and seating areas.
- b. If a swimming pool is provided the pool must be constructed in accordance with City requirements.
- c. Recreation and open space areas must be centrally located and connected to pedestrian walkways and sidewalks within the park.
- d. The required recreational or open space area must be fully developed before 50 percent of the lots are occupied.

5. **Landscaping and Paving**

- a. Each manufactured home space must include on-lot landscaping consisting of at least two shade trees with a caliper of at least one and one-half inches.
- b. Exposed ground surfaces in all parts of every manufactured home park must be paved, covered with stone screenings or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- c. All manufactured home parks and spaces shall be maintained in a neat and presentable manner. All landscaping, park and open space improvements required by the Unified Development Code must be maintained.
- d. All manufactured home parks must be surrounded by a screen and/or landscape buffer.

6. **Storm Shelters**

A storm shelter which is adequate to accommodate three persons per manufactured home must be provided and centrally located within the park.

7. **Service Buildings and Community Facilities**

Service buildings, management offices, community storage areas, indoor recreation areas and/or laundry and similar facilities that serve park residents may be provided within a manufactured home park, provided they do not occupy more than five percent of the area of the park. Service buildings and community facilities must be located, designed and intended to serve the residents of the park and present no visible evidence of their commercial character from any area outside the park.

**8. Individual Storage Areas**

A community storage area with a minimum of 250 square feet per manufactured home space must be provided within the park. This storage area must be fenced with a solid, visually obstructing wall or fence with a height of six feet.

**9. Sanitary Sewer and Water Supply**

- a. Every space within a manufactured home park must be provided with public sanitary sewer and water service with all utility lines constructed in accordance with City approved plumbing and sanitary codes. All utility lines, including electrical service must be placed underground.
- b. No manufactured home lot may be located farther than 300 feet from a fire hydrant as measured by an approved route along a fire department access road.
- c. Sanitary conditions within any manufactured home park must be consistent with the regulations of the Missouri Board of Health, Clean Water Commission, other State regulatory agencies and ordinances of the City.

**10. Drainage Requirements**

- a. Manufactured home parks must be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. No manufactured home park may be located in the 1% floodzone.

**11. Standards for Individual Manufactured Homes and Park Spaces**

**a. Dimensional Standards**

- (1) All manufactured home park spaces must meet the following dimensional requirements:

<b>Standard</b>	<b>Dimension</b>
Minimum manufactured home space area	4,000 square feet
Minimum manufactured home space width	50 feet
Minimum manufactured home dimensions	10 feet x 50 feet
Minimum setback from perimeter property lines, all directions.	30 feet
Separation between manufactured homes	30 feet
Separation between manufactured homes and unattached accessory structures, on the same or another home site)	10 feet
Separation between manufactured homes and accessory structures and other manufactured home park structures, including offices, service buildings, community buildings or laundry buildings	30 feet
Separation between manufactured homes and internal street pavement, parking areas or common areas	15 feet

- (2) In measuring the minimum separation between manufactured homes, measurements will be taken from the outermost projection of the

manufactured home or from any attached accessory structure, such as decks, stairs, stoops, porches, attached carports, and any other structure that is not separated from the manufactured home by at least 10 feet.

**b. Construction Standards**

- (1) All manufactured homes must be constructed according to applicable local building codes. Where the provisions of the building code conflict with the standards of this section, the more restrictive provision will control.
- (2) Every manufactured home must be placed on a solid concrete slab under the entire home with a thickness adequate to support the structure.
- (3) Every manufactured home must be securely skirted within 15 days after placement in a park by enclosing the open area under the unit with a material that is comparable with the exterior finish of the manufactured home and must be adequately maintained.
- (4) All manufactured homes, per manufacture's instructions, must be supported at a maximum of 10 foot centers around the perimeter, not blocking point of each manufactured home and this blocking must provide 16 inches by 16 inches bearing upon the stand.
- (5) Tie-downs and ground anchors must secure all manufactured homes to the ground, as required by the State of Missouri.

**c. Design Standards**

- (1) All manufactured homes must have frontage on a street within the manufactured home park.
- (2) Each manufactured home lot must be provided with two paved off-street parking spaces.
- (3) Each manufactured home lot must be provided with a paved patio area other than a parking space of not less than 200 square feet.
- (4) Each manufactured home must be provided with a weather-tight container with a tight fitting cover for garbage disposal. The park owner must insure that containers are emptied regularly, at least weekly, and maintained in a useable sanitary condition.

**d. Electrical Connections**

Each manufactured home lot must be provided with an electrical source supplying at least 220 volts, in accordance with City electrical codes.

**D. Manufactured Home Residential Design**

A manufactured home of residential design shall comply with the following criteria:

1. minimum dimensions of 14 feet in width and 40 feet in length;

2. the pitch of the roof of the manufactured home has a minimum vertical rise of four feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the City;
3. all roof structures provide an eave projection of no less than 12 inches, exclusive of any guttering;
4. the exterior siding consists of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
5. is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, un-pierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home;
6. stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and
7. has substantially the appearance of an on-site, conventionally built, single-family dwelling.

#### **E. Group Homes**

1. Group homes located within residential neighborhoods must maintain an exterior appearance in general conformance with the neighborhood.
2. Group homes must be located a minimum distance of 1,000 feet from any other group home, unless this distance requirement is waived by the City Council.

#### **Use-Specific Standards, Public and Civic Uses**

#### **Use-Specific Standards, Commercial Uses**

#### **F. Adult Business**

1. **Applicability**  
This section applies to any adult business.
2. **Location Restrictions**  
No adult business shall be located in the following areas:
  - a. within 500 feet of any school, church, library, licensed child care center, public park or property zoned for residential purposes, which uses are located within the City; measurement shall be made in a straight line without regard to intervening structures or objects from the main public entrance of the adult business to the property line of any school, church, park, licensed child care center, or property zoned for residential purposes; or

- b. within 500 feet of any other adult business for which there is a license issued by the City regardless of whether such businesses are located on the same property or separate properties; measurements shall be made in a straight line without regard to intervening structures or objects from the main public entrance of one adult business to the main public entrance of another adult business.

3. **Signs**

- a. All adult businesses shall conspicuously display on the principal entrance to the building a sign, visible from the exterior of the building, on which uppercase letters shall be at least two inches high and lowercase letters shall be at least one inch high, which shall read as follows:

*"THIS BUSINESS IS AN ADULT BUSINESS. ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER SHALL BE PERMITTED ON THE PREMISES".*

- b. All adult businesses shall comply with the sign regulations of this code.

4. **Licensing**

All applicable licensing requirements: Adult Businesses of the City of Belton shall be satisfied.

5. **Adult Video Viewing Booths**

Adult video viewing booths are hereby strictly prohibited either as a principal use or an accessory use.

**G. Businesses with Adult Media or Sexually Oriented Toys or Novelties Available**

1. **Applicability**

- a. Any bookstore, media store, video store, theater or other retail store in which adult media constitutes more than 10 percent but not more than 40 percent of:

- (1) the store's inventory at any time;
- (2) the merchandise displayed for sale or rental at any time; or
- (3) the sales floor area of the business (not including store rooms, stock areas, bathrooms, or any portion of the business not opened to the public) at any time.

- b. **Any bookstore, media store, video store, theater, or other retail store, in which sexually oriented toys and novelties constitute more than five percent of:**

- (1) the sales (including rentals), measured in dollars over any consecutive 90-day period;
- (2) the number of sales transactions, measured over any consecutive 90-day period;
- (3) the dollar value of all merchandise displayed at any time;
- (4) the merchandise displayed for sale at any time; or

- (5) the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) at any time.

c. **Prohibition of Public Display**

The owner or operator of a store to which this section applies shall have the affirmative duty to prevent the public display of adult media or sexually oriented toys or novelties at or within the portions of the business open to the general public.

d. **Display of Adult Media or Sexually Oriented Toys or Novelties**

Adult media or sexually oriented toys or novelties in a store to which this section applies shall be kept in a separate room or section of the store, which room or section shall:

- (1) not be open to any person under the age of 18;
- (2) be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight (8) feet high or to the ceiling, whichever is less;
- (3) be located so that the entrance to it is as far as is reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
- (4) have access controlled by electronic or other means to provide assurance that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section; and
- (5) provide signage at the entrance stipulating that persons under 18 are not permitted inside.

**H. Day Care Homes and Centers**

1. Day care homes and centers must be licensed by and in compliance with all State and local laws governing such facilities, when applicable.
2. Any outdoor areas used by the facility as recreational areas must be enclosed by a fence no less than 42 inches in height.
3. Day care homes and centers must include designated safe unloading (drop-off) and loading (pick-up) areas for children.

**I. Payday Loan, Check Cashing and Title Loan Businesses**

1. Businesses shall not be located within 1,500 feet of any other payday loan, check cashing service, or title loan business.
2. No vehicle, including but not limited to motor vehicles, motor homes, trucks, trailers, boats and recreational vehicles, that have been repossessed or are owned or controlled by the business shall be stored, or offered or displayed for sale, on the property upon which the business is located.

**J. Kennels**

All buildings, pens and runs associated with this use must be located a minimum of 200 feet from any property line.

## K. Restaurant

1. The sale of alcoholic beverages will be permissible only as an adjunct, minor and incidental use to the primary use which is the sale and service of food.
2. Restaurants with drive-through facilities must meet the requirements of this code.

## L. Retail Sales, Large

### 1. Generally

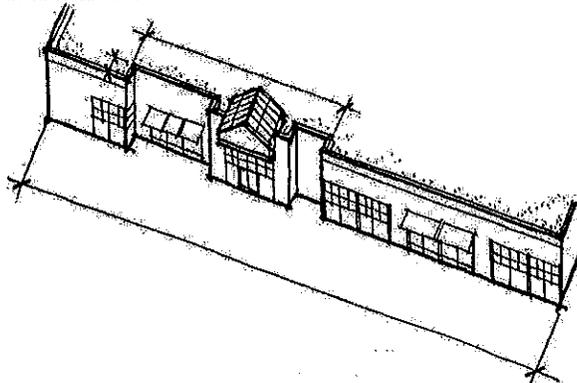
This section is intended to provide additional design and character standards for all retail uses on sites that include, in aggregate, 100,000 square feet or more of gross floor area.

### 2. Outdoor Storage, Display and Sales

- a. Parking lots of large retail sales uses may be used in accordance with this code.
- b. Parking lots used for seasonal outdoor sales such as plants, flowers and Christmas trees may be used in accordance with this code.

### 3. Building Design

The following standards apply to all building facades and exterior walls that are visible from adjoining streets or properties.



*Example: large retail building with recesses and projections, wall plane off-sets, canopies, and a clearly defined entrance.*

- a. **Buildings visible from public streets must include at least two of the following features:**
  - (1) variations in roof form and parapet heights;
  - (2) clearly pronounced recesses and projections;
  - (3) wall plane off-sets (dimension established by building module);
  - (4) reveals and projections and changes in texture and color of wall surfaces;
  - (5) deep set windows with mullions;
  - (6) ground level arcades and second floor galleries/balconies; or

- (7) other features that reduce the apparent mass of a building.
- b. **Buildings must have architectural features that conceal rooftop equipment, such as HVAC units, from public view.**
- c. **Each building must have a clearly defined, highly visible customer entrance featuring at least three of the following elements:**
  - (1) canopies or porticos;
  - (2) overhangs;
  - (3) recesses/projections;
  - (4) arcades;
  - (5) raised corniced parapets over the door;
  - (6) peaked roof forms;
  - (7) arches;
  - (8) outdoor patios;
  - (9) display windows;
  - (10) architectural details such as tile work and moldings that are integrated into the building structure and design; or
  - (11) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

#### **M. Bed and Breakfast**

Bed and breakfast establishments must:

- 1. be owner-occupied;
- 2. have a maximum of eight guest rooms;
- 3. only serve meals to overnight guests, unless the bed and breakfast is located on an arterial or collector street as identified by the Growth Management Plan, then meals can be served to outside customers;
- 4. provide sufficient off-street parking as required, in a parking area located behind the front building line; and
- 5. not include retail or other sales on the premises.

#### **N. Car Wash**

Automatic car washes must have vehicle stacking spaces in accordance with this code.

#### **O. Gas Station**

Gas stations must:

- 1. have a minimum lot area of 20,000 square feet;
- 2. limit open storage of repair vehicles to no more than four vehicles bearing current license plates and not including any wrecked vehicles; the duration of storage must not exceed 72 hours;

3. have light fixtures that are directed downward and shielded to prevent glare on adjoining properties and roadways;
4. have canopy lighting designed with recessed fixtures to prevent glare on adjoining properties and roadways;
5. comply with all setback requirements, including canopies and other structures;
6. locate and design curb cuts to ensure they will not adversely affect the safety and efficiency of traffic and pedestrian circulation on adjoining streets. Curb cuts for new or renovated gas stations must be a minimum of 125 feet apart on each street frontage;
7. only have drive-through facilities for restaurants or other uses subject to this code.

**P. Motor Vehicle Repair**

1. All motor vehicle repair operations that include body and fender repair must conduct the work within a completely enclosed building or room with stationary windows that may be opened only at intervals necessary for ingress and egress;
2. No spray painting may be done except in a building or room specially designed for that purpose; and
3. Motor vehicle repair shops cannot store vehicles on the site for longer than 30 working days.

**Q. Drive-through Facilities**

1. **General**  
Drive-through facilities are permitted as indicated in the use table of this code.

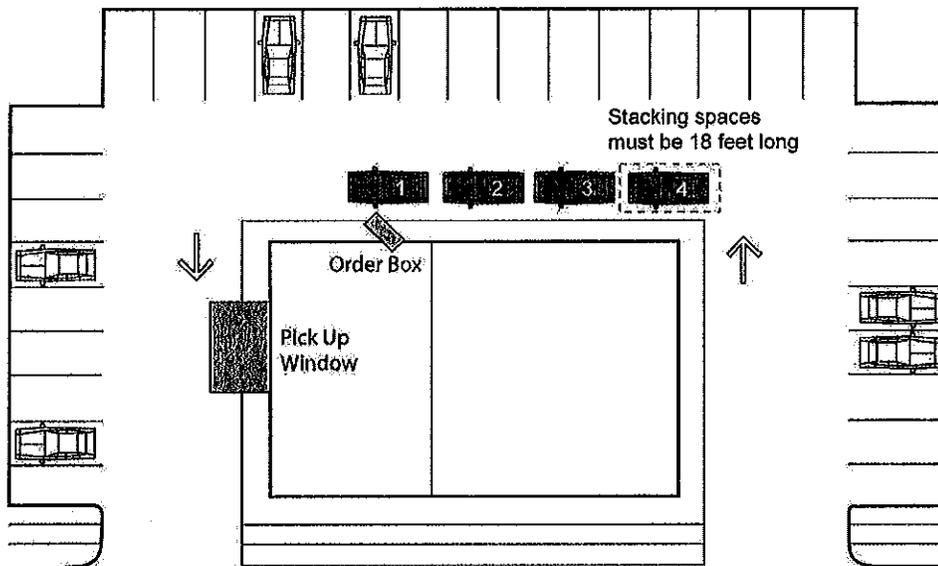
2. **Vehicle Stacking Areas**

- a. Each drive-through facility must provide the minimum vehicle stacking spaces as follows:

<b>The following requirements shall be followed in determining the minimum stacking length per lane:</b>	
<b>Use</b>	<b>Stacking Requirement</b>
Financial Institution	
- teller lane	3
- ATM	3
Car Wash	
- automatic service	4
Restaurant	4 behind menu board
Pharmacy	2
Other uses	To be determined by the Director

- b. Vehicle stacking spaces include the space at the menu board, order box or service window.
- c. Each vehicle stacking space shall be 18 feet long by 9 feet wide.

- d. Each vehicle stacking lane shall be separate from any access aisle, loading space, or parking space.
- e. No vehicle stacking lane shall conflict with any vehicle entrance or exit, vehicle access way or pedestrian crosswalk.
- f. The Commission has the authority to allow a deviation to the stacking requirement based upon a study submitted by a traffic engineer which provides evidence to allow the reduction of these stacking requirements.



**3. Adjacent to Residential Districts**

- a. Drive-through facilities, including stacking areas, must be separated from residentially-zoned property by at least 40 feet.
- b. Speaker systems used in conjunction with drive-through facilities must be designed so that they are not audible at the property line abutting residentially-zoned property.

**Use-Specific Standards, Other Uses**

**R. Boarding Stables and Riding Schools**

**1. General**

Stables, corrals and similar structures are permitted for the keeping of animals and other small-scale farming activities or for the operation of riding schools.

**2. Location**

No stable, corral or similar structure shall be closer than 20 feet of any property line.

3. **Design and Construction**

- a. Every parcel of land upon which horses are maintained shall be well drained. The surface of all corrals and paddocks shall be graded so as to prevent the accumulation of storm water.
- b. All corrals, training, show, riding, boarding and pasture areas shall be enclosed by a fence a minimum of four feet in height.
- c. The minimum distance of a stable or corral from any residential structure on a neighboring lot existing at the time of issuance of the original permit shall be 200 feet.

**S. Home Occupations**

1. **General**

The following regulations are intended to ensure that businesses conducted as subordinate to residential uses are not detrimental to the surrounding neighborhood, and that the residential character of the dwelling is maintained.

2. **Prohibited Home Occupations**

The following uses are prohibited as home occupations:

- a. animal services, including kennels or veterinary services;
- b. funeral and interment services;
- c. restaurants;
- d. grocery sales;
- e. retail seller;
- f. equipment rental;
- g. motor vehicle repair;
- h. warehousing; and
- i. physician or dentist offices.

3. **Requirements**

- a. The home occupation must be incidental and subordinate to the principal residential use of the premises and not occupy more than 25 percent of the floor area of any one floor of a dwelling unit, or one room, whichever is less in area.
- b. No home occupation may be conducted in a detached accessory building.
- c. No structural alteration is permitted that would change the residential character of the dwelling.
- d. No outdoor storage of materials or equipment used for the home occupation is permitted.
- e. No signs are permitted for a home occupation.

- f. No more than one person not related to a resident may be employed by the home occupation use.
- g. No home occupation may produce any noise, heat, vibration, dust, air pollution, electromagnetic interference, odors or other hazards that are detrimental to the safety and comfort of the neighboring residences.
- h. Parking generated by the home occupation use must be provided on a driveway or in an off-street area other than the required front yard.
- i. No commodities may be displayed or sold on the premises except that which is produced on the premises or that are normal and customary to the home occupation.

4. **Particular Home Occupations Permitted**

Customary home occupations include, but are not limited to, the following list of occupations; provided however, that each listed occupation conforms to the requirements of this section.

- a. Art, dancing, and music schools provided that instruction is limited to five pupils at one time.
- b. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
- c. Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
- d. Radio, television, phonograph, recorder, and small appliance repair services.
- e. Home crafts and hobbies such as model making, rug weaving, lapidary work, woodworking, etc.
- f. Tailoring, alterations, and seamstresses.
- g. Beauty shops provided that such use is located in the dwelling used by that person as his/her private residence; that not more than one assistant, other than a member of the immediate family, is employed.
- h. Massage therapy, provided the home occupation complies with the following:
  - (1) Massage therapist shall be licensed to perform massage therapy in accordance with Chapter 324 of the Revised Statutes of Missouri.
  - (2) Massage therapist shall obtain a City of Belton Occupational License.
  - (3) Massage therapy to be conducted as a home occupation shall take place in the home of the licensed massage therapist.
  - (4) There shall be only one licensed therapist per address operating at the home. No more than one room shall be used for massage therapy and the appointment times shall be spaced out during the day to eliminate patients waiting for their massage therapy appointment.
  - (5) Hours of operation shall be limited to 7:00 am to 10:00 pm.

## **Wireless Telecommunications Facilities**

The regulations contained in this section have been developed in accordance with the general guidelines set forth in the Federal Telecommunications Act of 1996.

### **5. Applicability**

#### **a. Pre-existing Towers and Antennas**

Except as otherwise noted, the requirements of this section apply to all new wireless telecommunications facilities, any portion of which is located within the City of Belton. Any towers and/or antennas legally existing and in use prior to adoption of this section will be allowed to continue as a nonconforming use. This section will not preclude the routine maintenance, repair and/or replacement of antennas on pre-existing towers. Any such towers or antennas will be referred to in this section as "pre-existing towers" or "pre-existing antennas."

#### **b. District Height Limitations**

The requirements set forth in this section govern the location of towers and alternative support structures and/or antennas that are installed at a height in excess of 20 feet. Zoning district height limitations as specified in bulk and dimensional standards tables do not apply.

#### **c. Public Property**

Existing antennas or towers located on property owned, leased or otherwise controlled by the City are exempt from the requirements of this section, provided a license or lease authorizing the antenna or tower has been approved by the City Council.

#### **d. Enclosed Wireless Systems**

Wireless telecommunications facilities that are completely within an existing structure, with no visible evidence of the telecommunications facilities and do not use a telecommunications tower or an alternative support structure are exempt from this section.

### **6. General Standards**

#### **a. Federal Requirements**

All towers and antenna must meet applicable standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the Federal Government with the authority to regulate towers and antennas.

#### **b. License**

Applications for required permits will only be processed when the applicant demonstrates either that it is a FCC-licensed telecommunications provider or that it has agreements with a FCC-licensed telecommunications provider for use or lease of the support structure.

#### **c. Registration**

On January first of each fifth year following the installation of the wireless telecommunications facility the owner of such facilities must submit a letter

to the Community Development Director registering the antenna(s) on forms prepared by the City and submitting information on location, type, FCC licensure, antenna operating status and any change in facility status in the previous registration period.

d. **Principal or Accessory Use**

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot will not preclude the installation of an antenna or tower on a lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to yard, lot coverage and other district requirements, the dimensions of the entire lot will control, even though the antennas or towers may be located on leased parcels within an individual lot.

e. **Inventory of Existing Sites**

Each applicant for an administrative approval or a conditional use permit must provide to the Community Development Director an inventory of its existing towers that are either within the City limits or within one mile of its boundary, including specific information about the location, height and design of each tower. The Community Development Department may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City; provided, however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

f. **Building Codes and Safety Standards**

To ensure the structural integrity of towers, the owner of a tower must ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner will have 30 days to bring the tower into compliance with applicable codes and standards. If the owner fails to bring the tower into compliance within 30 days, the City may remove the tower at the owner's expense.

g. **Inspections**

The City and its agents have the authority to enter onto the property upon which a tower is located between the inspections and certifications required to inspect the tower for the purpose of determining whether it complies with the International Building Code and all other construction standards provided by the City's Code, Federal, and State law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner.

h. **Non-Use/Abandonment**

Any antenna or tower that is not operated for a continuous period of 12 months will be considered abandoned. The owner of such antenna or tower

must remove it within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within 90 days, the City may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision will not become effective until all users cease using the tower. It will be the duty of the telecommunications service provider and/or tower owner to provide written notice to the City when said condition exists.

i. **Facilities in Agricultural Zoning Districts**

For the purposes of this section, land currently zoned agricultural will be treated according to its zoning designation provided for in the "Future Land Use Plan," included as part of the City of Belton Growth Management Plan.

j. **Third Party Review**

When the City staff determines that the technical information provided by the applicant warrants outside review, the applicant, in addition to the usual application fee, must reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information submitted, up to a maximum of \$5,000.00.

k. **Building Permit**

A building permit is required for the installation of any tower, antenna, alternate tower structure or wireless telecommunications facility.

l. **Pre-application Meetings**

Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the Community Development Director or his/her designee to determine if the location will require a conditional use permit or other approvals, the required submittals, and to review the merits of potential locations.

7. **Submittal Requirements for All Facilities**

a. **Submittal requirements for all towers, alternative tower structures, antennas, equipment facilities or other telecommunications facilities include the following:**

- (1) legal description of the parcel, if applicable;
- (2) a letter signed by the applicant stating the tower facility will comply with all applicable FAA regulations and EIA Standards and all other applicable Federal, State and local laws and regulations;
- (3) a statement by the telecommunications company that it is licensed by the FCC if required to be licensed under FCC regulations;
- (4) proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;
- (5) copies of any environmental documents required by any Federal agency. These include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is

not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

- (6) certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;
- (7) at the time of site selection, a statement that demonstrates how the proposed site fits into its overall network within the City;
- (8) a site plan clearly indicating the location, type and height of the proposed tower, alternative support structure, antenna, and/or equipment facility and all other required site plan data in accordance with the City's application requirements;
- (9) the approximate distance between the proposed tower and the nearest residential building, residentially zoned properties, and from any property where the future land use designation indicated by the Growth Management Plan is residential;
- (10) a screening plan including the method of fencing, finished color and, if applicable, the method of illumination;
- (11) a landscape plan indicating the specific placement of the facility on the site in relation to any existing landscaping and natural features on the site and all existing and proposed landscape materials to be utilized to screen the facility; and
- (12) photo-simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.

**b. Additional Submittal Requirements for Specific Facilities**

In addition to the above listed submittal requirements for all telecommunications facilities, the following are required for proposed antenna:

- (1) **Antennas on Existing Towers or Alternative Support Structures**  
Engineering evidence of the structural capacity of the existing tower to support the proposed telecommunication facility.
- (2) **New Towers and Alternative Support Structures**
  - (a) A statement by a registered professional engineer as to whether construction of the tower or alternative support structure can accommodate collocation of additional antennas for future users. If the construction of the tower or structure will accommodate the collocation of additional antennas, a signed statement indicating that:
    - i. the applicant and landowner agree they will diligently negotiate in good faith to facilitate collocation of additional personal wireless service facilities by other providers on the applicants structure or within the same site location; and

ii. the applicant and/or landlord agree to remove the facility within 60 days after abandonment in accordance with the abandonment regulations, herein.

(b) A map showing the locations and service areas of other adjacent telecommunications facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the City, so as to determine whether a new tower or structure is necessary.

c. **Proprietary Information**

In the event meeting any submission requirements of this subsection requires presentation of proprietary confidential information, the applicant may submit same under seal, which will be returned upon approval of the application and made available to the City at its request.

8. **Design Standards for Antennas, Towers, and Alternative Support Structures**

a. **Height/Location**

Any applicant proposing to construct a tower or alternative support structure must demonstrate utilizing engineering evidence that the height requested is the minimum height necessary to fulfill the site function.

b. **Aesthetics and Lighting**

This subsection provides standards for the appearance of all towers, alternative support structures and antennas as follows:

(1) towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness;

(2) at a tower site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the surrounding natural setting and built environment;

(3) if an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is nearly identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. All cables and related utility structures must be placed underground where required by the City; and

(4) towers cannot be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives allowed by the FAA and approve the design that would cause the least disturbance to surrounding property owners.

c. **Setbacks and Separation**

The following setbacks and separation requirements apply to all towers:

- (1) towers must be set back a distance of at least four times the tower height from any residential structure and any property currently zoned or designated by the Growth Management Plan for R-1, R-1A, R-1 B, R-2; R-3, or R-3A.
- (2) towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements; and
- (3) in zoning districts other than BP, M-1 or M-2 Districts, towers over 90 feet in height cannot be located within one mile of any existing tower that is over 90 feet in height.

d. **Security and Fencing**

Freestanding facilities must be enclosed by security fencing secured with a locked gate that is six feet in height and must also be equipped with an appropriate anti-climbing device. Chain-link or other wire fencing is only permitted where it is screened from public view by a minimum eight foot-wide landscape strip in accordance with subparagraph below.

e. **Landscaping**

The following requirements are for landscaping around the base of towers and equipment structures:

- (1) the base of tower facilities and ground level equipment buildings must be landscaped with a buffer of plant materials that effectively screens it from adjacent residential properties. The standard buffer must consist of a landscaped strip at least eight feet wide around the perimeter of the facility; and
- (2) in locations where the visual impact of the tower and/or equipment building would be minimal or where the facility is adequately screened by existing vegetation, the landscaping requirement may be reduced or completely waived.

f. **Equipment Structures**

The standards for the design of equipment structures are as follows:

- (1) equipment structures mounted on a roof must have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted;
- (2) in instances where equipment buildings are located in residential zoning districts, equipment buildings must comply with setback requirements and be designed to be compatible in appearance with nearby residential structures; or where feasible located underground; and
- (3) if the equipment cabinets or storage buildings contain machinery that produces noise, the cabinet or building must be designed so to meet the noise regulations of the City.

g. **Signs**

Except as otherwise permitted in this section, no signs, lettering, symbols, images or trademarks in excess of 200 square inches may be placed on or

affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulations or other applicable laws.

**h. Access and Parking**

All parcels upon which towers are located must provide at least one vehicular space on-site. The dimensions of access drives, parking aisles and spaces to meet this requirement must meet the minimum standards.

**i. Height/Type Limitation**

Guyed towers and towers over 199 feet in height will only be permitted when other options are unavailable or prove to be technically infeasible.

**j. Exceptions**

The City Council may reduce or waive the requirements of this subsection if the purpose of this section would be better served thereby.

**9. Special Standards for Facilities in Residential Districts**

In addition to all other standards and criteria provided for in this section, the following standards apply to wireless telecommunications facilities in zoning districts: "R-1", "R-1A", "R-1B", "R-2", "R-3", and "R-3A":

**a. Antennas and antenna support structures will only be allowed on any lot used for residential purposes as follows:**

- (1) support structures operated by an amateur radio operator licensed by the FCC; and
- (2) satellite antennas one meter or less in diameter erected on a residence or residential property.

**b. Antennas will only be allowed on existing non-residential buildings within residential districts as follows:**

- (1) Antennas and related equipment must be concealed by the architecture of the structure such as clock towers, observation towers, church steeples, etc.
- (2) Except as otherwise noted below, antennas and related equipment will only be permitted on existing non-residential structures which are 20 feet or greater in height and comply with the provisions below:
  - (a) all antennas and related equipment may be rooftop mounted or attached to the side of an existing structure so long as such antennas and equipment do not increase the height of the existing structure by more than 15 feet;
  - (b) antennas and related equipment must be camouflaged or painted with a color which is determined to be compatible with the structure to the satisfaction of the Community Development Director;
  - (c) no freestanding telecommunication towers of any kind will be permitted in a residential district except as may be erected on public properties for the health and safety purposes by the City

or other entity of the government; or in such a case that no other options are available or technically feasible; and

- (d) in residential districts, antennas may be placed on structures used for utility transmission purposes with the permission of the utility company. Such antennas cannot increase the existing height of the support structure by more than 15 feet.

## 10. **Special Standards for Facilities Proposed on Public Property**

### a. **Priority**

Where public property is requested to be utilized by an applicant, priority for the use of City-owned land for wireless antennas and towers will be given to the following entities in descending order:

- (1) the City of Belton;
- (2) public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of Belton and private entities with a public safety agreement with the City of Belton;
- (3) other governmental agencies, for uses which are not related to public safety; and
- (4) entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.

### b. **Minimum Requirements**

The placement of wireless telecommunication facilities on City-owned or other public property must comply with the following minimum requirements, and any additional requirements as provided for in the required lease:

- (1) the facilities will not interfere with the purpose for which the City-owned property is intended;
- (2) the facilities will have no significant adverse impact on surrounding private property;
- (3) the applicant is willing to obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;
- (4) the applicant will submit a letter of credit, performance bond or other security acceptable to the City to cover the costs of removing the facilities;
- (5) the antennas or tower will not interfere with other users who have a higher priority;

- (6) the lease will provide that the applicant agrees that in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;
- (7) the applicant must reimburse the City for any related costs which the City incurs because of the presence of the applicant's facilities;
- (8) the applicant must obtain all necessary land use approvals; and
- (9) the applicant must cooperate with the City's objective to encourage collocations and thus limit the number of telecommunications sites requested or camouflage the site as necessary.

## 11. Review Procedures

### a. Administrative Approvals

#### (1) General

The Community Development Director may administratively approve the telecommunications facilities as described in this subsection.

- (a) Each applicant for administrative approval must apply to the Community Development Director, providing the information set forth in this section, and any other information the Community Development Director deems necessary.
- (b) The Community Development Director must approve, approve with conditions or disapprove complete applications within 30 days upon receipt. If the Community Development Department fails to respond to the applicant within said 30 days, then the application will be deemed to be approved.
- (c) In connection with any such administrative approval, the Community Development Director may, in order to encourage shared use, administratively waive any zoning district setback requirements by up to 50 percent.
- (d) If an administrative approval is denied, the applicant may appeal the denial. An applicant denied an administrative approval may also seek a conditional use permit under the provisions of this code.

#### (2) Authorized Administrative Approvals

The following requests for telecommunications facilities may be approved by the Community Development Director after conducting an administrative review:

##### (a) Antennas on Existing Towers or Structures

- (3) Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing non-residential structure), provided that the addition does

- i. not add more than 15 feet to the height of the existing structure, and that:
- a) the structure is not designated as an historic structure by the City Council;
- b) the antenna does not extend horizontally from the side of the structure farther than the minimum necessary for attachment; and
- c) where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures or screening so that it will visually blend into the building.
  - ii. Installation of an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other equipment used in connection with the proposed antenna, provided that the antenna does not add more than 15 feet to the height of the existing tower.

**(b) New Alternative Support Structures**

Location of any alternative tower structure in any zoning district that, in the judgment of the Community Development Director, is in conformity with the purposes set forth in this section; or

**(c) New Towers in Commercial, Business Park, or Industrial Districts**

Location of any tower in a "C-2", "C-3", "BP", "M-1" or "M-2" zoning district provided a registered professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Community Development Director concludes the tower is in conformity with the purposes and standards set forth in this section; and the tower meets the following criteria:

- i. the tower must be less than 120 feet in height, and of a monopole design; and
- ii. all towers over 60 feet in height must be designed to accommodate antennas for more than one user. The number of users accommodated must be reasonably proportional to the height of the tower.

**b. Conditional Use Permits**

**(1) General**

The following provisions, will govern the issuance of conditional use permits:

- (a) if the tower or antenna is not permitted to be approved administratively, then a conditional use permit is required for the construction of a tower or the placement of an antenna in all zoning districts;
- (b) in granting a conditional use permit, the City may impose conditions to the extent the governing authority concludes such

conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties; and

- (c) any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical must be certified by a registered professional engineer.

(2) **Site Approval**

The use must be approved on a site plan or final plat, as applicable, and be located on a platted lot.

(3) **Term**

An initial request for a conditional use permit will be limited to five years. At the time of renewal the applicant must demonstrate to the satisfaction of the City that a good-faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good-faith effort must include, but is not limited to, timely response to collocation inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing collocation. Failure to demonstrate that a good-faith effort has been made, or to properly register with the City, may result in the denial of the request for a renewal.

(4) **Review Criteria**

(a) **General**

The applicant must demonstrate that the proposal is consistent with the conditional use approval criteria and other criteria as may be appropriate to further the purposes of this section. The governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if the governing authority concludes that the purposes of this section are better served thereby:

- i. minimal height of the proposed tower, consistent with technical requirements of the telecommunications service;
- ii. utilization of surrounding topography to minimize visibility of the tower from existing and future residential areas and public streets;
- iii. utilization of surrounding tree coverage and foliage to minimize visibility of the tower from existing and future residential areas and public streets;
- iv. type and design of the tower, with particular reference to design characteristics that have the effect of camouflaging facilities or otherwise reducing or eliminating visual obtrusiveness;
- v. proximity of the tower to residential structures and residential district boundaries;

- vi. nature of uses on adjacent and nearby properties;
- vii. mitigation of visual impact;
- viii. proposed ingress and egress; and
- ix. availability of suitable existing towers and other structures.

(b) **Visual Impact**

To the extent feasible, wireless telecommunications towers:

- i. must be located where they are the least obtrusive as viewed from prominent public locations;
- ii. must be placed within forested areas with antennas just above tree-line;
- iii. must not be so located or be of such height as to necessitate FAA coloring or lighting;
- iv. must be located in industrial or heavy commercial areas;
- v. must be of the minimum height necessary for operation of the telecommunication system, considering the visual trade-off of a greater number of towers at lower heights; and
- vi. must not be located and visible in historic districts or on historic structures designated by the City Council.

(c) **Availability of Suitable Existing Towers or Other Structures**

No new tower will be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- i. no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
- ii. existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- iii. existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
- iv. the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

- (5) the fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing
  - i. tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable; or
  - ii. the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

#### **T. Accessory Utility Facilities**

Every public utility, cable company, video service provider and other users of the City rights-of-way or adjacent easements to provide services shall comply with the supplementary regulations in this section regarding the placement of accessory utility facilities on public or private property.

Except where limited by other provisions of City ordinance, accessory utility facilities shall be subject to the following supplementary regulations:

##### **1. Approval; Design; Location; Application**

The design, location, and nature of all accessory utility facilities on private or public property shall require approval of the City in conformance with this Section, and subject to reasonable permit conditions as may be necessary to meet the requirements of this Section. In considering individual or multiple location applications, the City shall review the request to ensure the proposed facilities do not impair public safety or significant sight-lines, or degrade the aesthetics of the adjoining properties or neighborhood. Any material expansions or extensions of new utility services to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein. Unless otherwise prohibited, utility facilities subject to this subsection may be located in minimum setback areas provided that all other requirements are met. A filing fee shall be required as may be established by the City to reimburse the City for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law.

##### **2. General Regulations**

The following general regulations shall apply to all accessory utility facilities:

- a. All such facilities shall be placed underground, except as otherwise provided in subsection (c) herein.
  - (1) All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.
- b. All facilities shall be deemed abandoned after six continuous months of non-use, and shall therefore be removed within thirty (30) days thereafter at the cost of the utility.
- c. Any damage to landscaping, vegetation, sidewalks, or pavement on private or public property during installation, maintenance, or removal of facilities shall be promptly remedied by the facility owner within ten (10) days of any such damage.

- d. At least 48 hours prior to any non-emergency repair requiring excavation, installation, replacement, or expansion of any facility located on private property, the facility owner shall provide notice to the property owner. Notice shall include detailed description of work to be done, the exact location of work, the time and duration when it will be undertaken, the name and telephone number of the facility owner, and if applicable, the name and telephone number of the facility owner's contractor.
- e. If there is an emergency necessitating response work or repair, the utility may begin that repair or emergency response work or take any action required under the circumstances, provided that the facility owner notifies the Community Development Director promptly after beginning the work and meets any permit or other requirement had there not been such an emergency.
- f. No facilities may be located so as to interfere, or be likely to interfere, with any public facilities or use of public property.
- g. No facilities may be located within the required sight triangle of any driveway or intersection.
- h. All utility facilities not authorized by this subsection or specifically addressed elsewhere in this Code shall be authorized only by conditional use permit.

3. **Above Ground Facility Requirements**

Accessory utility facilities may be installed above ground upon compliance with the following requirements:

- (1) In commercial or multi-family zoning districts, above ground accessory utility facilities with a height of three and one-half (3.5) feet or greater or covering an area eight (8) square feet or greater must be screened. Such screen shall be required to sufficiently conceal the facility from the public right-of-way.
- b. In all zoning districts, above ground accessory utility facilities with a height of five and one half (5.5) feet or greater or covering an area twenty-five (25) square feet or greater must be screened. Such screen shall be required to sufficiently conceal the facility from the public right-of-way. When the subject facility is clustered with other accessory utility facilities, all facilities must be screened.
- c. Required screening for accessory utility facilities to be installed in conjunction with new development shall be shown on the site plan or landscape plan submitted by the developer.
- d. Required screening for accessory utility facilities to be installed or expanded in an existing development (i.e. where principal buildings already exist on the subject lot) shall be shown on a site plan submitted by the utility. The site plan may be approved by the Community Development Director. In addition to the requirements, the site plan shall include the type, height, color, and appearance of the proposed accessory utility facility, the size and species of landscaping materials to be used for screening, and the proposed means of access to the accessory utility facility. If the means of access is from an arterial or collector street, a driveway may be required by the Director of

Public Works. The driveway shall be designed such that vehicles can turn around without backing onto the street.

- e. All above ground facilities shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the interior side yard. Such facilities shall not be located in the front yard, exterior side yard, or within the public right-of-way unless all other alternatives are not feasible.

- (1) Landscaping materials used for screening shall meet the standards of applicable City Ordinances. Alternative screening or concealment, such as architectural treatment compatible with surrounding development, may be approved by the Community Development Director to the extent it meets or exceeds the purposes of these requirements. The Community Development Director shall be authorized to waive screening requirements when soil conditions or other site constraints prevent strict compliance with otherwise applicable screening standards.

4. **Compliance with Other Laws**

All accessory utility facilities shall be subject to all other applicable regulations and standards as established as part of the City Code, including but not limited to building codes, zoning requirements and rights-of-way management regulations in addition to the supplementary regulations herein. The provisions of this Section shall not apply to any circumstance or entity in which application under such circumstances is preempted or otherwise precluded by superseding law.

## **Accessory Uses and Structures**

### **U. General**

All accessory uses and structures must meet the following requirements:

- 1. unless expressly prohibited, accessory uses and structures are permitted in any zoning district in connection with any allowable principal use;
- 2. accessory uses and structures must be located on the same lot as the principal building or principal use served, unless two or more adjacent lots are held in common ownership and one of the lots include a principal building;
- 3. accessory uses and structures are permitted only after the principal building is present or under construction;
- 4. accessory structures must meet the minimum front and exterior side yard setback required for principal buildings within the applicable zoning district, as specified in the bulk and dimensional standards table for the district unless specifically exempted by the projections into required yards table in the bulk and dimensional standards section;
  - (1) accessory structures must provide a minimum side and rear yard setback of five feet, except that if a detached garage or carport has a vehicular alley entrance, the setback of the structure shall not be less than 20 feet;

5. detached accessory structures must be erected a minimum of ten feet from all principal buildings;
6. no accessory structure may be constructed or erected within a recorded easement;
7. the total gross floor area of all accessory structures in all districts except A (Agricultural), shall not exceed eight percent of the lot coverage. In the A (Agricultural) district, the 30 percent maximum area of building coverage includes all accessory structures and there is no maximum size limit for an accessory structure. ~~In all zoning districts, there is no limit on the number of accessory structures allowed.~~
8. except in the A, (Agricultural) district, no accessory structure shall exceed the size of the principal building; and
9. no accessory building or structure in a residential district may exceed the height of the principal building.

#### **V. Outdoor Swimming Pools, Spas and Hot Tubs**

1. The standards of this section apply to pools, spas and hot tubs 24 inches or greater in depth.
2. Swimming pools, spas or hot tubs that are for the use of multi-family developments, subdivisions or homeowner's associations must be enclosed by a wall or fence six feet in height with locking gates.
3. Swimming pools, spas and hot tubs in residential districts are intended for and must be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests.
4. A swimming pool, spa or hot tub may be located anywhere on a premise except in the required front yard or within any easement, provided that the pump and filter installations are located no closer than five feet to any property line.
5. Swimming pools, spas or hot tubs located on single-family or two-family properties shall be enclosed by a barrier at least four feet above grade, measured on the side of the barrier which faces away from the swimming pool, spa or hot tub. The maximum vertical clearance between grade and the bottom of the barrier shall not exceed four inches measured on the side of the barrier which faces away from the pool, spa or hot tub.
  - a. If the barrier is a solid barrier, such as masonry or stone walls, the barrier shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  - b. If the barrier (fence) is made up of horizontal and vertical members and the distance between the tops of the horizontal members is less than **thirty-six (36)** inches, the spacing of the vertical members shall not exceed one and three-fourths ( $1\frac{3}{4}$ ) inches. If the barrier is made up of horizontal and vertical members and the distance between the tops of the horizontal members is more than thirty-six (36) inches, the spacing between the vertical members shall not exceed four inches. Horizontal members shall be on the pool side of the fence.
  - c. If the barrier is a chain link fence, the mesh size shall not exceed one and three-fourths ( $1\frac{3}{4}$ ) inches square.

- d. If the barrier is made up of diagonal members (lattice work), the maximum opening in the lattice shall not exceed one and three-fourths ( $1\frac{3}{4}$ ) inches.
  - e. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder to the pool or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of this Section as set forth above. When the ladder or steps are secured, locked or removed, any opening created shall not exceed four inches.
6. Gates in a barrier shall comply with Section above. Gates shall open outward, away from the pool and shall be self-closing and have a self-latching device. The self-latching device shall be on the pool side of the barrier and the release mechanism shall be located at least six inches below the top of the gate and the gate and barrier shall have no opening greater than one-half ( $1/2$ ) inch within eighteen (18) inches of the release mechanism.
  7. Spas or hot tubs with a locking, solid safety cover shall be exempt from the barrier requirements of this Section.

**W. Accessory Private Recreation Facilities**

Private recreation facilities for multi-family developments, subdivisions or homeowner's associations must meet the following requirements:

1. private recreational facilities include, but are not limited to the following: swimming pools, open game fields, golf courses, and facilities for basketball, shuffleboard, racquet ball, croquet, and tennis courts, and meeting and locker rooms;
2. private facilities in accordance with this section will be restricted to use by the occupants of the residence and their guests or by members of the homeowner's association and their guests;
3. private recreation facilities must not be located within 30 feet of any street right-of-way or within 10 feet of any abutting property line;
4. activity areas must be fenced and screened from abutting properties;
5. dispensing of food and beverages on the premises is only permitted for the benefit of users of the recreation facility and not for the general public; and
6. off-street parking is required on the basis of one parking space for each 4,000 square feet of area devoted to recreational use, with a minimum of four spaces.

**X. Accessory Uses in Non-Agricultural and Non-Residential Districts**

1. The following accessory uses are permitted in non-agricultural and non-residential districts: restaurants, drug stores, gift shops, swimming pools, tennis courts, club and lounges and newsstands when located in a permitted hotel, motel or office building;
2. employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building;
3. offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is accessory;

4. services within retail stores, such as banking, personal services, or pet grooming where the service is clearly subordinate and incidental to the principal use;
5. banking machines, drop-off boxes and other similar features not interfering with traffic circulation;
6. retail sales for permitted industrial uses when located on the same site as the industrial use; and
7. the storage of retail merchandise when located within the same building as the principal retail business.

### **Temporary Uses**

The following temporary uses may be permitted upon application to the Community Development Director:

#### **Y. Temporary Outdoor Sales Events**

Temporary outdoor sales events are permitted in business, commercial and industrial districts subject to the following:

1. Sales events are limited to three events per business per calendar year.
2. Each sales event is limited to a maximum of seven days.
3. A sales event may occur anywhere within the parking area provided:
  - a. no entrance or exit is blocked;
  - b. principal access drives through the property are not blocked; and
  - c. no fire lane is blocked.
4. Any signs utilized for the sales event shall comply with this code.

#### **Z. Seasonal Outdoor Sales Events**

Seasonal outdoor sales events are permitted in agricultural, business, commercial and industrial districts subject to the following:

1. The following events shall qualify as a seasonal outdoor sales event:
  - a. Christmas tree sales;
  - b. garden sales;
  - c. fireworks stands; and
  - d. farm stands.
2. Seasonal outdoor sales events shall not occur within required parking spaces. Events held within a parking lot area may only occur on those properties having an excess of parking spaces, and the sales area may only utilize the excess parking area.
3. Any signs utilized for the sales outdoor sales event shall comply with this code.
4. Unless otherwise restricted by City Code, a seasonal outdoor sales event is limited to a total of 60 days per business per calendar year.

5. Large retail sales uses are not limited in the length of time for a seasonal outdoor sales event. Outdoor events may be conducted in any zoning district permitting public assembly or any business, commercial or industrial district, or on any lot occupied by a public or business use, subject to the following requirements:
6. Outdoor events are limited to seven days per business per calendar year. The owner or operator is required to keep a record of days of operation, and make the record available upon request of the Community Development Director.
7. The event may not involve the construction of a permanent structure.
8. Signs may be provided, subject to the sign regulations of the zoning district in which the use is located.
9. All event-related activities must be located outside of the public right-of-way.

**AA. Contractors' Offices**

1. Portable trailers, portable offices and equipment trailers utilized by a contractor on a construction project are permitted during construction.
2. All trailers, offices and equipment must be removed from the property prior to the issuance of a certificate of occupancy for the building.
3. No trailer, office or equipment may be located or stored in any right-of-way or sight triangle area.
4. No trailer, office or equipment may be located, parked or stored on any property unless a building permit has been issued for the property.

**BB. Real Estate Offices**

Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) accessory to a housing development are permitted in any district. These structures are limited to a time period that does not exceed the duration of active sales or leasing of dwelling units in the development.

**CC. Carnivals and Circuses**

A carnival or circus is permitted in A, C, BP or M-1 Districts and then only for a period that does not exceed three weeks. The use need not comply with the front yard requirements of this Code provided that no structures or equipment be located within the right-of-way or required sight triangle.

**DD. Garage Sales**

A garage sale may be held twice within any 90 day time period. Each sale event is limited to three days. No garage sale shall be conducted within any public right-of-way. Temporary use permits and application to the Community Development Director are not required.

**EE. Personal Home Storage, Shipping or Construction Units**

1. Personal home storage units and containers may not be located on any lot for more than 45 days in any 12-month period.
2. All home storage units and containers must be located on paved off-street surfaces.
3. No such unit shall block any sidewalk, right-of-way, or be located in any sight triangle.

**FF. Doors must be secured at all times except during loading and unloading. Temporary Trash Receptacles (Dumpsters)**

1. Temporary trash receptacles may not be located on any lot for more than 45 days in any 12-month period. Exception is for a building site with active building construction.
2. Trash receptacles may not be located in the street right-of-way or required sight triangle.
3. Trash receptacles must be located on the property from which the rubbish or materials are generated.
4. Any rubbish or materials intended to be placed in the trash receptacle that remain around the receptacle area shall be collected and placed inside the trash receptacle.
5. The trash receptacle shall be removed from the property when full.

CONCLUSION / COMMENTS:

COMMISSION OPTIONS:

1. Discuss and accept the proposed Unified Development Code, Specific Standards for residential uses; accessory uses and structures; and temporary uses and events.
2. Continue to the next regularly scheduled meeting for further discussion.