



PROJECT: **UDC TEXT AMENDMENTS**

APPLICATION:

Applicant – City of Belton / Planning & Building

PROJECT SUMMARY

DESCRIPTION:

The application was filed to consider certain amendments to the Unified Development Code related to permitted land uses and use-specific standards.

STAFF RECOMMENDATION

STAFF RECOMMENDS **APPROVAL**

PROPOSED AMENDMENTS

Amendments are periodically proposed to the Unified Development Code (UDC) to advance new regulations/land use techniques, address conflicts, and revise wording to help with administrative situations that arise through use of the code.

The following is a summary of proposed amendments to the UDC:

1. Amendments to Sec. 1-5 (Definitions)
2. Amendments to Sec. 18-2 (OTB, Old Town Belton Overlay District)
3. Amendments to Sec. 18-7 (PR, Parks, Recreation and Public Use District)
4. Amendments to Sec. 18-8 (North Scott Corridor Overlay District)
5. Amendments to Chapter 40 (Use-Specific Standards – Residential, Commercial, Other)
 - a. Sec. 40-1 (Use-Specific Standards)
 - b. Sec. 40-2 (Special Use Provisions)
 - c. Sec. 40-3 (Special Uses)
 - d. Sec. 40-4 (Uses Subject to Conditions)

There have not been any significant updates to the land use table since the current UDC was adopted in 2011. Since that time, the City has adopted two Overlay districts (North Scott and Old Town) and experienced significant commercial and industrial growth. There have also been changes in technology and the economy that has led to the creation or evolution of numerous land uses that need to be reevaluated to ensure that Belton has a competitive advantage in the region. The purpose of the updates to Chapter 40 is to ensure the City has a land use table, definitions, and specific use conditions that are easy to locate and interpret.

Sec. 1-5 – Definitions – proposed amendments:

- a. All land use descriptions, except for “adult business” due to the complexity of the definition, will be removed from Sec. 1-5 and a note added at the beginning of Sec. 1-5 that references Sec. 40-1 for land use definitions.

Sec. 18-2 – OTB, Old Town Belton Overlay District – proposed amendments:

- a. Refer to Chapter 40 for permitted land uses and add exception for drive-thru facilities.

Sec. 18-7 – PR, Parks, Recreation and Public Use District – proposed amendments:

- a. Remove current list of permitted land uses and refer to Chapter 40.

Sec. 18-8 – North Scott Corridor Overlay District – proposed amendments:

- a. Refer to Chapter 40 for permitted land uses and remove table of marijuana land uses added in most recent recodification.

Sec. 40-1 – Use Specific Standards – proposed amendments:

- a. Repeal and replace section (h) Table of uses with a new “Land Use Table and land use definitions” that includes the following:

- i. Land use tables and definitions for 13 use groups, including land use tables for base zoning district and North Scott Overlay. Definitions are included with use groups for ease of use, rather than having to refer back to Sec. 1-5 (definitions) and search in alphabetical order, making it complicated to compare two similar uses that are adjacent to one another in the land use table. The sections referencing special and conditional use standards has been incorporated into the Land Use Table to assist with locating standards for specific uses.

- ii. Use groups include the following:

1. Agriculture
2. Residential
3. Institutional and Civic
4. Commercial Services
5. Restaurant and Retail
6. Office
7. Lodging
8. Marijuana
9. Auto-Oriented
10. Arts and Crafts Manufacturing and Production
11. Industrial
12. Waste-Related
13. Miscellaneous

- b. There are multiple land uses that have been removed, retitled, split, or consolidated, including the following:

1. Retitled Boarding Stables and Riding Schools to Stables
2. Removed Manufactured Home Design and Foster Home
3. Consolidated Nursing Care Facility with Residential Care Facility
4. Retitled Halfway House to Transitional Living
5. Split Cultural Facility and Library
6. Consolidated Government Building and Properties, Places of Public Assembly, and Public Safety Services into Government and Public Safety Facilities, Offices, and Services
7. Retitled Art Gallery to Arts and Crafts Studios and Galleries
8. Consolidated and Retitled Entertainment and Spectator Sports and Sports and Recreation, Participant with Indoor and Outdoor Entertainment
9. Split Restaurant into with and without drive-thru

10. Split and Retitled Motor Vehicle Repair into Minor, Major, and Heavy Vehicle Repair
 11. Consolidated Commercial Motor Vehicle Sales and Light Equipment Sales or Rental into Vehicle and Equipment Sales – General
 12. Retitled Vehicle, Recreational Vehicle or Boat Storage/Towing to Vehicle and Equipment Storage and Towing
 13. Retitled Research Laboratory to Research and Development
 14. Split General Manufacturing into General – Manufacturing & Production and General – Industrial Services
 15. Removed Mini Warehouse and replaced with Self-Storage Facility (see new land uses)
 16. Consolidated and Retitled Trucking/Freight Terminal and Warehousing and Wholesale into Warehousing, Storage, Wholesale, and Distribution Facilities
- c. There are multiple new land uses that have been added, including the following:
1. Community and Home Gardens
 2. Homeless Shelter
 3. Parks and Open Space
 4. Pet Care Services as a sub-use to Animal Services
 5. Building or Ground Maintenance Services (with and without outdoor storage)
 6. Added with and without outdoor storage to Construction Sales and Services
 7. Social Services
 8. Banquet Facility or Event Space
 9. Farmer’s Market
 10. Liquor Store
 11. Tobacco Shop
 12. Recreational Vehicle Park
 13. Short-Term Rental
 14. Artisan Micro-Manufacturing
 15. Artisan Food and Beverage Production
 16. Artisan Alcoholic Beverage Production
 17. Business Incubator/Makerspace/Co-Working
 18. Outdoor Storage Yard
 19. Self-Storage Facility – Indoor Climate Controlled
 20. Self-Storage Facility – Warehouse
- d. Comments/notes have been added to the proposed amendments that include purposes for modifying certain permitted land uses, including the change from some land uses from permitted by right to special use permit and vice versa.

Sec. 40-2 – Special Use Provisions:

Staff is not proposing to modify the Special Use review process and provisions with these amendments.

Sec. 40-3 – Special Use Standards – proposed amendments:

- a. All uses that require a Special Use Permit will have at least one (1) special use standard. More intensive uses may have multiple standards. These standards are in addition to the review criteria and help to determine the appropriateness of special uses at their proposed locations.
- b. Similar land uses that have the same special use standards are lumped together to reduce the amount of repeat text.
- c. An “Agritourism” use group has been added that would apply to several land uses that may be permitted with a Special Use Permit in the A (Agricultural) zoning district.

Sec. 40-4 – Uses Subject to Conditions – proposed amendments:

- a. All uses that are subject to conditions will have at least one (1) condition. More intensive uses may have multiple standards. These standards determine if the land use is appropriate at the proposed location.

REVIEW CRITERIA / FINDINGS OF FACT

Section 20-3, provides certain criteria that must be addressed with a Text Amendment to the Unified Development Code. These criteria are summarized below, with analysis for consideration of the Planning Commission:

(1) Whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Belton. The proposed amendments are consistent with the intent and purpose of the Code. The introduction of new uses and modifications to existing uses are intended to preserve and protect property values in the City; promote orderly development; create a comprehensive and stable pattern of land uses; and promote the health, safety, and general welfare of the City. In addition to the intent and purpose of the Code, the proposed amendments meet other initiatives and goals of the City, including supporting economic development, tourism, and the arts.

(2) Whether the proposed text amendment corrects an error or inconsistency in the Code. The proposed amendments will address a few errors and inconsistencies in the code, though most will be modifying and clarifying the code.

(3) The areas which are most likely to be directly affected by such change and in what way they will be affected. The proposed amendments impact all land uses and zoning districts, however, there are few modifications being proposed for residential zoning districts. Commercial zoning districts are the most likely to be impacted by the proposed amendments, with restrictions and limitations generally proposed to be eased on less intensive or non-offensive uses and some additional restrictions or limitations being added to more intensive uses that are likely to have off-site impacts. Industrial and agricultural zoning districts are proposed to have a wider range of uses, including additional public, semi-public, or commercial uses that were previously not permitted.

(4) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it. The current land use chapter has not had any significant changes since adoption in 2011. Since that time, the City has undergone significant commercial and industrial growth, as well as a focus on the North Scott Corridor and Old Town Belton with adopted overlay districts. The proposed amendments take into consideration all of these changes to identify where land uses are appropriate and what, if any, special reviews, approvals, or conditions are needed. The proposed amendments also highlight new land uses that fit well within the community and the local economy, such as the arts and crafts manufacturing and production use group.

(5) Whether the proposed text amendment is in the best interests of the city as a whole. The proposed amendments are in the best interests of the city as a whole. The proposed amendments balance the protection of less-intensive zoning districts and land uses (residential, parks and recreation, office) from more-intensive zoning districts (commercial and industrial) and land uses, while also accommodate a wide range of businesses and economic development activities. Intensive land uses that have potential offsite impacts have special use requirements and standards. Less intensive land uses that may still have offsite impacts have conditions that must be met to be permitted at a specific location.

STAFF RECOMMENDATION

Staff recommends approval of the UDC Text Amendments.

The Planning Commission is tasked with considering the UDC Text Amendments recommended by staff. The Commission may recommend modifying any recommendations by staff or add additional recommendations for the City Council's consideration.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **recommend approval** of the UDC Text Amendments, with or without conditions.
2. Motion to **recommend denial** of the UDC Text Amendments.
3. Motion to continue the application for further information.

ATTACHMENTS

1. UDC Text Amendments (Ordinance Language – includes language for Sec. 18-2; 18-7; & 18-8) – 3 pages
2. Exhibit A (Sec. 1-5 – General definitions) – 26 pages
3. Exhibit B (Chapter 40 – Land Uses and Use-Specific Standards) – 50 pages ****includes staff commentary on proposed changes***

UDC Text Amendments – Land Use Updates – April 2023

Section 1. That Section 1-5 – General definitions; is hereby repealed in its entirety and replaced with the amended and revised language attached as **Exhibit A**.

Section 2. That Section 18-2 – OTB Old Town Belton Overlay District; is hereby amended with the additions in **bold underlined print** and deletions with ~~strikethrough~~ notation as follows:

- (c) *Permitted uses.* All uses allowed in the underlying zoning district shall be allowed in the OTB district as specified in ~~the use table Sec. 40-1 with the exceptions listed in subsections (c)(1) through (5).~~ Those uses identified as requiring a **special use permit or a use subject to conditions shall comply with all processes and standards in accordance with Chapter 40.** ~~conditional use permit shall do so in accordance with the regulations of this code. In order to promote the pedestrian intent of the OTB district, the following uses are prohibited:~~
- ~~(1) Motor vehicle repair;~~
 - ~~(2) Gas stations;~~
 - ~~(3) Vehicle sales;~~
 - ~~(4) Accessory outdoor storage; and~~
 - ~~(5) Drive thru facilities.~~

Section 3. That Section 18-7 – PR Parks, Recreation and Public Use District; is hereby amended with the additions in **bold underlined print** and deletions with ~~strikethrough~~ notation as follows:

- (b) *Permitted uses.* ~~The following uses are permitted in the PR district:~~ **All uses permitted in the PR zoning district are specified in Sec. 40-1. Those uses identified as requiring a special use permit or a use subject to conditions shall comply with all processes and standards in accordance with Chapter 40.**
- ~~(1) Public active and/or passive recreation areas and parks;~~
 - ~~(2) Activities for conservation of natural resources and the environment, such as for soil, water, vegetation and wildlife;~~
 - ~~(3) Indoor or outdoor health, recreation and exercise facilities;~~
 - ~~(4) Community centers and similar facilities;~~
 - ~~(5) Minor utility uses as defined by this Code;~~
 - ~~(6) Government centers, police and fire stations.~~

Section 4. That Section 18-8 – North Scott Corridor Overlay District; is hereby amended with the additions in **bold underlined print** and deletions with ~~strikethrough~~ notation as follows:

(a) *General purpose and description.* The North Scott Corridor Overlay District is designated as an area to accommodate a wide mix of quality multi-family residential, commercial business, and light industrial uses that are compatible in a highly visible, urban setting.

Allowable uses include multi-family residential, retail, research and development parks, light manufacturing, shipping and distribution, corporate campuses, professional offices, general retail, restaurants, and hotels. **All uses permitted in the North Scott Corridor Overlay District are specified in Sec. 40-1. Those uses identified as requiring a special use permit or a use subject to conditions shall comply with all processes and standards in accordance with Chapter 40.** New heavy manufacturing, heavy equipment repair, sales lots, contractor yards, outdoor storage, and uses that produce noxious smells, fumes, dust, or substantial noise are discouraged within this overlay district.

Sites shall be well landscaped and employ storm water management techniques that address storm water quality and create storm water facilities that are site amenities through the use of rain gardens, bio-swales and water retention ponds. Building architecture shall include a wide variety of styles and convey value and permanence through good building design and the use of durable, low-maintenance exterior building materials. Exterior lighting and signage shall be uniform and of a high quality. In addition to accommodating vehicle and truck traffic, sites shall be designed for pedestrian circulation.

(b) *Intent and application.* The intent of North Scott Corridor Overlay District + Guidelines is to provide a uniform and enhanced set of design standards that are above and beyond the base standards found within the city's current zoning districts.

The requirements and guidelines as contained within the North Scott Corridor Overlay District + Guidelines (official copy dated November 7, 2017, and attached and incorporated as exhibit A to the ordinance from which this section derives and on file with the city clerk of the City of Belton, Missouri) shall apply to all property located within the North Scott Corridor overlay district boundaries as shown in the future land use map contained within the North Scott Corridor Overlay District + Guidelines.

Prior to the development or redevelopment of any property within the overlay district, the property should be zoned consistent both with the land use designation identified in the future land use map and with the zoning/land use compatibility table as contained within North Scott Corridor Overlay District + Guidelines.

When a standard or code requirement is not covered by the North Scott Corridor Overlay District + Guidelines, the regulations contained elsewhere within City Code and within the regulations for the underlying zoning district for which the property is zoned shall apply.

USES	ZONING DISTRICTS						
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI
COMMERCIAL USES							
Medical marijuana dispensary	-	-	-	-	€	-	-
Comprehensive marijuana dispensary facility	-	-	-	-	€	-	-
Microbusiness dispensary facility	-	-	-	-	€	-	-
INDUSTRIAL USES							
Medical marijuana cultivation	-	-	-	-	-	-	€

Comprehensive marijuana cultivation facility	-	-	-	-	-	-	€
Medical marijuana-infused products manufacturing facility	-	-	-	-	-	-	€
Comprehensive marijuana-infused products manufacturing facility	-	-	-	-	-	-	€
Microbusiness wholesale facility	-	-	-	-	-	-	€
Medical marijuana testing facility	-	-	-	-	-	-	€
Transportation facility	-	-	-	-	-	-	€

Section 5. That Chapter 40 – Use-Specific Standards – Residential, Commercial, Other; is hereby repealed in its entirety and replaced with the amended and revised language attached as **Exhibit B**.

Sec. 1-5 (General definitions) is repealed in its entirety and replaced with the following:

Sec. 1-5. General definitions.

For the purpose of this Unified Development Code, certain terms or words used herein are defined as follows, unless the context clearly indicates otherwise. Refer to Sec. 40-1(h) for definitions of land uses as outlined in the Land Use Table and elsewhere in this Code.

100-year flood. See *Base flood*.

Abandoned sign. A sign that depicts or refers to a product, business, service, activity, condition or occupation which has changed in such manner that the sign is no longer properly or appropriately identifies or describes said product, business, service, activity, condition or occupation, which no longer exists at the location referred to in the sign, or no longer exists or operates at any location.

Accessory building. A building that is subordinate in area, extent and purpose to the principal building and use on a lot and that is customarily used for a permitted accessory use.

Accessory structure. See *Appurtenant structure*.

Accessory use. A use that is subordinate in area, extent and purpose to the principal use on a lot and that is customarily found in conjunction with a permitted principal use.

Actuarial rates. See *Risk premium rates*.

Administrator. The Federal Insurance Administrator.

Adult business. Any business:

- (1) That has a substantial or significant purpose, the sale or rental of merchandise that is intended for use in connection with specified sexual activities, or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or
- (2) That has as one of its regular and substantial business purposes:
 - a. The providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
 - b. The providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits, or allow participation in specified sexual activities ancillary to other pursuits.
- (3) The definition of "adult business" also includes but is not limited to any and all of the following specific adult businesses, as defined herein:
 - a. "Adult media outlet" means a business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of adult media. For purposes of this subsection, it shall be presumed that a substantial or significant portion of a business is devoted to the sale or rental of adult media if any of the following criteria are satisfied:
 1. 40 percent or more of the stock in trade consists of "adult media" at any time; or
 2. 40 percent or more of the gross public floor area of the business is devoted to "adult media" at any time.
 - b. "Adult newsrack" means any coin- or card-operated device that offers for sale by dispensing, printed material which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

- c. "Adult retail establishment" means a business that displays or offers goods for sale or rent and that meets any of the following tests:
 - 1. It displays or offers for sale or rent items from any two of the following categories: "Sexually-oriented toys or novelties"; lingerie; clothing that graphically depicts "specified anatomical areas"; leather goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of such items constitutes:
 - (i) Ten percent or more of the stock in trade of the business at any time, or
 - (ii) Ten percent or more of the gross public floor area of the business at any time.
- (4) Businesses that provide entertainment:
- a. "Adult entertainment business" means any business to which the public, patrons or members are invited or admitted, and where providing "adult entertainment," as defined herein, as a regular and substantial portion of its business.
 - b. The definition of "adult entertainment business" also includes, but is not limited to, any and all of the following specified adult entertainment businesses, as defined herein:
 - 1. "Adult motion picture theater" means an establishment with a screen or projection area, where a regular and substantial portion of its business is the exhibition to patrons of films, videotapes or motion pictures which are intended to provide sexual arousal or sexual excitement to the patrons and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - 2. "Adult theater" means an establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition.
 - 3. "Adult entertainment cabaret" means an establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical of live performers, for observation by patrons.
 - 4. "Adult entertainment studio" (includes the terms "rap studio," "exotic dance studio," "sensitivity studio" or "encounter studio") means an establishment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.
 - 5. "Adult encounter parlor" means an establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate, or consort with employees, performers, and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.
 - 6. "Body painting studio" means an establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for the patron's view, specified anatomical areas.
- (5) Businesses that provide services.
- a. "Bath house" means an enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.

- b. "Adult motel" means an enterprise where a regular and substantial portion of its business is offering public accommodations, containing more than 150 square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical area" by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by patrons therein and which rents room accommodations for less than six hours at a time.

Adult entertainment. Any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons, or if the entertainment depicts, portrays, exhibits, or displays specified anatomical areas or specified sexual activities.

Adult media. Books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMS, or other devices used to record computer images, or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult video viewing booth. Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction of "specified sexual activities" or "specified anatomical areas" by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by patrons therein. "Adult video viewing booths" are sometimes referred to as "peep shows," "adult video arcades," "panorams," and "adult mini-motion pictures theaters." An "adult video viewing booth" shall not mean a theater, movie-house, play-house or a room or enclosure or a portion thereof which contains more than 150-square feet of gross floor area. (Note: As of the date of the adoption of this definition, there are no known "adult video viewing booths" within the city and the zoning ordinance specifically does not list this as a permitted use in any existing zoning district.)

Agency. For the purposes of this Code, the Federal Emergency Management Agency (FEMA).

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

Agricultural commodities. Agricultural products and livestock.

Agricultural structure. Any structure used exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities.

Alley. A public or private right-of-way, other than a street, that provides a secondary means of access to abutting property.

Alteration. Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Code, the following will not be considered a structural alteration:

- (1) Attachment of a new front facade where structural supports are not changed;
- (2) Addition of fire escapes where structural supports are not changed;
- (3) New windows where lintels and support walls are not materially changed;

- (4) Repair or replacement of non-structural members.

Alternative support structure. Any manmade clock towers, bell steeples, light-poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes, except those used on a residence or residential property for the reception of television and/or radio broadcasts; and omni-directional antennas, such as whips, but not including satellite earth stations. Antenna may include all antennas working together as a unit on the site, also known as an antenna array. Types of antennas include:

- (1) Dish: A parabolic or bowl shaped device that receives and/or transmits signals in a specific directional pattern.
- (2) Panel: An antenna that receives and/or transmits in a specific directional panel.
- (3) Whip: An omni-directional dipole antenna of cylindrical shape that is no more than six inches in diameter.

Appeal. A request for review of the floodplain administrator's interpretation of any provision of this Code or a request for a variance.

Applicant. Any person submitting an application for development.

Application for development. The application form and all accompanying documents required by ordinance for approval of a specific request.

Approved combustible material. Wood, or materials not more combustible than wood, and approved combustible plastics.

Approved combustible plastics. Those plastics that when tested in accordance with American Society for Testing Materials standard methods for test for flammability of plastics over 0.05 inch in thickness (D635-44), burn no faster than 2.5 inches per minute in sheets of 0.06 inch thickness.

Appurtenant structure. A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

APWA. The American Public Works Association.

Area of special flood hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Art gallery. Uses dedicated to the showing or sale of art, including art galleries and studios.

As-built plans. Construction plans showing a facility or structure as actually constructed and as it appears on the tract of land involved.

Attention-attracting device. Any flasher, blinker, animation, streamer, pennant, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

Automobile. A self-propelled vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor-scooters, and motorcycles.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flow. The sustained flow of a stream in the absence of direct runoff. It includes natural and human-induced stream-flows. Natural base flow is sustained largely by groundwater discharge.

Basement. The portion of a building having more than one-half of its height below grade. A basement is any area on a building having its floor subgrade (below ground level) on all sides.

Block. An area of land that is entirely bounded by streets, highways, or rights-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier or combination thereof.

Board of zoning adjustments. That board which has been created by the governing body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the Unified Development Code.

Buffer. With respect to a stream, a natural or enhanced vegetated area, lying adjacent to the stream.

Building. Any structure designed or intended for the enclosure, support, shelter, or protection of persons, animals or property.

Building coverage. The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

Building facade area. The entire area of a building wall, including doors, windows, recessed and projecting areas, and all other features.

Building height. The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building line/setback. A line parallel to a street or right-of-way line, edge of a stream or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, stream-bank or other property line.

Building, main or principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building site. A single parcel of land occupied or intended to be occupied by a building or structure.

Candlepower. The amount of light that will illuminate a surface one-foot distance from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source or luminaire.

Cargo container. A standardized reusable vessel that is or appears to be:

- (1) Originally, specifically, or formally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities;
- (2) Designed for or capable of being mounted or moved on a rail car; or
- (3) Designed for or capable of being mounted on a chassis or bogie for movement by truck-trailer or loaded on a ship.

Carport. A permanent roofed structure permanently open on at least two sides, designed for or occupied by private passenger vehicles.

Carport compatibility. A design which utilizes accepted site planning (e.g., building placement, orientation and siting) and the elements of architectural composition within the context of the surrounding area.

Channel. The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Channelization. The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

Chief elected official. The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

City. The City of Belton, Missouri.

City council. The city council of the City of Belton, Missouri.

Commercial. Pertaining to any non-single family unit which may include characteristics of commerce, business, industry and/or trade.

Commercial vehicle means and includes every vehicle designed, maintained or used primarily for the transportation of commercial property, persons, goods which is licensed by state authority equal to or in excess of 12,000 pounds.

Common open space. An outdoor area designated and intended for the common use and enjoyment of residents or other members of the controlling association (such as a home owner's association), not including streets, alleys, driveways, parking and loading areas.

Community. Any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas of its jurisdiction.

Community development director. The person or persons authorized and empowered by the governing body having jurisdiction to administer the requirements of this Code.

Community park. A large park generally 25 or more acres that serves the residents living within one mile radius of the park.

Component of use. An element of use of land including, but not limited to, off-street parking, off-street loading, and landscaping.

Condominium. A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two condos shall be considered a two-family dwelling and a condominium with more than two condos shall be considered a multiple-family dwelling.

Construction plans. The engineering drawings showing types of materials and construction details for physical structures and facilities, excluding dwelling units to be installed in conjunction with development of a subdivision.

Contagious diseases. Those diseases which are set out in MO Code of State Regulations, Dept. of Health, 19 C.S.R. 20-20.020, as amended.

Cul-de-sac. A street having one end open to traffic and the other end being terminated by a vehicle turnaround.

Curb. A vertical or sloping edge of a roadway.

Customer. Pertaining to a client, buyer or purchaser that is the recipient of a good, service, product or idea.

Cutoff. The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cut off) at a specific angle above the ground.

Cutoff angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Cutoff luminaire. A luminaire with elements such as shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

Dedication. An act transmitting property or interest thereto.

Density. The permitted number of dwelling units per gross acre of land to be developed.

Design flood. The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevation.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase or any other person having enforceable proprietary interest in such land.

Development. A planning or construction project involving substantial property improvement and, usually, a change or land-use character within the site, the act of using land for building or extractive purposes. For the purpose of this code, development is any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials.

Development regulations. Zoning, subdivision, site plan, official map, floodplain regulation or other governmental regulations of the use and development of land.

Development review committee (DRC). A committee consisting of key city staff members (i.e., planning; engineering; fire; and building inspections).

Director of public works. The officially appointed engineer of the City of Belton, Missouri, or his or her designee.

Divided street. A street having an island or other barrier separating moving lanes.

Drainage. The removal of surface water or groundwater from land drains, grading or other means.

Drainage facility. Any component of a drainage system.

Drainage system. The system through which water-flows from the land, including watercourses, water bodies and wetlands.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, allowing access from a street to a building or other structure or facility.

Dry cleaning. Any place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics and textiles of any kind by means of an appliance which is operated primarily by the customer.

Dwelling. A building or portion thereof, not including manufactured homes, which is designed and used exclusively for residential purposes.

Dwelling for elderly. A two-story or multifamily residential building having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least 62 years of age. Handicapped persons are those people having an impairment that is expected to be of long, continuous and indefinite duration, is a substantial limitation to their ability to live independently, and is of a nature that such ability could be improved by more suitable housing.

Earth contact homes. A residence designed as a complete structure below ground level or where at least 50 percent of all exterior wall, excluding basements, are in direct contact with the earth.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property may not erect any permanent structures.

Elevated building. For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

Eligible community. A community for which the Federal Flood Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

Employee. Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any service directly related to the operation of an adult business.

Engineer. A professional engineer registered with the State of Missouri.

Entertainer. Any person who provides adult entertainment within an adult business, whether or not a fee is charged or accepted for entertainment.

Escrow. Money delivered to a third person to be delivered by him or her to the grantee only upon fulfillment of a condition.

Existing construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for the FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing mobile home park/subdivision. A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date if the floodplain management regulations adopted by the community.

Expansion to an existing mobile home park. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family. One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic services. A family may under no circumstances be construed as a boardinghouse, fraternity or sorority house, club, lodginghouse, hotel, motel or commune.

Fence. A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above the ground level, and used for confinement, ornamental, screening or partition purposes.

Fence, chainlink. An open mesh fence made entirely of woven wire.

Fence, decorative. An open fence, other than chainlink, that is less than 50 percent opaque and is intended to decorate, accent, or frame a feature of the landscape. Decorative fences include but shall not be limited to split-rail, picket, wrought-iron, and similar open fences.

Fence, privacy. A solid fence constructed of materials which creates an opaque wall or screen.

Fence, security. A fence intended to guard property against unauthorized entry, and to protect goods and products from theft and other unauthorized handling. Security fences are often made of wrought-iron or chainlink, and may incorporate additional security features such as barbed-wire.

Final approval. The official action taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled.

Final plat. The final map of all or a portion of a subdivision which is presented for final approval and recording.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland; and/or
- (2) The unusual and rapid accumulation or run-off of surface waters from any source.

Flood boundary and floodway map (FBFM). An official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood elevation determination. A determination by the Federal Flood Insurance Administration of the water surface elevations of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

Flood elevation study. An examination, evaluation and determination of flood hazards.

Flood fringe. The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood hazard boundary map. An official map of a community, issued by the Federal Flood Insurance Administrator, where the boundaries of the flood area having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Flood Insurance Administrator, has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain. Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood. This area may or may not be a regulatory floodplain.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, land development codes, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state and local regulations, in any combination, that provide standards for the purpose of flood damage prevention or reduction.

Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment. The lines marking the limits of floodways on federal, state and local floodplain maps.

Floor area. The gross floor area of the building measured from the exterior faces of the exterior walls or from the center-line of walls separating two buildings and includes the following areas:

- (1) The area of each floor of the structure; and
- (2) The attic space having headroom of seven feet ten inches or more.

Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Foster home. Any private residence licensed by the state department of social services, division of family services or state department of mental health to provide foster care to one or more but less than seven children who are unrelated to each other or either foster parent by blood, marriage or adoption.

Freeboard. A factor of safety usually expressed in feet above a flood-level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and hydrological effect of urbanization of the watershed.

Frontage. The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Functionally dependent use. A use that cannot perform its intended purpose unless it is located or carried out in a close proximity of to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long term storage or related manufacturing facilities.

Garage apartment. A dwelling unit for one family erected above a private garage.

Garage sale. The sale of personal items on an infrequent basis at a private residence.

Garage, private. An accessory building or a part of a main building used for used for storage of automobiles used solely by the occupants and their guests of the building to which it is accessory.

Garage, public. Any building, other than a private garage, available to the public, where automobiles are parked or stored for compensation, hire or sale.

Garage, repair. A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

General development plan. A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Glare. The brightness of a light source which causes eye discomfort.

Governing body. The chief legislative body of the municipality.

Grade. The slope of a street or other public way, specified in percentage (%) terms.

Gross public floor area. The total area of the building accessible or visible to the public, including showrooms, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways and entryways serving such areas.

Guest room means any room or unit where sleeping accommodations are regularly furnished to the public.

Gutter. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying runoff water.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Dept. of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the Natural Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in States with preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home association. An incorporated non-profit organization operating under recorded land agreements through which:

- (1) Each lot and/or home owner in a planned unit or other described land area is automatically a member;
- (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
- (3) The charge if unpaid becomes a lien against the property.

Impervious cover. Any manmade paved, hardened or structural surface regardless of materials. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

Impoundment. A body of water, such as a pond, confined by a dam, dike, floodgate or other barrier.

Improvement. Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the proper development of the community as a condition precedent to the approval and acceptance of the final plat.

Inoperable vehicle. A vehicle is deemed to be inoperable if it meets one or more of the following criteria regardless of the circumstances of how the vehicle came to be in its current location or ownership:

- (1) Does not display current valid license plates registered to the vehicle;
- (2) Does not display a valid inspection decal that is valid;
- (3) It has flat or missing tires or wheels;
- (4) It is wrecked or junked;
- (5) It is wholly or partially dismantled;
- (6) It is missing parts or equipment necessary to safely and legally operate on a public street;
- (7) It has mechanical or other problems that prevent the vehicle from being driven under its own power;
- (8) It has vegetation or debris collected in, on, around or under the vehicle; and/or
- (9) It is used to store auto parts, household items, lawn equipment or other types of storage.

Land development. With respect to stream buffers and natural resource protection, any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other activity which results in an increase of impervious cover.

Land disturbance. Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting, and filling of land, or other activities that involve construction, paving or any other installation of impervious cover.

Land disturbance activity. Those actions or activities which encompass, facilitate or result in land disturbance.

Landscaped. An area devoted to or developed predominately with plant material or natural landscape features, including lawn, groundcover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material. This does not include driveways, parking, loading, or storage areas, and structural elements.

Lateral sewers. Pipes conducting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.

Living area. Area of a residential structure excluding basements, attics, garage, patios, decks, and porches. Area primarily used for habitation.

Local street. Roadway that is intended to provide access to abutting properties, tends to accommodate lower traffic volumes, serves short trips, and provides connection to collector streets.

Lodging establishment means any building, group of buildings, structure, facility, place, or places of business where five or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments

for either transient guests, permanent guests, or for both transient and permanent guests. For the purposes of this article, hotel and/or motel shall be synonymous with lodging establishment.

Lodging establishment operator means any person who has been designated by the lodging establishment owner to hand the day-to-day, on-site operations. These operations include, but are not limited to, accepting offers or payments for guest rooms and retaining the right of access to, and control of, the guest rooms.

Lodging establishment owner means any person who is the proprietor of any lodging establishment and is responsible for obtaining the city business license. The lodging establishment owner may designate a lodging establishment operator to handle day-to-day, on-site operations.

Lot. A "zoning lot" unless the context clearly indicates a "lot of record." The term "lot" will be construed to include the term "site," "parcel," and other similar undefined term.

Lot of record. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot area. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, double frontage. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot frontage. That portion of a lot extending along a street line.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot, width. The mean horizontal distance side lines measured at right angles to the depth of the lot.

Lot zoning. A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof; and must be contiguous parcels.

Lot line. Lot boundary line.

Lot line, front. A street right-of-way line forming the boundary of a lot. If a lot has two or more front lot lines, the owner or developer must designate the yard which is to be the front yard.

Lot line, rear. The lot line that is most distant from, and is, or mostly nearly, parallel to, the front line.

Lot line, side. The lot line on each side of a lot that connects the front and rear lot lines.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Code.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Main. In any system of continuous piping, the principal artery of the system to which branches may be connected.

Maintenance guarantee. Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

Major arterial street. Roadway that is of regional importance and is intended to serve high volumes of traffic traveling relatively long distances. A major arterial is intended primarily to serve through traffic, and access is controlled.

Major collector street. Roadway that provides for traffic movement between arterials and local streets and carries moderate traffic volumes over moderate distances. Collectors may also provide direct access to abutting properties except individual residences.

Major subdivision. Any subdivision not classified as a minor subdivision.

Manager. Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity at any adult business.

Manufactured home. A structure which is subject to the Federal Manufactured Home Construction and Safety Standards established pursuant to 42 USC 5403, and constructed on or after June 15, 1976. A manufactured home is defined as a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park. Any area, piece, parcel, tract or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "manufactured home park" does not include sales lots of which unoccupied manufactured homes are parked for the purpose of inspection and sale.

Manufactured home space. A plot of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services for water, sewer, electricity, gas, etc.

Manufactured home subdivision. Any area, piece, parcel, tract, or plot of ground used or intended to be used for the purpose of selling individual lots for occupancy by mobile homes.

Map. The Flood Hazard Boundary Map (FHBM), the Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Marijuana or marihuana means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Marijuana-infused products means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Market value or fair market value. An estimate of what is fair, economic, just and equitable value under normal local market conditions.

Master plan. A comprehensive long-range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

Maximum permitted illumination. The maximum illumination measured in footcandles at the interior setback yard line at ground level.

Mean sea-level. For the purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of the 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

Memorandum of understanding. A written agreement executed by the Mayor of the City of Belton and the property owner(s) of land included in a development proposal. This agreement typically outlines the specific details of any terms or conditions of development, such as land use, density, access to the property, infrastructure improvements, parkland dedications, and similar matters.

Minor. Any person less than 18 years of age.

Minor arterial street. Roadway that is similar in function to major arterials, but operates under lower traffic volumes, serves trips of shorter distances, and provides a higher degree of property access than major arterials.

Minor collector street. Roadway that is similar in function to a major collector, but carries lower traffic volumes over shorter distances and has a higher degree of property access.

Minor subdivision. A subdivision of land of not more than five lots, provided that such subdivision does not involve a planned development, any new street or the extension of a utility or other municipal facility.

Modular home. A home which is manufactured in sections and finally assembled at the site. Modular homes comply with the city adopted building codes and are designed to be permanently placed on a foundation in any district a traditional home is permitted and not thereafter transported.

Mountable curb. A low curb with a flat slope designed to be crossed easily without discomfort.

Murals. Any painting, fresco, decoration, vinyl application, mosaic or similar art form intended for décor/commemoration applied to the wall or side of a building or structure.

Neighborhood park. A local park generally six or more acres that serves the residents living within a one-half mile radius of the park.

New construction. For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP. The National Flood Insurance Program (NFIP).

Nonconforming. A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming structure. A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

Nonconforming use. An existing use of a structure or land which does not conform with the regulations of the district in which it is situated. A legal nonconforming use is one which was legally established prior to the effective date of this Code.

Nude or nudity. The appearance of the human bare buttocks, anus, human genitals, the areola or the nipple of the female breast or a state of dress which fails to opaquely or fully cover the anus, human genitals or the areola or the nipple of the female breast.

Official zoning map. The Official Zoning District Map, filed in the office of the community development director as from time to time amended in accordance with the Unified Development Code.

Off-site. Located outside the lot lines of the lot in question, but within the property (of which the lot is a part) that is the subject of a development application or on a contiguous portion of a street or right-of-way.

Off-tract. Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

On-site. Located on the lot in question.

Open-space. An area of land or water or combination thereof planned for passive or active recreation but does not include areas utilized for streets, alleys, driveways, or private roads, off-street parking or loading areas, or required front, rear or side yards.

Operate. To own, conduct or maintain the affairs of any adult business.

Operator. Any person owning, operating, conducting or maintaining an adult business.

Ordinary high water mark. A line on the bank established by the fluctuations of water and indicated by the physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Outdoor event. The temporary outdoor use of property for a special occasion, such as a live Christmas nativity scene, summer festival, Halloween haunted house, or similar event.

Outdoor sales event. The display and sale of products outside of a building, typically located within a parking area, for a temporary period of time.

Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Parking space. A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking spaces with a street or alley and permitting ingress or egress of an automobile. For purposes of this Code, the size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet plus adequate area for ingress and egress.

Parks and recreation. Recreational, social, or multi-purpose uses typically associated with public parks, public open spaces, outdoor recreation areas, public or private golf-courses, and associated buildings.

Participating community. A community in which the Federal Flood Insurance Administrator has authorized the sale of flood insurance; also known as an "eligible community."

Patron. Any person who enters an adult business, without regard to whether a purchase is made from the adult business or compensation is paid to the adult business for merchandise, entertainment or service, provided that the term patron shall not include persons who enter an adult business for the sole purpose of providing service or merchandise to adult business and who do not remain in the adult business after the purpose had been accomplished, including but not limited to persons performing construction, repair or maintenance on the premises or delivering goods, or merchandise to the adult business and any similar activity.

Performance guarantee. Any security that may be accepted by municipality as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

Permanent foundation. An exterior wall and necessary support columns or piers designed to support any building or mobile home for the usable life of that structure. The exterior wall of a permanent foundation shall conform to the foundation requirements of the building code.

Permanent guest means any person who rents or occupies a guest room in a lodging establishment for a period of 31 days or more.

Permit. The permit issued by the (permitting authority) required for undertaking any land development activity.

Person. Any individual, partnership, firm, incorporated or unincorporated association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county, or other political subdivision of the state, any interstate body or any other legal entity or group of persons, however organized.

Planned unit development. An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate

commercial or office uses, or both, and appurtenant common area and other uses incidental to the predominant uses.

Planning commission. The officially appointed planning commission of the City of Belton; the term may be abbreviated in this section as the "commission."

Plat. A map of a subdivision or site plan.

Post office. Uses associated with the processing and delivering of mail, including those either owned or leased by postal service companies.

Pre-application conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

Preliminary approval. The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the city and the applicant.

Preliminary subdivision plat. A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

Principal building. A building or structure in which a principal use of the lot on which the structure is located is conducted.

Principal use. An activity or combination of activities of chief importance on the lot. One of the main purposes for which the land, buildings or structures are intended, designed, or ordinarily used.

Principally above ground. At least 51 percent of the actual cash value of the structure, less land value, is above ground.

Property owner means the individual or entity in possession of title for land, building, or other item. The property owner is typically the responsible party for tax purposes in relation to the property.

Protection area, or stream protection area. With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Public facilities and/or uses. Those municipal uses that include and/or accommodate governmental, municipal public utilities or recreational facilities and/or uses. Such facilities and/or uses are unique in that their proximity to sensitive land uses or facilities is not generally detrimental to the quality of life and in many cases are desirable, convenient or required.

Public improvement. Any drainage ditch, storm-sewer or drainage facility, sanitary-sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation on for which the local government responsibility is established.

Public open space. Any publicly-owned open area, including but not limited to parks and playgrounds, but not including streets, alleys, parking or loading areas.

Public way. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

PUD. See *Planned unit development.*

Recreational vehicle.

- (1) A vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. Examples are travel trailers; camping trailers; truck campers; and motor homes. Manufactured homes are not considered trailers or recreational vehicles.
- (2) A vehicle which is:
 - a. Built on a single chassis;

- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light duty truck;
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regional park. The largest of parks generally 100 or more acres serving the residence that live within a five-mile radius of the park.

Remedy a violation. To bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance.

Residential. Pertaining to a unit that is primary for single-family residences.

Residential density. The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

Retention basin. A pond, pool, or basin used for the permanent storage of water run-off.

Right-of-way. A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or stormwater, or for another special use.

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Risk premium rates. Those rates established by the Federal Flood Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance according to section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

Roadway. The actual road surface area from curblines to curblines, which may include travel lanes, and parking lanes. Where there are no curbs, the roadway is that portion between the edges of the paved, or hard surface, width.

Roof. A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

Sale or lease. Any immediate or future transfer of ownership, including contract of sale or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map or other written instrument.

Screened. Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm, or similar architectural and landscaped feature.

Server. Any person who serves food and drink at an adult entertainment business.

Setback. The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

Setback, stream. With respect to a stream, the area established extending beyond any buffer applicable to the stream.

Sexually oriented toys.

- (1) Instruments, devices, or paraphernalia which either depict specified anatomical areas or are designed or marketed for use in connection with specified sexual activities. In determining whether an item is "designed or marketed for use" in connection with specified sexual activities, the following guidelines may be considered:
 - a. Expert testimony as to the principal use of the item;

- b. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
 - c. National and local advertising concerning the use of the item;
 - d. Evidence of advertising concerning the nature of the business establishment;
 - e. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
 - f. The physical or structural characteristics of the item; or
 - g. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.
- (2) Any person may request an interpretive ruling from the chief of police, or his or her designee, as to whether a particular item is considered by the city to be "designated or marketed for use" in connection with "specified sexual activities." An application for an interpretive ruling shall be made in writing on a form provided by the chief of police, and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested.
- (3) The chief of police shall issue a written interpretive ruling within ten business days following submission of a completed application. The decision of the chief of police may be appealed to the city council within 15 days following the date of the interpretive ruling by submitting a written notice of appeal to the city clerk.

Specified anatomical area. Uncovered or exposed human genitals, pubic region or pubic hair, buttocks, female breasts below a point immediately above the top of the areola encircling the nipple, or any combination of the foregoing; or human male genitals in a discernible erect state, even if completely and opaquely covered.

Specified sexual activities. Means any of the following acts of intended sexual arousal or excitement:

- (1) Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
- (2) Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female;
- (3) Sadomasochistic acts; or
- (4) Acts involving animals or latent objects.

Shopping center. A unified retail commercial grouping in one or more buildings of a minimum five retail or service establishments.

Sidewalk. A paved path provided for pedestrian use and usually located at the side of the road within the right-of-way.

Sight triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign. Any device, structure or painting which displays or includes any letter, word, model,, banner, flag, pennant, insignia, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but not including any display of official notice or official flag.

Sign area. The area of a sign means the area encompassed by the perimeter of the sign. The area of the sign shall be computed from the area enclosed by the perimeter upon which the letters, logo, etc., are placed, except that when individual letters, logo, etc., are mounted individually and directly upon a building surface without

change in the color or appearance of the surface background, the area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, logo, etc.

Sign, changeable copy. A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

Sign, construction. A construction sign may identify contractors, engineers, architects, financial institutions, or future tenants involved in the construction project.

Sign, directly illuminated. Any signs that are illuminated by an external or internal light source that is visible.

Sign, electronic message center. Any sign that has a copy change completed by electronic means. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and/or the use of changing lights to form a message.

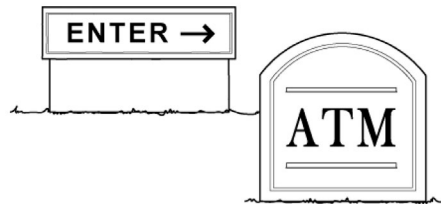
Sign, fireworks. A sign used to advertise a temporary fireworks sales location.

Sign, freestanding. Any sign supported wholly or in part by some structure other than the building or buildings housing the use to which the sign pertains.

Sign, home occupation. A sign that advertises or identifies a properly permitted home occupation.

Sign, identification. A sign giving the name or other attributes of a business or entity, for the purposes of identification.

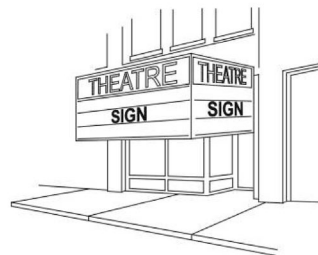
Sign, incidental. A sign providing information or direction regarding the use upon which the sign is located. Incidental signs include help wanted signs, open/closed signs, signs indicating hours of operation, signs directing traffic flow through the site, menu boards, signs identifying drive-thru lanes, and similar signs.



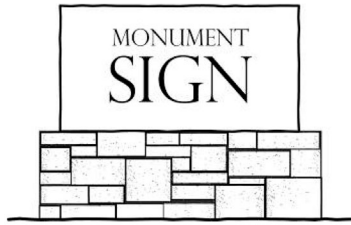
Signs, indirectly illuminated. Any sign that is completely or partially illuminated at any time by an external light source that is so shielded as to not be visible at eye level.

Signs, inflatable. A sign that is intended to be expanded by air or other gas for its proper display or support.

Sign, marquee. Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the roofline.



Sign, monument. An identification sign that rises from the ground and has no clearance under it, with an opaque base having a width at least 80 percent of the width of the sign at the widest point.



Sign, off-premises. A sign, including billboards and poster panels, that directs attention to a business, commodity, service, activity or product sold, conducted or offered of the premises where such sign is located.

Sign, on-premises. A sign, that directs attention to a business, commodity, service, activity or product sold, conducted or offered on the premises where such sign is located.

Sign, open house. A sign advertising real property for sale is open for view by the public.

Sign, peddler's. A sign utilized by a person with a peddler's license issued by the City of Belton.

Sign, permanent. A sign that is permanently affixed to a building surface, parapet or overhang or is a monument type sign designed to remain in the original location.

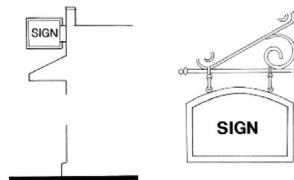
Sign, pole. Any detached sign with an opaque base, pole, or pedestal that is not at least 80 percent of the width of the sign at its widest point.

Sign, political. Any sign advertising a political candidate, political party or ballot issue.

Sign, portable. A sign that is not permanently affixed to one location and has the capability of being moved from one site to another.



Sign, projecting. Any sign extending more than one foot from the face of the building to which it is attached.

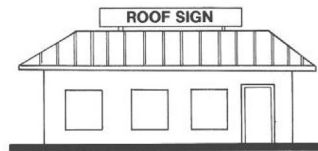


Sign, real estate. A sign advertising a piece of real property for sale or lease located on the real property that is for sale.



Sign, real estate directional. A sign directing attention to a piece of real property for sale or lease that is located on the real property that is for sale.

Sign, roof. A sign that extends above a roof or parapet wall of a building and that is wholly or partially supported by said roof.



Sign, semi-illuminated. Any sign that is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light.

Sign, snipe. Any sign of a material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, tree, light pole, utility pole or temporary structure or those staked into the ground, or any sign that is not securely fastened to a building or firmly anchored to the ground.

Sign, subdivision amenity. A sign directing traffic to amenities such as a clubhouse or swimming pool within the subdivision.

Sign, subdivision entrance. A detached sign identifying the subdivision, located at one or more of the subdivision entrances.

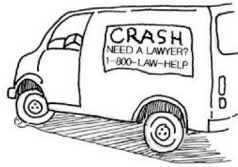


Sign, temporary. A sign not intended, designed or installed for permanent display.

Sign, under canopy. A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks or right-of-way.



Sign, vehicle. A sign attached to, placed upon, mounted, painted, pasted, or drawn on any vehicle or trailer that is parked on a property for the principal purpose of displaying the sign message and is not regularly and customarily used in the operation of the business.



Sign, wall. A sign attached to or erected against an exterior wall of a building or structure that projects not more than 12 inches from a wall and presents only one face with advertising copy to the public and does not extend above the roof line.



Site plan. An accurately scaled development plan that illustrates the existing conditions on a parcel as well as depicting details of a proposed development, including topographic characteristics; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening.

Special flood hazard area. See "area of special flood hazard."

Special hazard area. An area having special flood hazards and shown on an FHBM, FIRM, or FBFM as zones (unnumbered or numbered) A and AE.

Start of construction. Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements were within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, and work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or sidewalks, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction"

means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency. That agency of the state government or other office designated by the governor of the state or by state statute at the request of the Federal Flood Insurance Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

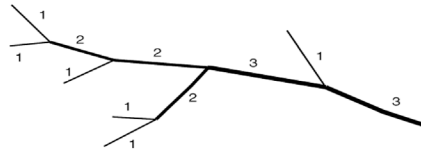
Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Stream. Any watercourse identified on the City of Belton Stream Map.

Stream centerline. The sloping land that contains the stream channel and the normal flows of the stream.

Stream channel. The portion of a watercourse that contains the base flow of the stream.

Stream order. The Strahler classification system for streams based on stream hierarchy and the position within a watershed. The smaller the stream, the lower its numerical classification. Stream order is determined by a combination of factors, including the confluence of smaller streams, increased flow from contributing water sources and the size of the watershed that feeds the stream. First order streams are the smallest streams regulated by this section; the term does not include roadside ditches. When two first-order streams come together, they form a second-order stream. When two second-order streams come together, they form a third-order stream. Streams of lower order joining a higher order stream do not change the order of the higher stream. Thus, if a first order stream joins a second-order stream, it remains a second-order stream. It is not until a second order stream combines with another second-order stream that it becomes a third-order stream. Streams orders are designated on the City of Belton Stream Map. An example of stream orders is shown below.



Street. A right-of-way dedicated to the public use which provides vehicular and pedestrian access to adjacent properties.

Street, intersecting. Any street, which joins another street, whether or not it crosses the other.

Street line. A dividing line between a lot, tract, or parcel of land and the contiguous street.

Street hierarchy. The conceptual arrangement of streets based upon the function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.

Street network. The following street designations are adopted as a part of the transportation component of the comprehensive plan.

- (1) Local streets: provides access to properties.
- (2) Collector streets: conducts traffic from local streets to arterial streets, with access to properties.
- (3) Arterial streets: carries traffic out of and through the area, subject to certain control of entrances, exits and curb cuts.

Structure.

- (1) Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, "structures" include buildings, walls, fences, signs, billboards, sheds, towers, and bins. For purposes of this section, central air-conditioning condensing

units and similar cooling system apparatus, other than so-called "window" or "room" conditioners, will be considered as structures.

- (2) For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance purposes, "structure" means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Stub street. A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plat.

Subdivider. A person, firm, corporation, partnership, or association which causes land to be divided into a subdivision for itself or for others.

Subdivision. The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "re-subdivision," and the term "re-subdivision," as used herein, will include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purposes, which vary from the latest, approved plat of the same.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surveyor. A professional land surveyor registered in the State of Missouri.

Trailer, hauling. A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer, travel or camper. A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place or residence of the occupants.

Transient guest means any person who rents and occupies a guest room in a lodging establishment for a period of less than 31 days.

Trash receptacle. A container used for the temporary storage of rubbish or materials pending collection.

Unified Development Code. The terms "Unified Development Code," "these regulations," or "this Code" mean the requirements contained in the Unified Development Code of the City of Belton.

Unit of development. A lot, parcel, building site, or building proposed in a development or subdivision.

Use. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

USGS. United States Coast and Geodetic Survey.

Variance.

- (1) A waiver from compliance with a specific provision granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of this section.
- (2) A grant of relief by the community from the terms of a floodplain management regulations. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification or other evidence of compliance required by this section is presumed to be in violation until such time as that documentation is provided.

Visitor means an individual visiting a person or place temporarily, especially socially.

Water ponding area. Limits of the area inundated as a result of run-off from the 100-year storm.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

Watercourse. The natural stream channel. A running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, and streams. It must flow in a definite channel, having a bed or banks. It must be something more than mere surface drainage over the land.

Watershed. The land area that drains into a particular stream.

Wireless communication facility. A facility related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. The wireless communication facility use category includes all associated equipment unless the written context clearly indicates that another meaning is intended. The term "associated equipment" is to be read broadly and in context. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.

Yard. A space on the same lot with a main structure, open, unoccupied and unobstructed by structures from the ground upward.

Yard, front. A yard located in the front of a lot between the front property line and the main building or any projection thereof, excluding steps and un-enclosed porches having a height of no greater than three feet, and also extending from side lot line to side lot line.

Yard, rear. A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, un-enclosed balconies or un-enclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. The rear yard shall in all cases be at the opposite end of the lot from the front yard.

Zoning administrator. The person or persons authorized and empowered by the city manager to administer the requirements of these zoning regulations.

Zone, district or zoning district. A portion of the city the boundaries of which are designated on the official zoning map and for which the regulations governing the use, height, area, size, and intensity of use of buildings and land are uniform.

(UDC 2010, § 2.1; Ord. No. 2005-3171, 9-6-2005; Ord. No. 2007-3317, 2-27-2007; Ord. No. 2008-3475, 8-12-2008; Ord. No. 2011-3736, § 1, 7-26-2011; Ord. No. 2012-3880, § 1, 12-18-2012; Ord. No. 2013-3937, § 1, 7-23-2013; Ord. No. 2015-4073, § 1, 3-10-2015; Ord. No. 2018-4414, § 1, 3-13-2018; Ord. No. 2018-4477, § 1, 11-27-2018; Ord. No. 2019-4529, § 1, 7-9-2019; Ord. No. 2021-4604, § 1, 1-12-2021)

State law reference(s)—Similar definitions, RSMo 315.005.

Chapter 40 – Use-Specific Standards – Residential, Commercial, Other; is hereby repealed in its entirety and replaced with the following:

Chapter 40 – Land Uses and Use-Specific Standards

Sec. 40-1. Land Uses and Definitions.

- (a) *Use groups.* The use table classifies land uses into thirteen (13) major groupings: Agriculture, Residential, Institutional and Civic, Commercial Services, Restaurant and Retail, Office, Lodging, Marijuana, Auto-Oriented, Arts and Crafts Manufacturing and Production, Industrial, Waste-Related, and Miscellaneous. These are referred to as "use groups."
- (b) *Use categories.* Each use group is further divided into "use categories." These categories classify land uses based on common characteristics, such as the type of products sold, site conditions or the amount of activity on the site.
- (c) *Determination of land use category.* When a land use cannot be classified into a use category or appears to fit into multiple categories, the community development director is authorized to determine the most appropriate use category.
- (d) *Permitted uses.* Uses identified with a "P" in the use table are permitted by right in the designated zoning districts, subject to compliance with all other applicable provisions of this Code.
- (e) *Uses subject to conditions.* Uses identified with a "C" in the use table are permitted by-right in the designated zoning districts, subject to compliance with all conditions of this chapter and with all other applicable provisions of this Code.
- (f) *Special use permits.* Uses identified with an "S" in the use table may be allowed in the designated zoning districts if approved with the granting of a special use permit. Approved special uses are subject to compliance with all special use standards and all other applicable provisions of this Code.
- (g) *Prohibited uses.* Uses identified with a "-" in the use table are expressly prohibited. Uses not listed in the use table are also prohibited unless the community development director determines that the use fits into an existing use category.
- (h) *Land Use Table and land use definitions.*
 - (1) Agriculture Uses
 - a. Base zoning districts

Commented [MW1]: Revised from 5 use groups to 13 use groups.

Commented [MW2]: Added "special use standards."

AGRICULTURE USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Garden – Community	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	40-4 (1)
Garden - Home	C	C	C	C	C	C	C	-	-	C	C	C	-	-	-	40-4 (2)
Farming	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Stables	S	-	-	S	-	-	-	-	-	-	-	-	-	-	-	40-3 (1)

Commented [MW3]: Added new garden uses.

Commented [MW4]: Revised to require SUP to protect adjacent properties.

b. North Scott Corridor Overlay District

AGRICULTURE USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Garden – Community	C	C	C	C	-	-	-	40-4 (1)
Garden - Home	C	C	-	C	C	C	-	40-4 (2)
Farming	-	-	-	-	-	-	-	-
Stables	-	-	-	-	-	-	-	-

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Agriculture Uses: This use group includes uses that are most common in agricultural zoning districts that include the production of food and horticultural products, as well as the keeping of livestock.

Garden – Community: An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Garden – Home: A garden that is maintained as an accessory use on the premises of a residential dwelling unit that is used to grow and harvest food and/or horticultural products for personal consumption or for sale or donation.

Farming: The use of a tract of land for the growing of crops, pasturage, nursery of the raising of livestock and poultry, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots, sales yards and auction yards for cattle and hogs.

Stables: Facilities used for horses, including horse ranches; boarding stables; riding schools and academies; horse exhibition facilities; and any bar, stables, corrals and paddocks incidental to these uses.

(2) Residential Uses

a. Base zoning districts

RESIDENTIAL USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Single-Family, Detached	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Single-Family, Attached	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Two-Family (Duplex)	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Multi-Family (3+ units)	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Apartment Community	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Cluster Residential Development	-	P	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	40-4 (3)
Dwelling Units Above Ground Floor	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
Employee Living Quarters	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Assisted Living	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	40-4 (4)
Residential Care Facility	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	40-4 (4)
Transitional Living	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	40-3 (3)
Group Home	-	C	C	C	C	C	C	-	-	-	-	-	-	-	-	40-4 (5)
Homeless Shelter	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	40-3 (4)
Group Living not otherwise classified	-	-	-	-	-	S	S	S	S	-	S	S	-	-	-	40-3 (4)

Commented [MW5]: Added Homeless Shelter and require SUP in R-3/R-3A zoning districts, same as Transitional Living.

Commented [MW6]: Revised to require SUP, removed from R-1-R-2 zoning districts, added to certain commercial zoning districts to accommodate dormitories accessory to campuses and other group living that are appropriate in commercial zoning districts.

b. North Scott Corridor Overlay District

RESIDENTIAL USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Single-Family, Detached	P	P	-	-	-	-	-	-
Single-Family, Attached	P	P	-	-	-	-	-	-
Two-Family (Duplex)	P	P	-	-	-	-	-	-
Multi-Family (3+ units)	P	P	-	-	-	-	-	-
Apartment Community	P	P	-	-	-	-	-	-
Cluster Residential Development	P	P	-	-	-	-	-	-
Manufactured Home Park	C	-	-	-	-	-	-	40-4 (3)
Dwelling Units Above Ground Floor	-	-	-	P	P	P	-	-
Employee Living Quarters	-	-	-	-	-	-	-	-
Assisted Living	C	C	-	-	-	-	-	40-4 (4)
Residential Care Facility	C	C	-	-	-	-	-	40-4 (4)
Transitional Living	S	S	-	-	-	-	-	40-3 (3)
Group Home	C	C	-	-	-	-	-	40-4 (5)
Homeless Shelter	S	S	-	-	-	-	-	40-3 (4)
Group Living not otherwise classified	S	S	S	-	S	S	-	40-3 (4)

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Residential Uses: This use group includes dwelling units in various household formats, including units for single-family households and group housing within facilities with shared services.

Single-Family, Detached: A dwelling unit designed for one family that does not share a common wall with any other dwelling and is surrounded on all sides by open space located on the same lot.

Single-Family, Attached: A dwelling unit designed for one-family having its own ground floor entrance and open space, and joined to two or more dwellings by common walls or other horizontally unifying structural element. This use type includes townhouses, row-houses, and other similar dwelling types.

Two-Family (Duplex): A building designed for or occupied exclusively by two families. A two-family dwelling also includes the terms "duplex" and "two-flat."

Multi-Family (3+ units): A building designed for or occupied exclusively by three or more families. A multifamily dwelling also includes the terms "tri-plex," "quad-plex" and "four-plex."

Apartment Community: A group of two or more multifamily dwellings occupying a parcel of land in one ownership and having a park or court in common, but not including motels or other lodging uses.

Cluster Residential Development: Dwelling units permitted on smaller lots in exchange for preserving common open-spaces, natural features, and other amenities.

Manufactured Home Park: Any area, piece, parcel, tract or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "manufactured home park" does not include sales lots of which unoccupied manufactured homes are parked for the purpose of inspection and sale.

Dwelling Units above ground floor: Dwelling units located above the ground-floor of a non-residential use or space located within the same building.

Employee Living Quarters: Living quarters for persons employed on the premises and not rented otherwise as a separate dwelling.

Assisted Living: A group living facility that provides health and living services for persons who because of age, illness or infirmity cannot live independently, but do not require continuous care.

Residential Care Facility: A group living facility providing 24-hour bed care and in-patient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

Transitional Living: State licensed group-care homes for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement and residential rehabilitation treatment centers which also may provide out-patient rehabilitation for alcohol and other drug abuse.

Group Home: A single-family dwelling serving as a group home in which eight or fewer unrelated mentally or physically handicapped persons reside and may include two additional persons acting as house parents or guardians who need not be related to each other or any of the mentally or physically handicapped persons residing in the home. ~~Provided, however, that any home meeting this definition shall generally conform to the appearance within the neighborhood constructed and, in order to maintain reasonable densities, no group home shall be permitted within one square mile of another group care home, a halfway house or a residential care facility.~~

Commented [MW7]: Removed from current definition - this is a condition/standard, not a definition.

Homeless Shelter: A facility providing temporary housing to indigent, needy, homeless, or transient persons, and may also provide ancillary services such as counseling, meals, vocational training, etc.

Group Living not otherwise classified: Residential uses other than household living that provides common kitchen/dining facilities that fall outside of the definitions of assisted living, residential care facility, transitional living, group home, and homeless shelter.

(3) Institutional and Civic Uses

a. Base zoning districts

INSTITUTIONAL AND CIVIC USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
College or University	-	-	-	-	-	-	-	S	S	-	S	S	S	S	-	40-3 (5)
Cultural Facility	S	S	S	S	S	S	S	P	S	P	P	S	S	S	S	40-3 (6)
Library	S	S	S	S	S	S	S	P	P	P	P	P	P	-	-	40-3 (7)
Government and Public Safety Facilities, Offices, and Services	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	40-4 (6)
Hospital	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	-
Parks and Open Space	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	40-4 (7)
Religious Assembly	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	40-4 (8)
School	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	40-4 (9)
Social Club or Lodge	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Utilities – Minor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	40-4 (10)
Utilities – Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	40-3 (8)

- Commented [MW8]:** Added to BP and M-1 zoning to accommodate business/technology campuses.
- Commented [MW9]:** Converted to SUP for residential and more intensive commercial/industrial zoning districts. Allowed by right in parks and lower intensity commercial zoning districts.
- Commented [MW10]:** Converted to SUP in residential zoning districts, expanded to allow in commercial zoning districts where existing and most appropriate.
- Commented [MW11]:** Expanded permitted locations to all commercial and industrial zoning districts.
- Commented [MW12]:** Removed from C-1 zoning, added to BP and M-1 zoning.
- Commented [MW13]:** Added use group and permitted with conditions in all zoning districts except for M-2 (for safety purposes).
- Commented [MW14]:** Expanded to allow in all zoning districts.
- Commented [MW15]:** Expanded to allow in all zoning districts.
- Commented [MW16]:** Expanded to allow "minor" with conditions in all zoning districts and "major" with a SUP in all zoning districts (previously not permitted in commercial and industrial zoning).

b. North Scott Corridor Overlay District

INSTITUTIONAL AND CIVIC USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
College or University	-	-	S	-	S	S	-	40-3 (5)
Cultural Facility	S	S	S	P	P	S	S	40-3 (6)
Library	S	S	P	P	P	P	P	40-3 (7)
Government and Public Safety Facilities, Offices, and Services	C	C	P	P	P	P	P	40-4 (6)
Hospital	-	-	P	-	P	P	P	-
Parks and Open Space	C	C	C	C	C	C	C	40-4 (7)
Religious Assembly	C	C	P	P	P	P	P	40-4 (8)
School	C	C	P	P	P	P	P	40-4 (9)
Social Club or Lodge	-	-	P	P	P	P	P	-
Utilities – Minor/Accessory	C	C	C	C	C	C	C	40-4 (10)
Utilities – Major	S	S	S	S	S	S	S	40-3 (8)

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Institutional and Civic Uses: This use group includes public and semi-public facilities and institutions that support the community.

College or University: Institution of higher learning that offers courses of general or specialized study leading to a degree and is certified by the state or a recognized accredited agency.

Cultural Facility: A nonprofit institution engaged primarily in the performing arts or in the display of objects of interest in the arts or sciences that is open to the public on a regular basis, including performing arts centers, museums, historical sites, art galleries, libraries, zoos, aquariums, and observatories.

Library: A publicly-operated facility housing a collection of books, magazines, newspapers, digital records, and other material for borrowing and use by the public.

Government and Public Safety Facilities, Offices, and Services: Facilities owned or operated by a government entity and providing services for the public, excluding utilities. Typical uses include post offices, public safety and emergency services, and administrative offices of government agencies.

Hospital: Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

Parks and Open Space: A park, playground, recreational facility, or passive or active open space that may be owned publicly, in common, or privately. This use includes community centers, neighborhood or community swimming pools, dog parks, picnic facilities, and related accessory structures, including restrooms and concessions.

Religious Assembly: Religious uses commonly involving public assembly as customarily occurs in churches, synagogues, and temples.

School: Public or private institutions that provide state-mandated basic education at the elementary, middle or high school level.

Social Club or Lodge: Any establishment, public or private, commercial, nonprofit, that provides a gathering place for people, with or without food and beverage, commonly known as, but not limited to the following: teen centers; youth centers; senior centers; and civic and fraternal organizations, but excluding bars, nightclubs, and indoor entertainment.

Utilities – Minor/Accessory: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles, lines, and cabinets, which may be located on private or public property, including within the right-of-way.

Utilities – Major: Services and utilities that have substantial impacts on surrounding areas, including but not limited to water and wastewater treatment facilities, public works garages, major water storage facilities, pumping stations, electric substations, gas regulator stations, telephone transmission structures, radio, and television and microwave relay towers.

(4) Commercial Service Uses

a. Base zoning districts

COMMERCIAL SERVICE USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Adult Business	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	40-4 (11)
Animal Services																
• Pet Care Services	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-
• Kennel	-	-	-	-	-	-	-	-	-	S	S	-	-	S	S	40-3 (9)
• Veterinary Services	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Banks and Financial Services																
• Bank	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
• Consumer Loan Establishment	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	40-3 (10)
• Payday Loan Store	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	40-3 (10)
• Pawn Shop	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	40-4 (12)
Body Art Services	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Building or Ground Maintenance Services																
• No Outdoor Storage	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	40-4 (13)
• With Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	40-4 (13)
Construction Sales and Services																
• No Outdoor Storage	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	40-4 (14)
• With Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	40-4 (14)
Day Care Center, if State license required	S	S	S	S	S	S	S	-	S	S	S	S	S	S	-	40-3 (11)
Entertainment – Indoor	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Entertainment - Outdoor	-	-	-	-	-	-	-	-	-	-	S	S	S	S	-	40-3 (12)

Commented [MW17]: Given the low intensity of this use, modified to permitted by right in C-1 zoning. Only kennels require SUP.

Commented [MW18]: Removed SUP requirement.

Commented [MW19]: Added new use to accommodate landscaping and exterminating companies. Added with and without outdoor storage. No outdoor storage allowed in C-2.

Commented [MW20]: Added to Construction Sales and Services, consistent with new Building or Ground Maintenance Services use.

COMMERCIAL SERVICE USES (continued)																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Funeral and Internment Services																
• Cemetery	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	40-3 (13)
• Crematorium	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	40-3 (13)
• Funeral Home	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-
Medical Services	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Personal and Consumer Services	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Social Services	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-

Commented [MW21]: Added SUP requirements.

b. North Scott Corridor Overlay District

COMMERCIAL SERVICE USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Adult Business	-	-	-	-	-	-	-	-
Animal Services								
• Pet Care Services	-	-	-	P	P	P	-	-
• Kennel	-	-	-	S	S	-	-	40-3 (9)
• Veterinary Services	-	-	-	P	P	P	-	-
Banks and Financial Services								
• Bank	-	-	P	P	P	P	P	-
• Consumer Loan Establishment	-	-	-	-	-	-	-	-
• Payday Loan Store	-	-	-	-	-	-	-	-
• Pawn Shop	-	-	-	-	-	-	-	-
Body Art Services	-	-	-	-	-	-	-	-
Building or Ground Maintenance Services								
• No Outdoor Storage	-	-	-	-	C	-	C	40-4 (13)
• With Outdoor Storage	-	-	-	-	-	-	-	-
Construction Sales and Services								
• No Outdoor Storage	-	-	-	-	C	-	C	40-4 (14)
• With Outdoor Storage	-	-	-	-	-	-	-	-
Day Care Center, if State license required	S	S	S	S	S	S	S	40-3 (11)
Entertainment – Indoor	-	-	-	-	P	P	P	-
Entertainment - Outdoor	-	-	-	-	S	S	S	40-3 (12)
Funeral and Internment Services								
• Cemetery	-	-	-	-	-	-	-	-
• Crematorium	-	-	-	-	S	S	-	40-3 (13)
• Funeral Home	-	-	-	-	P	P	P	-
Medical Services	-	-	P	P	P	P	P	-
Personal and Consumer Services	-	-	P	P	P	P	P	-
Social Services	-	-	-	-	P	P	P	-

Commented [MW22]: Due to the limited geographic area of the Overlay, cemetery has been removed as an appropriate land use.

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Commercial Service Uses: This use group includes commercial uses that provide services to the general public, including on-site interaction with customers and patrons.

Adult Business: See definition of “Adult Business” and related terms in UDC Section 1-5.

Animal Services – Pet Care Services: A facility that provides limited boarding, grooming, sitting, and training of pets with no outdoor runs or kennels. Typical uses include pet stores, pet grooming shops, and pet daycare facilities.

Animal Services – Kennel: A facility that provides boarding, breeding, and sheltering of animals that include outdoor kennels or runs. Typical uses include boarding kennels, breeding kennels, and animal rescue shelters. This use includes any animal services use that include outdoor runs.

Commented [MW23]: Revised these definitions based on current functions of animal service uses.

Animal Services – Veterinary Services: A facility that provides care, observation, or treatment of domestic animals.

Bank: Financial or securities brokerage services, including but not limited to banks, savings and loan or consumer investment businesses.

Consumer Loan Establishment: Any business that makes loans in a principal amount not exceeding \$25,000.00 secured other than by a mortgage or lien on the borrower's real property or on personal property acquired by the borrower with the proceeds of the loan, not including any bank, savings bank, savings and loan association or credit union. Includes title loan businesses.

Payday Loan Store: An establishment other than a bank that engages in the business of offering payday loans, cashing checks or other exchanging currency. A "Payday Loan" is a loan transaction where a posted-dated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan. Includes check cashing services.

Pawn Shop: An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawnor or pledger.

Body Art Services: Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Missouri Medical Board, which may not be performed in a body art services establishment.

Building or Ground Maintenance Services: Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

Construction Sales and Services: Establishments that construct, or assist in, the construction of buildings and improvements, including, but not limited to: HVAC contractors, painters, plumbers, roofers, carpenters, electricians, and general contractors.

Day Care Center, if State license required: A business that provides care, protection, and supervision of individuals away from their primary residence.

Entertainment – Indoor: A use offering recreation, entertainment, or games of skill to the public for a fee or charge and that is fully located in an enclosed buildings. Typical uses include bowling alleys, concert halls, theaters, pool or billiard halls, arcades, and escape rooms.

Entertainment – Outdoor: A use offering recreation, entertainment, or games of skill to the public for a fee or charge and that is fully or partially located outdoors. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, outdoor concerts, performances or plays, and miniature golf courses.

Cemetery: Land or facilities used for burial of the deceased, including a mausoleum or columbarium.

Crematorium: An establishment providing services for the reduction of bodies of deceased persons to cremated remains.

Funeral Home: An establishment providing services of preparing the deceased for burial and arranging or managing funerals.

Medical Services: An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine.

Personal and Consumer Services: Sale of any service to individual customers for informational, instructional, personal improvement, and similar services of a nonprofessional manner. Typical uses include beautician and barber services,

specialized instruction, laundry and dry cleaning services, health clubs, yoga or dance studios, non-automotive repair shops, and similar services.

Social Services: An establishment that provides social assistance directly to clients such as children, elderly persons, homeless persons, veterans, and persons with disabilities. Social assistance may include clothing, food, medical relief, counseling, or training. Typical uses include services that provide clothing, food, and employment assistance, but do not provide accommodations or shelter.

(5) Restaurant and Retail Uses

a. Base zoning districts

RESTAURANT AND RETAIL USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Eating and Drinking Establishments																
• Restaurant, No Drive Thru	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
• Restaurant, With Drive Thru	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	40-4 (16)
• Bar or Tavern	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
• Banquet Facility or Event Space	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Farmer's Markets	S	-	-	-	-	-	-	P	-	S	S	-	-	-	-	40-3 (2) 40-3 (14)
Retail Sales																
• Small Retail (up to 100,000-gfa)	S	-	-	-	-	-	-	-	P	P	P	P	P	P	-	40-3 (2)
• Large Retail (100,000-gfa +)	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
• Liquor Store	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
• Tobacco Shop	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	40-4 (17)

- Commented [MW24]:** Added drive-thru restaurant use and conditions in C-1 that drive-thrus are only permitted on E. North Ave. frontage in Old Town Overlay.
- Commented [MW25]:** Change from "C" to "P" in C-1.
- Commented [MW26]:** Added Banquet Facility or Event Space allowing them in commercial and BP zoning districts.
- Commented [MW27]:** Added Farmer's Markets, allowing them by right on Parks property and with SUP in C-1, C-2, and A zoning.
- Commented [MW28]:** Expanded small retail uses to allow them in BP and M-1 zoning districts, as well as an accessory with a SUP in A zoning.

b. North Scott Corridor Overlay District

RESTAURANT AND RETAIL USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Eating and Drinking Establishments								
• Restaurant, No Drive Thru	-	-	-	P	P	P	P	-
• Restaurant, With Drive Thru	-	-	-	P	P	P	P	-
• Bar or Tavern	-	-	-	P	P	P	P	-
• Banquet Facility or Event Space	-	-	-	P	P	P	P	-
Farmer's Markets	-	-	-	S	S	-	-	40-3 (14)
Retail Sales								
• Small Retail (up to 100,000-gfa)	-	-	P	P	P	P	P	-
• Large Retail (100,000-gfa +)	-	-	-	-	P	P	P	-
• Liquor Store	-	-	-	-	-	-	-	-
• Tobacco Shop	-	-	-	-	-	-	-	-

Commented [MW29]: Change from "C" to "P" in C-1-NS.

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Restaurant and Retail Uses: This use group includes restaurant and retail uses that provide goods to the general public, including on-site customers and patrons.

Restaurant, no drive thru: An establishment where the primary business is the sale of prepared food and beverages to customers without a drive-thru.

Restaurant, with drive thru: An establishment where the primary business is the sale of prepared food and beverages to customers with a drive-thru option.

Bar or Tavern: An establishment primarily engaged in serving alcoholic beverages for consumption on the premises and in which the serving of prepared food and live entertainment may be provided.

Banquet Facility or Event Space: An establishment that provides space for private events that may include the catering and/or serving of food and beverage.

Farmer's Market: A structure or place where agricultural products or consumer goods are brought by individual producers for the purposes of retail sales. The structure from which produce and goods are sold need not be portable or capable of being dismantled or removed from the site.

Small Retail (up to 100,000 gfa): Businesses that sell, lease, or rent new or used products to the general public that are not intended for resale with a gross floor area of less than 100,000 square feet.

Large Retail (100,000 gfa+): Businesses that sell, lease, or rent new or used products to the general public that are not intended for resale with a gross floor area of 100,000 square feet or greater.

Liquor Store: A retail store where more than twenty-five percent (25%) of the floor area of the sales floor area is devoted to the sale, display, or storage of beer, wine, or distilled spirits.

Tobacco Shop: A retail store where more than twenty-five (25%) of the floor area of the sales floor area is devoted to the sale, display, or storage of tobacco-related products, including, but not limited to: cigarettes, cigars, pipe tobacco, loose tobacco, cigarette papers, pipes, and electronic and vapor cigarettes and related products.

(6) Office Uses

a. Base zoning districts

OFFICE USES																
Uses	Zoning Districts													Conditional or Special Use Provisions		
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP		M-1	M-2
Business Support Services	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Office	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Research and Development	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-

b. North Scott Corridor Overlay District

OFFICE USES								
Uses	Zoning Districts						Conditional or Special Use Provisions	
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS		FCI
Business Support Services	-	-	P	P	P	P	P	-
Office	-	-	P	P	P	P	P	-
Research and Development	-	-	-	-	-	-	P	-

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Office Use: This use group includes administrative, executive, financial, or operational functions of a business where the principal functions are employment and related activities that do not typically involve frequent interaction with customers, clients, or the general public.

Business Support Services: Provision of clerical, employment, protective or minor processing services to firms rather than individuals, excluding any storage of goods other than samples. Typical uses include secretarial services, telephone answering services, information technology services, and copying or blueprint services. Also, includes business or trade schools that do not involve any outdoor storage or manufacturing processes.

Office: Professional, governmental, executive, management, or administrative offices of private, public, or non-profit organizations.

Research and Development: An establishment primarily engaged in the research, development and controlled production of high technology electronics, industrial or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components. Includes government research such as space research and technology.

(7) Lodging Uses

a. Base zoning districts

LODGING USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Bed and Breakfast	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	40-4 (18)
Hotel or Motel	-	-	-	-	-	-	-	-	P	U	P	P	P	-	-	40-3 (15)
Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Short-Term Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Commented [MW30]: Added SUP option for hotel/motel in C-1 for Old Town Overlay.

Commented [MW31]: RV Parks are not currently permitted. Added to show as unpermitted. If there is interest in permitting this in the future, staff can research appropriate zoning districts and standards.

Commented [MW32]: Tourist houses (retitled to short-term rentals) are not currently permitted. Added to show as unpermitted. If there is interest in permitting this in the future, staff can research appropriate standards.

b. North Scott Corridor Overlay District

LODGING USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Bed and Breakfast	-	-	-	-	-	-	-	-
Hotel or Motel	-	-	P	-	P	P	P	-
Recreational Vehicle Park	-	-	-	-	-	-	-	-
Short-Term Rental	-	-	-	-	-	-	-	-

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Lodging Use: This use group includes lodging establishments in a variety of formats that serve transient guests.

Bed and Breakfast: An establishment that is in a private residence with guest rooms that are supplied for short-term rent to transient guests who are lodged for compensation and making available services normally provided by hotels.

Hotel or Motel: A use used, maintained, or advertised as a place where sleeping accommodations, in rooms without individual kitchens, are supplied for short-term rent to transient guests. A hotel may include accessory uses, including restaurants, taverns, banquet facilities, ballrooms, and meeting rooms.

Recreational Vehicle Park: An establishment where temporary accommodations are provided for recreational vehicles or travel trailers open to the public either for free or for a fee.

Short-Term Rental: The rental of an existing residential building or unit that is rented for less than thirty (30) days at a time.

(8) Marijuana Uses

a. Base zoning districts

MARIJUANA USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Medical Marijuana Dispensary	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	40-4 (19)
Comprehensive Marijuana Dispensary Facility	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	40-4 (19)
Microbusiness Dispensary Facility	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	40-4 (19)
Medical Marijuana Cultivation Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)
Comprehensive Marijuana Cultivation Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)
Medical Marijuana-Infused Products Manufacturing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)
Comprehensive Marijuana-Infused Products Manufacturing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)
Microbusiness Wholesale Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)
Medical Marijuana Testing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)
Transportation Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	40-4 (19)

b. North Scott Corridor Overlay District

MARIJUANA USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Medical Marijuana Dispensary	-	-	-	-	C	-	-	40-4 (19)
Comprehensive Marijuana Dispensary Facility	-	-	-	-	C	-	-	40-4 (19)
Microbusiness Dispensary Facility	-	-	-	-	C	-	-	40-4 (19)
Medical Marijuana Cultivation Facility	-	-	-	-	-	-	C	40-4 (19)
Comprehensive Marijuana Cultivation Facility	-	-	-	-	-	-	C	40-4 (19)
Medical Marijuana-Infused Products Manufacturing Facility	-	-	-	-	-	-	C	40-4 (19)
Comprehensive Marijuana-Infused Products Manufacturing Facility	-	-	-	-	-	-	C	40-4 (19)
Microbusiness Wholesale Facility	-	-	-	-	-	-	C	40-4 (19)
Medical Marijuana Testing Facility	-	-	-	-	-	-	C	40-4 (19)
Transportation Facility	-	-	-	-	-	-	C	40-4 (19)

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Marijuana Uses: This use group includes State-licensed medical marijuana and comprehensive marijuana facilities.

Medical Marijuana Dispensary: A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

Comprehensive Marijuana Dispensary Facility: A facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as allowed by applicable law to a qualifying patient or primary caregiver, as defined by law, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of applicable laws and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri Constitution and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness Dispensary Facility: A facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as allowed by law to a qualifying patient or primary caregiver, as defined by law, or to a consumer, anywhere on the licensed property or to any address as directed by the qualifying patient, primary caregiver, or consumer and consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in

person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Medical Marijuana Cultivation Facility: A facility licensed by the Missouri Department of Health and Senior Services, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility: A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical Marijuana-Infused Products Manufacturing Facility: A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

Comprehensive Marijuana-Infused Products Manufacturing Facility: A facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

Microbusiness Wholesale Facility: A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (clones) and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Medical Marijuana Testing Facility: A facility certified by the Missouri Department of Health and Senior Services, to acquire, test, certify, and transport marijuana.

Transportation Facility: A facility licensed as such by the Missouri Department of Health and Senior Services in connection with the transportation and storage of medical marijuana.

(9) Auto-Oriented Uses

a. Base zoning districts

AUTO-ORIENTED USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Car Wash	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	40-3 (16)
Gas Station	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	40-3 (17)
Vehicle Repair – Minor	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	40-3 (18)
Vehicle Repair – Major	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	40-3 (19)
Vehicle Repair - Heavy	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	40-3 (19)
Vehicle and Equipment Sales – General	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	40-3 (20)
Vehicle and Equipment Sales – Heavy	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	40-3 (20)
Vehicle and Equipment Storage and Towing	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	40-3 (21)

Commented [MW33]: Due to the intensity and the potential for nuisances with auto-oriented uses, all auto-oriented uses previously permitted by right or subject to conditions have been revised to require a SUP.

b. North Scott Corridor Overlay District

AUTO-ORIENTED USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Car Wash	-	-	-	-	-	-	-	-
Gas Station	-	-	-	-	S	S	S	40-3 (17)
Vehicle Repair – Minor	-	-	-	-	-	-	-	-
Vehicle Repair – Major	-	-	-	-	-	-	-	-
Vehicle Repair – Heavy	-	-	-	-	-	-	-	-
Vehicle and Equipment Sales – General	-	-	-	-	-	-	-	-
Vehicle and Equipment Sales – Heavy	-	-	-	-	-	-	-	-
Vehicle and Equipment Storage and Towing	-	-	-	-	-	-	-	-

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Auto-Oriented Uses: This use group includes auto-oriented uses where the principal use is for the fueling, servicing, selling, or renting of automobiles and related vehicles or equipment.

Car Wash: Any building or site providing facilities for washing motor-vehicles, using either automatic equipment or providing space and equipment for handwashing of vehicles by either customers or employees.

Gas Station: Any building or premises whose principal use is the dispensing, sale or offering for sale at retail of any motor-vehicle fuels, oil or accessories, where repair service or car wash facilities is incidental, where no motor vehicle storage is present and where no motor vehicles are offered for sale.

Vehicle Repair – Minor: A facility for passenger cars and trucks that provides replacement or repair of vehicle parts and wear parts that does not involved body work or painting or require the removal of the engine, head or pan, transmission, or differential. Typical uses include glass installation, window tinting, brake and muffler shops, auto detailing, radio and stereo installation, tire and battery stores, tune-up, quick lube and fluid change businesses, and auto diagnostic centers.

Vehicle Repair – Major: A facility for passenger cars and trucks providing services other than those outlined in “Vehicle Repair – Minor.” Typical uses include more intensive vehicle repair services, such as auto body repair and painting, engine overhaul and replacement, transmission repair and replacement, but excluding the repair or servicing of commercial vehicles or heavy equipment.

Vehicle Repair – Heavy: A facility providing services outlined in “Vehicle Repair – Minor” and “Vehicle Repair – Major” for the repair or servicing of commercial vehicles or heavy equipment.

Vehicle and Equipment Sales – General: Businesses that sell, lease, rent or wholesale from the premises automobiles, noncommercial trucks, motorcycles, trailers with less than 10,000 pounds of gross cargo capacity, motor homes and boat dealers, along with incidental maintenance. Typical uses include car dealerships, recreational vehicle and boat dealerships, and rental car establishments.

Vehicle and Equipment Sales – Heavy: The sale, retail, wholesale, or rental from the premises of heavy construction equipment, commercial vehicles, trucks, and trailers, together with incidental maintenance. Typical uses include heavy construction equipment dealers, tractor trailer sales, and moving truck rental establishments.

Vehicle and Equipment Storage and Towing: Land or building used primarily for the collecting and storage of vehicles and equipment. Typical uses include towing service lots or the storage of vehicles, recreational vehicles, and boats as a principal use. This use does not include heavy equipment storage, salvage or junk yards, or storage yards for materials or supplies.

(10) Arts and Crafts Manufacturing and Production Uses

a. Base zoning districts

ARTS AND CRAFTS MANUFACTURING AND PRODUCTION USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Arts and Crafts Studios and Galleries	S	-	-	-	-	-	-	P	P	P	P	P	P	P	-	40-3 (2)
Artisan Micro-Manufacturing	S	-	-	-	-	-	-	-	P	P	P	P	P	P	-	40-3 (2)
Artisan Food and Beverage Production	S	-	-	-	-	-	-	-	P	P	P	P	P	P	-	40-3 (2)
Artisan Alcoholic Beverage Production	S	-	-	-	-	-	-	-	P	P	P	P	P	P	-	40-3 (2)
Business Incubator / Makerspace / Co-Working	S	-	-	-	-	-	-	P	P	P	P	P	P	P	-	40-3 (2)

Commented [MW34]: This use group has been added along with 5 sub-uses to accommodate light arts/crafts manufacturing and production uses that are small businesses that have very few, if any, external impacts.

b. North Scott Corridor Overlay District

ARTS AND CRAFTS MANUFACTURING AND PRODUCTION USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Arts and Crafts Studios and Galleries	-	-	P	P	P	P	P	-
Artisan Micro-Manufacturing	-	-	P	P	P	P	P	-
Artisan Food and Beverage Production	-	-	P	P	P	P	P	-
Artisan Alcoholic Beverage Production	-	-	P	P	P	P	P	-
Business Incubator / Makerspace / Co-Working	-	-	P	P	P	P	P	-

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Arts and Crafts Manufacturing and Production Uses: This use group provides for the production, processing, and selling of handcrafted and small-scale artisan products, as well as the utilization of shared spaces to encourage the growth and development of small businesses.

Arts and Crafts Studios and Galleries: A use involving the production of works of art by individuals and assistants produced by the use of hand tools or domestic mechanical equipment and includes the displaying, loaning, and selling of art books, paintings, sculptures, or other works of art and accessory supplies.

Artisan Micro-Manufacturing: On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts of very small-scale manufacturing uses that have no negative external impacts on surrounding properties. Showrooms and sales of goods produced on-site are permitted.

Artisan Food and Beverage Production: On-site production or preparation of food made on site with limited to no automated processes involved and may include direct sales to or consumption by consumers on premise. Typical uses include small-batch bakeries, small-batch non-alcoholic beverage producers, small-batch candy or chocolate shops, local cheese makers and other specialty food production services. Total production areas typically occupy less than ten thousand square feet (10,000-sf.) in agricultural or commercial zoning districts, but may be larger in business park, flex commercial/industrial, and industrial zoning districts.

Artisan Alcoholic Beverage Production: On-site production of alcoholic beverages and may include direct sales to or consumption by customers on premise. Typical uses include micro-breweries, micro-wineries, and micro-distilleries. Sites may include tasting rooms. Total production areas typically occupy less than ten thousand square feet (10,000-sf.) in agricultural or commercial zoning districts, but may be larger in business park, flex commercial/industrial, and industrial zoning districts.

Business Incubator / Makerspace / Co-Working: A commercial or non-profit organization providing multiple individuals and small firms access to shared office, meeting, and production spaces for small businesses. Shared spaces may include small assembly spaces for education and training. Production spaces may include commercial kitchens that can be shared by multiple artisan food and beverage producers.

(11) Industrial Uses

a. Base zoning districts

INDUSTRIAL USES																	
Uses	Zoning Districts													Conditional or Special Use Provisions			
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP		M-1	M-2	
Manufacturing, Production, & Industrial Services																	
• Limited	-	-	-	-	-	-	-	-	-	-	S	S	P	P	P	40-3 (22)	
• General – Manufacturing & Production	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	40-3 (23)	
• General – Industrial Services	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	40-3 (23)	
• Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	40-3 (23)	
Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	40-3 (21)	
Self-Storage Facility – Indoor Climate Controlled	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	40-3 (24)	
Self-Storage Facility – Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	40-3 (25)	
Warehousing, Storage, Wholesale, and Distribution Facilities	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	

Commented [MW35]: Added limited manufacturing/production uses to be allowed as a special use in more-intensive commercial districts with size and nuisance limitations. There are some C-2 zoned areas where these uses are appropriate and encourage economic development (job creation, business expansion/development, etc.)

Commented [MW36]: Added this use to distinguish it from outdoor vehicle storage and tow lots.

Commented [MW37]: Added an indoor climate controlled storage facility use and allow it in BP zoning with a SUP. All storage facilities will require a SUP regardless of zoning.

Commented [MW38]: This use covers all other self-storage facilities and requires a SUP in industrial zoning districts (previously permitted by right).

Commented [MW39]: This has been changed from special use to permitted by right.

b. North Scott Corridor Overlay District

INDUSTRIAL USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Manufacturing, Production, & Industrial Services								
• Limited	-	-	-	-	S	S	P	40-3 (22)
• General – Manufacturing & Production	-	-	-	-	-	-	P	40-3 (23)
• General – Industrial Services	-	-	-	-	-	-	P	40-3 (23)
• Intensive	-	-	-	-	-	-	-	-
Outdoor Storage Yard	-	-	-	-	-	-	-	-
Self-Storage Facility – Indoor Climate Controlled	-	-	-	-	-	-	S	40-3 (24)
Self-Storage Facility – Warehouse	-	-	-	-	-	-	-	-
Warehousing, Storage, Wholesale, and Distribution Facilities	-	-	-	-	-	-	P	-

Commented [MW40]: Many commercial buildings in the N. Scott Corridor that are zoned C-2 and identified as "retail" in the Future Land Use Map are well-suited for small limited manufacturing/ production uses to encourage economic investment in the Corridor.

Commented [MW41]: Currently self-storage facilities are not permitted in the North Scott Overlay. This would introduce an option to allow an indoor climate controlled facility, which typically has the appearance of an office building, to the corridor. The more traditional warehouse-style facility is still not permitted as it doesn't fit within the design guidelines.

Commented [MW42]: This has been changed from special use to permitted by right.

- c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.
- d. Land use definitions

Industrial Uses: This use group provides for the production, storing, and handling of various products, including products that may be a nuisance or hazardous.

Limited Manufacturing, Production, & Industrial Services: Manufacturing of finished parts or products primarily from previously prepared materials, including but not limited to printing and related support activities; and the manufacturing and assembly of machinery, food, computer and electronic products, electrical equipment, appliance components, and furniture; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

General Manufacturing & Production: Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials, including but not limited to: textile mills, textile product mills, and the manufacturing of apparel, leather and allied products, and wood products.

General Industrial Services: Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or byproducts, including but not limited to welding shops, machine shops, industrial tool repair, laundry and dry-cleaning services, carpet cleaning plants, and photo-finishing laboratories.

Intensive Manufacturing, Production, & Industrial Services: Manufacturing of finished or unfinished products, primarily from extracted, raw, recycled or secondary materials, particularly those of a hazardous nature; or bulk storage and handling of such products and materials. Typical uses include manufacturing, processing, or storage of chemicals, asbestos, metals, hazardous materials, plastics, rubber and rubber products, paper products, carpets, cleaning products, toiletries, electronics, nonmetallic minerals, transportation equipment, paints, and petroleum drilling; and the manufacturing, storage, processing, or warehousing of hazardous, radioactive, explosive or volatile materials.

Outdoor Storage Yard: Any off-street area designated and used for placing, keeping, holding, and storing of building materials, supplies, and equipment; trailers; and heavy construction equipment, but not including a vehicle and equipment storage, tow lots, or salvage/junk yards.

Self-Storage Facility – Indoor Climate Controlled: Facilities containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces which are all accessed from the interior of an enclosed climate-controlled building.

Self-Storage Facility – Warehouse: Facilities containing individual, compartmentalized stalls, lockers, or garages as individual storage spaces with individual unit access from the interior or exterior of a building.

Warehousing, Storage, Wholesale, and Distribution Facilities: A facility for (1) storing goods, merchandise, or bulk goods and non-retail store items for wholesale distribution or (2) for keeping business, personal property and office records in an enclosed and roofed building. Typical uses include storage warehouses, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public, and distribution facilities.

(12) Waste-Related Uses

a. Base zoning districts

WASTE-RELATED USES																
Uses	Zoning Districts															
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	Conditional or Special Use Provisions
Salvage/Junk Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	40-3 (26)
Recycling Processing Facility	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	40-3 (27)
Recycling Collection Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	40-3 (28)
Sanitary Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	40-3 (29)

Commented [MW43]: Added recycling collection facilities (neighborhood/community drop-off facilities) to distinguish from a processing facility.

b. North Scott Corridor Overlay District

WASTE-RELATED USES								
Uses	Zoning Districts							Conditional or Special Use Provisions
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI	
Salvage/Junk Yard	-	-	-	-	-	-	-	-
Recycling Processing Facility	-	-	-	-	-	-	-	-
Recycling Collection Facility	S	S	S	S	S	S	S	40-3 (28)
Sanitary Landfill	-	-	-	-	-	-	-	-

c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.

d. Land use definitions

Waste-Related Uses: This use group includes facilities that collect, store, and process household and business waste.

Salvage/Junk Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including wrecked automobiles, house wrecking and structural steel materials and

equipment, and more than four vehicles or appliances which are inoperable for a period of over seven consecutive days, but not including the interior purchase, sale, or storage of used furniture and household equipment.

Recycling Process Facility: Any business that engages in the collection, storage or processing of any type of aluminum, glass, paper, plastic, rubber, textile, landscape waste or other similar materials for the purpose of marketing the material for use in the manufacturing process of new, reused or reconstituted products.

Recycling Collection Facility: A facility for the deposit or drop-off of recyclable materials for public or semi-public use. The facility typically consists of bins, boxes, trailers, reverse vending machines, and other containers for the collection of recyclable materials for transport offsite for processing.

Sanitary Landfill: A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two feet or more on the top surface and one foot or more on the sides of the bank.

(13) Miscellaneous Uses

a. Base zoning districts

MISCELLANEOUS USES																
Uses	Zoning Districts															Conditional or Special Use Provisions
	A	R-1	R-1A	R-1B	R-2	R-3	R-3A	PR	PO	C-1	C-2	C-3	BP	M-1	M-2	
Accessory Uses	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	40-4 (20)
Home Occupations	C	C	C	C	C	C	C	-	-	C	C	C	-	-	-	40-4 (21)
Drive-Thru Facilities	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-	40-4 (22)
Accessory Parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Non-Accessory Parking	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	40-4 (23)
Wireless Communication Facilities																
• Freestanding	-	-	-	-	-	-	-	S	-	-	S	S	S	S	S	40-3 (30)
• Co-Location	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	40-3 (30)

b. North Scott Corridor Overlay District

MISCELLANEOUS USES									
Uses	Zoning Districts							Conditional or Special Use Provisions	
	R-3	R-3A	PO-NS	C-1-NS	C-2-NS	C-3-NS	FCI		
Accessory Uses	C	C	C	C	C	C	C	40-4 (20)	
Home Occupations	C	C	-	C	C	C	-	40-4 (21)	
Drive-Thru Facilities	-	-	-	-	C	C	C	40-4 (22)	
Accessory Parking	P	P	P	P	P	P	P	-	
Non-Accessory Parking	-	-	C	C	C	C	C	40-4 (23)	
Wireless Communication Facilities									
• Freestanding	-	-	-	-	S	S	S	40-3 (30)	
• Co-Location	S	S	S	S	S	S	S	40-3 (30)	

- c. Old Town Belton Overlay District. All uses permitted in the C-1 base zoning district are permitted as designated in the base zoning district land use table.
- d. Land use definitions

Miscellaneous Uses: This use group includes uses that are commonly found in multiple use groups and zoning districts.

Accessory Uses: A use that is subordinate in area, extent and purpose to the principal use on a lot and that is customarily found in conjunction with a permitted principal use.

Home Occupations: The lawful operation of a home-based business or occupation performed by a resident within a dwelling unit or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

Drive-Thru Facilities: Facilities used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in designated stacking aisle. A drive-thru facility may be in combination with other uses, such as financial institutions, personal service use, retail store or eating establishment. A drive-thru facility does not include a "car wash" or "gas station" as defined herein.

Accessory Parking: Motor vehicle parking facilities that provide parking that are accessory to a specific use or uses.

Non-Accessory Parking: Facilities that provide motor vehicle parking that are not accessory to a specific use, regardless of whether a fee is charged. Non-accessory parking does not include vehicle storage lots, tow lots, or outdoor storage yards.

Freestanding Wireless Communication Facility: A new tower, monopole or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

Co-Location Wireless Communication Facility: A wireless telecommunication facility that is attached to an existing pole, tower or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

Sec. 40-2. Special Use Provisions

(a) *Generally.*

- (1) Some uses of land are not appropriate in all locations within a district or under circumstances where the use imposes an inappropriate impact on the public or neighboring properties and are therefore designated as "special uses." These uses may be approved at a particular location through the receipt of a special use permit where the impact of these uses does not inappropriately affect or impair the use and enjoyment of neighboring property and meet the standards of approval in this section.
- (2) The city council may authorize by ordinance, under prescribed conditions, the construction or undertaking of any special use that is expressly permitted as a special use in a particular zoning district; however, the City reserves full authority to deny any request for a special use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted special use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.
- (3) A special use permit shall be required for any use authorized in the applicable district as a "special use" on the table of uses, section 40-1(h), and for any other use otherwise requiring a special use permit by this chapter. A special use is prohibited and a special use permit may not be granted except as authorized in the table of uses, section 40-1(h), or elsewhere in this chapter. The application process shall follow the procedures in Appendix B of this Code and all other applicable processes and procedures in this Code or as determined by the director.

Commented [MW44]: Added this statement.

Commented [MW45]: Added this statement and removed previous section titled "site plan required." In some cases, a site plan may not be necessary.

(b) *Approval process.*

- (1) The special use permit application must be submitted to the planning commission for review and recommendation. The planning commission must hold a public hearing on the application, notice of which must be given 15 days prior. The public hearing must be held at the next regular meeting of the planning commission for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The applicant shall send certified letters to the most recent property owner of record for all properties within 185 feet of the subject property 15 days prior to the public hearing. The applicant shall provide proof of such mailing to city staff prior to the public hearing.
- (2) Upon conclusion of the public hearing, the planning commission will submit a recommendation to the city council to approve, approve with modifications, or deny the special use permit. The city council must consider the special use permit within 60 days of receipt of the recommendation of the planning commission, and take final action to approve or deny it. If final action is not taken by the city council within 120 days after the recommendation of the planning commission is received, the special use permit will be deemed to have been denied, unless the applicant has consented to an extension of this time period. Whenever a special use permit has been denied by the city council, the special use permit cannot be approved without a new public hearing.
- (3) If the city council approves the special use permit, it will adopt an ordinance to that effect.

(c) *Standards for approval.*

- (1) A special use permit may only be granted by the city council upon a finding that the applicant has satisfied the burden of establishing that the following criteria have been met:
 - a. The proposed use complies with all applicable provisions of these regulations, including yard regulations, parking requirements and use limitations.
 - b. The proposed use at the specific location will not detract or encroach upon the welfare or convenience of the public.
 - c. The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the use, the nature and intensity of the operation in connection with it, and the location of the site with respect to the surrounding street network will not dominate the immediate neighborhood nor prevent the development of neighboring property. In determining such dominance, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site;
 2. The nature and extent of landscaping and screening on the site;
 3. The adequacy of the adjacent street system to carry the traffic generated by the use;
 4. Adequate utility, drainage, and other such necessary facilities have been or will be provided;
 5. Adequate access roads, loading areas and entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

(2) An approved special use permit may not be expanded, changed in use, or deviate from the approved site plan or conditions without being resubmitted and approved by the planning commission and city council.

(d) *Conditions.* In granting any special use permit, the city council may impose any conditions of the special use it deems appropriate to meet the requirements of the approval in addition to the conditions contained within this section. Such conditions must serve a legitimate zoning purpose and:

- (1) Be clearly expressed with sufficient clarity to give notice of the limitations on the use of the land;
- (2) Relate directly to the proposed use of land; and
- (3) Address a legitimate zoning purpose that bears a relationship to the public health, safety and welfare.

Additionally, the city council may restrict the time period for the special use permit, including expiration or renewal dates. The city council may also restrict the special use permit to a specific applicant. If restricted to an applicant, the transferability section in this section shall be followed for the transfer of a special use permit.

Commented [MW46]: Added this statement that allows more flexibility in the approval process, which may vary by use or location.

(e) *Transferability.*

- (1) A special use permit may be transferred for existing conditions if the use for which the special use permit has been issued is in operation at the time of transfer. The transfer of a permit in which these conditions have not been satisfied shall be invalid. Nothing in this section shall be construed to alter the expiration date of permits or the authority of the governing body to revoke a permit.
- (2) A permit cannot be assigned or transferred to a different parcel of land.
- (3) Every entity attempting to transfer a special use permit shall give notice in writing to the community development director within 72 hours after having sold, transferred, given away or otherwise disposed of an interest in or control of a parcel of land for which a special use permit has been issued. Such notice shall include the name and address of the successor in interest or control of the parcel. Receipt of such notice shall not constitute acceptance of an invalid transfer.

(f) *Renewal.* A special use permit may be renewed using the same procedure as was used for the original approval set forth in this section. The city council may grant a renewal containing modifications, but only for existing conditions, without the submission of a preliminary development plan.

(g) *Revocation.*

- (1) *Basis.* Any special use permit granted by the city council is subject to revocation for any or all of the following reasons:
 - a. Noncompliance with all the conditions of approval established in the ordinance granting such special use permit;
 - b. A change from the original use or the intensity of the original use for which the permit was issued resulting in a change in impact upon the surrounding neighborhood;
 - c. Expiration of the special use permit;
 - d. Violation of any provisions of this chapter; or
 - e. Violation of any provisions of the Code of Ordinances pertaining to the use of land, construction or uses of buildings or structures, or activities conducted on the premises by the permit holder, agents of the permit holder or tenants and is declared to be a nuisance to the neighborhood in which located.
- (2) *Procedure.*
 - a. Revocation proceedings may be initiated by the community development director or his designee.
 - b. Notice of intent to revoke shall be mailed to the permit holder's last known address stating the grounds for the intended revocation, and the date, time and place of the hearing.
 - c. The matter will then be placed on a designated planning commission agenda for hearing, which may be continued for good cause shown.
 - d. The matter will then be forwarded to the city council with the planning commission's findings and recommendation.
 - e. The city council will consider the findings and recommendation of the planning commission in rendering their final decision.
 - f. No special use permit shall be revoked unless a majority of the city council is satisfied by a preponderance of the evidence that grounds for revocation exist.

(h) *Nonconforming uses.* Uses that are allowed without a special use permit prior to the effective date of the ordinance from which this chapter is derived, but are designated as special uses in this chapter shall be allowed to continue as nonconforming uses if the requirements of chapter 20, article II are satisfied.

(Ord. No. 2011-3734, § 1(15.3), 7-12-2011; Ord. No. 2018-4436, § 5, 5-15-2018)

Sec. 40-3. Special Use Standards

All special uses delineated in the Land Use Table in Sec. 40-1 shall comply with the following special use standards and all other standards within this Code:

(1) Stables

Stables, including corrals and the operation of riding schools, may be permitted with a Special Use Permit subject to the following requirements:

- a. The minimum lot size shall be three (3) acres.
- b. No stable, corral, or similar structure shall be located closer than twenty (20) feet of any property line.
- c. The surface of all corrals and paddocks shall be graded to prevent the accumulation of stormwater.
- d. All corrals, training, show, riding, boarding, and pasture areas shall be enclosed by a fence a minimum of four (4) feet in height.
- e. The minimum distance of a stable or corral from any residential structure on a neighboring property existing at the time of issuance of the original permit shall be two hundred (200) feet.

(2) Agritourism uses (Arts and Crafts Manufacturing and Production Uses; Retail Sales; and Farmer's Markets) in "A" zoning districts

Agritourism uses (Arts and Crafts Manufacturing and Production Uses; Retail Sales; and Farmer's Markets) in "A" zoning districts may be permitted with a Special Use Permit subject to the following requirements:

- a. Use(s) shall be secondary to the principal agricultural use of the property. The principal source of retail sales shall be from products cultivated on site.
- b. Arts and crafts manufacturing and production uses and retail sales shall be conducted in a permanent enclosed structure in compliance with adopted building and fire codes. Accessory outdoor sales associated with special, temporary, or seasonal events may be permitted with a Special Use Permit.
- c. The site shall meet minimum parking standards based on the combination of uses.
- d. Hours of operations that will not negatively impact surrounding agricultural and residential land uses shall be established with the Special Use Permit.
- e. Farmer's Markets as part of an agritourism use shall meet the special use requirements for Farmer's Markets in addition to the above items.

(3) Transitional Living

Transitional living facilities may be permitted with a Special Use Permit subject to the following requirements:

- a. The minimum lot size shall be 10,000-sf.
- b. There shall be a minimum of 500-sf. of lot area per resident and resident staff.
- c. There shall be a minimum of 250-sf. of floor area per resident and resident staff.
- d. The facility shall maintain the residential character of the structure and there shall be no exterior evidence of the use or signage advertising the use.
- e. At the time of initial approval, no transitional living facility shall be located within 1,500 feet of another transitional living facility, group home, homeless shelter, or group living not otherwise classified facility. The distance shall be measured from property line to property line.
- f. Transitional living facilities shall not be located within 500 feet of a school as measured in a straight line from the nearest point between buildings, however, the City Council may waive this requirement if the facilities are separated by a major thoroughfare, railroad track, waterway, or other comparable manmade or natural barrier.

(4) Homeless Shelter and Group Living not otherwise classified

Homeless shelters and Group Living not otherwise classified uses may be permitted with a Special Use Permit subject to the following requirements:

- a. At the time of initial approval, no homeless shelter shall be located within 1,500 feet of another transitional living facility, group home, homeless shelter, or group living not otherwise classified facility. The distance shall be measured from property line to property line.
- b. All buildings and properties must maintain an exterior appearance that reasonably conforms to the neighborhood in which it is proposed to be located.
- c. The number of occupants shall not exceed the number of occupants permitted for the subject property by all applicable adopted building and fire codes, unless further restricted through the Special Use Permit approval process.

- (5) College or University
College or university uses may be permitted with a Special Use Permit subject to the following requirements:
- a. A campus master plan shall be provided that details the uses of the site, projected enrollment and staffing, parking needs and requirements, and any on-campus living arrangements.
- (6) Cultural Facility
Cultural facilities may be permitted with a Special Use Permit in certain zoning district subject to the following requirements:
- a. Access to the facility shall be provided from an arterial or collector street.
 - b. When located in an agricultural or residential zoning district, the perimeter of the site adjacent to any other agricultural or residential zoning district shall be screened with a Type "C" broken screen. Additional screening may be required for parking lots, outdoor activity areas, loading/unloading, and other site or building features that may create a nuisance to adjacent agricultural or residential properties.
 - c. Any outdoor activities associated with the cultural facility shall be identified, reviewed, and approved with the Special Use Permit.
- (7) Library
Libraries may be permitted with a Special Use Permit in certain zoning district subject to the following requirements:
- a. Access to the facility shall be provided from an arterial or collector street.
 - b. When located in an agricultural or residential zoning district, the perimeter of the site adjacent to any other agricultural or residential zoning district shall be screened with a Type "C" broken screen. Additional screening may be required for parking lots, outdoor activity areas, loading/unloading, and other site or building features that may create a nuisance to adjacent agricultural or residential properties.
- (8) Utilities – Major
Utilities – Major uses may be permitted with a Special Use Permit subject to the following requirements:
- a. The perimeter of the site shall be screened with a Type "A" opaque screen consisting of fencing and landscaping to effectively screen the site from all adjacent properties and rights-of-way.
- (9) Kennel
Kennel uses may be permitted with a Special Use Permit subject to the following requirements:
- a. The minimum lot size shall be one (1) acre.
 - b. No structure or outdoor run shall be closer than fifty (50) feet from any property line.
 - c. Outdoor runs shall be hard surfaced or grassed with drains provided as necessary and connected with an approved sanitary facility.
 - d. To protect neighboring properties, enhanced screening and landscaping may be required.
- (10) Consumer Loan Establishment and Payday Loan Store
Consumer loan establishments and payday loan stores may be permitted with a Special Use Permit subject to the following requirements:
- a. A consumer loan establishment or payday loan store shall not be established within 500 feet of the district boundary line of any residential zoning district.
 - b. A consumer loan establishment or payday loan store shall not be established or expanded within 1,000 feet of the property line of a church, school, or public park except in the instance when such church, school, or public park is located within a zoning district in which the consumer loan establishment or payday loan store may be permitted.
 - c. A consumer loan establishment or payday loan store shall not be established or expanded within 1,000 feet of any other consumer loan establishment or payday loan store.
 - d. Subject to all other licensing requirements and standards in Chapter 6 of the Code of Ordinances.
- (11) Day Care Center, if State license required
Day care centers may be permitted with a Special Use Permit subject to the following requirements:
- a. Day care centers must obtain a local business license, any State licenses if required, and meet any additional special use requirements as approved by City Council.
 - b. Any outdoor areas used by the facility as recreational areas must be enclosed by a fence no less than 42 inches in height.
 - c. Day care centers must provide designated safe unloading (drop-off) and loading (pick-up) areas.
- (12) Entertainment – Outdoor
Entertainment – Outdoor uses may be permitted with a Special Use Permit subject to the following requirements:

- a. Access to the entertainment – outdoor use shall be provided from an arterial or collector street. Access to a local street shall only be permitted as a secondary access and will not negatively impact adjacent properties.
- b. Hours of operations may be restricted to ensure compliance with all noise regulations in the Code of Ordinances.
- c. Outdoor entertainment areas adjacent to residential zoning districts may require enhanced screening and landscaping to protect neighboring residential properties.

(13) Cemetery and Crematorium

Cemetery and Crematorium uses may be permitted with a Special Use Permit subject to the following requirements:

- a. Access to the site shall be provided from an arterial or collector street.
- b. All applicable State regulations shall be met.

(14) Farmer's Market

Farmer's Market uses may be permitted with a Special Use Permit subject to the following requirements:

- a. The Farmer's Market shall be operated by a non-profit, for-profit entity, or organization and follow all guidelines of the Missouri Department of Agriculture, the Missouri Department of Health and Senior Services, and all other Local, County, State, or Federal agencies responsible for the sale and safety of farmer's market products.
- b. Products to be offered for retail sales are limited to agricultural products (such as produce, meat and dairy products, cut flowers, and live plants) and artisan products (cottage foods, arts, and crafts). A pre-approved list of vendors, products, and vendor types shall be provided.
- c. A site plan shall be provided that includes the following:
 - 1. Layout of vendor area, including approximate number of vendor areas and stall size.
 - 2. Widths of pedestrian access aisle between vendors.
 - 3. Location of electrical services and public facilities (restrooms, etc.)
 - 4. Location of parking that will be utilized for the site.
 - 5. Days and hours of operation.
 - 6. Special or seasonal events that may be associated with the farmer's market site. Any events not covered may require a separate temporary use permit.
 - 7. Location and design of all permanent structures that will be constructed on site.
- d. Temporary vendor stalls and tents shall only be placed on the site up to twenty-four (24) hours before the opening of the farmer's market and removed within twenty-four (24) hours of closing the farmer's market. Additional or clarifying restrictions may be conditioned with Special Use Permit approval.

(15) Hotel or Motel

Hotel or motel uses may be permitted with a Special Use Permit in the C-1 zoning district in the Old Town Belton Overlay subject to the following requirements:

- a. The hotel or motel building shall meet the design standards established in the Old Town Belton Overlay with a main lobby that is accessed directly from the primary street sidewalk.
- b. All off-street parking shall be located at the rear of the building.

(16) Car Wash

Car washes may be permitted with a Special Use Permit subject to the following requirements:

- a. Service bays shall be designed to not face residential zoning districts or land uses.
- b. Car wash uses adjacent to residential zoning districts may require enhanced screening and landscaping to protect neighboring residential properties.
- c. Vacuum stations shall be located in the side or rear yard in relation to the car wash service bays or building.

(17) Gas Station

Gas stations may be permitted with a Special Use Permit subject to the following requirements:

- a. Access to the gas station use shall be provided from an arterial or collector street. Access to a local street shall only be permitted as a secondary access and will not negatively impact adjacent properties.
- b. A traffic study prepared by a licensed engineer shall be required for all gas stations. The traffic study shall address all access and traffic flow through the site and include any recommendations for public and private improvements necessary to adequate address safety and efficient traffic flow.
- c. Gas station uses adjacent to residential zoning districts may require enhanced screening and landscaping to protect neighboring residential properties.
- d. Gas pump islands and canopies shall be designed to be compatible with the design of the convenience store building.

(18) Vehicle Repair – Minor

Vehicle Repair – Minor uses may be permitted with a Special Use Permit subject to the following requirements:

- a. All vehicle repair shall be conducted in an approved permanent enclosed building.
- b. Vehicles shall not be stored on the site for longer than seven (7) days.
- c. A site plan shall be provided that delineates parking for vehicle drop-off and pick-up areas.

(19) Vehicle Repair – Major and Vehicle Repair – Heavy

Vehicle Repair – Major and Vehicle Repair – Heavy uses may be permitted with a Special Use Permit subject to the following requirements:

- a. All vehicle repair shall be conducted in an approved permanent enclosed building. Doors and windows shall only be opened at intervals necessary for ingress and egress when body and fender repair are being conducted to limit exterior noise.
- b. No spray painting may be performed except in a building or room specifically designed for that purpose.
- c. Vehicles shall not be stored on the site for longer than thirty (30) days.
- d. A site plan shall be provided that delineates parking for vehicle drop-off and pick-up areas.

(20) Vehicle and Equipment Sales – General and Vehicle and Equipment Sales – Heavy

Vehicle and Equipment Sales – General and – Heavy uses may be permitted with a Special Use Permit subject to the following requirements:

- a. All vehicle and equipment sales uses shall have a minimum of one hundred (100) feet of street frontage and shall be a minimum of one (1) acre in size.
- b. All vehicle and equipment sales uses shall not be located within one hundred (100) feet of any residential zoning district.
- c. All vehicle and equipment sales uses shall have at least one (1) frontage on an arterial or collector street. Direct access to a local street is only permitted if access is restricted to the fronting arterial or collector street.
- d. All vehicle access, drive aisle, and parking lot design and paving standards shall be met.
- e. All vehicles and equipment on the site shall be operational.
- f. All vehicles and equipment on the site shall be arranged and parked in an orderly manner that does not interfere with ingress/egress or traffic flow through the site.
- g. Any accessory maintenance and repair work must be performed within an approved permanent enclosed structure. All maintenance and repairs shall be completed before the vehicle or equipment is returned to the lot.
- h. All vehicle and equipment sales uses shall meet perimeter landscaping, screening, and buffering requirements.
- i. Vehicle sales for used vehicles are subject to all other licensing requirements and standards in Chapter 6 of the Code of Ordinances.

(21) Vehicle and Equipment Storage and Towing and Outdoor Storage Yards

Vehicle and Equipment Storage and Towing and Outdoor Storage Yard uses may be permitted with a Special Use Permit subject to the following requirements:

- a. All outdoor storage areas shall be paved with an approved surface, and if used for the parking of vehicles or equipment, shall meet minimum parking lot design standards. Gravel is not a permitted surface for outdoor storage areas.
- b. All outdoor storage areas shall be screened from view of the street and adjacent properties with a privacy fence or wall and landscaping. Fencing and landscaping standards shall meet the design standards for the base zoning district or overlay district in which the site is located.
- c. All vehicles and equipment stored on the premises shall be operational, except for tow lots, which may include inoperable vehicles stored temporarily for up to thirty (30) days.

(22) Limited Manufacturing, Production, and Industrial Services

Limited Manufacturing, Production, and Industrial Services may be permitted with a Special Use Permit subject to the following requirements:

- a. The total manufacturing, production, and/or service area does not exceed ten thousand square feet (10,000-sf.). The square footage calculation does not include office, showroom, or retail floor area.
- b. The operations of the business and any external impacts shall be reviewed for compliance with all performance standards within the Unified Development Code and will not constitute a nuisance to other uses on the subject property or adjacent properties.

(23) General Manufacturing & Production and General Industrial Services and Intensive Manufacturing, Production, & Services

General and Intensive Manufacturing, Production, and Services uses may be permitted with a Special Use Permit subject to the following requirements:

- a. The operations of the business and any external impacts shall be reviewed for compliance with all performance standards within the Unified Development Code and will not constitute a nuisance to other uses on the subject property or adjacent properties.

(24) Self-Storage Facility – Indoor Climate Controlled

Self-Storage Facility – Indoor Climate Controlled facilities may be permitted with a Special Use Permit subject to the following requirements:

- a. Regardless of zoning district and location, all performance, building, and site design standards in Chapter 28 shall be met, unless located in an Overlay with separate building and design standards, in which case, the Overlay district standards shall be followed.
- b. Outdoor storage is prohibited.

(25) Self-Storage Facility – Warehouse

Self-Storage Facility – Warehouse facilities may be permitted with a Special Use Permit subject to the following requirements:

- a. The site shall be designed to screen the view of overhead garage doors from the street and adjacent properties.
- b. Open outdoor storage shall be limited to no more than fifty (50) percent of outdoor storage stalls. All other storage stalls shall consist of covered outdoor storage (i.e. carport structures) for the storage of boats, recreational vehicles, and similar vehicles and equipment, or as otherwise limited or approved with the Special Use Permit. All outdoor storage areas shall be located in the rear of the property (behind principal permanently enclosed structures) and screened with a combination of fencing/walls, berming, and/or landscaping to screen from view of adjacent properties. Covered structures shall be complementary to the design, colors, and materials of the principal structure(s) on the site.
- c. All drive aisles, parking spaces, and covered and uncovered outdoor storage areas shall be designed and paved in compliance with the parking lot design standards. Gravel is not permitted.

(26) Salvage/Junk Yard

Salvage/junk yard uses may be permitted with a Special Use Permit subject to the following requirements:

- a. Shall not be located within 2,640 feet (0.50 miles) of any residential zoning district or any planned residential area as identified by the Future Land Use Map.
- b. The operations of the use shall be conducted in a fully enclosed building or within an area surrounded on all sides by a solid privacy fence or wall ten (10) feet in height. The fence or wall shall be of uniform color, material, and appearance for the full enclosure, except where entrance gates may be located. Exceptions to the fence or wall requirement may be requested where natural or manmade features provide sufficient screening.
- c. No scrap, junk, or other salvage materials shall exceed the height of the enclosure.
- d. No scrap, junk, or other salvage materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside of the building and/or enclosure.
- e. All access drives shall be a minimum of twenty-five (25) feet wide.
- f. Subject to all other licensing requirements and standards in Chapter 6 of the Code of Ordinances.

Commented [MW47]: This is in Sec. 6-347 of Code of Ordinances.

Commented [MW48]: In Sec. 6-347 of Code of Ordinances (allowed to exceed max. fence height).

(27) Recycling Processing Facility

Recycling processing facilities may be permitted with a Special Use Permit subject to the following requirements:

- a. Shall not be located within 1,320 feet (0.25 miles) of any residential zoning district or any planned residential area as identified by the Future Land Use Map.
- b. All access drives shall be paved and dust-free if within five hundred (500) feet of any property line.

Commented [MW49]: Reduced the residential separation distance by half as this is generally a less intensive use than a junk yard or landfill.

(28) Recycling Collection Facility

Recycling collection facilities may be permitted with a Special Use Permit subject to the following requirements:

- a. In residential zoning districts, the facility shall only be permitted as an accessory to a school or a place of religious assembly.
- b. In all other zoning districts, the facility may be permitted as a principal or accessory use.
- c. All containers shall be located at least 150 feet from property zoned residential or property used for residential purposes.
- d. A site plan shall be provided with the Special Use Permit showing the layout of collection containers, traffic circulation on the site, signage, lighting, landscaping, fencing, and screening.

- e. All materials shall be stored in containers and containers shall be well maintained.
- f. The days and hours of operation may be limited with the Special Use Permit based on the site location and surrounding land uses.

(29) Sanitary Landfill

Sanitary landfills may be permitted with a Special Use Permit subject to the following requirements:

- a. Shall not be located within 2,640 feet (0.50 miles) of any residential zoning district or any planned residential area as identified by the Future Land Use Map.
- b. All access drives shall be paved and dust-free if within five hundred (500) feet of any property line.

Commented [MW50]: For consistency, kept residential separation distance the same as a junk yard.

(30) Wireless Communication Facilities

Wireless communication facilities. Wireless communication facilities must have a special use permit and meet the following regulations, which have been developed in accordance with the general guidelines set forth in the Federal Telecommunications Act of 1996.

a. *Applicability.*

1. *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. 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." Any addition to an existing tower requires a special use permit (i.e., antennas, ground facilities).
2. *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.
3. *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.
4. *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.

b. *General standards.*

1. *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.
2. *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.
3. *Registration.* On January 1 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 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.
4. *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.
5. *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.

6. *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.
 7. *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.
 8. *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.
 9. *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's growth management plan.
 10. *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.
 11. *Building permit.* A building permit is required for the installation of any tower, antenna, alternate tower structure or wireless telecommunications facility.
 12. *Pre-application meetings.* Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the community development director or his 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.
- c. *Submittal requirements for all towers.*
1. Submittal requirements for all towers, alternative tower structures, antennas, equipment facilities or other telecommunications facilities include the following:
 - (i) Legal description of the parcel, if applicable;
 - (ii) 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;
 - (iii) A statement by the telecommunications company that it is licensed by the FCC if required to be licensed under FCC regulations;
 - (iv) Proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;
 - (v) 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;
 - (vi) Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;

- (vii) At the time of site selection, a statement that demonstrates how the proposed site fits into its overall network within the city;
- (viii) 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;
- (ix) 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;
- (x) A screening plan including the method of fencing, finished color and, if applicable, the method of illumination;
- (xi) 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
- (xii) Photo-simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;
- (xiii) 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:
 - A. 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
 - B. the applicant and/or landlord agree to remove the facility within 60 days after abandonment in accordance with the abandonment regulations herein.

(xiv) 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.

2. Proprietary information. In the event meeting any submission requirements of this subsection (8)c 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.

d. *Design standards for antennas, towers, and alternative support structures.*

1. *Aesthetics and lighting.* This subsection (8)d provides standards for the appearance of all towers, alternative support structures and antennas as follows:
 - (i) 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;
 - (ii) 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;
 - (iii) 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
 - (iv) 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.
2. *Setbacks and separation.* The following setbacks and separation requirements apply to all towers:
 - (i) 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-1B, R-2, R-3, or R-3A;

- (ii) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements; and
 - (iii) 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.
3. *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. Chainlink 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 subsection (8)d.4 of this section.
 4. *Landscaping.* The following requirements are for landscaping around the base of towers and equipment structures:
 - (i) 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
 - (ii) 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.
 5. *Equipment structures.* The standards for the design of equipment structures are as follows:
 - (i) 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;
 - (ii) 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
 - (iii) 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.
 6. *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.
 7. *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.
 8. *Height/type limitation.*
 - (i) 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.
 - (ii) Guyed towers and towers over 199 feet in height will only be permitted when other options are unavailable or prove to be technically infeasible.
- e. *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:
1. Antennas and antenna support structures will only be allowed on any lot used for residential purposes as follows:
 - (i) Support structures operated by an amateur radio operator licensed by the FCC; and
 - (ii) Satellite antennas one meter or less in diameter erected on a residence or residential property.
 2. Antennas will only be allowed on existing nonresidential buildings within residential districts as follows:
 - (i) Antennas and related equipment must be concealed by the architecture of the structure such as clock towers, observation towers, church steeples, etc.
 - (ii) Except as otherwise noted below, antennas and related equipment will only be permitted on existing nonresidential 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.

f. *Special standards for facilities proposed on public property.*

1. *Priority.* When 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:
 - (i) The City of Belton;
 - (ii) 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;
 - (iii) Other governmental agencies, for uses which are not related to public safety; and
 - (iv) 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.
2. *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:
 - (i) The facilities will not interfere with the purpose for which the city-owned property is intended;
 - (ii) The facilities will have no significant adverse impact on surrounding private property;
 - (iii) 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;
 - (iv) 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;
 - (v) The antennas or tower will not interfere with other users who have a higher priority;
 - (vi) 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;
 - (vii) The applicant must reimburse the city for any related costs which the city incurs because of the presence of the applicant's facilities;
 - (viii) The applicant must obtain all necessary land use approvals and enter into a franchise agreement with the city; and
 - (ix) 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.

g. *Review criteria.* The applicant must demonstrate that the proposal is consistent with the special 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:

1. Minimal height of the proposed tower, consistent with technical requirements of the telecommunications service;

2. Utilization of surrounding topography to minimize visibility of the tower from existing and future residential areas and public streets;
 3. Utilization of surrounding tree coverage and foliage to minimize visibility of the tower from existing and future residential areas and public streets;
 4. 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;
 5. Proximity of the tower to residential structures and residential district boundaries;
 6. Nature of uses on adjacent and nearby properties;
 7. Mitigation of visual impact;
 8. Proposed ingress and egress; and
 9. Availability of suitable existing towers and other structures.
- h. *Visual impact.* To the extent feasible, wireless telecommunications towers:
1. Must be located where they are the least obtrusive as viewed from prominent public locations;
 2. Must be placed within forested areas with antennas just above the tree line;
 3. Must not be so located or be of such height as to necessitate FAA coloring or lighting;
 4. Must be located in industrial or heavy commercial areas;
 5. 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
 6. Must not be located and visible in historic districts or on historic structures designated by the city council.
- i. *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:
1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 4. 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.

Sec. 40-4. Uses Subject to Conditions.

All uses subject to conditions delineated in the Land Use Table in Sec. 40-1 shall comply with the following conditional use standards and all other standards within this Code:

(1) Garden – Community

The following conditions shall apply to the establishment and operations of a community garden:

- a. Community gardens shall be organized and managed by a property management association, non-profit organization, or public entity.
- b. Retail sales on the property are restricted to only the sale of produce grown on-site.
- c. Fencing may be used to enclose the garden and is limited to wood, vinyl, or aluminum or steel picket-style fencing up to four (4) feet in height. Chainlink and privacy fencing shall not be permitted.
- d. Cultivated areas shall be setback a minimum of five (5) feet from all property lines and not encroach into any sight triangle.
- e. Hours of operations shall be restricted to between dawn and dusk and shall adhere to all noise standards in the Code of Ordinances.
- f. One (1) accessory storage structure up to 120-sf. shall be allowed on the property and shall meet all exterior and interior setbacks based on the zoning district of the community garden.
- g. Parking is not required for community gardens along streets where on-street parking is not restricted. Off-street parking is required for all other locations at one (1) space per 15,000-sf. of lot area and shall meet all commercial driveway and parking lot design standards.
- h. One (1) permanent monument sign may be installed, up to six (6) feet in height and 32-square feet, and subject to the design and material standards.

(2) Garden – Home

Residential home gardens are permitted as an accessory use to a principal residential dwelling use subject to the accessory use standards for the base zoning district in which the dwelling unit is located.

(3) Manufactured Home Park

The following conditions shall apply to manufactured home parks:

- a. Manufactured homes may only be located for occupancy or occupied if located on a designated space within an existing manufactured home community.
- b. Redevelopment of existing manufactured home communities shall be permitted under this regulation where 50 percent of the homes are removed and/or replaced as a part of the redevelopment, or where there are privately-initiated improvements to the public infrastructure, including but not limited to water lines, electrical lines and sewer systems. A preliminary development plan and a final development plan shall be submitted to the city in accordance with the requirements contained herein, and in accordance with [section 20-5](#) of this code. The preliminary and final site plans shall be considered by the planning commission and approved, denied, or approved with conditions. Appeals of the planning commission's decision shall be heard by the city council.
- c. All redeveloped manufactured home communities shall meet the following minimum community requirements/improvements:
 1. Manufactured home community locations shall conform to the city's comprehensive plan, as amended.
 2. Manufactured home communities shall be platted as one lot in accordance with local subdivision regulations.
 3. Manufactured home communities shall contain a minimum gross area of 15 acres, which may include all private streets, parking spaces, manufactured home spaces and common areas within the community.
 4. Manufactured home communities and spaces shall be located on a well-drained site, properly graded and maintained to ensure proper drainage and freedom from stagnant pools of water.
 5. Manufactured home communities shall be provided with at least two permanent entrances both of which shall be at least 35 feet in width.
 6. There shall not be more than 7 manufactured homes per gross acre within a manufactured home community.
 7. Manufactured home communities shall only be used for residential purposes, customary and incidental accessory uses common to residential districts, and service buildings as permitted by this section but not be used for commercial sale of manufactured homes, unless specifically authorized by valid occupational license.

8. A sidewalk of at least 42 inches shall be constructed along at least one side of each street within the manufactured home community, except on turn around (cul-de-sac) streets, in accordance with city construction standards.
 9. A minimum of 500 square feet of recreational or open space shall be provided per manufactured home space. Each recreational or open space shall contain a minimum of 5,000 square feet in area, and shall be fully developed when the community is 50 percent occupied. If the development of the tract is shown to be divided into phases on the approved plan, recreational or open space may also be phased if the amount of recreational or open space is equivalent to 500 square feet for each manufactured home space in each phase; if this recreational or open space is fully improved when the appropriate phase is 50 percent occupied; and if each recreational or open space is accessible via a paved road or sidewalk to all residents within the developed areas of the manufactured home park. All developed recreational or open space shall be maintained in a neat and usable manner with at least the improvements shown on the approved site plan.
 10. Every space within a manufactured home community shall be provided with public sanitary sewer and public water service with all utility lines constructed in accordance with city approved plumbing, sanitary and other construction codes. Water and sewer lines under all streets shall be the same diameter and materials as required for public streets and shall loop or connect to each other as is practical. All utility lines, including electrical service, shall be placed underground.
 11. No manufactured home space shall be located further than 300 feet from a fire hydrant.
 12. All manufactured home communities shall be surrounded by a 10-foot-wide landscaped screen.
 13. Sidewalks and streets shall be adequately lighted at night so to be consistent with the standards established by the American Public Works Association for manufactured home communities.
- d. All existing and redeveloped manufactured home communities must meet the following requirements:
1. Each manufactured home shall be provided with a weather-tight durable container with a tight fitting cover for refuse. The community owner shall ensure that containers are emptied regularly at least weekly, and maintained in a usable sanitary condition. Refuse containers and trash shall not be stored in the open, on the grass or in parking areas.
 2. A storm shelter consistent with the International Code Council (ICC) 500 Standard shall be provided which is sufficient to accommodate two persons per manufactured home and shall be located within said community so that no manufactured home is more than 600 feet away from a storm shelter. In addition, the storm shelter shall be architecturally compatible with surrounding structures. If necessary, more than one storm shelter may be provided to meet capacity and location requirements.
 3. All landscaped areas must be capable of preventing soil erosion and of eliminating objectionable dust. In addition, all private walkways, driveways, parking lots or public walkways must be maintained in good repair.
 4. Community buildings or laundry facilities may be provided within a manufactured home community. However, such service buildings may not occupy more than 5 percent of the area of the community. Service buildings shall be located, designed, and only intended to serve the residents of the community and shall present no visible evidence of their commercial character from any area outside the community. In addition, service buildings must be architecturally compatible with surrounding structures.
 5. Sanitary conditions within any manufactured home community shall be consistent with the regulations of the state board of health, clean water commission, other state regulatory agencies and ordinances of the city.
 6. All manufactured home communities and individual spaces shall be maintained in a neat and presentable manner consistent with the city's property maintenance code.
 7. No manufactured home shall be parked or permitted to stand upon any public street, highway, road, alley or other such right-of-way for more than 24 hours unless approved by the city council for the purpose of temporarily supervising or policing a construction project.
- e. New installations of manufactured homes, regardless of age, in existing and redeveloped communities must meet the following requirements:
1. All manufactured homes shall front facing a street within the manufactured home community. (The front of a manufactured home shall contain its narrowest width). Where topography or the configuration of the entire manufactured home community makes it appropriate, manufactured home spaces may be arranged with the long side fronting the street. In addition, manufactured homes shall not be positioned vertically, stacked with one over the other, in whole or in part in the manufactured home community.

2. Every manufactured home shall be installed according to the home manufacturer's installation instructions, the Missouri Public Service Commission and the Department of Housing and Urban Development's Manufactured Housing Improvement Act ("HUD Regulations").
 3. Each manufactured home may have a separate enclosed accessory structure with a maximum size of 120 square feet for storage located on a concrete slab where an on-space enclosed garage is not provided. Accessory structures in the manufactured home park community shall be architecturally compatible in design and shall be maintained in good repair at all times.
 4. Each manufactured home space shall be provided with an electrical source supplying at least 200 amps and natural gas, in accordance with city standards and construction codes.
 5. Each manufactured home shall be entirely skirted to a solid surface within 30 days after placement in a community by enclosing the open area under the unit with a metal or synthetic material that is compatible with the exterior finish of the manufactured home, and must be ventilated in accordance with the Missouri Public Service Commission and HUD Regulations. In addition, all hitches must be removed from the home within 30 days of installation.
 6. Each manufactured home space may be provided with a paved patio area other than a parking space. Each manufactured home space may be provided with a minimum six feet by eight feet front deck, and/or three feet by five feet rear deck.
 7. All manufactured homes shall be blocked in accordance with manufacturer specifications or, if specifications are not available, a sealed report from a structural engineer licensed for such installations in the state.
 8. Tie-downs and ground anchors shall secure all manufactured homes to the ground in accordance with state and laws federal laws and manufacturers specifications.
 9. No manufactured home may be located in the 100-year floodplain.
 10. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the homes shall be installed or constructed in accordance with the standards set by the building code.
 11. Each manufactured home shall have the general appearance of an on-site, single-family dwelling.
- f. Expansion of existing manufactured home communities.
1. When an existing manufactured home community approved prior to the date of this ordinance expands to an area not previously approved for manufactured home community use, the new area must be appropriately zoned and a preliminary development plan and a final development plan for the entire manufactured home community shall be submitted to the city in accordance with the requirements of this section, and in accordance with [section 20-5](#) of this code. The preliminary and final site plans shall be considered by the planning commission and approved, denied, or approved with conditions. Appeals of the planning commission's decision shall be heard by the city council.
 2. All new areas shall be designed, approved and improved in accordance with [section 40-4\(1\)c.](#), d., and e.
 3. Individual manufactured home spaces within the new area of the community shall have a minimum area of 5,000 square feet each.
 4. Every manufactured home space within the new area of the community shall have at least 40 feet of frontage on a paved curbed and guttered street constructed to city street standards. Turnaround streets (cul-de-sacs) shall have a minimum diameter of 80 feet.
 5. No manufactured home within the new area of the community shall be located closer than 20 feet from any property line bounding the manufactured home community.
 6. Minimum building setbacks shall be provided for each manufactured home space in the new area of the community, and shall be measured from the space boundaries as shown on the approved manufactured home community site plan, as follows:
 - i. *Minimum front yard:* 22 feet.
 - ii. *Minimum rear yard:* 10 feet.
 - iii. *Minimum side yard:* 10 feet for any one and 17 feet for the other.
 7. Each manufactured home space in the new area shall be provided with two paved off-street parking spaces designed in accordance with the off-street parking requirements of these regulations.
 8. Each manufactured home in the new area shall be provided with landscaping to at least include two shade trees with a planted caliper of at least 1½ inches.

9. As a condition of approval of any such expansion, the following requirements of the listed sections must be complied with in the existing areas of the manufactured home community:

(4) Assisted Living and Residential Care Facility:

The following standards apply to assisted living and residential care facilities:

- a. Assisted living and residential care facilities shall be accessed from collector or arterial streets. Local streets may be utilized for limited or secondary access.

(5) Group Home

- a. Group homes must maintain an exterior residential appearance in general conformance with the neighborhood.
- b. Group homes must be located a minimum distance of 1,500 feet from any other group home, measured from property line to property line.

(6) Government and Public Safety Facilities, Offices, and Services

The following standards apply to government and public safety facilities, offices, and services:

- a. Facilities, offices, and services located in residential zoning districts shall be accessed from collector or arterial streets. Local streets may be utilized for limited or secondary access or for facilities, offices, and services with limited public access.
- b. When located in an agricultural or residential zoning district, the perimeter of the site adjacent to any other agricultural or residential zoning district shall be screened with a Type "C" broken screen. Additional screening may be required for parking lots, outdoor activity areas, loading/unloading, and other site or building features that may create a nuisance to adjacent agricultural or residential properties. This condition does not apply when adjacent to other institutional or civic land uses that are zoned agricultural or residential.

(7) Parks and Open Space

The following standards apply to parks and open space uses:

- a. Community and regional parks (parks greater than 25 acres) shall be accessed from collector or arterial streets. Local streets may be utilized for limited or secondary access.
- b. When located in an agricultural or residential zoning district, the perimeter of the site adjacent to any other agricultural or residential zoning district shall be screened with a Type "C" broken screen. Additional screening may be required for parking lots, outdoor activity areas, loading/unloading, and other site or building features that may create a nuisance to adjacent agricultural or residential properties. This condition does not apply when adjacent to other institutional or civic land uses that are zoned agricultural or residential.

(8) Religious Assembly

The following standards apply to religious assembly uses in agricultural or residential zoning districts:

- a. Assembly uses with an occupancy limit greater than 500 persons shall be accessed from collector or arterial streets. Local streets may be utilized for limited or secondary access.
- b. The perimeter of the site adjacent to any other agricultural or residential zoning district shall be screened with a Type "C" broken screen. Additional screening may be required for parking lots, outdoor activity areas, loading/unloading, and other site or building features that may create a nuisance to adjacent agricultural or residential properties. This condition does not apply when adjacent to other institutional or civic land uses that are zoned agricultural or residential.

(9) School

The following standards apply to school uses in agricultural or residential zoning districts:

- a. School uses with an occupancy limit greater than 500 persons shall be accessed from collector or arterial streets. Local streets may be utilized for limited or secondary access.
- b. The perimeter of the site adjacent to any other agricultural or residential zoning district shall be screened with a Type "C" broken screen. Additional screening may be required for parking lots, outdoor activity areas, loading/unloading, and other site or building features that may create a nuisance to adjacent agricultural or residential properties. This condition does not apply when adjacent to other institutional or civic land uses that are zoned agricultural or residential.

(10) Utilities – Minor

The following standards apply to Utilities – Minor/Accessory uses:

- a. Every public utility, cable company, video service provider and other users of the city rights-of-way or adjacent easements to provide services shall, in addition to entering into a franchise agreement with the city, 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 ordinances, accessory utility facilities shall be subject to the following supplementary regulations:

- b. *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.
- c. The following general regulations shall apply to all accessory utility facilities:
 1. All such facilities shall be placed underground, except as otherwise provided in this section.
 2. All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.
 3. All facilities shall be deemed abandoned after six continuous months of non-use, and shall therefore be removed within 30 days thereafter at the cost of the utility.
 4. 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 days of any such damage.
 5. 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.
 6. 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.
 7. No facilities may be located so as to interfere, or be likely to interfere, with any public facilities or use of public property.
 8. No facilities may be located within the required sight triangle of any driveway or intersection.
 9. All utility facilities not authorized by this section or specifically addressed elsewhere in this Code shall be authorized only by conditional use permit.
- d. Accessory utility facilities may be installed above ground upon compliance with the following requirements:
 1. In commercial or multifamily zoning districts, above-ground accessory utility facilities with a height of 3.5 feet or greater or covering an area eight square feet or greater must be screened. Such screen shall be required to sufficiently conceal the facility from the public right-of-way.
 2. In all zoning districts, above-ground accessory utility facilities with a height of 5.5 feet or greater or covering an area 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.
 3. 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.
 4. 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.

5. 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.

e. *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.

(11) Adult Business

The following standards apply to adult businesses, as defined in Sec. 40-2 and Sec. 1-5:

a. No adult business shall be located within 900 feet of any school, church, licensed day care center, public park, or property zoned for residential use within the city limits. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the premises from which the adult business would be operated to the nearest point on the property line of any school, church, licensed day care center, public park, or property zoned for residential use within the city limits:

1. Provided the phrase "property zoned for residential use" shall not include any property zoned for residential use for which a special use permit has been granted for an indefinite period of time which permit allows a non-residential use; nor shall it include property zoned for agricultural use;
2. Provided further, the list of protected uses set forth herein shall exclude streets, alleys, and highway rights-of-way;
3. Provided further, any school, church, or licensed day care center located within commercially zoned property pursuant to a special use permit shall not be included as a protected use;
4. Provided further, that the 900-foot restriction between such uses may be waived by the City Council after review and recommendation by the Planning Commission, if the applicant demonstrates by substantial and competent evidence and it is found that:
 - i. The proposed use will not be contrary to the public interest or contrary to nearby properties, and that the spirit and intent of this chapter will be observed;
 - ii. The proposed use will not enlarge or encourage the development of a "blighted area" as defined in RSMo. 100.310, as amended; and
 - iii. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal.

b. No adult business shall be located within 900 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 premises from which an adult business would be operated to the nearest point on the property line of such other adult business located within the City:

1. Provided the list of protected uses set forth herein shall exclude streets, alleys, and highway rights-of-way; and
2. Provided further, that the 900-foot restriction between such uses may be waived by the City Council after review and recommendation by the Planning Commission, if the applicant demonstrates by substantial and competent evidence and it is found that:
 - i. The proposed use will not be contrary to the public interest or contrary to nearby properties, and that the spirit and intent of this chapter will be observed;
 - ii. The proposed use will not enlarge or encourage the development of a "blighted area" as defined in RSMo. 100.310, as amended; and
 - iii. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal.

c. Site development regulations:

1. *Applicability.* This subsection shall apply to any bookstore, media store or video store, in which adult media constitutes more than ten percent but not more than 40 percent of the stock in trade of the business at any

time, or where adult media occupies more than ten percent but not more than 40 percent of the gross public floor area of the business at any time.

2. Prohibition of public display. The owner or operator of a store to which this subsection is applicable shall have the affirmative duty to prevent the public display of "adult media" at or within the portions of the business open to the general public.
3. Display of adult media. Adult media in a store to which this subsection is applicable shall be kept in a separate room or section of the store, which room or section shall:
 - i. Not be open to any person under the age of 18 years;
 - ii. Be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight feet high or to the ceiling, whichever is less;
 - iii. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
 - iv. 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.

(12) Pawn Shop

The following standards apply to pawn shops, as defined in Sec. 40-2:

- a. A pawn shop shall not be established or expanded within 500 feet of the boundary line of a residential zoning district.
- b. A pawn shop shall not be established or expanded within 1,000 feet of the property line of a church, school, or public park, except the separation is reduced to 500 feet in situations where a church, school, or public park is zoned C-2 (General Commercial) or M-1 (Light Industrial).
- c. A pawn shop shall not be established or expanded within 1,000 feet of any other pawnshop, measured from the nearest point between buildings.

(13) Building or Ground Maintenance Services

The following standards apply to building or ground maintenance services:

- a. No outdoor storage includes equipment and trailers, supplies, and materials, however, licensed and operable cars and trucks that serve the business may be parked in paved and striped parking spaces.
- b. Where outdoor storage is permitted, the outdoor storage area shall be screened from view of the street and adjacent properties with a privacy fence or wall and landscaping. Fencing and landscaping standards shall meet the design standards for the base zoning district or overlay district in which the site is located.

(14) Construction Sales and Services

The following standards apply to construction sales and services:

- a. No outdoor storage includes equipment and trailers, supplies, and materials, however, licensed and operable cars and trucks that serve the business may be parked in paved and striped parking spaces.
- b. Where outdoor storage is permitted, the outdoor storage area shall be screened from view of the street and adjacent properties with a privacy fence or wall and landscaping. Fencing and landscaping standards shall meet the design standards for the base zoning district or overlay district in which the site is located.

(15) Cemetery

The following standards apply to cemeteries:

- c. Access to the cemetery site shall be provided from an arterial or collector street.
- d. All applicable State regulations shall be met.

(16) Restaurant, with Drive Thru

The following standards apply to restaurants with drive thrus in the C-1 zoning district in the Old Town Belton Overlay:

- a. Drive thrus are prohibited in the Old Town Belton Overlay except for restaurants with drive thrus with frontage on E. North Avenue.
- b. All other drive-thru standards, including minimum access and stacking standards shall be met.

(17) Tobacco Shop

The following standards apply to tobacco shops, as defined in Sec. 40-2:

- a. No tobacco shop shall be located within 1,000 feet of a school, playground, youth center, City-owned and operated park or recreational facility, or library. The distance shall be measured by the shortest straight line from the tobacco shop building to the building or structure of a school, playground, youth center, park or recreational facility, or library.

- b. No tobacco shop shall be located within 1,000 feet of another tobacco shop, measured by the shortest straight line between the tobacco shop buildings.
- c. Each application for a business license shall include a map demonstrating that the proposed location of the tobacco shop is consistent with the minimum separation distances established in this section.

(18) Bed and Breakfast

The following standards must be met for a bed and breakfast:

- a. The bed and breakfast must be owner-occupied with the operator residing on the property.
- b. A maximum of eight (8) guest rooms are permitted.
- c. The bed and breakfast must only serve meals to overnight guests, unless the bed and breakfast is located on an arterial or collector street.
- d. Off-street parking requirements must be met in a parking area located behind the front building line.
- e. Retail and other sales are not permitted on the premises.

(19) Medical and Comprehensive Marijuana Facilities

The following regulations apply to all medical marijuana facilities, comprehensive marijuana facilities, and microbusinesses, including cultivation facilities, dispensary facilities, infused productions manufacturing facilities, testing facilities, transportation facilities, and wholesale facilities:

- a. No new facility shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, day-care, or church.
For purposes of this section,
 1. A *daycare* means a child-care facility, as defined by RSMo 210.201 that is licensed by the state of Missouri.
 2. An *elementary or secondary school* means any public school as defined in RSMo 160.011 or any private school giving instruction in a grade or grades not higher than the 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
 3. A *church* means a permanent building primarily and regularly used as a place of religious worship.
 4. *Then existing* means any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.
 5. Separation distances shall be measured along the shortest path that can be lawfully traveled by foot between the following demarcation points:
 - (i) Freestanding facilities – the distance between the facility and school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (ii) Facilities in a larger structure (such as an office building or strip mall) – the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
- b. Outdoor operations or storage prohibited. Unless licensed as an outdoor medical or comprehensive marijuana cultivation facility, all medical marijuana and marijuana facilities' operations and all storage of materials, products, or equipment shall be within a fully enclosed building.
- c. Onsite usage prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana or marijuana facility.
- d. Hours of operation. All medical marijuana and marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m., provided that, sales and distribution of medical or comprehensive marijuana or any other products sold to the public through a medical, comprehensive, or wholesale marijuana dispensary may occur until midnight on Friday and Saturday evenings.
- e. Residential dwelling units prohibited. No medical, comprehensive, or wholesale marijuana facility shall be located in a building that contains a residence.
- g. Ventilation required. All medical marijuana and marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the facility. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

(20) Accessory Uses

Accessory uses are permitted as accessory to a principal use subject to the accessory use standards for the base zoning district in which the principal use is located.

(21) Home Occupations

Home occupations shall be permitted as an accessory use in residential dwellings or residential accessory structures in any zoning district where residential dwelling units are permitted subject to the following:

a. *General provisions.*

1. The home occupation shall be clearly incidental and subordinate to the principal residential use of the premises. The primary use of the building in which the home occupation is located shall clearly be on the premises of the dwelling unit used by the person as their private residence.
2. Business-related activity, including storage or use of equipment, may occur inside the dwelling unit, inside the accessory structure, or in the yard of the residential dwelling unit, but shall not be visible from the street.
3. A home occupation may be permitted one (1) wall-mounted sign, which shall not exceed two (2) square feet, shall not be illuminated, and shall match the principal structure in color and design.
4. The total number of employees and clients on the premises at any one time shall not exceed the occupancy limit of the residential dwelling or accessory structure.
5. The home occupation must not generate traffic, parking, sewerage or water use in excess of what is normal or customary in a residential neighborhood.
6. The home occupation shall not create a hazard to person or property, result in electrical interference, produce noise, vibration, smoke, odors, heat, or glare in excess of what would normally be produced by a single residence, or become a nuisance in the neighborhood.
7. Deliveries of materials to and from the premises in conjunction with the home occupation shall not require the use of vehicles other than parcel post or similar parcel service vehicles.
8. Home occupations shall maintain required licenses mandated by applicable state and/or federal laws.
9. Persons residing within a homeowners association should notify the homeowners association of their intent to operate a home business prior to operations.

b. *Home occupations permitted.* Home occupations and home-based businesses, as defined in Section 71.990, RSMo., as amended, shall be permitted. No business license from the City of Belton is required for a no-impact occupation or business as said term is defined by Section 71.990, RSMo., and interpreted by the Director. A business license from the City of Belton is required for all other occupations or businesses. Permitted home occupations include the following list of uses and others that are similar in character:

1. Instructors (tutors, private music and/or dance lessons, etc.) and counselors.
2. Professional offices.
3. Arts and crafts studios.
4. Small appliance and electronics repair services.
5. Catering services.
6. Gun repair and cleaning services.
7. Salon and barber services.
8. Any other home occupation or home-based business that meets the general provisions and is not prohibited, as outlined in this section.

c. *Particular home occupations prohibited.* Home occupations and home-based businesses that negatively impact public health, sanitation, and safety, are not in compliance with building or fire codes, create substantial traffic, or generate solid waste, hazardous waste, pollution, and/or noise that is out of character for a residential property are prohibited.

(22) Drive-Thru Facilities

All drive-thru facilities are permitted subject to the following conditions:

- a. Drive-thru facilities, including stacking spaces, shall be setback at least forty (40) feet from any residentially zoned property.
- b. Speaker systems in conjunction with a drive-thru facility shall be oriented and designed so that they are not audible at any property line adjacent to residentially zoned property.
- c. Drive-thru facilities shall meet all minimum parking standards and the following minimum stacking space requirements:

Use	Minimum Stacking Requirement
Bank / Financial Institution	3 per lane or ATM
Car Wash – automatic service	4 per bay
Restaurant	4 behind order box
Pharmacy	2 per lane
Other uses	As determined by the community development director

1. Each vehicle stacking shall be a minimum of nine (9) feet wide by eighteen (18) feet long.
2. Each vehicle stacking shall be separate and not conflict with any vehicle or pedestrian access, drive aisle, loading space, or parking space.

(23) Non-Accessory Parking

Non-accessory parking facilities are permitted subject to the following conditions:

- a. The applicant or property owner shall provide the following information:
 1. Identify the need for the parking facility;
 2. Identify the properties and uses within the vicinity that will have access to the parking facility; and
 3. Identify any parking management strategies, including if payment is required and hour limitations per vehicle and for the lot.
- b. The parking facility shall meet all parking lot design and pavement standards.
- c. The parking facility shall meet all landscaping, buffering, and screening requirements.
- d. The parking facility shall not be utilized as a vehicle storage lot, tow lot, or outdoor storage yard.