



CITY OF BELTON

**City Council Meeting Agenda
Tuesday, May 22, 2018 - 5:30 p.m.
Wright Room, Harris Community Center
401 N. Alexander, Belton, Texas**

**Councilmember David K. Leigh plans to participate in the meeting
from Ireland, via videoconference.**

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Director of Parks and Recreation Matt Bates.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Councilmember Guy O'Banion.

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

Invocation. The Invocation will be given by Councilmember Dan Kirkley.

1. Call to order.
2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

3. Proclamations:

- A. National Public Works Week: May 20-26, 2018
- B. Alzheimer's and Brain Awareness Month – June 2018

4. Present \$2,000 Scholarship from Waste Management, Inc. to Emily Gaw.

Consent Agenda

Items 5-6 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

5. Consider the minutes of the May 8, 2018, City Council Workshop Meeting.
6. Consider appointments/reappointments to the following Boards/Commissions:
 - A. Ethics Commission
 - B. Planning and Zoning Commission

Planning and Zoning

7. Hold a public hearing and consider the following City-initiated zoning changes on property located along Brenda Lane, south of I-14 (US 190) and east of FM 1670:
 - Tract 1: From Agricultural to Single Family-3 District on approximately 6.36 acres comprising Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition; and
 - Tract 2: From Agricultural to Mobile Home District on approximately 3.22 acres comprising Lots 1 – 5, Block 1, Brenda Lane Extension.
8. Hold a public hearing and consider a zoning change from Agricultural to Single Family -1 District on approximately 4.324 acres located the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.
9. Consider a final plat of Gill Estates, 15.694 acres located on the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.
- 10.A. Hold a public hearing and consider a preliminary/final plat of Dawson Ridge Addition, 71.368 acres including a replat of Lots 1 through 5 of Amending Plat Dawson Ranch Regatta Oaks HOA Addition, located south of FM 439 and west of Dunn's Canyon Road, in the vicinity of Spring Canyon and Canyon Heights Roads.
 - B. Consider authorizing the City Manager to execute a Development Agreement associated with Dawson Ridge Addition, located south of FM 439 and west of Dunn's Canyon Road, in the vicinity of Spring Canyon and Canyon Heights Roads.

Miscellaneous

11. Consider adoption of an ordinance amending Article II, Chapter 23, Section 23-36 of the Code of Ordinances regarding minimum water main standards.
12. Hold a public hearing and consider an ordinance adopting Chapter 25 as the Stormwater Management in the Code of Ordinances regarding the City's standards for stormwater runoff and stormwater quality.
13. Hold a public hearing to receive input regarding the following Code updates:
 - 2015 International Building Code
 - 2015 International Existing Building Code
 - 2015 International Residential Code
 - 2015 International Energy Conservation Code
 - 2015 International Mechanical Code
 - 2015 International Plumbing Code
 - 2015 International Fuel Gas Code
 - 2015 International Property Maintenance Code
 - 2015 International Swimming Pool and Spa Code
 - 2014 National Electrical Code
14. Consider authorizing the City Manager to renew the pipe bedding and road base contracts for the annual construction materials for infrastructure projects for one year, and any change orders associated with the contract, not to exceed the amount authorized under state law.
15. Consider adopting a resolution authorizing the City Manager to execute an Advanced Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set Aside Program relating to the South Belton Shared Use Path Project.

Executive Session

16. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, consultation with attorney regarding pending or contemplated litigation.
17. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.072, for a deliberation regarding real property.



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OFFICE OF THE CITY MANAGER

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3. Proclamations:

A. National Public Works Week: May 20-26, 2018

Director of Public Works Angellia Points and her staff will be present to receive this proclamation.

B. Alzheimer's and Brain Awareness Month – June 2018

Christy Hill, Development Specialist with the Capital of Texas Alzheimer's Association will be present to receive the proclamation.

4. Present \$2,000 Scholarship from Waste Management, Inc. to Emily Gaw.

Paul Daugereau of Waste Management will be in attendance to present the scholarship money to Emily Gaw, this year's recipient.

Consent Agenda

Items 5-6 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

5. Consider the minutes of the May 8, 2018, City Council Workshop Meeting.

A copy of the minutes is attached. Recommend approval.

6. Consider appointments to the following Boards/ Commissions:

- A. Ethics Commission
- B. Planning and Zoning Commission

See Staff Report from City Clerk Amy Casey. Recommend appointment/reappointment as presented.

Planning and Zoning

7. Hold a public hearing and consider the following City-initiated zoning changes on property located along Brenda Lane, south of I-14 (US 190) and east of FM 1670:

Tract 1: From Agricultural to Single Family-3 District on approximately 6.36 acres comprising Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition; and

Tract 2: From Agricultural to Mobile Home District on approximately 3.22 acres comprising Lots 1 – 5, Block 1, Brenda Lane Extension.

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on May 15, 2018 and unanimously recommended approval

of a zoning change from Agricultural to Mobile Home District on Block 1, Lot 4, Brenda Lane Addition, and Staff concurs with their recommendation.

8. **Hold a public hearing and consider a zoning change from Agricultural to Single Family -1 District on approximately 4.324 acres located the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on May 15, 2018, and unanimously recommended approval of the requested zoning change from Agricultural to Single Family-1 District, and Staff concurs with their recommendation.

9. **Consider a final plat of Gill Estates, 15.694 acres located on the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on May 15, 2018, and recommended approval of the final plat of Gill Estates, subject to the conditions presented in the Staff Report. Staff concurs with their recommendation.

- 10.A. **Hold a public hearing and consider a preliminary/final plat of Dawson Ridge Addition, 71.368 acres including a replat of Lots 1 through 5 of Amending Plat Dawson Ranch Regatta Oaks HOA Addition, located south of FM 439 and west of Dunn's Canyon Road, in the vicinity of Spring Canyon and Canyon Heights Roads.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on May 15, 2018, and unanimously recommended approval of the preliminary/final plat of Dawson Ridge Addition, subject to the conditions presented in the Staff Report. Staff concurs with their recommendation.

- B. **Consider authorizing the City Manager to execute a Development Agreement associated with Dawson Ridge Addition, located south of FM 439 and west of Dunn's Canyon Road, in the vicinity of Spring Canyon and Canyon Heights Roads.**

See Staff Report from Director of Planning Cheryl Maxwell. Recommend authorization for the City Manager to execute the Development Agreement. Final cost data is under review and will be provided at the meeting.

Miscellaneous

11. **Consider adoption of an ordinance amending Article II, Chapter 23, Section 23-36 of the Code of Ordinances regarding minimum water main standards.**

See Staff Report from Director of Public Works Angellia Points. Recommend adoption of the ordinance as presented.

12. **Hold a public hearing and consider an ordinance adopting Chapter 25 as the Stormwater Management in the Code of Ordinances regarding the City's standards for stormwater runoff and stormwater quality.**

See Staff Report from Director of Public Works Angellia Points. Recommend hold the public hearing, and then adoption of the ordinance as presented.

13. **Hold a public hearing to receive input regarding the following Code updates:**

- **2015 International Building Code**
- **2015 International Existing Building Code**
- **2015 International Residential Code**
- **2015 International Energy Conservation Code**
- **2015 International Mechanical Code**
- **2015 International Plumbing Code**
- **2015 International Fuel Gas Code**
- **2015 International Property Maintenance Code**
- **2015 International Swimming Pool and Spa Code**
- **2014 National Electrical Code**

See Staff Report from Director of Planning Cheryl Maxwell. Recommend holding the public hearing. No other action is required of the Council at this time.

14. **Consider authorizing the City Manager to renew the pipe bedding and road base contracts for the annual construction materials for infrastructure projects for one year, and any change orders associated with the contract, not to exceed the amount authorized under state law.**

See Staff Report from Director of Public Works Angellia Points. Recommend renewing the contracts as presented.

15. **Consider adopting a resolution authorizing the City Manager to execute an Advanced Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set Aside Program relating to the South Belton Shared Use Path Project.**

See Staff Report from Grants and Special Projects Coordinator Bob van Til. Recommend adoption of the resolution as presented.

Executive Session

16. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, consultation with attorney regarding pending or contemplated litigation.
17. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.072, for a deliberation regarding real property.

WHEREAS, public works infrastructure, facilities and services are of critical importance to the health, safety, economy and overall well-being of our community; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators representing all levels of government, who are responsible for and must plan, design, construct, inspect, operate and maintain the public works facilities essential to serve our citizens; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works functions is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, it is in the public interest of our citizens, civic leaders and children to learn and understand the importance of vital public works programs such as drinking water, sanitary and storm sewers, streets and highways, public buildings and grounds, public fleets, and solid waste collection and disposal; and

WHEREAS, "The Power of Public Works" theme for 2018 National Public Works Week gives voice to the impact the many facets of public works have on modern civilization. From providing clean water to disposing of solid waste, to building roads and bridges or planning for and implementing mass transit, to removing snow [or ice] on roadways or devising emergency management strategies to meet natural or manmade disasters, public works services determine a society's quality of life.

NOW THEREFORE, I, MARION GRAYSON, Mayor of the City of Belton, Texas, do hereby proclaim the week of May 20-26, 2018, as:

"Public Works Week"

in the City of Belton, Texas, and I urge each of our citizens to gain knowledge of, and maintain a progressive interest in, the public works needs and programs vital to our everyday lives. And, to recognize the daily contributions which public works officials make to ensure our health, safety, comfort and quality of life in the City of Belton.

IN WITNESS THEREOF, I have hereunto set my hand, and have caused the Official Seal of the City of Belton, Texas, to be affixed the 22nd day of May, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

WHEREAS, Alzheimer’s is an incurable and fatal brain disease that causes memory loss, disorientation, decreased judgment, as well as difficulty speaking, and it is the sixth leading cause of death killing more people than breast cancer and prostate cancer combined; and

WHEREAS, more than five million Americans are now living with Alzheimer’s disease including over 360,000 Texans; and

WHEREAS, in 2016, 15.9 million family and friends provided 18.2 billion hours of unpaid assistance to those with Alzheimer’s and other dementias; and

WHEREAS, with early detection and diagnosis, individuals and families can gain access to treatment medications, enroll in critical research trials, fully participate in planning for the future, and receive help and support from the Alzheimer’s Association; and

WHEREAS, June is Alzheimer’s and Brain Awareness Month, and citizens are encouraged to take the Purple Pledge to support the 47 million people worldwide who are living with Alzheimer’s disease and other dementias; and

WHEREAS, Citizens can also join in celebrating The Longest Day, a sunrise-to-sunset event to honor those facing Alzheimer’s with strength, passion and endurance.

NOW THEREFORE, I, MARION GRAYSON, Mayor of the City of Belton, Texas, do hereby proclaim the month of June, 2018, as:

“ALZHEIMER’S AND BRAIN AWARENESS MONTH”

and

Thursday, June 21, 2018, as “The Longest Day”

in the City of Belton, Texas, and I urge each of our citizens to observe this month by educating themselves about this disease, and ask them to color Belton purple on the 21st of June in recognition of, and to honor, all caregivers and those affected by this disease.

IN WITNESS THEREOF, I have hereunto set my hand, and have caused the Official Seal of the City of Belton, Texas, to be affixed the 22nd day of May, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Belton City Council Workshop Meeting
May 8, 2018 – 4:30 P.M.

The Belton City Council met in workshop session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem Craig Pearson and Councilmembers David K. Leigh, Dan Kirkley, Paul Sanderford, Guy O'Banion and John R. Holmes, Sr. Staff present included Sam Listi, John Messer, Amy Casey, Brandon Bozon, Chris Brown, Paul Romer, Cynthia Hernandez, Angellia Points and Cheryl Maxwell.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 4:32 p.m.

2. **Receive a presentation and discuss:**

- **2015 International Building Code**
- **2015 International Existing Building Code**
- **2015 International Residential Code**
- **2015 International Energy Conservation Code**
- **2015 International Mechanical Code**
- **2015 International Plumbing Code**
- **2015 International Fuel Gas Code**
- **2015 International Property Maintenance Code**
- **2015 International Swimming Pool and Spa Code**
- **2014 National Electrical Code**

Director of Planning Cheryl Maxwell, Building Official Bruce Ebbert and Building Inspector Abel Turner discussed adoption of updated building codes as shown in Exhibit "A."

Mayor Grayson asked about the BCEGS Grading Schedule, and if a "1" was the worst, or a "10" was the worst. Mrs. Maxwell stated that the higher the number, the worse the ranking.

Councilmember David K. Leigh asked for clarification, "Carbon monoxide detectors are required in attached garages, even if you don't have gas appliances?" Mr. Ebbert responded that he believes that to be a correct interpretation.

Mr. Ebbert stated that most contractors are already in compliance with these new requirements since they are required to be in compliance in other nearby cities.

Mr. Leigh asked how is it determined when there is a major remodel, almost a reconstruction, as to which requirements must be met? Mr. Turner responded that it will most likely be on a case-by-case basis. City Attorney John Messer said he thinks it is on a percentage basis of what's being remodeled.

TABA's Governmental Affairs Director, Marty Janczak, said that TABA is in support of these code updates, and stated that he will provide TABA's recommendations for

consideration. He added that most contractors/developers are already following these newer codes. Mr. Janczak said TABA's biggest concern is the air leakage test.

Councilmember Dan Kirkley expressed concern about the increased costs making housing even less affordable. A discussion ensued between the Mayor and Councilmembers about the updated requirements and increased costs that would affect home buyers/owners.

Mr. Ebbert ended the presentation by reviewing the proposed schedule for adoption.

3. Receive a presentation and discuss the Stormwater Ordinance.

Director of Public Works Angellia Points discussed the proposed Stormwater Ordinance as shown in Exhibit "B."

Mayor Pro Tem Pearson asked if these requirements were applicable to the City's ETJ. Mrs. Points said that she would need to research the answer, but she felt that they should apply.

Mrs. Points explained that education was going to be a major component of implementing this policy. Mr. Leigh suggested starting with placing yard signs in a yard where a violation is noticed.

Mrs. Points said that the Stormwater Ordinance would be presented at a future Council meeting for a public hearing and adoption.

4. Adjourn. There being no further business, the Mayor adjourned the meeting at 5:30 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

2015 I-Codes Adoption

May 2018



Codes

- 2015 International Building Code
- 2015 International Existing Building Code
- 2015 International Residential Code
- 2015 International Energy Conservation Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel Gas Code
- 2014 National Electrical Code
- 2015 International Property Maintenance Code - new
- 2015 International Swimming Pool and Spa Code – pulled from IBC and IRC



Code Updates

- 2009 Building Codes—Currently in use
- 2008 Electrical Code—Currently in use
- Codes updated every 3 years
 - Building Codes: 2009, 2012, 2015, 2018
 - Electrical Codes: 2008, 2011, 2014, 2017
- 2012 not used by many in our region
- 2015 adopted by Copperas Cove, Killeen, Harker Heights (Belton under 2015 Fire Code)
- 2018 recently released—not vetted

Code Update Proposed

Review the significant code changes:

- 2009 to 2015 I-Codes
- 2008 to 2014 NEC



2015 Fire Code (Chapter 11)
By Fire Marshal's Office

Benefits of Adopting New Codes

- Provide consistency with adopted Fire Code—
overlap between Fire Code and Building Codes
- Provide the highest quality codes, standards and products in which to construct.
- Protect the health, safety and welfare of our citizens by creating safe buildings and community.
- Provide standards for energy-efficient buildings.
- Provide consistent codes across Region.
- Maintain and Possibly Improve our ISO Rating.

ISO's Building Code Effectiveness Grading Schedule (BCEGS)

- Assesses the building codes in effect.
- Well-enforced, up-to-date codes demonstrate less loss experience during natural hazards.
- Benefits are safer buildings, less damage and lower insured losses from catastrophes.
- Grading is based upon adoption of newer codes; level of certified staff; use of check list in plans review and inspections; and level of enforcement (Stop Work).

ISO's Building Code Effectiveness Grading Schedule (BCEGS)

- Adoption of these codes will allow City of Belton to:
 - Maintain Class 5 for 1 & 2 Family Residential Property
 - Improve to Class 4 for Commercial and Industrial Property
- GCEGS classifications may be used by insurers to offer premium discounts
- GCEGS classifications used by FEMA to rank funding applications

Proposed Adoption Schedule

May 8:	Council Workshop
May 10:	Newspaper Notice of May 22 nd CC Meeting
May 10 – June 12:	Information available to public...post on website and send letters to stakeholders
May 17:	Hold public workshop
May 22:	Council Meeting —public hearing/discussion
May 25:	Newspaper Notice of June 12 th CC Meeting
June 12:	Council Meeting —2 nd public hearing and proposed adoption
June 26:	Council Meeting if needed for late-June deadline
Oct 1:	Effective Date

2015 International Residential Code



2012/2015 IRC

Chapter 3 Building Planning and Construction

CHANGE SUMMARY:

R308.4.6 Glazing Adjacent Stairs and Ramps. For **glazing** not to be considered to be in a **hazardous location** the **minimum** height above a tread at the side of a stairway is now **36."**



2015 IRC

Chapter 3 Building Planning and Construction

CHANGE SUMMARY:

R315.2 Where required.

A **carbon monoxide alarm** is required in bedrooms when there is a **fuel-fired appliance** in the bedroom or adjoining bathroom.



Carbon monoxide alarm

© Creations/Shutterstock.com.

2015 IRC

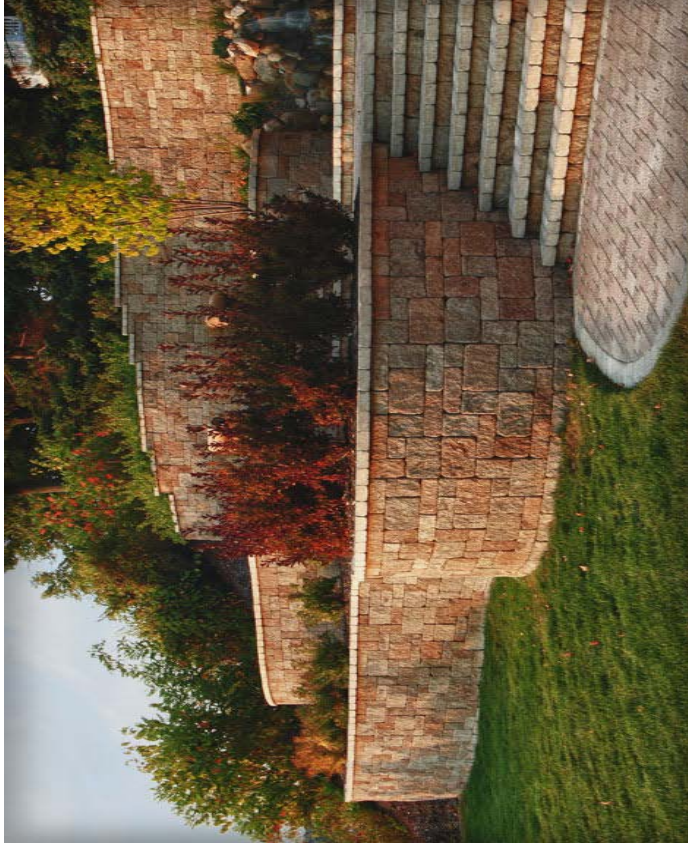
Chapter 4 Foundations

CHANGE SUMMARY:

R404.4 Retaining walls.

Freestanding **retaining walls** not supported at the top, with more than 48 inches of unbalanced backfill must be designed by an **engineer**.

Retaining walls resisting additional lateral loads and with more than 24 inches of unbalanced backfill must also be designed in accordance with **accepted engineering practice**.



2015 IRC

Chapter 6 Wall Framing

CHANGE SUMMARY:

TABLE R602.10.3(1) Bracing Requirements Based on Wind Speed.

Values in Table R602.10.3(1) for required minimum bracing length changed slightly as the new **ultimate design wind speeds** were used to calculate bracing.

Previously, there were **four** wind speed categories—85, 90, 100, and 110 mph.

Now there are **five** categories—110, **115**, 120, 130, and 140 mph.



2012 & 2015 IECC – Residential

International Energy Conservation Code

R402.1.2 Insulation and Fenestration Requirements

R-Value	2009	2012	2015
Attic	R30	R38	R38
Wood Frame Wall	R13	R13	R13
Wood Floor	R13	R13	R13
U-factor	0.65	0.40	0.40
Skylight	0.75	0.65	0.65
SHGC	0.30	0.25	0.25

2012 & 2015 IECC - Residential

R402.4 Air Leakage (Mandatory)

The 2012 IECC deleted the option to ***inspect*** or ***test*** for air leakage. It is now mandatory to perform both and the code increased the tightness requirements.

In most cases, **mechanical ventilation** will be required in houses that meet the air tightness requirements.



© Retrotec Inc

A blower door is used to test the tightness of the house

2012/2015 IRC

International Residential Code

Chapter 3 Building Planning and Construction

CHANGE SUMMARY:

R303.4 Mechanical Ventilation. Where the **air infiltration rate** of a dwelling unit is less than **5 air changes/hour** when tested with a blower door at a pressure of **0.2 inch w.c. (50 Pa)**, the dwelling unit shall be provided with **whole house** mechanical ventilation in accordance with Section M1507.3.

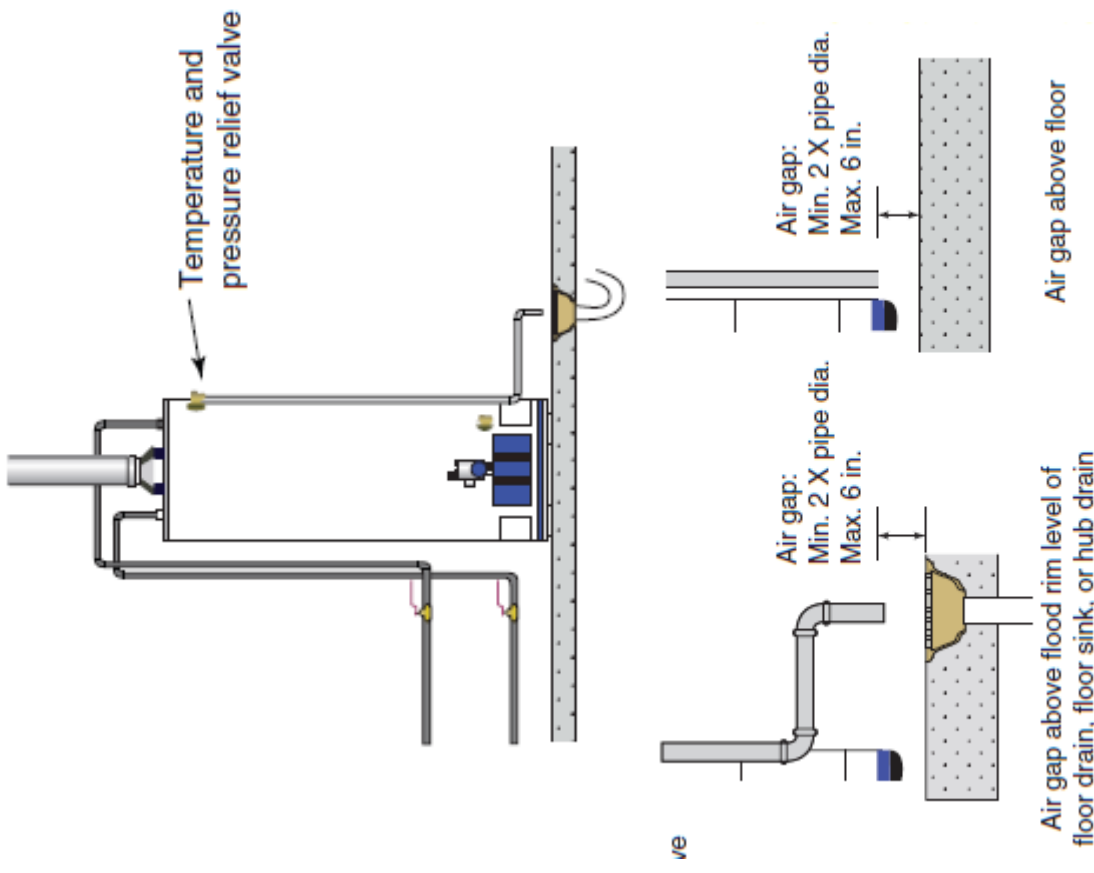


Residential Plumbing

Chapter 25-33

P2804.6.1 The **T&P relief valve discharge pipe** termination must have an **air gap**.

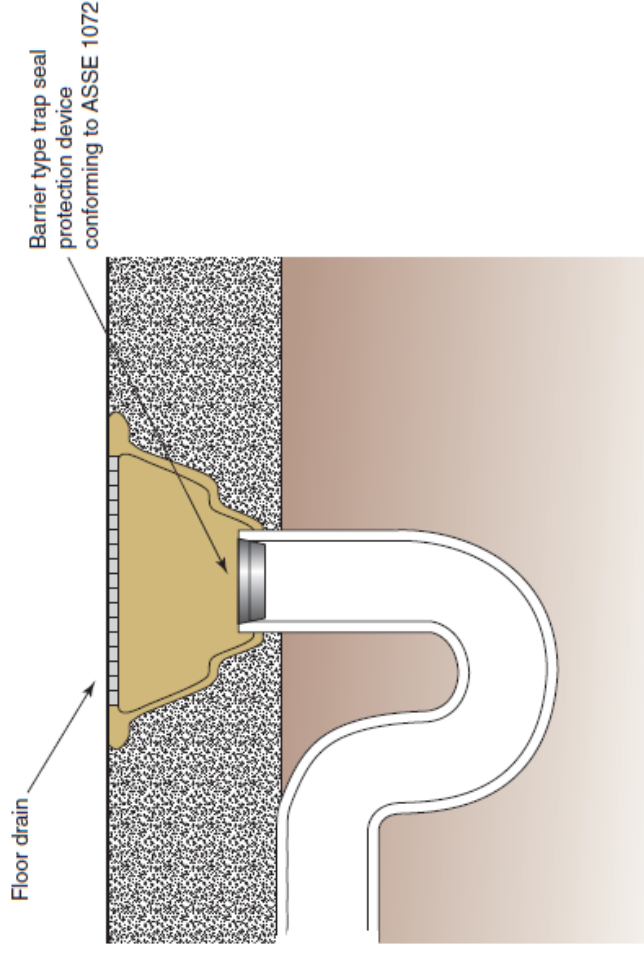
PEX and **PE-RT tubing** used for relief valve discharge piping must be one size larger than the **T&P valve discharge outlet** and the outlet end of the tubing must be fastened in place.



Residential Plumbing

Chapter 25-33

P3201.2 Trap seal protection against evaporation can now be: **Trap seal primer valves** supplied with **non-potable water** and **Barrier-type trap seal protection** devices.



A barrier-type trap seal protection device is one of four methods of protecting the floor drain trap seal from evaporation.

2014 NEC--Residential Electrical

National Electrical Code

State Law:

- State adopted the **2014 NEC Sept 01, 2014**
- All licensed electricians must wire to **2014 NEC**
- Local municipalities may not reduce requirements of the state adopted code.
- Local municipalities may create local amendments that are more stringent.



2014 NEC

210.8(A)(10) – GFCI for Laundry Areas

GFCI protection is required for all 125 volt, single phase 15- and 20-amp receptacles installed in **Laundry Areas**.

(Note: Laundry area is not defined)



2014 NEC

210.8(D) – GFCI for Dishwashers

GFCI protection shall be provided for outlets that supply dishwashers installed in dwelling unit locations.



2014 NEC

210.12(A) AFCI Protection

The list of rooms in dwelling units has been expanded to include:

Kitchens

Laundry rooms

(Leaves bathroom & garage)



AFCI Combination Device



AFCI Device

2014 NEC

680.73 Hydromassage Bathtubs - Accessibility

Hydromassage bathtub electrical equipment shall be **accessible** without damaging the **structure** or **finish**. Cord & plug connected motor's receptacle shall be located within **1 foot** of service opening.



2015 IPC (Commercial)

International Plumbing Code



Example of some
changes on
following slides

2015 IPC

Chapter 4 – 403.3 Required public toilet facilities.

CHANGE SUMMARY:

Structures and tenant spaces intended for **quick transactions**, including takeout and pickup & dropoff having a public access area **300** sq ft or less is not required to have **public restrooms**.



Examples:
--Dry Cleaners
--Pizza Pickup
--Check Cashing

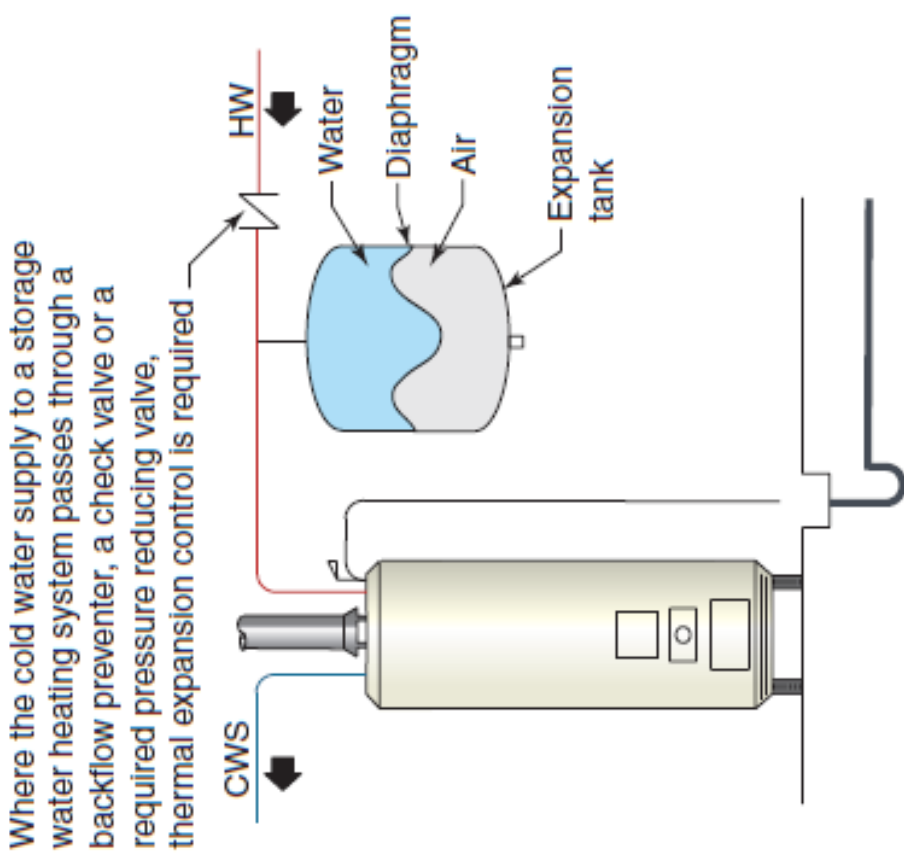


2015 IPC

Chapter 6 – 607.3 Thermal expansion control

CHANGE SUMMARY:

The only available method to control **closed-system** pressure increases caused by the **heating of water** has been limited to the use of **thermal expansion tanks**.



2015 IPC

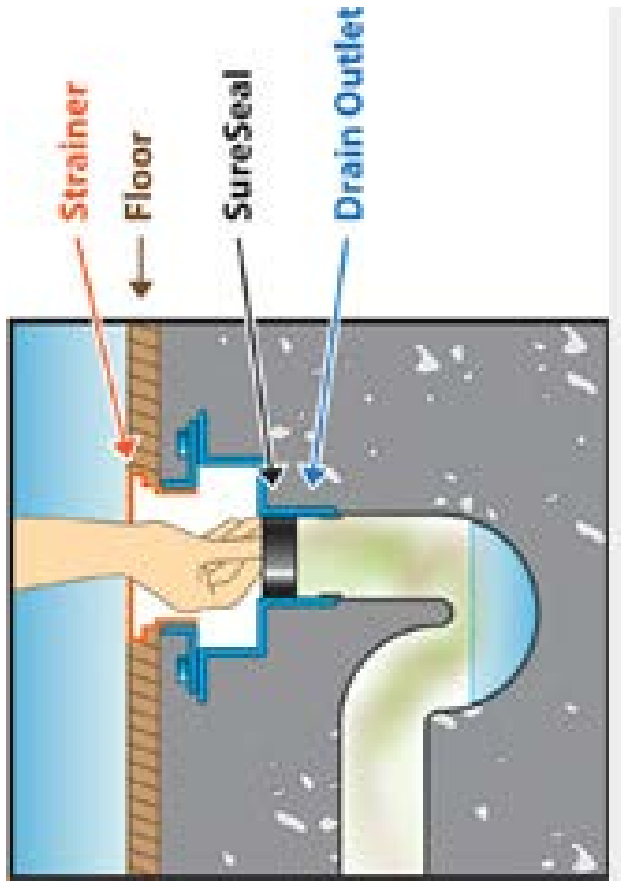
Chapter 10 – 1002.4.1.4 Barrier-type trap seal protection device.

CHANGE SUMMARY:

A **barrier-type** trap seal protection device shall protect the floor drain trap seal from evaporation.

When water runs into the floor drain, the insert allows the water to pass and then closes to significantly reduce evaporation of the trap seal.

ASSE 1072



2015 IFGC (Commercial)

International Fuel Gas Code

Example of some
changes on
following slides



2015 IFGC

Chapter 3 – 310.1.1 CSST

CHANGE SUMMARY:

CSST shall be bonded to the electrical service grounding electrode system.



2015 IFGC

Chapter 4 – 403.6 Plastic pipe, tubing and fittings

CHANGE SUMMARY:

PVC and **CPVC** pipe are expressly prohibited materials for supplying fuel gas.

Can use approved polyethylene gas piping listed by ASTM D 2513



2015 IFGC

Chapter 4 – 411.1.1 Commercial cooking appliances

CHANGE SUMMARY:

Movement of commercial cooking appliances with casters shall be limited by a **restraining device**.



New Water Heater Standards

April 16, 2015



2 to 8 inches taller
2 to 6 inches wider
Up to 35% cost increase



Can save 25% to 50% in
utility bills

2015 IMC (Commercial) International Mechanical Code



Example of some
changes on
following slides

2015 IMC

Chapter 3 – 304.11 Fall Arresting Restraint Systems

CHANGE SUMMARY:

The code allows for **fall-arresting restraint systems** to be installed instead of guard rails on roof tops.



2012/2015 IMC

Chapter 3 – 306.5 Equipment on Roofs / Elevated Structures

CHANGE SUMMARY:

Permanent access is required to equipment and appliances on a roof or elevated structure higher than 16 feet above grade.

Such access shall not require the use of portable ladders.



2015 IMC

Chapter 5 – 502.20 Manicure and Pedicure Station Exhaust

CHANGE SUMMARY:

Pedicure stations are now required to have exhaust systems the same as manicure stations. The exhaust system must be located within **12 inches** from the point of chemical application.



2015 IMC

Chapter 11 – 1102.3 Access Port Protection

CHANGE SUMMARY:

Locking caps are required whenever refrigerant is added or recovered from refrigeration or air conditioning systems.

Unless the ports are located indoors, on roofs with restricted access or behind barriers.



Commercial Energy



2015 IECC Commercial

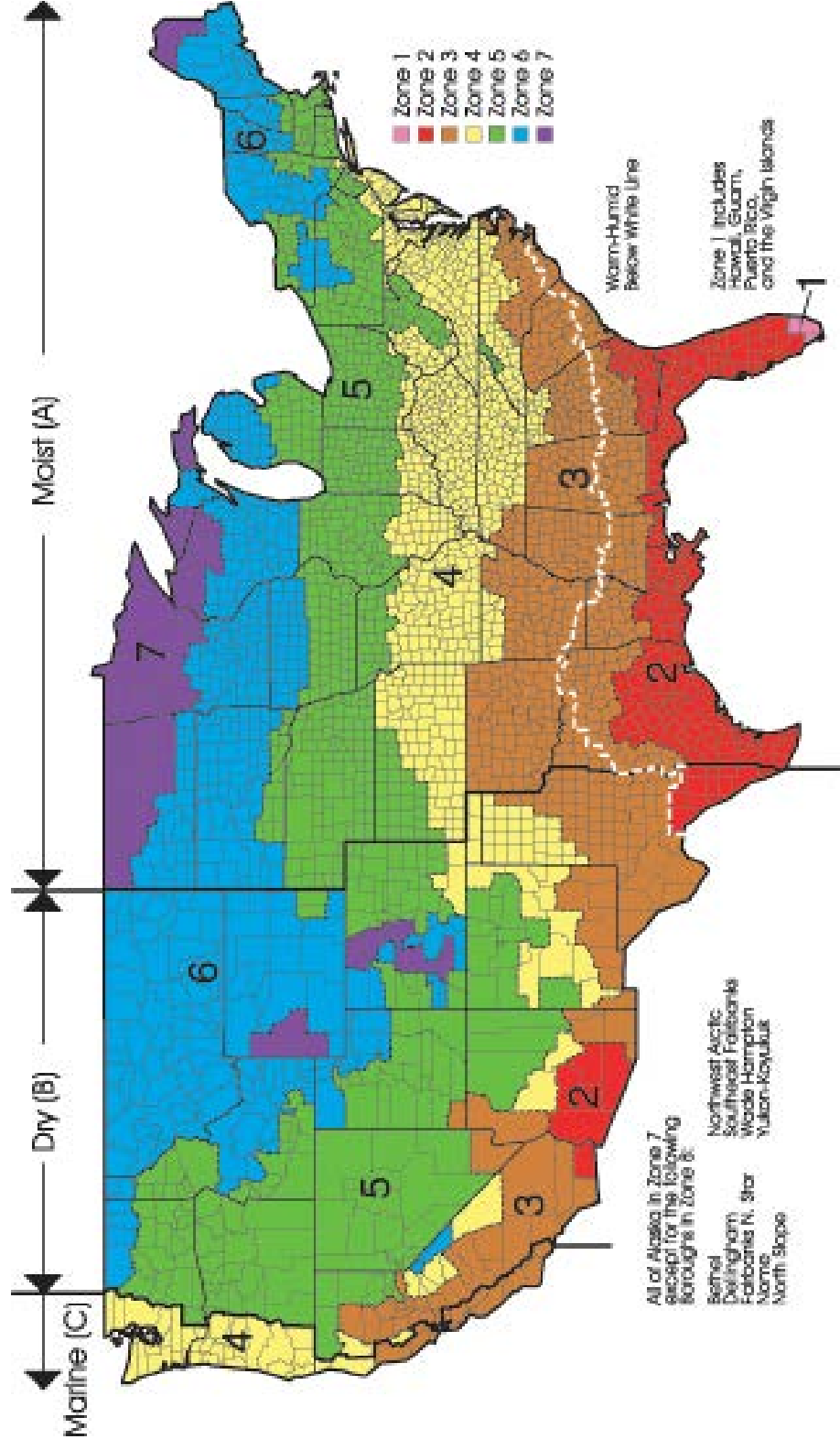
International Energy Conservation Code

C103.2 Information on Construction Drawings

1. **Insulation materials** and their R-values.
2. **Fenestration** U-factors and solar heat gain coefficients (SHGCs).
3. **Mechanical system** design criteria.
4. **Water heating** system and equipment types, sizes and efficiencies.
5. **Economizer** description.
6. **Equipment and system controls**.
7. **Fan motor** horsepower (hp) and controls.
8. **Duct** sealing, duct and pipe insulation and location.
9. **Lighting** fixture schedule with wattage and control narrative.
10. **Location of daylight zones on floor plans**.
11. **Air sealing** details.

2015 IECC Commercial

Figure C301.1 Climate Zones
(Bell Co = 2(A) Moist / Warm-Humid)



2015 IECC Commercial

C402.1.1 Low Energy Buildings

CHANGE SUMMARY:

Low energy buildings are exempt from the building thermal envelope requirements.

- Energy usage less than **3.4 Btu/h ft²**
- **1.0 watt per sq ft** of floor area for space conditioning purposes
- **No** conditioned space



Greenhouses were added to the list of Low Energy Buildings.

2012 & 2015 IECC Commercial

C402.1.3 Opaque Thermal Envelope Insulation

CHANGE SUMMARY:

Table C402.1.3

(Prescriptive) has some changes.

Commercial buildings
include hotels and
residential buildings
over 3 stories in height

R-Value	2009	2012	2015
Attic	R30	R38	R38
Wood Frame Wall	R13	R13 + 3.8 ci or R20	R13 + 3.8 ci or R20
Wood Floor	R13	R13 + 3.8 ci or R20	R13 + 3.8 ci or R20
Insulation at Roof Deck	R20ci	R20ci	R25ci

Commercial Building Code



Example of some changes on following slides

2012/2015 IBC

Chapter 4 Special Use and Occupancy

CHANGE SUMMARY:

419 Live Work Area

A dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant.



3,000 sq ft max
50% NR area
First or main floor
Up to 5 employees



2015 IBC

International Building Code

Chapter 9 Fire Protection Systems

CHANGE SUMMARY:

[F] 907.2.3 Group E.

Manual fire alarm systems in Group E

occupancies are required where the occupant load exceeds

50. Emergency voice/alarm communication (EVAC)

system are required where the occupant load exceeds **100**.



2012 IBC

Chapter 9 Fire Protection Systems

CHANGE SUMMARY:

[F] 903.2.7 Group M.

An **automatic sprinkler system** shall be provided throughout all buildings containing a **Group M** occupancy where ... used for the display and sale of **upholstered furniture** or **mattresses** exceeds **5,000 sq ft.**



2012/2015 IBC

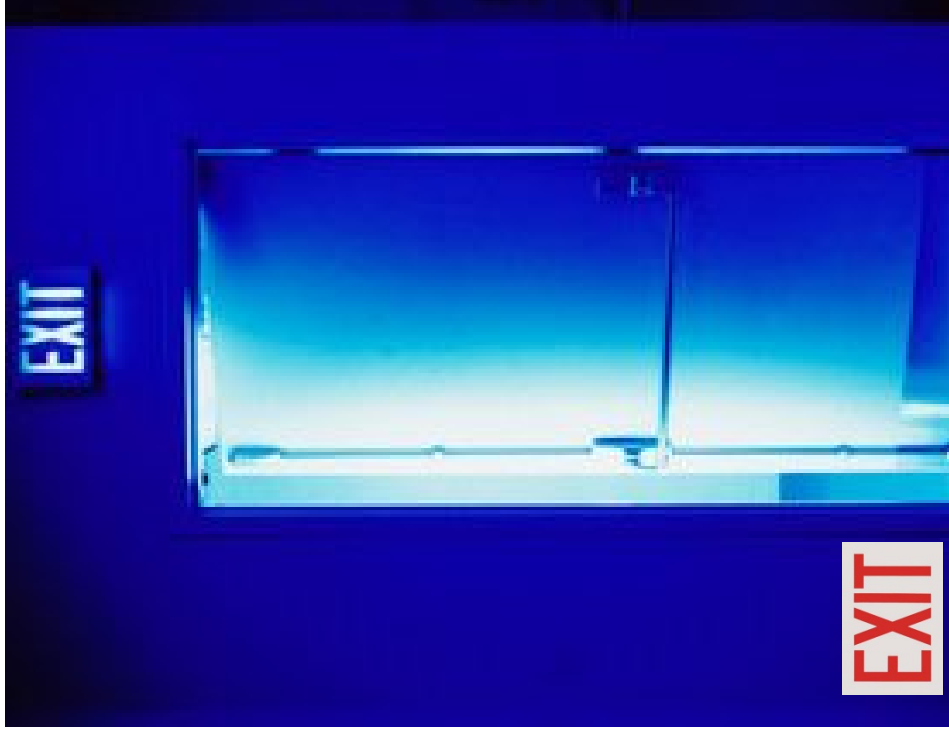
Chapter 10 Means of Egress

CHANGE SUMMARY:

1011.2 Floor-level exit signs in Group R-1.

Where **exit signs** are required in Group R-1 ... additional **low-level exit signs** shall be provided in all areas serving **guestrooms**.

The bottom of the sign shall be between **10** to **12"** above the floor level, flush mounted to the door or wall and be within **4"** of the door frame on the latch side.



2015 IPMC

International Property Maintenance Code



Example of some
changes on
following slides

2015 IPMC

Chapter 1 – Scope and Administration

CHANGE SUMMARY:

Sec 107.6 Transfer of ownership. If a **NOV** has been served, then it is unlawful to sell, lease or transfer the property to another without first complying with the **NOV** or submit a notarized statement that the new owner accepts responsibility for making the corrections or repairs.



2012/2015 IPMC

Chapter 3 – 304 Exterior Structure

CHANGE SUMMARY:

304.15 Doors. All exterior doors and hardware shall be maintained in good condition.

304.19 Gates. All exterior gates and hardware shall be maintained in good condition.



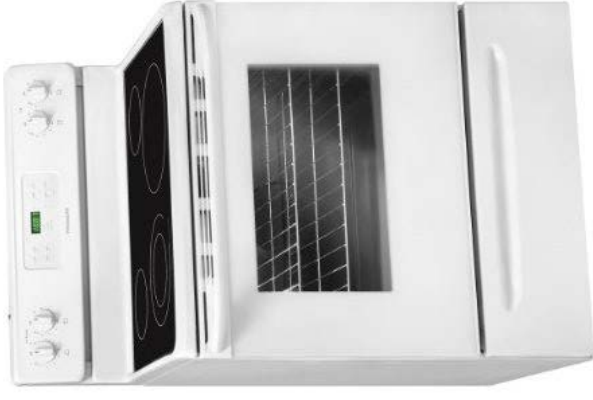
2015 IPMC

Chapter 6 – 602 Heating Facilities

CHANGE SUMMARY:

602.2 Residential Occupancies.

Cooking appliances and portable unvented fuel-burning space heaters shall not be used to provide **required heating**.



Min 68 ° F

2015 IPMC

Chapter 6 – 605 Electrical Equipment

CHANGE SUMMARY:

605.4 Wiring.

Flexible cords shall not be used for permanent wiring and cannot run through doors, windows, cabinets, or be concealed in walls, floors and ceilings.



2015 ISPSC

International Swimming Pool and Spa Code



No significant changes,
just its own code now,
pulled from IBC & IRC



Proposed Adoption Schedule

May 8:	Council Workshop
May 10:	Newspaper Notice of May 22 nd CC Meeting
May 10 – June 12:	Information available to public...post on website and send letters to stakeholders
May 17:	Hold public workshop
May 22:	Council Meeting —public hearing/discussion
May 25:	Newspaper Notice of June 12 th CC Meeting
June 12:	Council Meeting —2 nd public hearing and proposed adoption
June 26:	Council Meeting if needed for late-June deadline
Oct 1:	Effective Date

Contact Info

Bruce Ebbert

Building Official

254-933-5814

bebbert@belontexas.gov

Abel Turner

Building Inspector

254-933-5815

aturner@belontexas.gov

Cheryl Maxwell

Planning Director

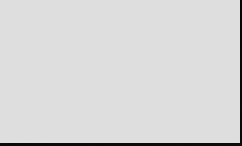
254-933-5816

cmaxwell@belontexas.gov

Website: www.belontexas.gov

Questions?





Stormwater Ordinance

COUNCIL WORKSHOP

Purpose of the Ordinance

- ▶ TCEQ requires the City to develop a stormwater ordinance, per the City's MS4 permit, to address the following:
 - General stormwater management
 - Erosion and sedimentation control
 - Construction and post-construction stormwater runoff control
 - Illicit discharge prevention
- ▶ The City currently does not have a stormwater ordinance. Enforcement of stormwater management has been done through the development and inspection processes.
- ▶ The proposed ordinance addresses concerns with grass clippings in the roadway.

Stormwater Ordinance

General Requirements

- ▶ Purpose
 - To prevent damage and protect water quality due to erosion or other pollutants.
 - Confirms Texas Water Code requirements: To require infrastructure to maintain a net zero increase in stormwater runoff.
- ▶ Applies to all within the Belton City Limits and to all land disturbing activities.
 - Exempt: Additions or modifications to single family homes and land under active agricultural use (designated by City's current zoning)
- ▶ Defines Stormwater Pollution Protection Plan (SWPPP) requirements.
 - SWPPP is required for anything that disturbs >1 acre of land
- ▶ Erosion control measures must stay in place until 70% vegetation is established.



Construction and Post-Construction Stormwater Runoff

- ▶ Purpose: mitigate increases in stormwater runoff for a net zero discharge, minimizes nonpoint source pollution.
- ▶ Anything that disturbs >1 acre, a drainage management plan is required.
 - Drainage management plan shows the pre-development runoff, post-development runoff, proposed infrastructure, silt fencing, etc.
- ▶ Inspection
 - All erosion control devices shall be inspected prior to starting construction/breaking ground.
- ▶ Maintenance agreements are required for privately owned & maintained facilities.
 - Agreements shall be between the City & HOA or the City & property owner.
 - Must state maintenance requirements and schedule.
 - Must require periodic inspections by HOA/property owner and the City.
 - Required prior to final plat approval.



Illicit Discharge Prevention

- ▶ ‘Illicit discharge’ is anything that gets in the stormwater that is not simply stormwater with the exception of waterline flushing, runoff from irrigation, groundwater, residential vehicle washing, street sweeping water, fire fighting activities, etc.
- ▶ An illicit discharge is the following that may cause or contribute the City to violate a water quality standard: motor oil, industrial waste, hazardous substances, garbage, yard waste, sewer, commercial carwash facility runoff, wash down that includes soap or solvent, swimming pool water (with chlorine residual of 0.1 mg/L or more), etc.



- ▶ **Yard waste** must be removed from roadways and any impervious areas after yard maintenance is performed so as to prevent or minimum yard waste being caught in stormwater runoff.
- ▶ Defines yard waste as: Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from yard and landscaping maintenance and land-clearing operations.

Enforcement

- ▶ City has right to enter premises of any person discharging stormwater to determine if they are in compliance.
- ▶ Violations
 - Warning notice may be provided for voluntary compliance.
 - Notice of Violation – owner has 10 days to submit explanation and plan to correct the issue, 30 days to fix it.
 - Stop Work Order may be issued for any construction activity.
 - Emergency action may be taken by the City.
 - After reasonable notice, the City may correct a violation of this ordinance and access owner for the cost of the repair and any penalties; cost of work shall be a lien on the property.
- ▶ Appeals: petition to Director of Public Works to reconsider.
 - Then, appeal to City Manager.
- ▶ Penalties
 - If substantial danger of injury or adverse health impact to any person or to the property of any person, the city may obtain a temporary or permanent injunction, as appropriate, against the owner or operator that prohibits specific conduct and/or requires specific conduct that is necessary for compliance.
 - Criminal penalties: Knowingly violates the ordinance, Class C misdemeanor and a fine of up to \$2,000 may be imposed.

Does this affect existing businesses, residents, or future development?

- ▶ Items currently done in practice
 - Drainage plans for new developments.
 - Net zero runoff when increasing impervious area.
 - SWPPPs for construction projects.
 - Erosion control for all projects.
 - Requests for voluntary compliance.
- ▶ New items
 - Maintenance agreements are clarified.
 - Yard waste is required to be removed from impervious surfaces.
 - Illicit discharges are defined.
 - Violation options and penalties.

What's Next

- ▶ Answer questions/concerns from Council
- ▶ Conduct public hearing
- ▶ Consider adoption of the ordinance on May 22, 2018

Staff Report – City Council Agenda Item



Agenda Item #6

Consider appointments to the following Boards/Commissions:

- A. Planning and Zoning Commission
- B. Ethics Commission

Originating Department

Administration – Amy M. Casey, City Clerk

Background

- A. Terms for Rae Schmuck, Lewis Simms, Brett Baggerly, Ty Hendrick and Stephanie O'Banion will expire on May 28, 2018. All except Ms. Schmuck have expressed a desire to be reappointed for another two-year term. Ms. Schmuck has agreed to be reappointed until such time as a suitable replacement can be found.
- B. The term for the entire Ethics Commission has ended. The Mayor and each Councilmember have expressed a desire to reappoint their representatives to the Commission. New Councilmember Wayne Carpenter desires to appoint Bert Peeples as his representative on this Commission.

Name	Representing City Councilmember
Mike Miller	Dan Kirkley
Bert Peeples	Wayne Carpenter
Mark Fitzwater	David K. Leigh
Charla Peters	Marion Grayson
Larry Pointer	Craig Pearson
Dr. Craig Hammonds	Guy O'Banion
Nicholas Rabroker	John R. Holmes, Sr.

Fiscal Impact

N/A

Recommendation

Recommend approval of the appointments.

Attachments

None

Staff Report – City Council Agenda Item



Date: May 22, 2018
Case No.: Z-18-08
Request: Agricultural to SF3 & MH
Applicant: Sid Blevens--Solitaire Homes of Temple & City of Belton

Agenda Item #7

Hold a public hearing and consider the following City-initiated zoning changes on property located along Brenda Lane, south of I-14 (US 190) and east of FM 1670:

- Tract 1: From Agricultural to Single Family-3 District on approximately 6.36 acres comprising Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition; and
Tract 2: From Agricultural to Mobile Home District on approximately 3.22 acres comprising Lots 1 – 5, Block 1, Brenda Lane Extension.

Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural **Proposed Zoning:** Single Family-3 & Mobile Home

Future Land Use Map (FLUM) Designation: Residential

Design Standards Type Area: 4 – Gateway to other areas; nodes of commercial, retail, and neighborhood service uses with a higher standard. If approved, proposed uses would be required to comply with all the Design Standards for Type Area 4.

Background:

These properties were annexed in 2004 and were brought into the city limits under the Agricultural Zoning District. The current uses are residential, with a mix of detached single family homes at the western section of Brenda Lane and mobile homes at the eastern section where the cul-de-sac ends. The City received an application for a zoning change to allow a mobile home to be placed on one of the vacant cul-de-sac lots, since this use is not allowed in the current Agricultural Zoning District. Staff evaluated the area and determined that it would be appropriate to evaluate rezoning for all the properties along Brenda Lane and to reflect the current uses. Since the boundary of the proposed zoning change has been expanded by staff, the zoning change request is considered to be city-initiated.

It was staff's opinion the proposed rezoning would be of interest and benefit to the property owners along Brenda Lane as it would alleviate their non-conforming status. A non-conforming use cannot be expanded, therefore, new home construction, remodeling, or building an addition is not allowed. Placing a new mobile home or replacing an existing mobile home with another unit is not currently allowed. The proposed SF3 and MH Zoning Districts would bring the existing and proposed uses in line with the zoning districts assigned to the properties.

Case Summary

The properties along Brenda Lane are residentially developed with a few lots currently vacant. The road terminates in a cul-de-sac where the mobile home uses are located. The proposed zoning would match the existing use with an appropriate zoning district.

The surrounding properties are zoned Agricultural District and include Countryside Village Mobile Home Park on the north, single family homes with acreage to the south, west, and east; property to the east is outside the city limits.

Land Use/Area Regulations

The Single Family-3 Zoning District limits residential uses to detached single family homes with the following minimum area regulations:

Lot Area: 5,000 sq. ft.
Lot Width: 50'
Lot Depth: 90'
Front Yard: 25'
Rear Yard: 20'
Side Yard: 5'; 15' adjacent to side street

The Mobile Home Zoning District allows detached single family homes as well mobile homes and modular/industrialized housing with the following area regulations:

Lot Area: 4,500 sq. ft. for MH subdivision
Lot Width: 35'
Lot Depth: 100'
Front Yard: 30'
Rear Yard: 10'; 20' from any zoning district line
Side Yard: 5'; 20' between units; 20' from any zoning district line

Project Analysis and Discussion

These properties are already platted lots. Tract 1 was platted as O.T. Tilley Addition in 1974. Tract 2 was platted as Brenda Lane Extension in 2000. The lots in Tract 1 are generally 10,000 sq. ft. or more and meet or exceed the area requirements identified for SF3 zoning. The lots in Tract 2 are generally 27,000 sq. ft. (0.6 acre) and meet or exceed the area requirements identified for MH zoning. Sanitary sewer service is currently not available to this area so septic

systems are used, and allowed, subject to approval by the Bell County Public Health District, which requires a minimum area of 0.5 acre. Lots in Tract 1 are combined to create building sites that satisfy this acreage requirement; the individual lots in Tract 2 meet this requirement. Water service is provided by Dog Ridge Water Supply Corporation.

The Future Land Use Map (FLUM) identifies this area as residential which includes the requested SF3 and MH zoning districts. Any request for a building permit must be reviewed and approved by staff to ensure area requirements and design standards are observed. Placement of mobile homes must adhere to requirements identified in Chapter 16 of the Zoning Ordinance which limits placement of mobile homes to one per subdivision lot; anchorage and skirting are also required.

For the reasons stated above, staff recommended approval of the proposed zoning changes.

P&ZC Meeting Update

At the P&ZC meeting on May 15, 2018, several property owners attended and returned their notification form showing opposition to the proposed rezoning requests. Concerns expressed included possible increase in taxes, losing their “grandfathered” status, and compatibility of a proposed single-wide mobile home with existing double-wide mobile homes.

With regard to these issues, staff advised the property owners to consult with the Tax Appraisal District as to whether there would be any change to their taxes resulting from the rezoning of their property. Following staff discussions with Chief Appraiser Marvin Hahn, it is our understanding that a change in use may affect property value and ultimately taxes, but not the zone change itself to reflect current use.

Regarding grandfathered status, there appears to have been confusion regarding the term “grandfathered” and “non-conforming”, with many assuming they are protected because of their grandfathered status. The terms actually result in the same restrictions. Neither a grandfathered use nor a non-conforming use may be expanded or replaced.

On the compatibility issue, the four existing mobile homes are all double-wide. Staff is unaware of any restrictions on the lots in Tract 2 that limit mobile homes to double-wide only. A possible way to do so would be to rezone to a Planned Development District and establish this as a PD condition. However, doing so would not allow the proposed single wide mobile home and would result in termination of the sales contract. The applicant has indicated that it would be very difficult to place a double-wide mobile home on this lot given the location of the water line and future placement of septic system and drain field. The cost of a double-wide mobile home is also considerably greater for the prospective homeowner.

The P&ZC considered all comments and information presented. While some felt the proposed rezoning would be beneficial to the property owners for the reasons presented, they did not recommend rezoning the properties without the owners’ consent. They opted only to recommend the lot proposed for the new mobile home site for rezoning.

The Council has several options in light of the city-initiated zoning change under consideration:

- a) Take no action;
- b) Change the zoning from Agricultural to SF3 and MH as originally proposed;
- c) Change the zoning to MH only on the vacant lot proposed for a new mobile home; or
- d) Change the zoning to PD (Planned Development) MH District, with conditions appropriate to the neighborhood.

On balance, we recommend Option C, changing the zoning from Agricultural to MH on the single lot proposed for a new mobile home, as recommended by P&ZC, and the ordinance prepared would achieve this proposal.

Recommendation

The Planning and Zoning Commission met on May 15, 2018, and unanimously recommended approval of a zoning change from Agricultural to Mobile Home District on Block 1, Lot 4, Brenda Lane Addition and staff concurs.

Attachments:

Zoning application and supporting documentation
Property Location Map
Zoning map
Aerial photo
Map with zoning notice boundary (200')
Zoning notice to owners
Owner notification list
Property owner notices returned
Information provided by Sid Blevins
P&Z Minutes Excerpt
Ordinance

City of Belton
Request for a Zoning Change

To the City Council and the
Planning & Zoning Commission

Fee: \$250.00

Date Received: 4/4/18 Date Due: _____ (All plans are to be returned to the Planning Department within 5 working days)

Applicant: City of Belton Phone Number: 933-5812
Mailing Address: P.O. Box 120 City: Belton State: TX
Email Address: Planning@BeltonTexas.gov

Owners Name: _____ Phone Number: _____
Mailing Address: _____ City: _____ State: _____
Email Address: _____

Applicant's Interest in Property:

Establish SF3 and MH zoning for established
neighborhood with Ag zoning.

Legal Description of Property:

OT Tilley Addition and Brenda Lane Extension

Is this property being simultaneously platted? NO

Street Address: Brenda Lane, Belton, TX

Zoning Change From Ag to SF3 and MH

Signature of Applicant: _____ Date: _____

Signature of Owner (if not applicant): _____ Date: _____

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

City of Belton
Request for a Zoning Change

**To The City Council and the
Planning and Zoning Commission**

Fee: \$250.00

Date Received: _____ Date Due: _____ **Deadline for a zoning change request is the last business day of the month.**

Kesterson Retail LLC.

Applicant: DBA Solitaire Homes of Temple Phone Number: 254-933-3334

Mailing Address: 6119 S. General Bruce Dr. City: Temple State: TX

Email Address: sblevins@solitairehomes.com

Kesterson Retail LLC.

Owners Name: DBA Solitaire Homes of Temple Phone Number: 254-933-3334

Mailing Address: 6119 General Bruce Dr. City: Temple State: TX

Email Address: sblevins@solitairehomes.com

Applicant's Interest in Property:

to placed new manufactured Home

Legal Description of Property:

Brenda Lane Extension, Block 001, Lot 004

Is this property being simultaneously platted? No

Street Address: 3676 Brenda Lane

Zoning Change From Ag to MH

Signature of Applicant: [Signature] Date: 4-15-18

Signature of Owner (if not applicant): _____ Date: _____

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

Zoning Case # Z-18-08 Location

ZONING CHANGE:

Tract 1 - 6.36 acres - Ag to SF-3
Tract 2 - 3.22 acres - Ag to MH

LEGAL DESCRIPTION:

OT TILLEY ADDITION &
BRENDA LANE EXTENSION

PROPERTY OWNER:

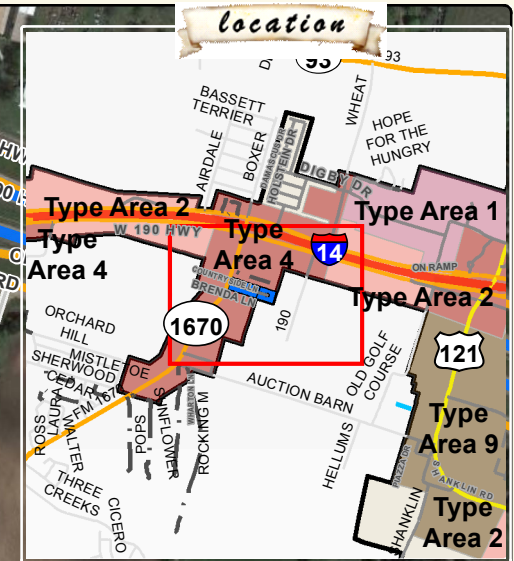
N/A

ADDRESS/LOCATION:

BRENDA LN

LEGEND

- Tract 1 - Ag to SF-3
- Tract 2 - Ag to MH

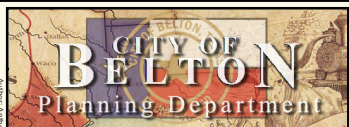


0 200 400 800 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

Zoning Case # Z-18-08 Zoning



Author: Anthony Williams, City of Belton

Plan: E:\City of Belton Projects\Roadway\Map and Data\Zoning Case # 2018-08\Zoning Case # 2018-08 Zoning.mxd

ZONING CHANGE:

Tract 1 - 6.36 acres - Ag to SF-3
Tract 2 - 3.22 acres - Ag to MH

LEGAL DESCRIPTION:

OT TILLEY ADDITION &
BRENDA LANE EXTENSION

PROPERTY OWNER:

N/A

ADDRESS/LOCATION:

BRENDA LN

Legend

Tract 1 - Ag to SF-3

Tract 2 - Ag to MH

Current_Zoning

Agricultural

Planned Development

Retail

PD-R

PD-C-1
Small Engine
Repair Shop

Zoning Location

0 150 300 600 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

Map Date: 5/3/2018

Zoning Case # Z-18-08 Aerial

ZONING CHANGE:

Tract 1 - 6.36 acres - Ag to SF-3
Tract 2 - 3.22 acres - Ag to MH

LEGAL DESCRIPTION:

OT TILLEY ADDITION &
BRENDA LANE EXTENSION



PROPERTY OWNER:

N/A

ADDRESS/LOCATION:

BRENDA LN

LEGEND

-  Tract 1 - Ag to SF-3
-  Tract 2 - Ag to MH



Zoning Case # Z-18-08

ZONING CHANGE:

Tract 1 - 6.36 acres - Ag to SF-3
Tract 2 - 3.22 acres - Ag to MH

LEGAL DESCRIPTION:

OT TILLEY ADDITION &
BRENDA LANE EXTENSION

PROPERTY OWNER:

N/A

ADDRESS/LOCATION:

BRENDA LN

Legend

- ▣ Tract 1 - Ag to SF-3
- ▣ Tract 2 - Ag to MH
- ▭ 200' Property Owner Notification Area
- ▭ Tax Appraisal Parcels





City of Belton

~ Founded 1850 ~

May 3, 2018

Dear City of Belton Property Owner:

Rezoning Proposal

When your property was annexed in 2004, it was brought into the city limits under the Agricultural Zoning District. The current uses along Brenda Lane are residential with a mix of detached single family homes at the beginning of the street and mobile homes at the end where the cul-de-sac is located. The City received an application for a zoning change to allow a mobile home to be placed on one of the vacant cul-de-sac lots, since this use is not allowed in the current Agricultural Zoning District. We have reviewed the existing land uses along Brenda Lane and are proposing zoning districts that reflect the current uses. Since the boundary of the proposed zoning change has been expanded by staff, the zoning change request is considered to be city-initiated.

The consideration to rezone the properties is summarized below:

- Tract 1: Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition
 From Agricultural to Single Family-3 (SF3) District
- Tract 2: Lots 1 – 5, Block 1, Brenda Lane Extension.
 From Agricultural to Mobile Home (MH) District

The Single Family-3 Zoning District limits residential uses to detached single family homes on lots with a minimum area of 5,000 sq. ft. The Mobile Home Zoning District allows detached single family homes as well as mobile homes and modular/industrialized housing on lots with a minimum area of 4,500 sq. ft. The existing lots exceed these minimum area requirements.

Benefits of Rezoning

Under the current Agricultural Zoning District assigned to your property, your property is considered to be a non-conforming use. Non-conforming means a building, structure, or use of land was lawfully occupied at the time of annexation, but upon annexation does not conform to the use or area regulations of the district in which it is situated. As an example, detached single family homes are allowed in the Agricultural District, but a minimum lot size of 3 acres is required. If less than 3 acres, it is considered to be non-conforming. Also, as noted above, mobile homes are not allowed in the Agricultural District so this use, where it exists, is considered to be non-conforming.

A non-conforming use cannot be expanded; therefore, new home construction, remodeling, or building an addition is not allowed. Placing a new mobile home or replacing an existing mobile home with another is not allowed under the current Agricultural zoning. The proposed SF3 and MH Zoning Districts will alleviate the non-conforming status of your property.

Moving Forward

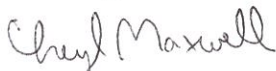
Public hearings are held for all zoning change requests. The first public hearing will be held on May 15, 2018 at the Planning and Zoning Commission meeting. The Planning and Zoning Commission will review the zoning change requests and make a recommendation to the City Council. The second public hearing will be held at the May 22, 2018 City Council meeting. The City Council is the decision making body and will either approve or disapprove the zoning change, or recommend approval subject to conditions.

A map with the proposed rezoning boundaries is attached for your review. When a zoning change is proposed, property owner notifications are sent to all property owners within the proposed zoning change boundary, as well as those outside the boundary if they are within 200 feet. This letter is being sent with the property owner notifications. If your property is within 200 feet of the zoning change boundary, but outside of the boundary itself, your property will **NOT** be subject to a zoning change. Only the properties fronting on Brenda Lane are proposed for rezoning.

A description of the various Zoning Districts is available online at www.beltontexas.gov and is available at the Planning Department in City Hall at 333 Water Street.

We encourage you to complete the attached form indicating your approval or disapproval of the requested zoning change and return to us. Please feel free to contact me at (254) 933-5816 or via email at cmaxwell@beltontexas.gov if you have any questions.

Sincerely,



Cheryl Maxwell, AICP
Director of Planning

**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: CITY OF BELTON,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: TRACT 1 – 6.36 ACRES, BRENDA LANE,
FROM A(N) AGRICULTURE ZONING DISTRICT,
TO A(N) Single Family-3 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, May 15, 2018**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 22, 2018**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: CITY OF BELTON,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: TRACT 2 – 3.22 ACRES, BRENDA LANE,
FROM A(N) AGRICULTURE ZONING DISTRICT,
TO A(N) Mobile Home ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, May 15, 2018**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 22, 2018**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

97521	353167	32841
BAUGH, LOVIC	BAUGH, LOVIC G ETUX MARGARET	BUCK, DAWN L
1900 FM 1670	1900 FM 1670	1872 FM 1670
BELTON, TX 76513-7101	BELTON, TX 76513-7101	BELTON, TX 76513-7100
101219	12831	15422
BULLDOG DEVELOPMENT LLC	BYKOFSKY-CONLEY, MARLA	CONSTANTINE, THOMAS CHRISTO
16138 LUTHERAN SCHOOL RD	3618 BRENDA LN	714 SHELTON ST
TOMBALL, TX 77377	BELTON, TX 76513	BRIDGEPORT, CT 06608-1715
184215	26232	35098
CRAMER, JOSEPH LEE	CROWELL, RICHIE L ETUX DEBRA K	GUTIERREZ, AQUILEO
3321 COUNTRYSIDE LN	522 EAGLES NEST CV	604 S BEAL ST
BELTON, TX 76513	TEMPLE, TX 76502-5045	BELTON, TX 76513-3546
238523	60704	60705
KIRK, EDDIE & DARLENE	KNEESE, ROY R ETUX IRIS M	KNEESE, ROY R ETUX IRIS M
PO BOX 33	PO BOX 536	PO BOX 536
SALADO, TX 76571-0033	BELTON, TX 76513-0536	BELTON, TX 76513-0536
60706	63650	95861
KNEESE, ROY R ETUX IRIS M	LEATHERWOOD, MICHAEL	LOPEZ, SAHDY POWERY
PO BOX 536	3643 BRENDA LN	3642 BRENDA LN
BELTON, TX 76513-0536	BELTON, TX 76513-7114	BELTON, TX 76513
95862	95863	53790
LOPEZ, SAHDY POWERY	LOPEZ, SAHDY POWERY	MARBERRY, RYAN P
3642 BRENDA LN	3642 BRENDA LN	18520 MORETO LP
BELTON, TX 76513	BELTON, TX 76513	PFLUGERVILLE, TX 78660-5628
94904	75271	36349
MCENTIRE, JAMES D & CLAUDETTA A	MEYER, WILLIAM W	SACHTLEBEN, MARGARET S
3612 BRENDA LN	1874 HWY 190 LN	3649 BRENDA LN
BELTON, TX 76513-7114	BELTON, TX 76513	BELTON, TX 76513-7114
238519	238520	238522
SCAFE, DAVID R	SCAFE, JOSEPH BRUCE	SCHRADER, WELDON R
PO BOX 54	3675 BRENDA LN	2041 W FM 93 HWY
BELTON, TX 76513	BELTON, TX 76513-7114	TEMPLE, TX 76502-8717
103763	28053	238521
SCHRAEDER, WELDON R	SCOTT, RICHARD JAY ETUX TERRA DARLENE	SHUTTLEWORTH, THOMAS J ETUX SUSANNE G
3271 W US HIGHWAY 190	3601 BRENDA LN	3684 BRENDA LN
BELTON, TX 76513-7159	BELTON, TX 76513-7114	BELTON, TX 76513-7114
67405	75273	136104
SKAGGS, RONALD & ELVIA	SPEIGHTS, HAROLD F ETUX CARRIE	STATE OF TEXAS
1961 FM 1670	PO BOX 11772	100 S LOOP DR
BELTON, TX 76513	KILLEEN, TX 76547-1772	WACO, TX 76704-2858

104702

TOTTY, MARY LYNN CURRY

3619 BRENDA LN

BELTON, TX 76513-7114

96726

WEEKS, GREGORY B ETUX MEKYSHA

3607 BRENDA LN

BELTON, TX 76513-7114

96736

WEEKS, GREGORY B ETUX MEKYSHA

3607 BRENDA LN

BELTON, TX 76513-7114

127179

WHISENANT, WILLIAM J

3600 BRENDA LN

BELTON, TX 76513-7114

131712

YOUNG, ROBERT NATHAN JR

PO BOX 335

BELTON, TX 76513-0335

SUPERINTENDENT

DR. SUSAN KINCANNON

BELTON I.S.D.

P O BOX 269

BELTON TEXAS 76513

**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: CITY OF BELTON,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: TRACT 1 – 6.36 ACRES, BRENDA LANE,
FROM A(N) AGRICULTURE ZONING DISTRICT,
TO A(N) Single Family-3 ZONING DISTRICT.

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AS AN INTERESTED PROPERTY OWNER, ^{circle one} (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. Protest
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: May 8, 2018 SIGNATURE: Ray B. Kneese

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

60706

KNEESE, ROY R ETUX IRIS M

PO BOX 536

BELTON, TX 76513-0536

60705

KNEESE, ROY R ETUX IRIS M

PO BOX 536

BELTON, TX 76513-0536

60704

KNEESE, ROY R ETUX IRIS M

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KNEESE, ROY R ETUX IRIS M

PO BOX 536

BELTON, TX 76513-0536

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AS AN INTERESTED PROPERTY OWNER, I ^{circle one} ~~(PROTEST)~~ (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. I do not approve any zoning changes for Jam grandfathered.
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE:

May 7, 2018

SIGNATURE:

Joseph Bruce

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

238520

SCAFE, JOSEPH BRUCE

3675 BRENDA LN

BELTON, TX 76513-7114

NOTICE OF APPLICATION
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1. I do not approve any zoning changes for my grandfathered -
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: May 7, 2018 SIGNATURE: Joseph Bruce Scafe

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

238520
SCAFE, JOSEPH BRUCE
3675 BRENDA LN
BELTON, TX 76513-7114

**NOTICE OF APPLICATION
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IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

AS AN INTERESTED PROPERTY OWNER, I PROTEST (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. I do not approve of zoning change / too much ordinance changes
2. would increase my Tax Base
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE:

5-8-18

SIGNATURE:

Anna Shuttleworth

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

238521

SHUTTLEWORTH, THOMAS J ETUX SUSANNE G

3684 BRENDA LN

BELTON, TX 76513-7114

NOTICE OF APPLICATION
FOR AN
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AS AN INTERESTED PROPERTY OWNER, I ^{circle one} **PROTEST** (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. I do not agree with Re-Zoning Leave our Area alone
 2. City has given no service's i.e. water, sewer, fire hydrant
 3. if approved only double wide home allowed / no increases in tax's
- (FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5-8-18 SIGNATURE: Thomas Shuttleworth

238521
SHUTTLEWORTH, THOMAS J ETUX SUSANNE G
3684 BRENDA LN
BELTON, TX 76513-7114

PLANNING DEPARTMENT
CITY OF BELTON
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circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. WE WOULD LIKE TO RETAIN OUR GRANDFATHERED STATUS
2. THE FOREMENTIONED ADDITION OF A SINGLE WIDE IN THE CUL DESA DOES NOT CONFORM WITH THE DOUBLE WIDES ALREADY EXISTING.
3. AFTER BEING ANNEXED IN 2004 THE CITY HAS DONE NOTHING AS OF
(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER) TODAY IMPROVED
wise

DATE: MAY 15, 2018

SIGNATURE: Eddie W. Kirk

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812

238523

KIRK, EDDIE & DARLENE

PO BOX 33

SALADO, TX 76571-0033

**NOTICE OF APPLICATION
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1. WE WOULD LIKE TO RETAIN OUR GRANDFATHERED STATUS.
2. ANNEXATION IN 2004 HAS SHOWN NO CITY IMPROVEMENTS
NO CITY WATER, NO CITY SEWER. ~~JUST~~
3. THE FOREMENTIONED ADDITION OF A SINGLE WIDE DOES NOT CONFORM
(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER) WITH DOUBLE
WIDES EXISTING

DATE: MAY 15, 2018 SIGNATURE: Eddie Kirk

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812

238523
Kirk, Eddie
PO Box 33
Selado TX 76571

**NOTICE OF APPLICATION
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1. I Am grandfather and do not approve zoning change
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5-7-2018 SIGNATURE: William Whisenant

Address 3600 BRENDA LN BELTON TX

#127129

Whisenant, William

3600 Brenda Lane

Belton TX 76513

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

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AS AN INTERESTED PROPERTY OWNER, I ^{circle one} PROTEST (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. I am brand fathered and do not approve zoning change
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5-2-2018 SIGNATURE: William J. Whisenant

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

#127179
Whisenant, William
3600 Brenda Lane
Belton TX 76513

**NOTICE OF APPLICATION
FOR AN
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OF THE
CITY OF BELTON**

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TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: TRACT 1 - 6.36 ACRES, BRENDA LANE,
FROM A(N) AGRICULTURE ZONING DISTRICT,
TO A(N) Single Family-3 ZONING DISTRICT.

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AS AN INTERESTED PROPERTY OWNER, I ^{circle one} **PROTEST** (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. No visible improvements for Brenda Lane since
2. annexing us. Too hard to even get someone
3. to clean out a ditch. Too many complaints
3. to try to get anything done.

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5-15-2018 SIGNATURE: Mary Lynn Curry

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

104702

TOTTY, MARY LYNN CURRY

3619 BRENDA LN

BELTON, TX 76513-7114

NOTICE OF APPLICATION
FOR AN
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OF THE
CITY OF BELTON

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circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. STAFF members were not informed enough to answer questions. more time should be spent training the staff. It took too
2. many days to get a confirmation on
3. one logical question. It was always

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: the wrong person to answer a question SIGNATURE: or get the request taken care of,

Need to see if City INTENDS to follow thru with statements before I think they are ready to take on more.

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812

102702
Tolly, Mary
3619 Brenda Lane
Belton TX 76513

**NOTICE OF APPLICATION
FOR AN
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circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. We are grandfathered and do not approve zoning change
2. They have not done any improvements since annex
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5/15/18

SIGNATURE: Melissa Weeks

3607 Brenda Ln
Belton TX 76513

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

96726, 96736
Weeks
3607 Brenda Lane
Belton TX 76513

**NOTICE OF APPLICATION
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3. since annex

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5/15/18 SIGNATURE: Mekyshe Weeks

Address - 3607 Brenda Ln
Belton, Tx 76513

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

#96726 + 96736

Weeks
3607 Brenda Lane
Belton Tx 76513

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1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5-11-2018 SIGNATURE: 

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

75273
SPEIGHTS, HAROLD F ETUX CARRIE
PO BOX 11772
KILLEEN, TX 76547-1772

**NOTICE OF APPLICATION
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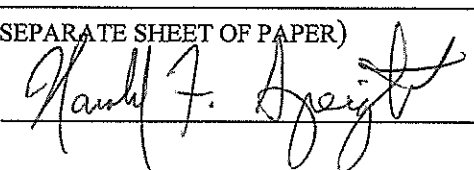
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DATE: 5-11-2018 SIGNATURE: 

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CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

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1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5/17/18 SIGNATURE: [Signature]

**Kesterson Retail L.L.C.
DBA Solitaire Homes of Temple**

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812**

**NOTICE OF APPLICATION
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1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5/17/18

SIGNATURE: *Linda Blawie*

**Kesterson Retail L.L.C.
DBA Solitaire Homes of Temple**

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

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1. do not want a decrease in property Value.
2. potential tax increase.
3. traffic in/out neighborhood

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 5-18-18 SIGNATURE: C. J. McCarty

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

94904

MCENTIRE, JAMES D & CLAUDETTA A

3612 BRENDA LN

BELTON, TX 76513-7114

Kelly Trietsch

From: Sid Blevins <sblevins@solitairehomes.com>
Sent: Monday, April 16, 2018 10:02 AM
To: Kelly Trietsch
Cc: om10@solitairehomes.com
Subject: Brenda Lane Project Property ID# 238522
Attachments: filename-1.pdf; 216842_8.JPG; unit_photo_201708280837375560747460.JPG; 216842_13.JPG; Brenda Lane.JPG; Brenda Lane off bell cad.JPG; Smart Panel.pdf; Cutout Picture 1.jpg; singlewide specs.JPG; unit_photo_201708280837363217590787.JPG; unit_photo_201708280837387591347937.JPG

Kelly per our meeting conversation here is the following list of items we discussed for the meeting on Wednesday to see if they will rezone the area through the city. Kelly please let me know your thoughts on this is today so I can get you more info or clear up any questions you may have since you are presenting the info to the city manager. Thank you again for all your help!

1. Site map drawing of proposed home and septic location off the plat drawing
2. The letter from Dog Ridge Water supply authorizing the septic installation, I sent the same plat drawing for approval Thursday to Dog Ridge after our meeting Thursday and it was reviewed by the engineer and approved.
3. Exterior picturing showing the elevation of a multi section home look and our homes have hardboard siding with the 50 yr. warranty. Smart Siding is the product name and I am including a letter from Nasa on the quality of the siding. This is far superior to the existing homes with vinyl siding that will damage with storms, age, wind and discolor over time. Smart siding allows you to paint it for a fresh new look at any time.
4. Interior pictures of the home inside. Solitaire Homes is the only builder that builds them like a HOUSE not a mobile home standard on every home. The home is already SOLD to a customer who is doing a Land and Home package on the site. The house will remain on the land forever since we will surrender the title of the home to the state and turn it into real property instead of personal property.
5. Cutout picture of how a Solitaire Home is built with a detail of building material and quality
6. Single sections building standards that will show a residential style home NOT your standard thin vinyl mobile home walls, press-wood cabinets, press-wood floors, cheap windows and overall cheaper construction. We are enhancing the area with any new home we install.
7. I will gladly provide any additional items you may need to understand that a Solitaire Homes is not just another mobile home but a quality "pre-fab" style home that will increase the overall quality of the area and increase the value of the location.

Sidney Blevins
Solitaire Homes of Temple
Managing Partner
254-933-3334

<http://www.solitairehomes.com/temple>

Follow us on Facebook

Dog Ridge Water Supply Co.
PO BOX 232 • 7480 FM 2410 • Belton, TX 76513
(254) 939-6533 • fax (254) 939-3620



Sid Blevins
Solitaire Homes

April 16, 2018

Re: Brenda Lane, Block 1, Lot 4

Mr. Blevins,

I contacted our engineer regarding our recent discussion of the water main running through the property in question on Brenda Lane.

His professional opinion is that "There is no threat as to the OSIF "Septic" contaminating the water main. The separation distance for potable water lines and septic are also governed by Bell County Health Department. They verify and require this separation prior to issuing a permit for septic system installation.

We would recommend a minimum separation of 10' between septic tank, lateral lines and the existing water main."

If the installation guidelines are followed according to the Bell County Health Department there should be no issues. Please contact me if you have any further questions.

Thank You,

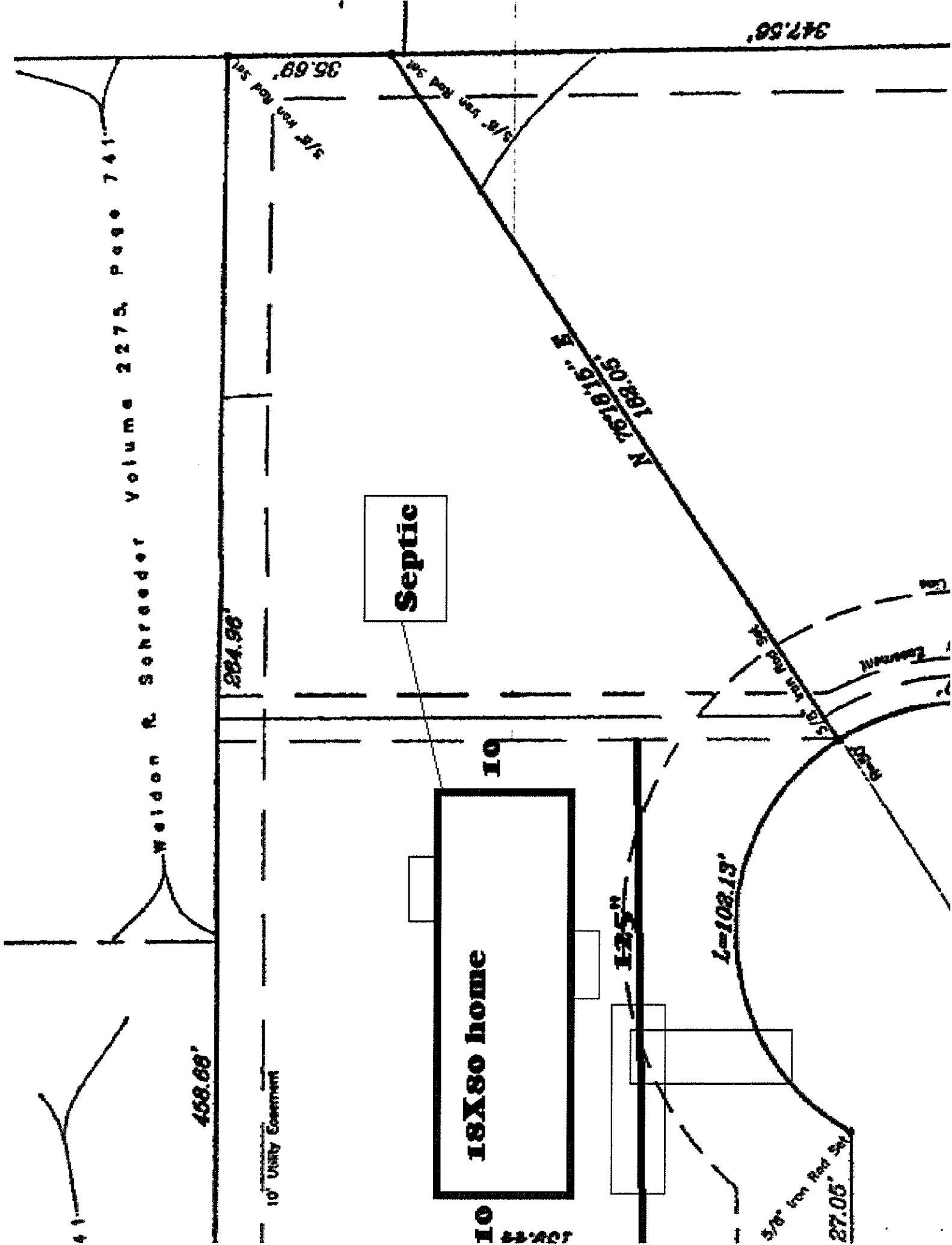
Lafonda Wilsey, General Manager
Dog Ridge WSC

lafonda@embarqmail.com

(254)939-6533







National Aeronautics and
Space Administration
John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191



January 3, 2013

RXS

Reply to Attn of:

Hitchcock Fleming and Associates as agent for LP Building Products
500 Wolf Ledges Pkwy
Akron, OH 44311

To Whom It May Concern:

Enclosed is a report summarizing the results of ballistic impact testing conducted on two commercial home siding products, LP® SmartSide® siding as well as a fiber cement siding product. This work was conducted under the National Aeronautics and Space Administration Space Act Agreement SAA3-1272. Please contact me if you have any questions about the report.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Michael Pereira".

J. Michael Pereira, Ph.D.
Aerospace Research Engineer

Evaluation of Impact Damage Resistance of Two Types of Commercial Housing Siding

Duane M. Revilock, M.Sc., Aerospace Engineer
Charles R. Ruggeri, M.Sc., Aerospace Engineer
J. Michael Pereira, Ph.D., Aerospace Research Engineer

National Aeronautics and Space Administration
Glenn Research Center
Ballistic Impact Laboratory

Dec. 21, 2012

Introduction

Under Reimbursable Space Act Agreement 1272 between Hitchcock, Fleming and Assoc., Inc. (HFA) and the National Aeronautics and Space Administration Glenn Research Center, the impact damage resistance of two commercial housing siding products was evaluated by impacting the siding with a number of items that could be considered potential impact threats. These include golf balls and baseballs, which could accidentally hit the side of a house, as well as marbles and rocks which could be thrown from a lawnmower. The two products that were evaluated were an engineered wood siding product and a fiber cement siding product.

The damage resistance was evaluated by shooting the four types of projectiles at the siding products, mounted in a typical installation configuration, using a single stage light gas gun. High speed digital cameras recorded the velocity of the projectile at impact and provided video for qualitative assessment of the impact event.

Methods

The two types of siding material were LP® SmartSide® engineered wood siding, designated LP, and a fiber cement siding product, designated FC. Test specimens were made up by mounting the siding on 0.5 inch thick by 18 inch by 18 inch OSB backing and attaching the backing to two 18 inch long pine wall studs as shown in figure 1. Three sections of siding were used for each test specimen, as can be seen in the figure, and the impact location was in the center of the middle section of siding.

The four types of projectiles are shown in figure 2. These projectiles were smooth river rocks, golf balls, small marbles and baseballs. The rocks, golf balls and marbles were accelerated with a helium filled gas gun connected to a vacuum chamber, shown in figure 3. The gun barrel had a length of 12 feet and a bore of 2.0 inches. The pressure vessel was made up of sections as shown in figure 4, with a total volume of 681 in³. The projectile was carried down the gun barrel in a cylindrical polycarbonate sabot shown in figure 5. The gun barrel protruded into the vacuum chamber which held the fixture for the specimens. The sabot was stopped at the end of the gun barrel by a stopper plate with a through-hole large enough to allow the projectile to pass through. This stopper system was designed such that the bottom of the sabot, including the o-

rings, remained in the gun barrel and formed a seal which prevented the gas pressure behind the sabot from affecting the pressure in the vacuum chamber. The baseballs used a similar configuration, but the gun barrel had a bore of 3.0 inches and no sabot or stopper plate was used. Single projectiles were used for the rock, baseball and golf ball projectiles. For the marbles, seven projectiles were shot at once.



Figure 1. Test specimen made up of three sections of siding fastened to OSB backing plate and wall studs on 16 inch centers (wall studs not visible in photo).



Figure 2. Projectiles used in impact tests



Figure 3. Large vacuum gun (shown with 3 inch diameter gun barrel)

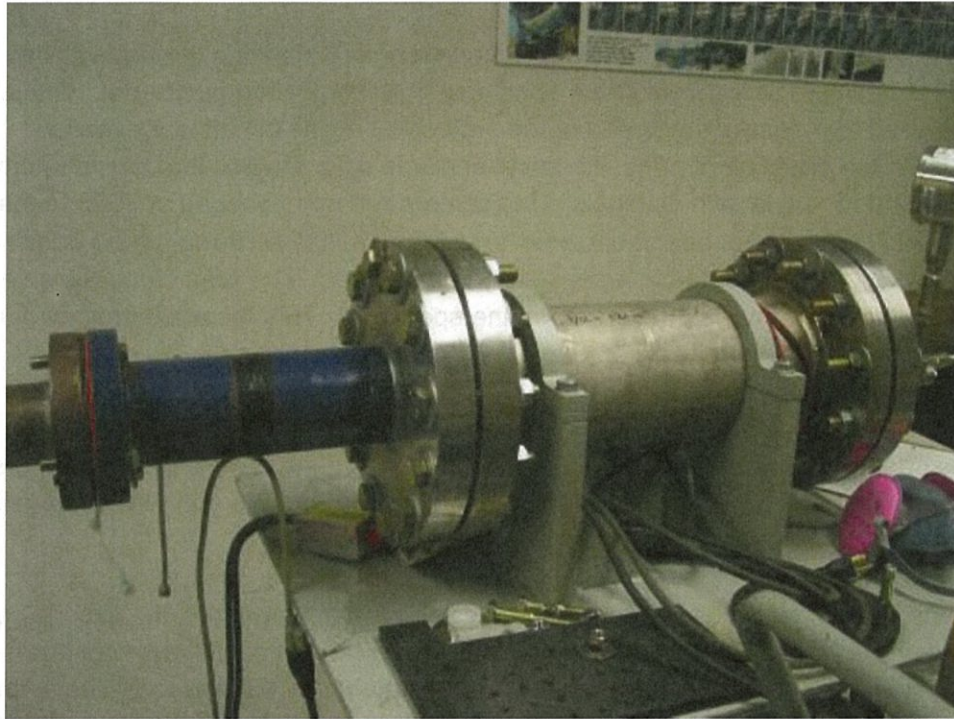


Figure 4. Pressure vessel

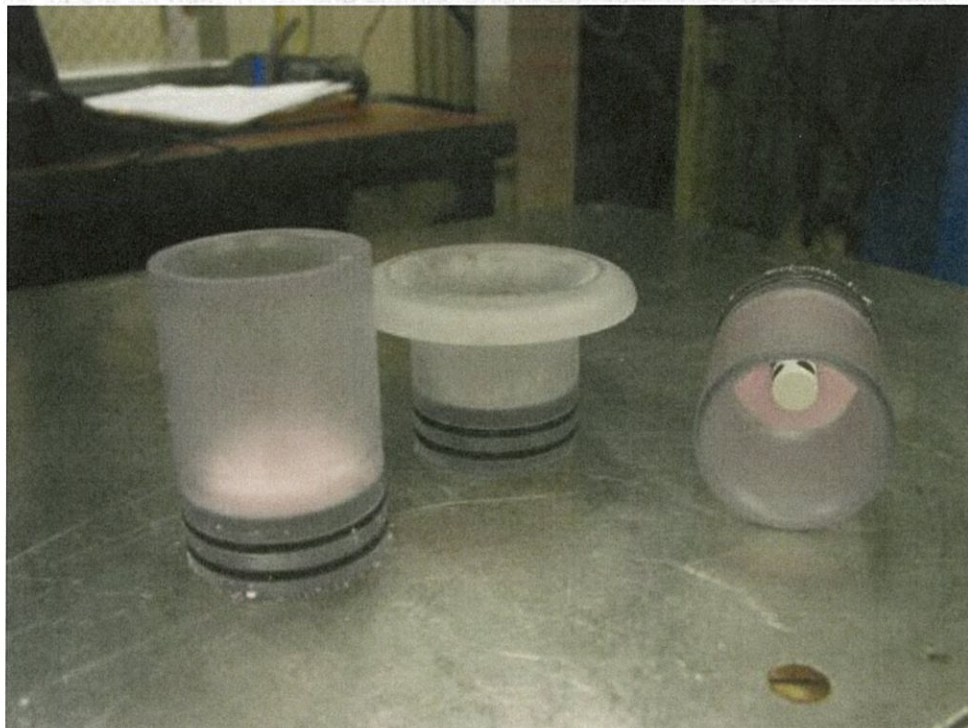


Figure 5. Typical polycarbonate sabots used for impact testing in the 2" bore gun. Sabot in center shows typical post-test geometry.

Two cameras were located at the side of the vacuum chamber looking through viewing ports. A third camera was aimed at the front of the specimen from beside the gun barrel. One side camera was used to measure the speed of the projectile. It was aimed in a direction perpendicular to the direction of projectile travel and was calibrated so that a given number of pixels corresponded to a known distance. This camera recorded images at 2500 frames/sec. The second side camera was oriented to view any damage that occurred on the edge of the specimen. This camera recorded images at 1700 frames/sec. The front camera viewed the impact and any visible damage on the front of the specimen. This recorded images at either 5400 or 6000 frames/sec depending on the test.

Results

A total of 40 impact tests were conducted, but a significant number were to calibrate the gas gun for the velocity range used for this study, which is lower than the gun was designed for. The pertinent tests are summarized in table 1.

To help quantify the differences in impact damage resistance, damage in the two siding materials in tests involving the same projectile and similar impact conditions was further quantified by conducting high resolution laser scans of the impacted surface. The scans give a quantitative measure of the surface topography compared to a datum located near the front surface plane. For the river rock projectile, tests LVG712 and LVG714 were compared. The impact velocities were 110.5 mph for the FC siding sample and 107.7 mph for the LP siding sample. Figure 6 shows the surface topography after impact. The scale on the right shows the deformation measured in mm from the datum.

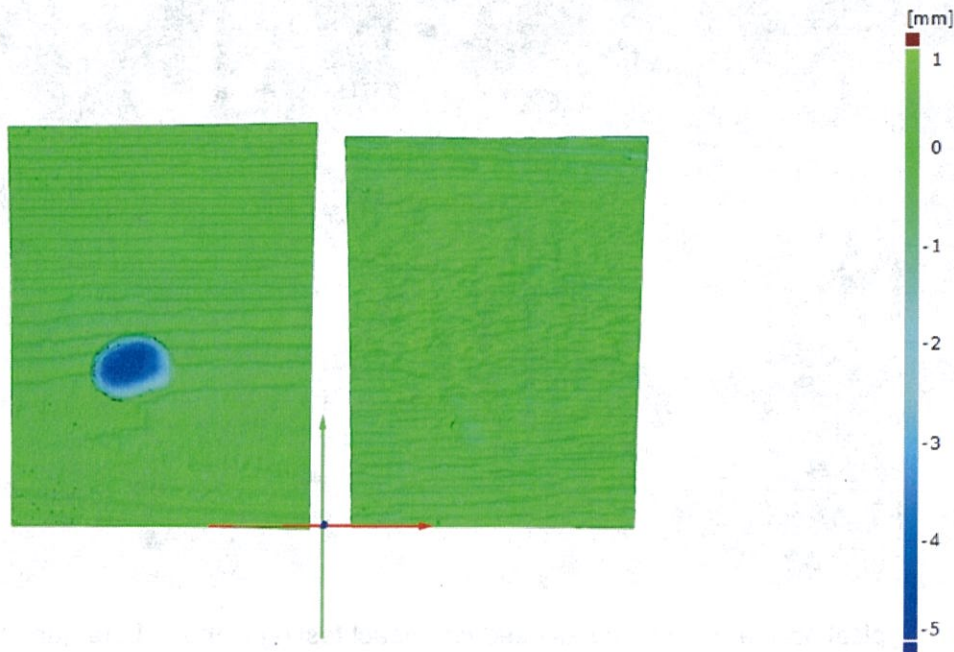


Figure 6. Surface topology from FC (left) and LP (right) panels from tests LVG712 and LVG714

The FC sample sustained a relatively deep dent on the front of the panel with a depth of 4 to 5 mm. The LP panel sustained a small dent with a depth of approximately 1 mm.

For the golf ball projectile the surface scans from tests LVG719 and LVG718 were compared. The impact velocities were 49.4 mph for the EC siding sample and 63.8 mph for the LP siding sample. Figure 7 shows the surface topology after impact. There was essentially no damage in the LP siding sample, but the FC siding sample sustained a hole and significant spalling on the back side despite a lower impact velocity.

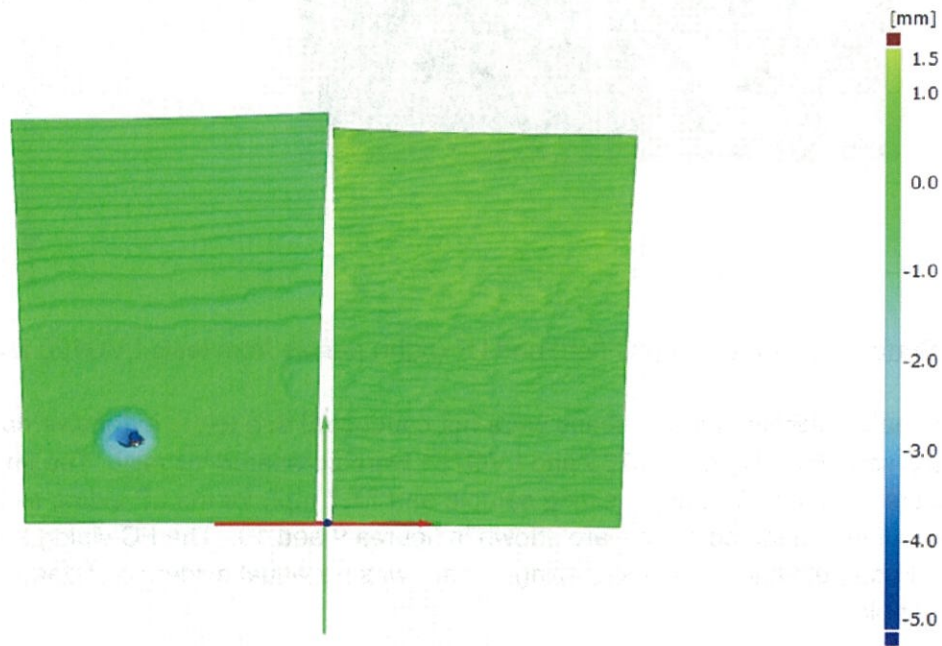


Figure 7. Surface topology from FC (left) and LP (right) panels from tests LVG719 and LVG718

For the marble projectiles surface scans from tests LVG720 and LVG723 were compared. The impact velocities were 120.8 mph for the FC siding sample and 114.5 mph for the LP siding sample. Figure 8 shows the surface topology after impact. There was significant front and backside damage to the FC sample. The LP sample had slight front side damage with some cracking of the paint. No significant structural damage was evident in the LP sample.

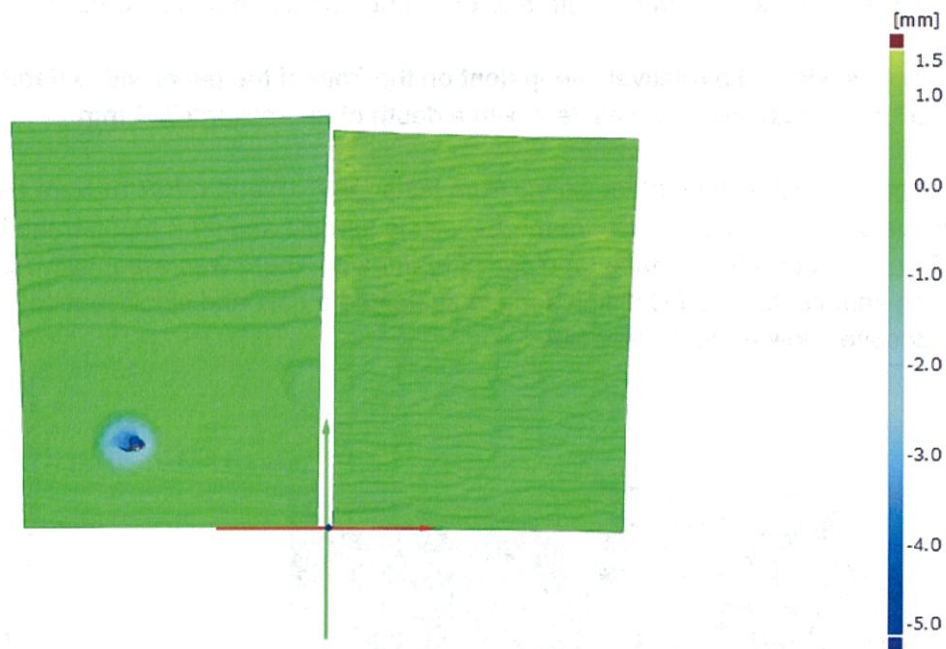


Figure 8. Surface topology from FC (left) and LP (right) panels from tests LVG720 and LVG723

For the baseball projectile, surface scans were not conducted due to the extensive damage to the FC siding samples. Tests LVG733 and LVG731 were compared visually. The impact velocities were 72.8 mph for the FC siding sample and 77.7 mph for the LP siding sample. Photographs of the impacted panels are shown in figures 9 and 10. The FC siding sample sustained a large hole and backside spalling. There was no visual evidence of damage in the LP siding sample.

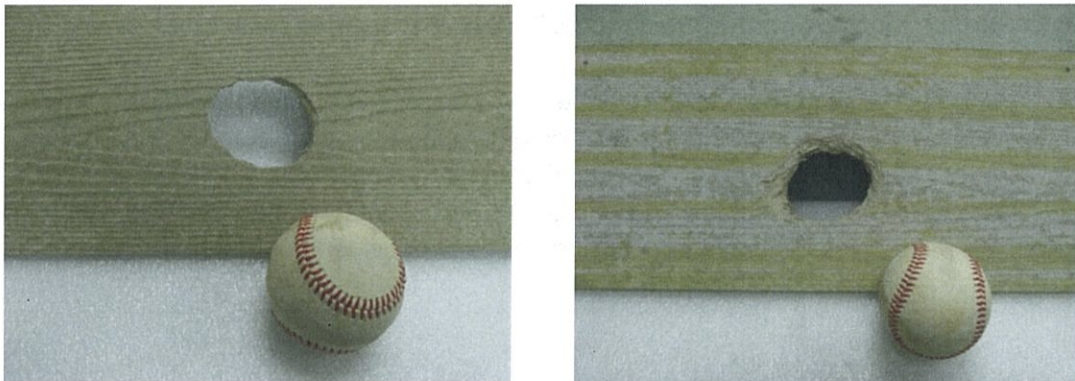


Figure 9. Posttest front (left) and rear (right) photos of FC panel impacted by a baseball in test LVG733

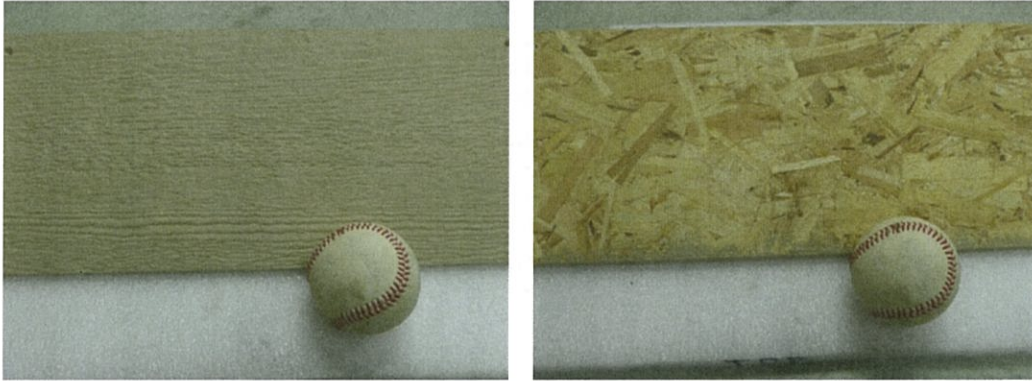


Figure 10. Posttest front (left) and rear (right) photos of LP panel impacted by a baseball in test LVG731

For all four projectiles the FC siding samples sustained more damage under similar impact conditions.

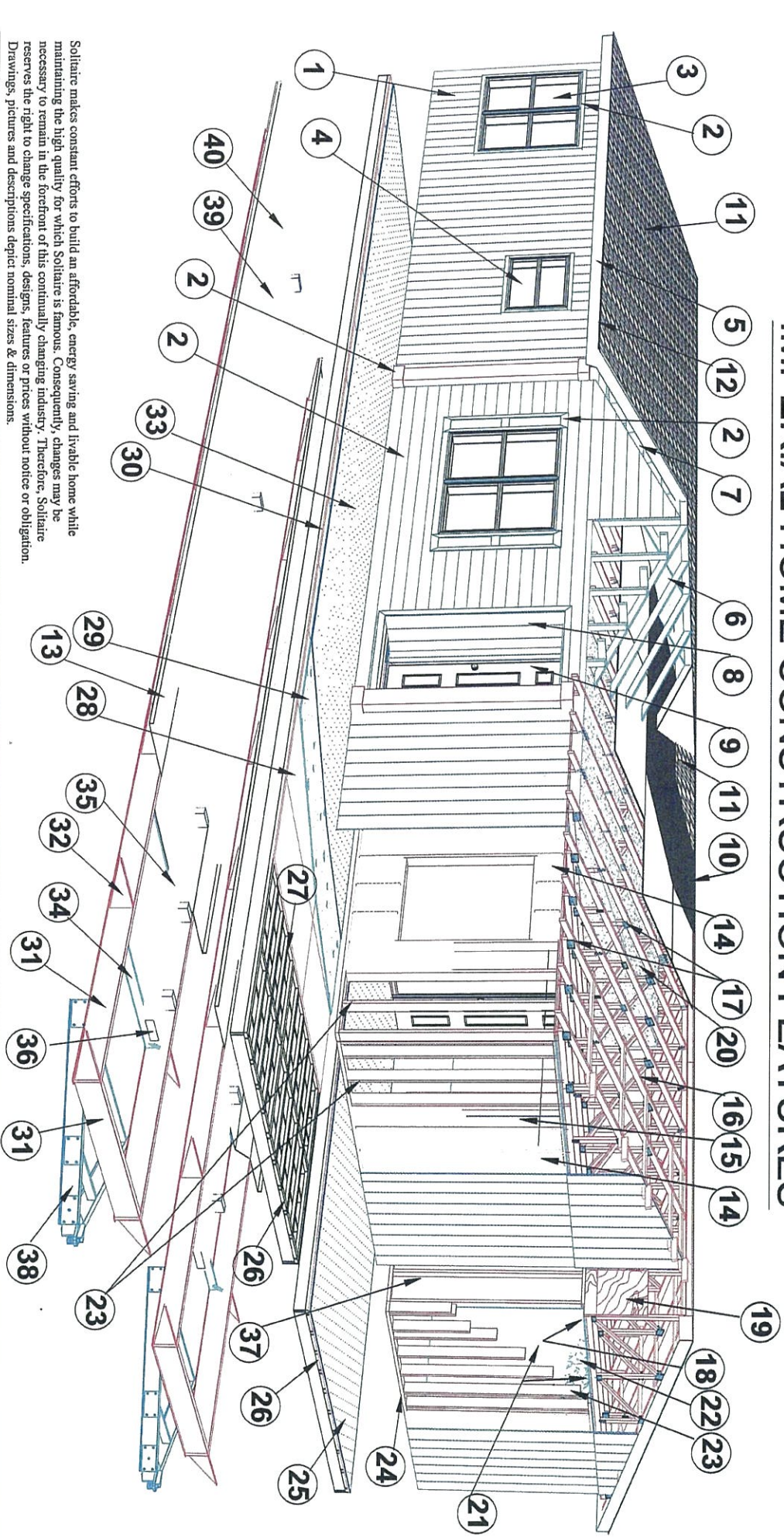
Summary

Impact tests were conducted on two commercial siding products, an engineered wood product and a fiber cement product, to evaluate the damage resistance to impacts by four items that could potentially hit the side of a building. The projectiles were a baseball, golf ball, river rock and marbles. The projectiles were impacted at speeds within the range of expected impact speeds. The siding products were supported in a configuration representative of a normal installation. Under similar conditions, with all four projectiles more damage was sustained by the fiber cement siding product than the engineered wood siding product.

Test Number	Projectile	Siding Type	Projectile Mass (gm)	Projectile Velocity (mph)	Projectile KE (J)	Comments
LVG709	River	LP	15.3	158.4	38.4	Dent on front, backside damage. Same panel as LVG708.
LVG710	Rock	FC	15.19	85.3	11.0	Dent on front, fractured and deformed surface on back
LVG711	River	FC	15.19	91.8	12.8	Dent on front, fractured and deformed surface on back
LVG712	Rock	FC	15.19	110.5	18.5	Dent on front, fractured and deformed surface on back
LVG713	River	LP	15.19	128.5	25.1	Dent on front, slight outward deformation on back
LVG714	Rock	LP	15.19	107.7	17.6	Small dent on front
LVG715	Golf Ball	LP	44.75	88.7	35.2	Dent on front, paint cracked. Minor delamination on back
LVG716	Golf Ball	LP	44.71	36	5.8	Projectile missed impact point. No visible damage.
LVG717	Golf Ball	LP	44.71	40.3	7.3	No visible damage. Same panel as LVG716
LVG718	Golf Ball	LP	44.7	63.8	18.2	No visible damage
LVG719	Golf Ball	FC	44.82	49.4	10.9	Dent on front. Through hole and spalling on back side
LVG720	Marbles*	FC	18.56	120.8	27.1	Multiple dents on front. Back side fractured
LVG721	Marbles*	LP	18.58	95.3	16.9	Barely visible damage on front
LVG722	Marbles*	LP	18.58	113.8	24.0	Barely visible damage on front
LVG723	Marbles*	LP	18.5	114.5	24.2	Small barely visible dents on front
LVG724	Marbles*	LP	18.5	110.9	22.7	Small barely visible dents on front
LVG727	Baseball	LP	142.86	102.6	150.3	Slight dent on front with paint crack. Crack on back
LVG728	Baseball	LP	140.53	54.1	41.1	No visible damage
LVG729	Baseball	LP	140.53	53.3	39.9	No visible damage
LVG730	Baseball	LP	142.94	86.1	105.9	Cracks in paint and slight indentation on front. Slight damage on back
LVG731	Baseball	LP	142.94	77.7	86.2	No visible damage
LVG732	Baseball	FC	142.94	86.9	107.8	Large hole. Corners cracked at fasteners
LVG733	Baseball	FC	142.89	72.8	75.7	Large hole. Crack at one fastener
LVG734	Baseball	FC	142.86	51.9	38.4	Small crack front and back side
LVG735	Baseball	FC	142.87	113.5	183.9	Large hole. Failure in OSB backing.

* Seven marbles were shot at one time. Given mass is the sum of the masses of the seven marbles.

Table 1. Impact Test Summary



Solitaire makes constant efforts to build an affordable, energy saving and livable home while maintaining the high quality for which Solitaire is famous. Consequently, changes may be necessary to remain in the forefront of this continually changing industry. Therefore, Solitaire reserves the right to change specifications, designs, features or prices without notice or obligation. Drawings, pictures and descriptions depict nominal sizes & dimensions.

- | | | | |
|---|---|---|--|
| <ol style="list-style-type: none">1. SMART PANEL2. DECORATIVE TRIM & SHUTTERS3. VINYL DOUBLE PANE GLAZED WINDOWS.4. ALL WINDOWS TILT SASH FOR EASY CLEANING.5. RESIDENTIAL EAVES.6. RESIDENTIAL DORMER.7. ATTIC VENTING.8. RECESSED ENTRY (CERTAIN MODELS)9. 36" STEEL INSULATED DOOR & DEAD BOLT10. SHINGLE UNDERLAYMENT11. ARCHITECTURAL SHINGLES | <ol style="list-style-type: none">12. METAL DRIP EDGE.13. BOTTOM BOARD14. THERMAL ZONE II OR III INSULATION15. VAPOR BARRIER16. 2x3 RESIDENTIAL TRUSS TYPE RAFTERS17. METAL GUSSETS18. SOLITAIRE EXCLUSIVE 1x3 TRANSVERSE STRINGER GRID WORK CEILING.19. 1-1/2" STRUCTURAL BEAM RUN ENTIRE LENGTH OF THE HOME20. R-30 CELLULOSE INSULATION21. 1/2" HAND NAILED SHEETROCK22. HAND APPLIED BROCADE FINISH | <ol style="list-style-type: none">23. 2x6 EXTERIOR WALLS STANDARD24. 2x6 TOP & BOTTOM PLATES25. DECORATIVE VINYL TILE STANDARD IN KITCHEN & UTILITY ROOMS26. SOLITAIRE EXCLUSIVE GRID FLOOR WITH 2x6 TRANSVERSE & 2x3 LONGITUDINAL STRINGERS27. ALL FLOOR DECKING GLUED BEFORE FASTENING.28. 5/8" STURDI FLOOR PLYWOOD DECKING (NOT PARTICLE BOARD)29. REBOUND CARPET PAD30. CARPET TACK STRIP (NOT STAPLED) | <ol style="list-style-type: none">31. 10" OR 12" SOLID STEEL I-BEAM FRAME32. FULL LENGTH OUTRIGGERS33. DECORATOR STAIN TREATED CARPET34. SOLID CROSS MEMBERS (NOT C CHANNEL)35. INSULATED DUCT FOR HEATING & AIR CONDITIONING36. NON-ALLERGENIC ONE PIECE METAL DUCT37. 2x4 MARRIAGE WALL38. DETACHABLE HITCH39. ALL PLUMBING LOCATED IN INSULATED FLOOR40. ONE PIECE FIBERGLASS INSULATION ASSURES WARM FLOORS |
|---|---|---|--|



R-SERIES

SINGLE SECTION
AND MULTI-SECTION

MODELS

THE R-SERIES MODELS ARE OPTIONS FOR WHOM PRICING IS OF PARAMOUNT IMPORTANCE.

To achieve more competitive pricing for the R-Series, Solitaire has employed these strategies:

- ◆ Gain additional labor and materials efficiency in the manufacturing process by building 30 or more like models, in a run, with no variations. (Some features, particularly cosmetics, may vary from run to run.)
- ◆ Distribute R-Series Model runs by allotment into the inventories of Factory Direct Outlets for availability to consumers. (This distribution system makes no provision for "special orders" nor for predicting run schedules.)

SOME NOTABLE R-SERIES FEATURES

- | | |
|--|---|
| ● 2 x 6 16" center sidewalls on multi-sections | ● Quality windows with double hung self-storing storms |
| ● 2 x 4 16" center sidewalls on single sections | ● Zone II Insulation |
| ● 2 x thick top and bottom plates - all walls | ● Insulated metal ducts |
| ● 5/8" tongue and groove <i>Sturdi-Floor</i> plywood floors over 2 x 6 floor joists on 16" centers | ● PEX plumbing system |
| ● 7 1/2 foot sidewalls with vaulted ceilings | ● All drywall interiors with 1/2" glued, hand nailed, and hand textured sheetrock |
| ● <i>TechShield</i> roof decking | ● Stretched and stapled FHA carpet |
| ● 3-tab 20-year rated shingles | ● Solitaire molded fiberglass tubs and showers |
| ● <i>Smart Panel</i> siding | ● Hand painted interiors and exteriors |

Solitaire makes a constant effort to build an affordable, energy saving, and livable home while maintaining the high quality for which Solitaire is famous. Consequently, changes may be necessary to remain in the forefront of this continually changing industry. Therefore, Solitaire reserves the right to change specifications, designs, features, or prices without notice or obligation. Drawings, pictures, and descriptions depict nominal sizes and dimensions.

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www.solitairehomes.com

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, May 15, 2018

The Planning and Zoning Commission met at 5:30 P.M. in the Kinchion Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, Michael Pressley, David Jarratt, Ty Hendrick, Lewis Simms, Stephanie O'Banion, DJ Fuller and Dave Covington. Commission member Rae Schmuck was absent. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, IT Specialist Ryan Brown and Planning Clerk Laura Livingston.

3. Z-18-08 Hold a public hearing and consider the following City-initiated zoning changes on property located along Brenda Lane, south of I-14 (US 190) and east of FM 1670:

- Tract 1: From Agricultural to Single Family-3 District on approximately 6.36 acres comprising Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition; and**
- Tract 2: From Agricultural to Mobile Home District on approximately 3.22 acres comprising Lots 1 – 5, Block 1, Brenda Lane Extension.**

Ms. Maxwell presented the staff report (Exhibit A).

Chair Baggerly opened the public hearing. Mr. Tom Shuttleworth, 3684 Brenda Lane, said his home is directly southeast of the property proposed for the zoning change. He said he is in opposition of the Mobile Home District zoning. Mr. Shuttleworth read about Mobile Home District zoning and it allows for a 480-square-foot home up to whatever size, he said. He feels because he and all of his neighbors are in opposition and also sent in protest letters, it would be best to grant a Specific Use Permit instead so restrictions can be considered. All of the neighbors live in double-wide homes but if this proposed zoning is allowed, single-wide homes would be allowed. History shows that single-wide trailers are easy to move in and move out, he said. Once this is zoned as proposed, it's not going to allow the current neighborhood to preserve any nature that exists there today, Mr. Shuttleworth said. We have a wonderful little neighborhood in the back and we have no fences other than at the very back of the yards to contain our animals. The rest of our property is all open, he said. You can drive by and see that our yards share the beauty and the tranquility that we have. By you changing the zoning and allowing that, there is no telling what could happen three to five years down the road. We prefer a SUP or a variance to the Agricultural zoning. Mr. Shuttleworth said he loves his neighborhood right now. The City wants to come in and change to Single Family zoning, which includes rules on putting up your dogs, concrete driveways, asphalt driveways, curb cuts ... we're against that. We're a little, quiet country – the Killeen donut hole – which is how we would love to remain. We barely receive any city services, which Mr. Shuttleworth said includes confusion among City of Belton Police and the Bell County Sheriff's Department over if their street is within city limits. His property line is actually the city limits. We have a drainage ditch that runs through there that floods. We have asked the City to do something; they just bat an eye and go on, he said. There is a mobile home park nearby and we would appreciate it if there is something the City could do about residents cleaning up their trash cans and taking care of the beauty of the place over there. There is a transient woman living near the trailer park, Mr. Shuttleworth said, no one has offered her any help. Then, the City wants to come into our neighborhood and allow one person to bring in a mobile home. When that land was sold, Mr. Shuttleworth said he would have thought he would understand there is no mobile home to be placed there. He said he's a good neighbor and willing to

help, but to put an 80-foot single wide there is not conforming to the neighborhood that consists of smaller homes. He said he hopes the Commission does not approve this item.

With no one else requesting to speak, Chair Baggerly closed the public hearing.

Chair Baggerly said it needs to be clarified that any development of this lot is going to require a zoning change. Yes, Ms. Maxwell said, unless you build a site-built home but you would have to adhere to the Agricultural zoning requirements, which this lot does not meet the area requirements. A single family home is usually allowed but given the size of the lot, it would be considered nonconforming. Chair Baggerly referred to the SUP suggestion, which he did not have experience with in AG zoning, so is that an option? Ms. Maxwell said it is an option. You can allow a mobile home with a SUP, along the lines of a Planned Development that would consider restrictions. (Correction: In Single Family Zoning Districts, a modular home may be allowed with a SUP, but not a mobile home or manufactured home; neither are allowed in the Agricultural Zoning District.)

Ms. O'Banion asked what would be different about that than the rest of the lots? And is the purpose of the additional changes just to clean up the area's zoning to make it more reflective of what's already there? Ms. Maxwell said firstly, we have no personal interest in making anybody do anything. The applicant approached us wanting to rezone to place a mobile home and the City saw there were other mobile homes that are nonconforming use so we thought it would be beneficial to bring them into conformance with the current Zoning Ordinance. The same thing is seen farther down Brenda Lane, there are other site-built homes so the rezoning would bring it into conforming status so if any remodeling occurred or home replacement, they could do so. That's basically how it grew to what it is, Ms. Maxwell said. The Commission does not have to rezone all of the properties, she said. It is not our intent to force zoning on anyone's property. We wanted to put that option out there and obtain public input.

Ms. O'Banion asked what would be the "pro" and the "con" of cleaning up the zoning? Ms. Trietsch said right now nothing can be done without rezoning. If someone wanted a permit to do something, they cannot make changes without rezoning, she said. For example, if someone wanted to add on to their home they would have to pay the \$250 fee to rezone their lot and we're going to see this with every single lot so the City initiated the zoning change to try and match existing development with zoning. This will prevent residents from back-tracking when they want to move forward with a change, she said. Ms. O'Banion said, but what we're hearing is they don't want that. Mr. Pressley said have there been other "no's" as he received one in his update. Yes, several more, Ms. Maxwell said.

Mr. Sidney Blevins, operating partner for Solitaire Homes, 6119 South General Bruce Drive, Temple, stood before the Commission to answer questions. Chair Baggerly asked him to give an overview of his plans. They will be putting a brand-new home in that location, he said, that has been vacant and surrounded by other manufactured homes. He said it will bring value and there will be a tax-paying consumer, homeowner living there in the City of Belton whereas right now it's just an empty lot. When he purchased that lot, he assumed it was zoned for this use because it was surrounded by other manufactured homes, he said. Of course, when he applied for the permit to get started that's where there was an issue. Adding a brand-new home to that lot could only be an enhancement, he said. The fear was how do we know what you will bring in? Mr. Blevins suggested they could zone it for a new home only. He did understand their fear of bringing in an older model after the rezoning is approved. He just knows he has a homeowner who wants to live there, who wants to be a part of the City of Belton. Mr. Blevins asked if the Commission had any specific questions about the home. Mr. Pressley said there were some concerns that it would be a long, single-

wide home. Mr. Blevins said he has singles and multi-section homes so it depends on affordability. All of these homes will have a hardwood siding as opposed to vinyl siding and he's submitted the drawings and the paperwork. The length would be the same no matter the width, he said. Mr. Pressley asked would this home be in compliance or similar look to the other homes? It would, Mr. Blevins said and it would be an enhancement. He said he's worked with the City and Dog Ridge water supply which was the first hurdle to get past. Solitaire Homes builds more of a prefab design, with a residential look and feel, he said.

Chair Baggerly said he tends to lean toward the City's recommendation to do it now since it would benefit the community; however, he also hears the concerns of the community. He asked if there are stipulations being put on the zoning change as far as the square footage of the homes or the types of mobile homes? Ms. Maxwell said this is not proposed as a Planned Development District so it would just be a straight zoning change to MH District.

Mr. Simms asked if the request was approved, how would it affect the current residents? Ms. Maxwell said when a resident wants to remodel or add on, the zoning change would be beneficial. She said she has no basis to say how the change might hurt the current residents.

Mr. Covington said in the protest letters, there were a couple who were worried they might have to pay more in property taxes as a result of this. He asked Ms. Maxwell if in her opinion does she see that happening? Ms. Maxwell said according to the Bell County Tax Appraisal District it could possibly affect a resident if they had an Ag Exemption, and it was changing to a single family use, because that shows the Bell County Tax Appraisal District the zoning is no longer Agricultural. She said she did not know whether these properties have an Ag Exemption. We suggested each property owner contact the tax office directly to discuss their property, Ms. Maxwell said.

Mr. Covington said he's torn. It seems like a good idea to him, because taking care of this now will help all the homeowners there in the future, but Mr. Covington said he hears significant opposition so he wants to be sensitive to that. Ms. O'Banion said there is no harm to us, it's really for them. Ms. Maxwell said we call it "City-initiated" because we expanded it from the initial boundary. We had a request and we're trying to accommodate that request, she said, and thought it would be an opportunity to have these properties conform to the zoning districts so they could alleviate their nonconforming status.

Chair Baggerly said he thought it was important to talk about what would happen if those changes were occurring in that neighborhood and if each homeowner was responsible for initiating the zoning change, which could be burdensome.

Mr. Shuttleworth said reading the Zoning Ordinance, (he referenced Section 48-4) where it states a variance can be granted in the instance of a fire the home could be rebuilt and still retain the Agricultural zoning. Ms. Maxwell said there is a provision if the damage is less than 60 percent of the value of the nonconforming structure. Chair Baggerly said but if someone wants to take out an existing mobile home and put one in, then this will trigger rezoning again.

Chair Baggerly asked if there were any other questions from the Commission. Mr. Covington said what he sees presented are two full tracts but the original application was for one lot, so is it an option for the Commission to rezone the lot in question and not both tracts? Ms. Maxwell said yes. Mr. Simms said there were a lot of protests related to the single family rezoning. Ms. Maxwell said there was opposition to both tracts as well. Mr. Covington said he didn't know why you wouldn't want it rezoned to the proposed zoning. Ms. O'Banion asked Ms. Maxwell the impact to the City if they

don't rezone per the recommendation? Ms. Maxwell said a homeowner would have to come to the City for rezoning for any changes made to the property. The Commission discussed rezoning one lot (Block 1, Lot 4). Ms. O'Banion asked Ms. Maxwell about the restrictions of the size of the home brought onto the lot. If zoned MH, the dwelling unit could be a double-wide or single-wide, she said. Ms. Maxwell said the land and mobile home are being sold together. Chair Baggerly said if the Commission preferred to rezone just the lot, he would entertain a motion.

Mr. Covington made a motion to approve Lot 1, Block 4 from AG to Mobile Home District. Ms. O'Banion seconded the motion. The item was approved with 8 ayes, 0 nays.

ORDINANCE NO. 2018-16

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO MOBILE HOME ZONING DISTRICT ON BLOCK 1, LOT 4 OF THE BRENDA LANE ADDITION WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.

WHEREAS, Kesterson Retail, LLC, dba Solitare Homes of Temple, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 15th Day of May, 2018, at 5:30 p.m. for hearing and adoption, said district being described as follows:

Block 1, Lot 4 of the Brenda Lane Addition, Belton, Texas
(location map attached as Exhibit "A")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 22nd day of May, 2018, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Agricultural Zoning District to Mobile Home Zoning District, in accordance with Section 16 – Mobile Home Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The use of this property must conform to the Mobile Home Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 22nd day of May, 2018, by a vote of _____ ayes and _____ nays.

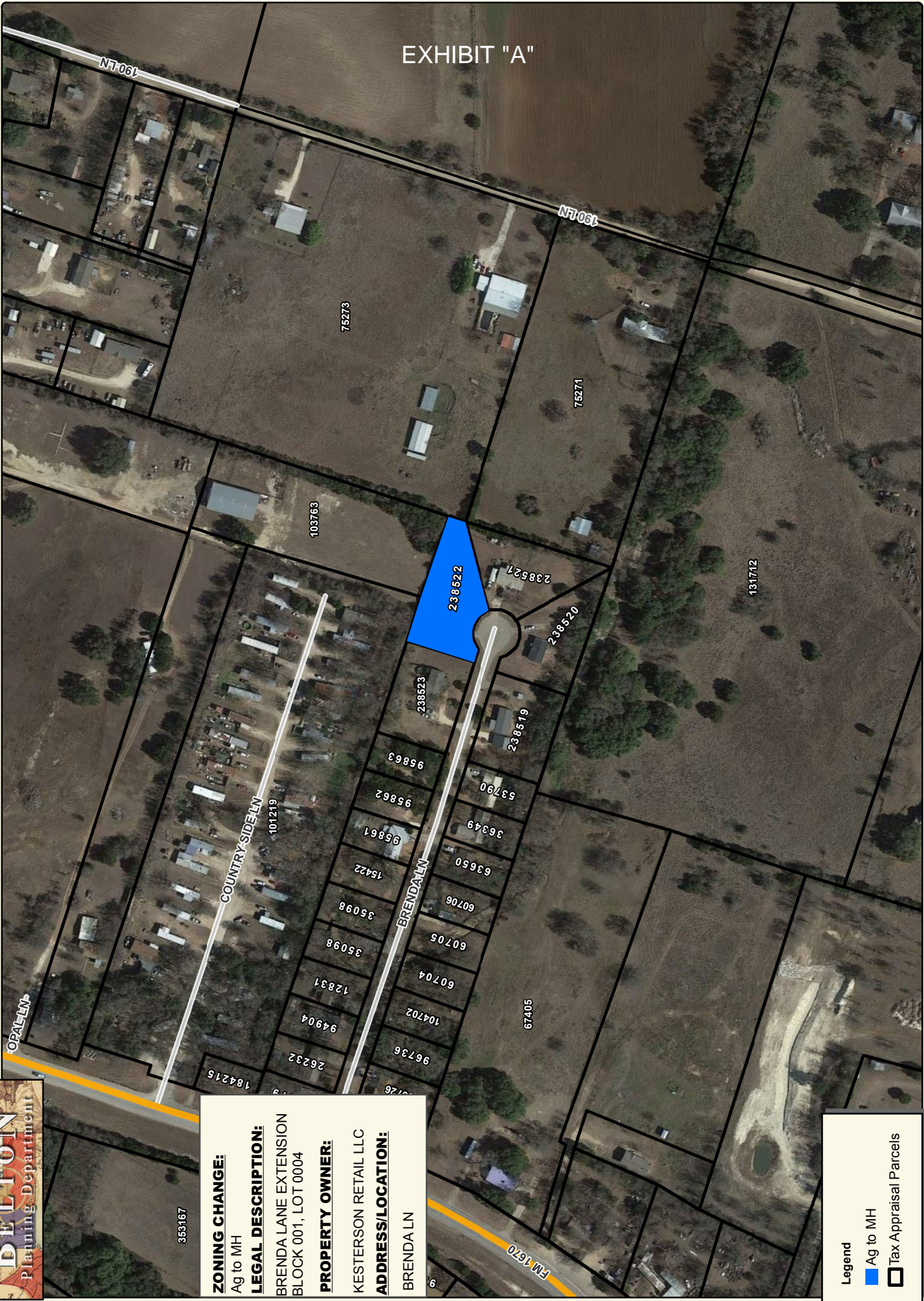
SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 22nd day of May, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-18-08



ZONING CHANGE:
Ag to MH

LEGAL DESCRIPTION:
BRENDA LANE EXTENSION
BLOCK 001, LOT 0004

PROPERTY OWNER:
KESTERSON RETAIL LLC

ADDRESS/LOCATION:
BRENDA LN

Legend

- Ag to MH
- Tax Appraisal Parcels

Staff Report – City Council Agenda Item



Date: May 22, 2018
Case No.: Z-18-09
Request: Agricultural to SF1
Applicant: Robert Gill

Agenda Item #8

Hold a public hearing and consider a zoning change from Agricultural to Single Family -1 District on approximately 4.324 acres located the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.

Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural **Proposed Zoning:** Single Family-1

Future Land Use Map (FLUM) Designation: Residential

Design Standards Type Area: 4 – Gateway to other areas; nodes of commercial, retail, and neighborhood service uses with a higher standard. If approved, proposed uses would be required to comply with all the Design Standards for Type Area 4.

Background

This property was annexed in 2004 and was brought into the city limits under the Agricultural Zoning District. The 11.3 acre tract to the west was annexed in 2016 and also zoned Agricultural District. Both tracts of land are being platted as a three-lot subdivision for residential development. The 4.3 acre tract is being divided into two lots (Lot 1 & 2) which do not meet the area requirements for the Agricultural Zoning District, so the applicant is requesting this zoning change.

Case Summary

A house is located on the southernmost portion of this tract which will be Lot 1. Proposed Lot 2 is undeveloped at this time. Proposed Lot 3 to the west has a residence on it as well and will retain the Agricultural Zoning District. The adjacent properties are zoned Agricultural District. A residence is located on the tract to the south, while the adjacent properties to the north and west are undeveloped in this vicinity.

Land Use/Area Regulations

The proposed lots satisfy area requirements for the Single Family-1 Zoning District as noted below:

Lot Area: 10,000 sq. ft.
Lot Width: 70'
Lot Depth: 100'
Front Yard: 25'
Rear Yard: 20'
Side Yard: 7'; 15' adjacent to side street

Project Analysis and Discussion

Proposed Lot 1 will comprise 2.7 acres and Lot 2, 1.6 acres. Sanitary sewer service is currently not available to this area so septic systems are an alternative, subject to approval by the Bell County Public Health District, which requires a minimum area of 0.5 acre. This property is within the City's Water CCN; however, existing water lines for extension to this site are over 300 feet away; therefore, private water wells are allowed on these proposed lots. Private water wells are located on Lots 1 and 3, and Lot 2 has been approved for a future well by the Clearwater Underground Water Conservation District.

The FLUM identifies this area as residential which includes the requested SF1 zoning district. The proposed residential use is consistent with surrounding uses. Therefore, this requested zone change appears to be reasonable in this location.

Recommendation

The Planning and Zoning Commission met on May 15, 2018 and unanimously recommended approval of the requested zoning change from Agricultural to Single Family-1 District; staff concurs with their recommendation.

Attachments:

Zoning application
Property Location Map
Zoning map
Aerial photo
Map with zoning notice boundary (200')
Zoning notice to owners
Owner notification list
P&Z Minutes Excerpt
Ordinance

City of Belton
Request for a Zoning Change

To the City Council and the
Planning & Zoning Commission

Fee: \$250.00 CK# 20365

Date Received: 04-24 Date Due: _____ (All plans are to be returned to the Planning Department within 5 working days)

Applicant: All County Surveying, Inc Phone Number: (254) 778-2272
Mailing Address: 1303 S. 21st City: Temple State: TX
Email Address: chuck@allcountysurveying.com - shane@allcountysurveying.com

Owners Name: Robert Gill Phone Number: _____
Mailing Address: 431 Elmer King Rd. City: Belton State: TX
Email Address: _____

Applicant's Interest in Property:

Surveyor

Legal Description of Property:

15.694 Acres, F. Madrigal Survey, A-554
4.324

Is this property being simultaneously platted? Yes

Street Address: 431 Elmer King Rd.

Zoning Change From Ag to SF-1

Signature of Applicant: [Signature] Date: 4-12-18

Signature of Owner (if not applicant): [Signature] Date: 4-19-18

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

Zoning Case # Z-18-09 Location

ZONING CHANGE:

Ag
to
SF-1

LEGAL DESCRIPTION:

A0554BC F MADREGAL
4.324 ACRES


PROPERTY OWNER:

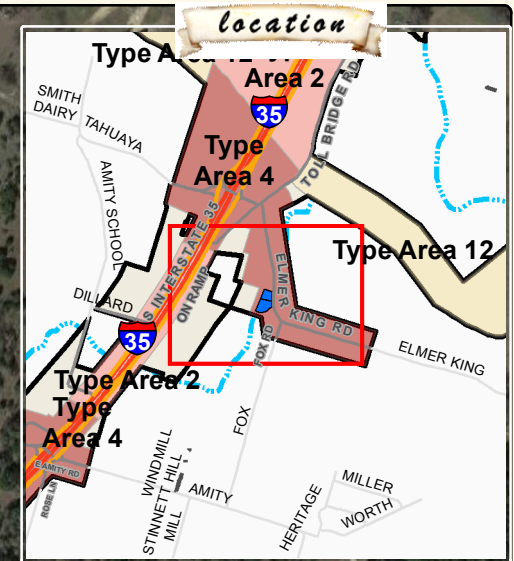
GILL, ROBERT T

ADDRESS/LOCATION:

425 ELMER KING RD

LEGEND

 Z_18_09

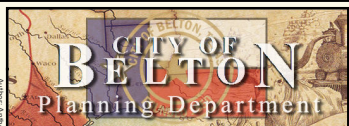


0 200 400 800
Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

Zoning Case # Z-18-09 Zoning



Author: Anthony Williams, City of Belton

Page: E:\City of Belton Projects\Zoning\Zoning Case # Z-18-09\Zoning Case # Z-18-09 Zoning.mxd

ZONING CHANGE:

Ag
to
SF-1

LEGAL DESCRIPTION:

A0554BC F MADREGAL
4.324 ACRES

PROPERTY OWNER:

GILL, ROBERT T

ADDRESS/LOCATION:

425 ELMER KING RD

Legend

- CityLimits
- Z_18_09
- Current_Zoning
 - Agricultural
 - Commercial Highway
 - Commercial-1
 - Commercial-2
 - Light Industrial
 - Specific Use Permit

Map Date: 4/25/2018

0 220 440 880 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

Zoning Case # Z-18-09 Aerial

ZONING CHANGE:

Ag
to
SF-1

LEGAL DESCRIPTION:

A0554BC F MADREGAL
4.324 ACRES


PROPERTY OWNER:

GILL, ROBERT T

ADDRESS/LOCATION:

425 ELMER KING RD

LEGEND

 Z_18_09



Zoning Case # Z-18-09

ZONING CHANGE:

Ag
to
SF-1

LEGAL DESCRIPTION:

A0554BC F MADREGAL
4.324 ACRES

PROPERTY OWNER:

GILL, ROBERT T

ADDRESS/LOCATION:

425 ELMER KING RD

**200' Property Owner
Notification Area**

Legend

- ☒ Z_18_09
- ☐ 200' Property Owner Notification Area
- ☐ Tax Appraisal Parcels



**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: ALL COUNTY SURVEYING,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 4.324 ACRES, ELMER KING ROAD,
FROM A(N) AGRICULTURE ZONING DISTRICT,
TO A(N) Single Family-1 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, May 15, 2018**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 22, 2018**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: ALL COUNTY SURVEYING,
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IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) ^{circle one} (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. IN THE BEST INTEREST OF ALL CONCERNED
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: May 5 SIGNATURE: Louis William Jr Etux Dona

PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812

209369
BLOCK, LOUIS WILLIAM JR ETUX DONA
493 ELMER KING RD
BELTON, TX 76513-7506

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, May 15, 2018

The Planning and Zoning Commission met at 5:30 P.M. in the Kinchion Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, Michael Pressley, David Jarratt, Ty Hendrick, Lewis Simms, Stephanie O'Banion, DJ Fuller and Dave Covington. Commission member Rae Schmuck was absent. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, IT Specialist Ryan Brown and Planning Clerk Laura Livingston.

4. Z-18-09 Hold a public hearing and consider a zoning change from Agricultural to Single Family -1 District on approximately 4.324 acres located the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.

Ms. Maxwell presented the staff report. (Exhibit B).

Chair Baggerly opened the public hearing. Ms. Nancy Best, 282 Presa Drive, Bell County, said she is a Realtor with Coldwell Banker representing Robert Gill and working with the family who wants to purchase the home on the 2.7 acres and there was a variance request submitted by All County Surveying on behalf of Mr. Gill. Ms. Best asked if that is part of this meeting? Ms. Maxwell said yes, though with the next item on the agenda, which is the request to approve the final plat of Gill Estates. Ms. Best had no other comments.

With no one else requesting to speak, Chair Baggerly closed the public hearing.

Mr. Covington made a motion to approve Z-18-09, with Mr. Simms seconding the motion. Item Z-18-09 was approved with 8 ayes, 0 nays.

ORDINANCE NO. 2018-17

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO SINGLE FAMILY-1 ZONING DISTRICT ON A 4.324 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.

WHEREAS, Robert Gill, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 15th day of May, 2018, at 5:30 p.m. for hearing and adoption, said district being described as follows:

431 Elmer King Road, 4.324, Belton, Texas
(location map attached as Exhibit "A")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 22nd day of May, 2018, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Agricultural Zoning District to Single Family-1 Zoning District, in accordance with Section 10 – Single Family-1 Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The use of this property must conform to the Single Family-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards

3. Subdivision plat is required.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 22nd day of May, 2018, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 22nd day of May, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-18-09 Location

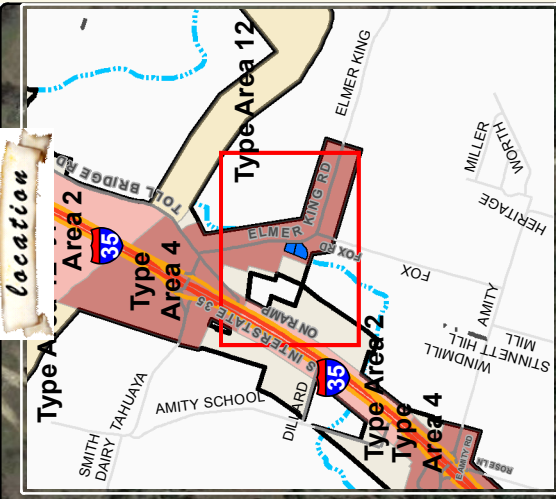
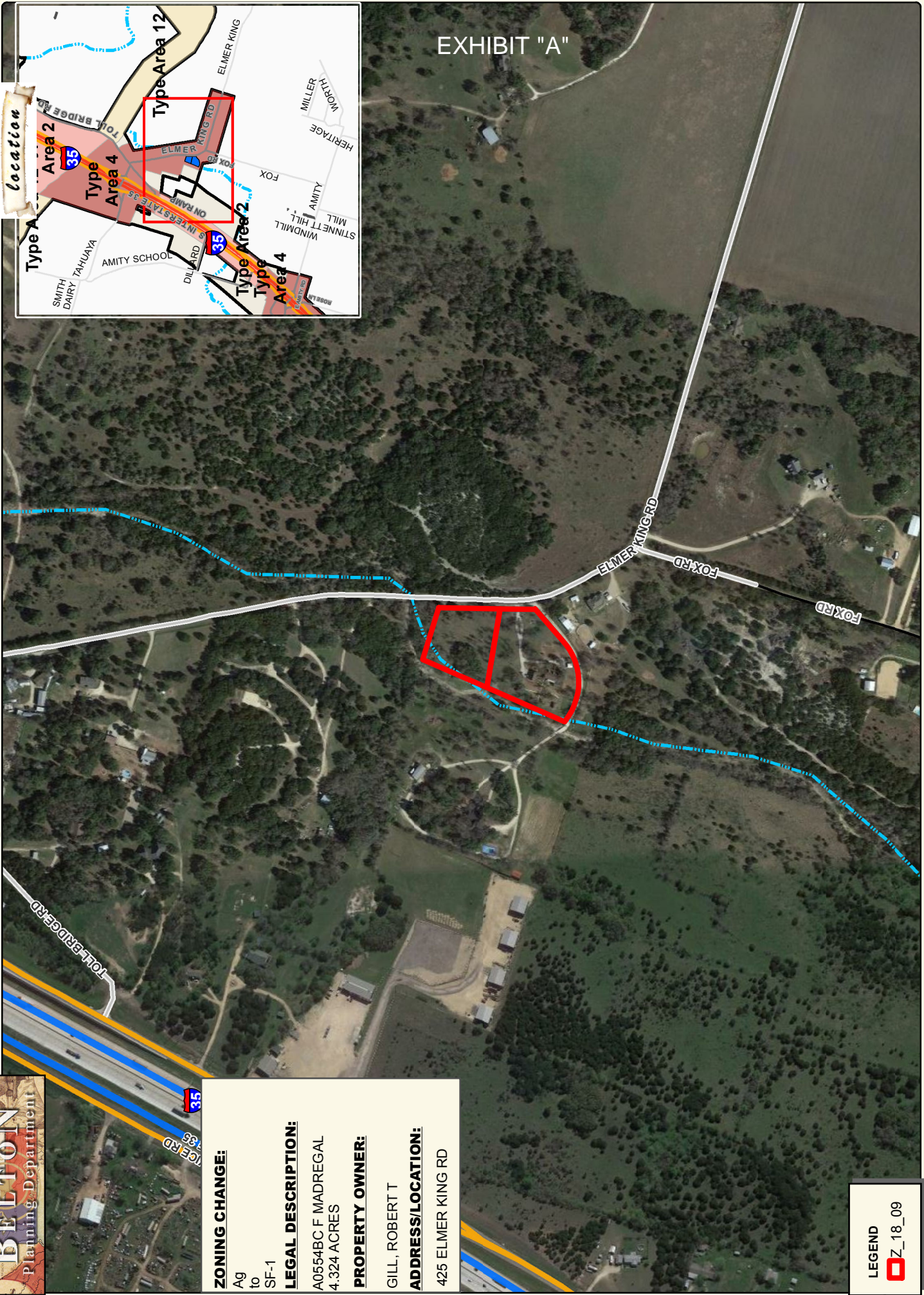


EXHIBIT "A"



ZONING CHANGE:
Ag
to
SF-1

LEGAL DESCRIPTION:
A0554BC F MADREGAL
4.324 ACRES

PROPERTY OWNER:
GILL, ROBERT T

ADDRESS/LOCATION:
425 ELMER KING RD

LEGEND

Z_18_09

Staff Report – City Council Agenda Item



Date: May 22, 2018
Case No.: P-18-09 Gill Estates
Request: Final Plat
Applicant: All County Surveying
Owner: Robert Gill

Agenda Item #9

Consider a final plat of Gill Estates, 15.694 acres located on the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Case Summary

This is a 3-lot subdivision proposed for residential use. The general area comprising Lots 1 & 2 was annexed into the city limits in 2004; the remainder in 2016. This property, and the surrounding properties, are zoned Agricultural District. Lots 1 (1.621 acres) and 2 (2.703 acres) do not meet the minimum area requirement of 3 acres for Agricultural zoning; therefore, the applicant has requested a zoning change for these lots to Single Family-1 District. These two lots satisfy all requirements for this zoning district. Lot 3 will remain zoned Agricultural and at 11.369 acres, meets the area requirement for this zoning district. Homes are currently located on Lots 1 and 3; Lot 2 is undeveloped at this time. Lots 1 and 2 have frontage on Elmer King Road. Lot 3 is located west of these two lots and is accessed via Elmer King Road by a 21' wide strip of land.

Project Analysis and Discussion

Following is a summary of the subdivision ordinance requirements as they apply to this subdivision plat.

Water: This property is located within Belton's water CCN; however, the nearest water line is approximately 4,500 feet away on the west side of I-35. City policy allows water wells inside the city limits under certain conditions related to tract size and distance from existing lines. Tracts over 10 acres may have a water well. Proposed Lot 3 meets these criteria. Tracts less than 5 acres may have a well if existing water lines are over 300' away. Lots 1 and 2 meet these criteria as well. Two water wells are currently located on the 15-acre tract, providing service to each of the residences located on proposed Lots 1 and 3. A third well has been approved by the Clearwater Underground Water Conservation District (CUWCD) for drilling in the vicinity of Lot 2. A minimum 2 acres is needed for a well site. With this tract being

subdivided, the resulting Lot 2 at 1.6 acres will not meet this minimum area requirement; therefore, CUWCD has advised that in the future, only a replacement well will be allowed conditioned plugging the existing well; no more than one well will be allowed on the lot. A note to this effect will be placed on the subdivision plat.

There is no water infrastructure in this vicinity to support fire hydrants and provide fire protection. In the event of a fire, water tanker trucks will be needed to suppress the fire. Therefore, a variance for the provision of fire hydrants is requested. A variance is also needed for fire truck access to Lot 3. An impervious surface is required. The applicant is requesting a variance to allow the existing gravel driveway. Staff supports the requested exception, given the long length of the driveway at approximately 1,000 feet.

Sewer: There is no sanitary sewer service available to this property. Septic systems are existing on Lots 1 and 3, and proposed for Lot 2, subject to approved by Bell County Public Health District.

Drainage: Portions of all three lots are located in the flood plain. Fill will be needed to raise the finished floor elevation of the building site on these lots 18" above the flood plain elevation. Minimum floor elevations for residential buildings are provided on the plat.

Streets: The Thoroughfare Plan identifies Elmer King Road as a minor arterial street with a required ROW width of 80' - 100'. Current ROW is approximately 62' leaving 38' needed to achieve the 100'. This would require a dedication of 19' from this applicant. They are requesting a variance to reduce the dedication to 10'. Staff has reviewed the ROW needs and believes the majority of ROW will be needed from the property on the east side of Elmer King Road to smooth out the current curve in the roadway. Therefore, Staff supports the requested reduction in ROW dedication.

Regarding perimeter street improvements, the Subdivision Ordinance requires the developer to contribute one half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat, in this case, Elmer King Road. An exception to this requirement is requested. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding 3 lots. Staff supports the requested variance.

Sidewalks: The Subdivision Ordinance requires the developer to construct and install a 6-foot wide sidewalk along the subdivision side of arterial streets. This requirement applies to Elmer King Road. A variance to this requirement is requested. Staff concurs with the variance request due to the following factors: this development consists of only three large lots with existing residential development on two, so there is minimal additional impact to the area; there are currently no sidewalks along this roadway and there does not appear to be a need given the rural nature of this area, until improvements to this roadway are implemented; and improvements are not scheduled at this time.

Parkland Dedication/Fee: Residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required.

With only three lots the dedication would be 0.3 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$600 for this subdivision. A variance to the parkland dedication/fee is requested. Staff concurs with the variance request since there are no plans to develop a public park in this vicinity at this time and these three lots are large with ample open space available on each to satisfy the needs of the lot owners.

Conclusion: We have reviewed the final plat and find it acceptable, subject to conditions contained in the letter to the applicant dated May 7, 2018.

Recommendation

The Planning and Zoning Commission met on May 15, 2018 and unanimously recommended approval of the final plat of Gill Estates, subject to the conditions below; staff concurs with their recommendation.

1. Variance for provision of fire hydrants and impervious access for fire protection (Recommended)
2. Variance to allow reduction in ROW for Elmer King Road from 19' to 10' (Recommended)
3. Variance for perimeter street improvements and sidewalk for Elmer King Road (Recommended)
4. Variance for parkland dedication/fee (Recommended)
5. City's Letter to Applicant dated May 7, 2018.

Attachments

Final Plat Application
Final Plat
Location Map
City's Letter to Applicant dated May 7, 2018
Variance Requests
P&Z Minutes Excerpt

City of Belton
Request for Subdivision Plat
to the City Council and the
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision Fees due \$ _____
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☐ City Limits

Date Received: _____ Date Due: _____ (All plans are to be returned to the Planning Department by the 15th day of the month ahead of the next month's P&Z meeting.)

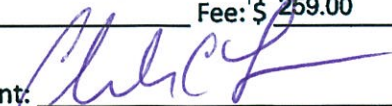
Applicant: ALL COUNTY SURVEYING, INC. Phone: 254-778-2272
Mailing Address: 1303 SOUTH 21st STREET, TEMPLE, TEXAS, 76504
Email Address: chuck@allcountysurveying.com, shane@allcountysurveying.com

Owner: ROBERT T. GILL Phone: _____
Mailing Address: 431 ELMER KING ROAD, BELTON, TEXAS, 76513
Email Address: _____

Current Description of Property:

Lot: _____ Block: _____ Subdivision: _____
Acres: 15.694 Survey: F. MADRIGAL SURVEY
Abstract #: 554 Street Address: 431 ELMER KING ROAD
Frontage in Feet: 413.45' Depth in Feet: 896.77'

Does Zoning comply with proposed use? na Current Zoning: na
Name of proposed subdivision: GILL ESTATES
Number of Lots: 3 Fee: \$ 259.00

Signature of Applicant:  Date: 1.15.18
Signature of Owner: Robert Gill Date: 1/15/2018

STATE OF TEXAS
COUNTY OF BELL

ROBERT T. GILL, OWNER OF THE 15.694 ACRE TRACT OF LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS **GILL ESTATES**, WITHIN THE CITY OF BELTON, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

ROBERT T. GILL
431 ELMER KING ROAD
BELTON, TEXAS 76513

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROBERT T. GILL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME, FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2018.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **GILL ESTATES**, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, WAS APPROVED THIS THE _____ DAY OF _____, 2018, BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.

MAYOR _____ SECRETARY _____

STATE OF TEXAS
COUNTY OF BELL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **GILL ESTATES**, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, WAS APPROVED THIS THE _____ DAY OF _____, 2018, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELTON, TEXAS.

CHAIRMAN _____ SECRETARY _____

SAID SUBDIVISION LIES WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, AND SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF BELTON, TEXAS.

WITNESS MY HAND AND SEAL THIS THE _____ DAY OF _____, 2018.

CITY CLERK _____

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the _____ day of _____, 2018 A.D.

By: _____
Bell County Tax Appraisal District

BELL COUNTY
PUBLIC HEALTH DISTRICT CERTIFICATE

The Bell County Public Health District, the Licensing Authority for an on-site sewage disposal in Bell County, Texas, hereby certifies that this subdivision meets or exceeds the minimum standards established by the Bell County Board of Health.

Sanitarian _____ Date _____

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

PRELIMINARY - FOR REVIEW ONLY

Preliminary, this document shall not be recorded for any purpose.

Surveyor Name & Number **CHARLES C. LUCKO, RPLS 4636**

Release Date **APRIL 25, 2018**

CHARLES C. LUCKO, R.P.L.S.
REGISTRATION NO. 4636
DATE SURVEYED: September 24, 2017

FINAL PLAT of GILL ESTATES

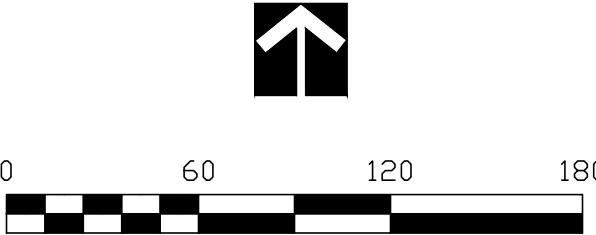
SITUATED IN THE CITY OF BELTON, BELL COUNTY, TEXAS,
BEING 15.694 ACRES SITUATED IN THE F. MADRIGAL
SURVEY, ABSTRACT 554, BELL COUNTY, TEXAS.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48021C0550E, dated September 26, 2008, a portion of the hereon shown property DOES appear within the "Special Flood Hazard Area", and appears to be situated in Zone A. This Flood statement does not imply that this tract will or will never flood, nor does it create any liability in such event on the part of this surveyor or company.

FILED FOR RECORD THIS _____ DAY OF _____, 2018.

IN YEAR _____, PLAT # _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

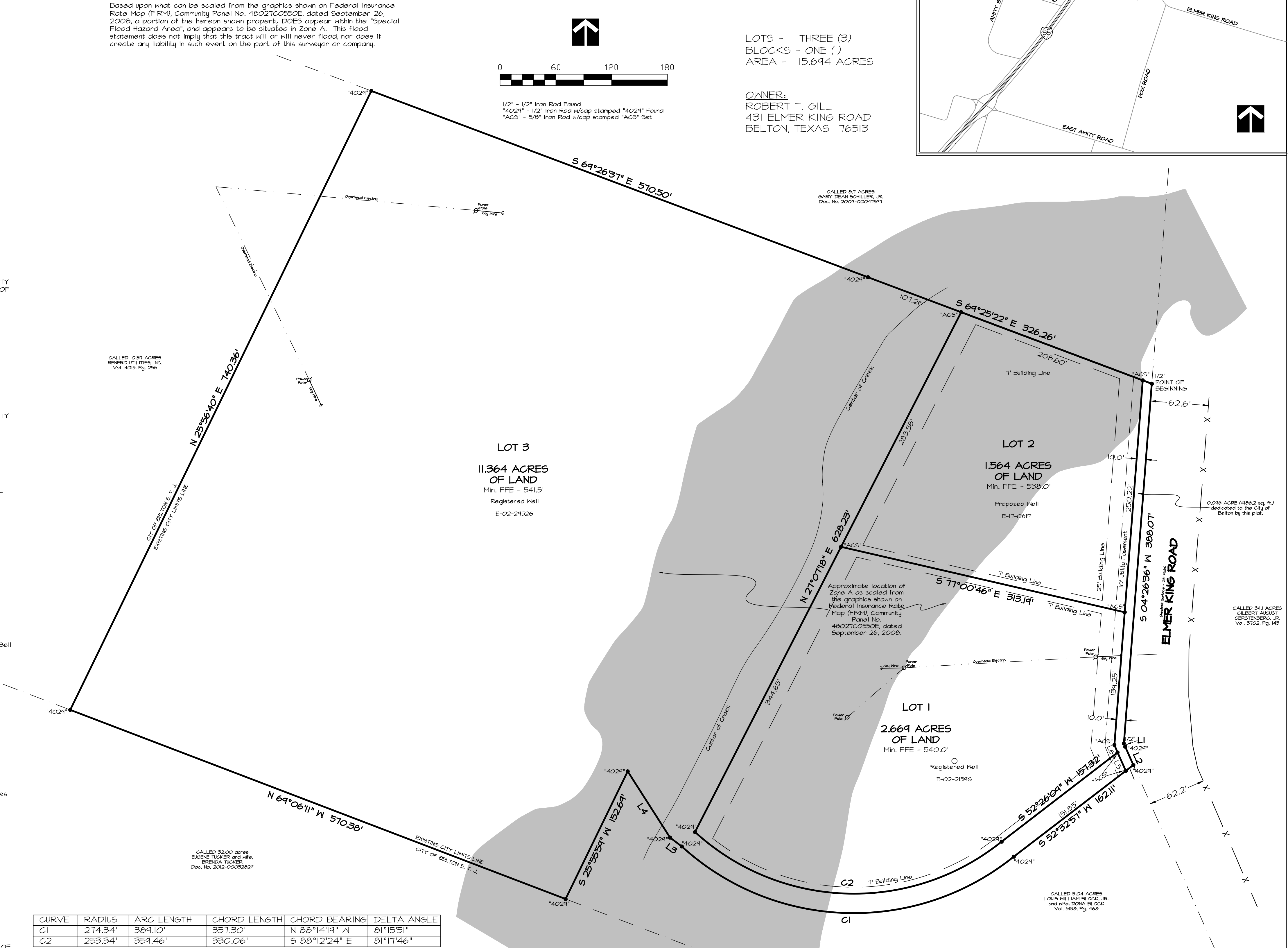
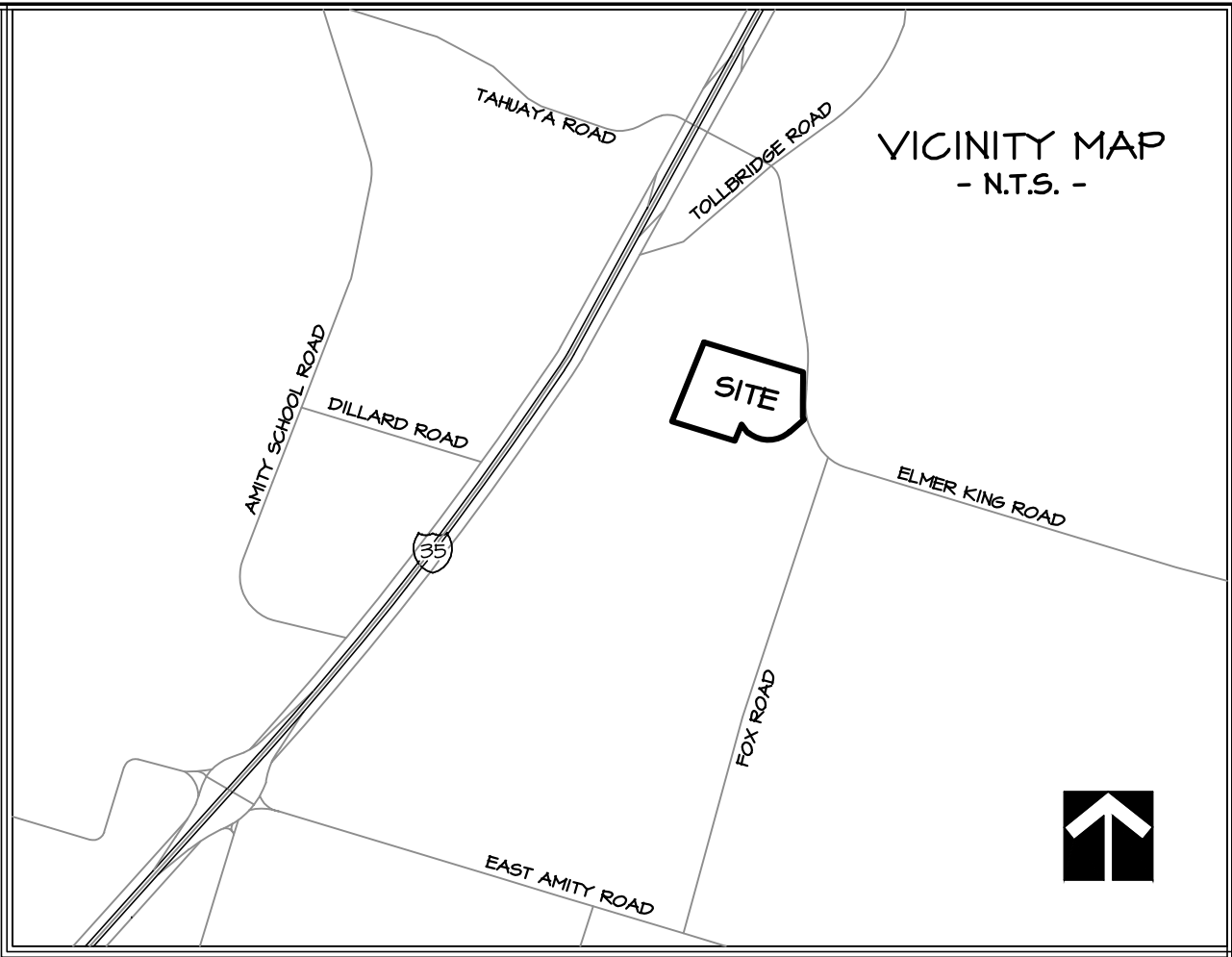
DEDICATION INSTRUMENT # _____, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.



1/2" = 1/2" Iron Rod Found
"4024" = 1/2" Iron Rod w/cap stamped "4024" Found
"AC5" = 5/8" Iron Rod w/cap stamped "AC5" Set

LOTS - THREE (3)
BLOCKS - ONE (1)
AREA - 15.694 ACRES

OWNER:
ROBERT T. GILL
431 ELMER KING ROAD
BELTON, TEXAS 76513



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	274.34'	384.10'	357.30'	N 88°14'19" W	81°15'51"
C2	253.34'	354.46'	330.06'	S 88°12'24" E	81°17'46"

LINE	BEARING	DISTANCE
L1	S 22°01'02" E	3.64'
L2	S 24°08'07" E	21.64'
L3	N 52°53'15" W	15.83'
L4	N 32°37'37" W	84.63'
L5	N 24°08'07" W	21.67'
L6	N 22°38'12" W	8.74'

CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT Notes:

- Gill Estates sole source of domestic water is from groundwater wells completed to the Edwards BPFZ Aquifer and permitted to each respective lot within the subdivision. Construction, operation and maintenance of each well is the sole responsibility of the each respective lot owner, known as Lots 1, 2, & 3. Annual renewal of permitting of each well is required per CUNCD District Rules for N2 permitted wells. Well Identification per each lot is as follows: Lot 1: Well RE-02-21546, Lot 2: Well RE-17-061P, Lot 3: Well RE-02-24526.
- Wells shall not be located within 50 feet of all property lines or within 100 feet of adjacent wells and on-site septic systems. Wells shall be positioned, installed, and operated in accordance with TCEQ and CUNCD requirements. Well on Lot 1 (RE-02-21546) - Latitude: 30.984353 Longitude: -97.442351, Well on Lot 2 (E-17-061P) - Latitude: 30.984625, Longitude: -97.442237, Well on Lot 3 (RE-02-24526) - Latitude: 30.9401485 Longitude: -97.4438117.

District Rules based on Chapter 36 "Texas Groundwater Code" prevent the drilling of Exempt Wells on tracts of land platted to less than 10 acres after March 1, 2004. Permitting of Wells on tracts less than 10 acres and greater than 2 acres is possible under district rules if the purpose is of the well meets the definition of beneficial use. Per District Rules and Chapter 36, all drilling of wells on tracts of land platted to less than 2 acres after March 1, 2004 is not possible.

By: Dirk Aaron
General Manager
Clearwater Underground Water Conservation District

WITNESS MY HAND THIS _____ DAY OF _____, 2018.

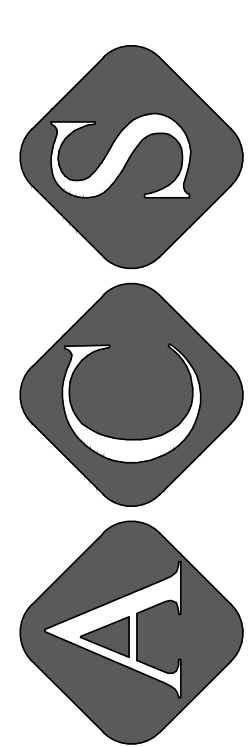
NOTARY PUBLIC, STATE OF TEXAS

FINAL PLAT of

GILL ESTATES

WITHIN THE CITY OF BELTON, BELL COUNTY, TEXAS.

1303 South 21st Street
Temple, Texas 76504
254-778-2212 Kileen 254-634-4636
Fax 254-774-7608
Tx. Firm Lic. No. 10023600



ALL COUNTY SURVEYING, INC.

Plot Date: 04-25-2018
Survey Completed: 04-24-2017
Scale: 1" = 60'
Job No.: 170787
Dwg No.: 170737P
Drawn by: SLV
Surveyor: CCL #4636
Copyright 2018 All County Surveying, Inc.



PROPOSED PLAT:

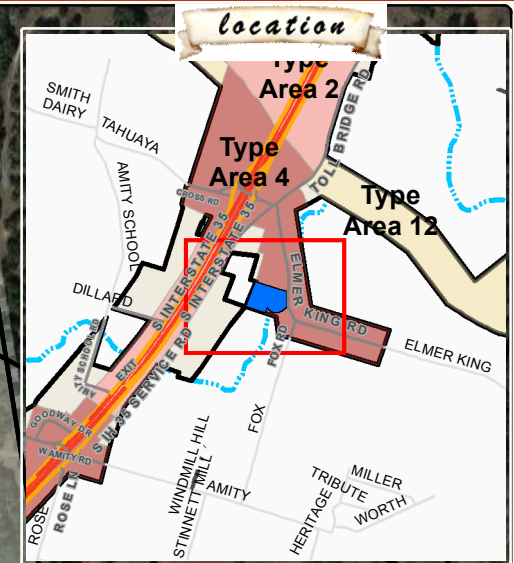
Final Plat
Gill Estates
15.694 Acres

PROPERTY OWNER:

GILL, ROBERT

LEGEND

 P_18_09
 CityLimits



0 2,125 4,250 8,500
Feet



PROPOSED PLAT:
Final Plat
Gill Estates
15.694 Acres


PROPERTY OWNER:
GILL, ROBERT

Proposed Gill Estates

ELMER KING RD

FOX RD

Legend

 P_18_09





City of Belton

Planning Department

May 7, 2018

Applicant: ALL COUNTY SURVEYING CHUCK LUCKO AND SHANE WOOD

Initial Submittal: 01-16-18

2nd Submittal: 04-25-18

Project: GILL ESTATES FINAL PLAT

Location: 15.694 ACRES, 431 ELMER KING ROAD, BELTON, TX 76513

*****Please comment back in red under the comments submitted on this sheet.*****

PLANNING – Cheryl Maxwell – CMaxwell@BeltonTexas.gov:

1. A parkland dedication is required. A fee in lieu of dedication is \$200/lot. (\$200x3=\$600)
2. Place a note on the plat stating that all structures are to observe the required setbacks per the zoning of the property at time of building permit application.
3. Identify well locations – Lat/Long is provided but need to show the symbol on the lots. Do the same for Lot 1 and Lot 3 as is shown on Lot 2. See attached letter from CUWCD.
4. Please provide the letter received from Bell County Health Dept. regarding septic.
5. Please provide your variance request letters for the following items:
 - a. Fire hydrants and impervious surface for fire truck access to Lot 3
 - b. Perimeter street improvements and sidewalk for Elmer King Road
 - c. Reduction in ROW dedication for Elmer King Road from 19' to 10'
 - d. Parkland dedication/fee

PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:

No further comments.

BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:

No Comments.

FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:

No further comments.

POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:

No Comments.

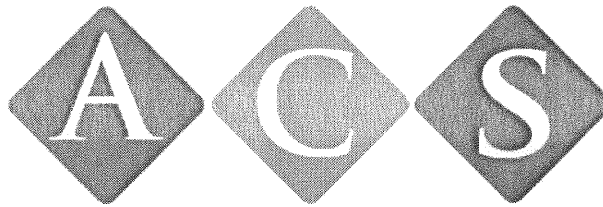
GIS – Anthony Notgrass, ANotgrass@BeltonTexas.gov:

No Comments.

Outside Utility Provider Comments

- ☐ **Oncor:**
- ☐ **AT&T:**
- ☒ **Atmos Energy:** In agreement as proposed.
- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☐ **USPS:**
- ☒ **Clearwater UCD:** Letter received.
- ☐ **TXDOT:**

Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.



ALL COUNTY SURVEYING, INC

Texas Firm No. 10023600

Date: May 11, 2018

Ref: Gill Estates

To: City of Belton Planning Department

To whom it may concern,

Robert Gill, the owner of the proposed subdivision known as Gill Estates, wished to respectfully request variances to the subdivision requirements set forth by the City of Belton.

Mr. Gill respectfully requests variances for the following:

A. Fire Hydrants required:

This property is serviced by well water and there is no water service other than that. The property is located in the City of Belton CNN, but there are not any water lines located this far south.

B. Sidewalk requirements:

This property is located on Elmer King Road, approximately $\frac{3}{4}$ of a mile south of the intersection with Interstate Highway 35. There are no existing sidewalks within several miles of this proposed subdivision in which there is a possibility of attaching to.

C. ROW Dedication:

This project is located at the southernmost limits of the City of Belton, and the construction of a major roadway requiring 100' of ROW is not likely within the next 10 years. Mr. Gill has agreed to dedicate 10' of his property for roadway dedication

D. Parkland Dedication/Fee:

As stated above, this property is located at the extreme southern extents of the City Limits, and there is not a park within several miles of this project site that is of any benefit to this property.

We thank you for considering issuing the above requested variances for this proposed subdivision.

Shane L. Wood, on behalf of Robert Gill

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, May 15, 2018

The Planning and Zoning Commission met at 5:30 P.M. in the Kinchion Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, Michael Pressley, David Jarratt, Ty Hendrick, Lewis Simms, Stephanie O'Banion, DJ Fuller and Dave Covington. Commission member Rae Schmuck was absent. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, IT Specialist Ryan Brown and Planning Clerk Laura Livingston.

5. P-18-09 Consider a final plat of Gill Estates, 15.694 acres located on the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.

Ms. Maxwell presented the staff report. (Exhibit C).

Mr. Covington made a motion to approve P-18-09, with the proposed variances. Mr. Simms seconded the motion. Item P-18-09 was approved with 8 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date: May 22, 2018
Case No.: P-18-04 Dawson Ridge Addition
Request: Preliminary/Final Plat
Applicant: Quadruple Bogey Development, LLC
Owners: City of Belton and Quadruple Bogey Development, LLC

Agenda Item #10A

Hold a public hearing and consider a preliminary/final plat of Dawson Ridge Addition, 71.368 acres including a replat of Lots 1 through 5 of Amending Plat Dawson Ranch Regatta Oaks HOA Addition, located south of FM 439 and west of Dunn's Canyon Road.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Single Family-2 and Patio Home

Future Land Use Map (FLUM) Designation: Primarily Residential

Design Standards Type Area: 14 – Primarily single lot residential developments with City sanitary sewer.

Case Summary

A final plat of Dawson Ridge Addition was approved by the Belton City Council on January 24, 2017. This plat was never recorded. A final plat of Dawson Ranch Regatta Oaks HOA was approved by the Belton City Council on February 24, 2015, and was administratively amended on April 30, 2015. This new version of Dawson Ridge Addition consists of the same area previously platted under this name, plus a replat of lots 1 – 5 of Regatta Oaks HOA Addition. Since Regatta Oaks HOA addition was limited to single family residential use, a public hearing is required with the replat.

The City of Belton owns Lot 1 of Regatta Oaks HOA Addition which is being replatted as part of Dawson Ridge Addition. This tract was recently divided and is in the process of being sold with the City retaining 1.67 acres, proposed Tract I, for a future water tank site. The remaining portion is under contract to Quadruple Bogey Development and is incorporated into this subdivision for single family lots generally covering proposed Lots 7 – 10 Block 10, and northern portion of Lot 1, Block 11. The sales transaction must be completed before this plat is recorded.

This subdivision consists of 142 lots proposed for single family residential and townhome development, and 9 tracts proposed for public/common use to include ROW, easements, drainage infrastructure, city water tank site, and common areas (see summary table below).

<u>Tract</u>	<u>Purpose/Use</u>	<u>Owned By</u>	<u>Maintained By</u>
A	Drainage	City	City
B	Lift Station	City	City
C	Common Area	HOA	HOA
D	Drainage	City	City
E	Trail	City	HOA
F	Trail	City	HOA
G	Trail/Drainage	City	HOA/City
H	Future Trail	City	City
I	Water Tower	City	City

The property was rezoned in March 2018 to single Family-2 and Patio Home Zoning Districts to accommodate the revised lot configuration. The proposed lots meet the area requirements for the respective zoning districts.

Project Analysis and Discussion

Following is a summary of the subdivision ordinance requirements as they apply to this subdivision plat.

Water: This subdivision is located in the 439 Water Supply Corporation CCN and they have confirmed they are able to serve this subdivision. The applicant is required to extend 8" water lines throughout the subdivision to satisfy City of Belton Fire Code minimum flow requirements of 1,000 gpm following recent flow tests which indicated proposed 6" lines were inadequate.

Sewer: City of Belton sewer will serve this subdivision. The applicant proposes to extend 8" sewer lines throughout the subdivision. Tract B located on the west side of future Spring Canyon Road, is proposed to contain a lift station. Once the lift station is constructed and all inspections are approved, the City of Belton will be responsible for maintenance.

Drainage: A major change proposed in this subdivision is on site drainage detention ponds proposed and located on Tracts A, D, and G. The Drainage Report is under review and details are being worked out with the applicant's engineer. After construction and approval, the drainage infrastructure will be owned and maintained by the City.

Streets and Sidewalks: Currently, Chisholm Trail Parkway pavement ends at Spring Canyon Road. The developer is proposing to extend Chisholm Trail Parkway westward to Waggoner Drive and connect Canyon Heights Road to Chisholm Trail Parkway. The collector street portion of this Chisholm Trail Parkway will end at Spring Canyon Road and transition from a 37' wide collector street into a 31' wide local street with curb and gutter.

According to our subdivision ordinance, subdivisions with over 100 lots are required to have three entrances. This is applicable to this subdivision which proposes 142 lots. The subdivision as a whole is meeting this requirement with access provided by Chisholm Trail Parkway, Canyon Heights Road and Spring Canyon Road. The access requirement is intended to address concerns with traffic flow as well as emergency vehicle access. If between 51 and 100 lots, 2 access points are required. Due to the lot layout approved previously in 2017, the 61 lots located at the western end of this subdivision have only one access point. The possible extension of Chisholm Trail westward to the western property line was discussed with the applicant with this plat review, since a potential development is in the works along this western edge, and a connection could be made. This additional connection would provide an additional access point for these lots. The applicant does not wish to extend the roadway and is requesting a variance to the two-access points for these 61 lots. The applicant has pointed out that this layout was previously approved in 2017 with the one access point. Also, there is a gas easement approximately 65' wide that runs from Waggoner Drive to the western property line that the applicant feels could be used for emergency vehicle access to these lots if needed. Chisholm Trail Parkway is shown on our Thoroughfare Plan as terminating at Spring Canyon Road and the applicant has already extended the roadway farther westward than shown on the plan. Although it may be desirable to have this additional connection, Staff does not object to the variance request.

Spring Canyon Road is identified on our Thoroughfare Plan as a future minor collector running north/south, ultimately connecting between FM 439, Sparta Road, and I-14/US 190. A minor collector requires a minimum ROW width of 60' with 37' wide pavement, curb and gutter, and sidewalks along both sides. Under the Subdivision Ordinance, the applicant is responsible for extending this roadway from its current termination point at Chisholm Trail Parkway southward through this subdivision to the southern boundary. In contrast to the 2017 approved plat, the lots in this subdivision have been reconfigured so that they back onto this roadway; no access to these lots is proposed from Spring Canyon Road. Yet, it is the applicant's responsibility to extend the roadway since it lies within the plat boundary. The applicant is dedicating 80' ROW for future extension of the roadway and city water transmission line extending south from the water tank site, but is requesting a variance to the requirement to construct the roadway and sidewalks. The applicant proposes this variance due to a 50' drop in elevation at the southern boundary of this property which continues southward, making the feasibility of extending the roadway in this vicinity uncertain at this time. We discussed the possibility of escrowing the funds; however, the applicant has requested a variance. If escrowed, funds would have to be returned if not used in nine years. Staff does not object to the variance request due to the extreme changes in topography, the uncertain alignment of this roadway in the future, and the uncertain construction time frame.

With the prior subdivision plat submittal, a development agreement between the applicant, the City, and the HOA was approved by the City Council. A revised agreement is proposed with only slight modification since Spring Canyon Road is not being constructed. The revised agreement will be presented to the City Council at the May 22, 2018 meeting and provides for a 3-party agreement:

a. Developer

--convey tracts to City for trail (Tracts E, F, & G)

- install steel casing under Chisholm Trail Parkway
- design and construct trail across Tracts E, F, & G
- install grass/landscaping in gas easement (Tracts E, F, & G)
- b. HOA
 - maintain the landscaping in gas easement (Tracts E, F, & G)
- c. City.
 - reimburse developer for steel casing crossing under Chisholm Trail Parkway
 - maintain trail improvements across Tracts E, F, & G

Parkland Dedication/Fee: According to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. This 142-lot subdivision would result in a 1.42 acre dedication or \$28,400. The applicant is requesting a variance to this requirement. Consistent with previous phases of the Dawson Ranch development, the applicant is proposing to construct a 6' wide concrete shared use path along the north side of Chisholm Trail Parkway to Waggoner Drive, and convey Tracts E, F, G and H to the City of Belton for current and future extension. The developer will construct a bulb-out turnaround on Tract G to allow for bike and pedestrians to turn around where the pathway ends at Waggoner Drive. Tract H will allow for a future extension to the west. This concrete shared use path extension will provide a substantial benefit to the Belton community. The shared use path will be maintained by the City and the landscaping along the path will be maintained by the HOA. In conjunction with the proposed shared use path, the developer is planning to provide a swimming pool and pavilion on Tract C, which will be maintained by the HOA. Staff finds the applicant's proposal to satisfy the parkland dedication/fee satisfactory and supports the requested variance.

Tree Preservation: The City's Design Standards include provisions to protect Belton Heritage Trees (BHT) to preserve the natural environment and beauty of the City. If a BHT must be removed, replacement is required on a 1:1 ratio based on the diameter of the removed tree. If a BHT with 36" diameter is removed, 36" of replacement tree(s) are required. The replacement tree(s) must have a minimum 3" caliper, 10' height, and 5' canopy spread at time of planting. Up to 50% of the inches to be replaced may be done through tree credits. The plans show removal of 2 BHTs that are in good condition with a total inch count of 61. Half of the required mitigation, 30.5", will be satisfied with existing tree credit. The applicant agrees to plant a minimum of eleven 3" caliper trees throughout the subdivision to satisfy the remaining requirement and the plans will be revised to reflect this.

We have reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer dated May 11, 2018.

Recommendation

The Planning and Zoning Commission met on May 15, 2018 and unanimously recommended approval of the preliminary/final plat of Dawson Ridge Addition, subject to the conditions below; staff concurs with their recommendation.

1. Variance to allow one access point for 61 lots (Recommended).

2. Variance for construction of Spring Canyon Road (Recommended).
3. Variance for parkland dedication/fee (Recommended).
4. City's Letter to Applicant's Engineer dated May 11, 2018.
5. Approval of revised development agreement which will be presented to the City Council at the May 22, 2018 meeting. (Item #10B)
6. Closing on sale of property from City to developer and payment of \$84,375 to City prior to final plat signatures and plat recordation.

Attachments

Preliminary/Final Plat Application

Preliminary/Final Plat

Property Location Map

Variance request letter

City's Letter to Applicant's Engineer dated May 11, 2018

Thoroughfare Plan Excerpt

P&Z Minutes Excerpt

City of Belton
Request for Subdivision Plat
to the City Council and the
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☒ Preliminary Subdivision Fees due \$ 926.00
☒ Final Subdivision
☐ Administrative Plat
☒ Replat
☐ ETJ
☒ City Limits

Date Received: 04/13/18 Date Due: _____ (All plans are to be returned to the Planning Department by the 15th day of the month ahead of the next month's P&Z meeting.)

City of Belton &
Applicant: Quadruple Bogey Development Inc Phone: (254) 939-5100
Mailing Address: 5 South Wheat Belton, TX 76513
Email Address: jason@carotherstx.com

City of Belton &
Owner: Quadruple Bogey Development Inc Phone: (254) 939-5100
Mailing Address: 5 South Wheat Belton, TX 76513
Email Address: jason@carotherstx.com

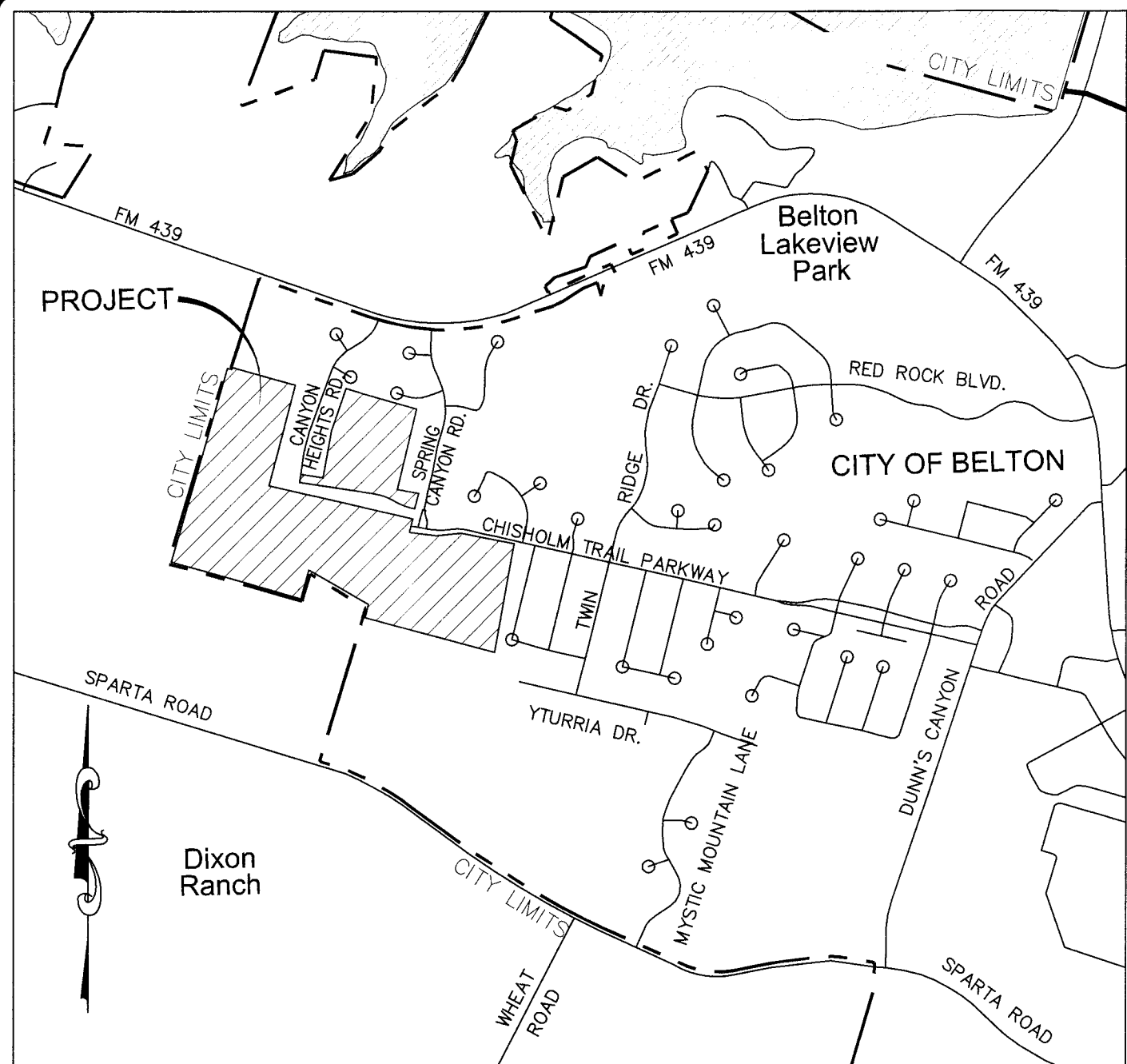
Current Description of Property:

Lot: Replat 1-5 Block: 1 Subdivision: Plat 2015-048 + QBD Inc Remainder
Acres: Total 71.368 acres Survey: Christopher Cruise Survey
Abstract #: 166 Street Address: West end Chisholm Trail Parkway
Frontage in Feet: X Depth in Feet: X

Does Zoning comply with proposed use? Y Current Zoning: SF-2 & PD-PH
Name of proposed subdivision: Dawson Ridge
Number of Lots: 142 Fee: \$ 926.00

Signature of Applicant: _____ Date: _____
Signature of Owner: _____ Date: _____

Prepared for Signature of Applicants & Owners By John Hart Bandas PE



LOCATION MAP
(NOT TO SCALE)

PLAT NOTES:

NUMBER OF LOTS = 142
NUMBER OF LETTER TRACTS = 8
NUMBER OF BLOCKS = 11
ACREAGE OF ROW DEDICATION = 10.316 ACRES
C.L. LENGTH OF STREETS = 7.651 LF
TOTAL AREA OF SUBDIVISION = 71.368 ACRES
CHRISTOPHER CRUISE SURVEY, ABSTRACT NO. 166

EASEMENTS:

A 10.00' PUBLIC UTILITY EASEMENT ON THAT PORTION OF EACH LOT THAT IS CONTIGUOUS TO THE DEDICATED RIGHT-OF-WAY SHALL BE PART OF THIS PLAT, EXCEPT ON THE SOUTH SIDE OF CHISHOLM TRAIL PARKWAY AND THE FRONT OF BLOCK 9, LOTS 19-28 AND TRACT "B" FACING WAGGONER DRIVE, WHICH SHALL BE A 15' P.U.E. DRAINAGE EASEMENTS AND PUE NOT CONTIGUOUS TO STREETS ARE AS SHOWN IN PLAT.

BUILDING SETBACK AND EASEMENT NOTES FOR ALL LOTS (UNLESS OTHERWISE SPECIFIED) AND LEGEND:

SF-2 LOTS:

- (A) 25' TYP. FRONT BUILDING SETBACK
(B) 15' TYP. STREET SIDE BUILDING SETBACK
(C) 6' TYP. INTERIOR SIDE BUILDING SETBACK
(D) 20' TYP. REAR BUILDING SETBACK
(E) 10' TYP. ABUTTING ROW P.U.E.
(F) 10' WASTEWATER AND DRAINAGE EASEMENT
(G) 15' P.U.E.
(H) 10' FORCE MAIN EASEMENT
(I) 15' P.U.E. (7.5' EACH SIDE) & 7.5' SIDE SETBACK

PH LOTS:

- (A) 25' TYP. FRONT BUILDING SETBACK
(B) 15' TYP. STREET SIDE BUILDING SETBACK
(J) 10' TYP. WIDE SIDE BUILDING SETBACK
(K) 1.5' TYP. NARROW SIDE SETBACK
(L) 12' TYP. REAR BUILDING SETBACK
(M) 3' ACCESS EASEMENT FOR MAINTENANCE

FEMA INFORMATION:

THIS ADDITION IS WITHIN FEMA FIRM MAP 48027C0330E, DATED SEPT. 28, 2008. ALL AREAS OF THIS SUBDIVISION ARE IN "ZONE X: AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD; AREAS OF 0.1% ANNUAL CHANCE OF FLOOD WITH A DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD."

NOTE: THE FINISH FLOOR ELEV. OF EACH HOUSE SHALL BE A MINIMUM OF 1.0' ABOVE THE T.C. GRADE AT THE HIGHEST POINT ON THE FRONT CURB, OR THE OWNER MUST SUBMIT A LOT LAYOUT AND DRAINAGE PLAN SEALED BY A PROFESSIONAL ENGINEER TO OBTAIN A BUILDING PERMIT.

PROJECT BENCH MARK:

PROJECT BENCHMARK: EL. 668.40 COTTON SPINDLE IN SOUTHEAST CORNER ATMOS CROSSING MATADOR DRIVE. BENCHMARK DATUM IS NGVD29.

CITY OF BELTON MONUMENT INFORMATION:

THIS PLAT IS REFERENCED TO THE CITY OF BELTON HORIZONTAL CONTROL SYSTEM MONUMENTS:

MONUMENT B-519 (NAD 83 TEXAS CENTRAL ZONE) MONUMENT B-18 (NAD 83 TEXAS CENTRAL ZONE)

NORTHING	10375537.000	NORTHING	10377045.608
EASTING	3186352.122	EASTING	3181794.966
ELEVATION	687.16	ELEVATION	723.48
CONVERGENCE	1" 27" 52.13"	CONVERGENCE	1" 27" 25.37"
COMBINED SCALE FACTOR	0.9998832	COMBINED SCALE FACTOR	0.9998834

THE BEARING BASIS IS THE LINE FROM MONUMENT B-18 TO MONUMENT B-519 WHICH BEARS N 71° 41' 00"W.
ALL DISTANCES ARE GRID.

BRIONES
CONSULTING & ENGINEERING LTD.

4515 BRIAR HOLLOW PL., STE 106 (713) 539-6408
HOUSTON, TX 77027 (713) 583-5306 fax
TBPE FIRM REG. NO. F-5028
TBPLS FIRM No. 10194252



PRELIMINARY/FINAL PLAT DAWSON RIDGE
AN ADDITION TO BELTON, TEXAS
COMPRISED OF 71.368 ACRES OF LAND INCLUDING THE REPLAT OF LOTS 1 THROUGH 5 OF
AMENDING PLAT DAWSON RANCH REGATTA OAKS HOA ADDITION PLAT 2015-048
SITUATED IN THE CHRISTOPHER CRUISE SURVEY,
ABSTRACT NO. 166, BELL COUNTY, TEXAS

Curve Table					
Curve #	Arc Len	Radius	Delta	Chord Len	Chord Brg
C1	169.19'	400.00'	024°14'05"	167.93'	S69°09'09"E
C2	150.51'	362.46'	023°47'31"	149.43'	S67°42'20"E
C3	159.58'	485.00'	018°51'08"	158.86'	S89°41'12"E
C4	159.19'	415.00'	021°58'41"	158.22'	S88°07'44"E
C5	172.08'	266.71'	036°57'57"	169.11'	S77°14'03"E
C6	115.40'	400.00'	016°31'46"	115.00'	N70°05'01"W
C7	159.55'	469.99'	019°27'03"	158.79'	N71°32'39"W
C9	50.71'	33.74'	086°06'58"	46.07'	S26°33'19"E
C10	57.39'	35.50'	092°37'25"	51.34'	S60°09'05"W
C11	287.33'	150.00'	109°45'06"	245.37'	N18°39'39"W
C12	268.89'	955.06'	016°07'53"	268.01'	N28°08'57"E
C13	39.37'	35.50'	063°32'48"	37.39'	N51°51'24"E
C14	373.58'	799.97'	026°45'23"	370.19'	S82°59'30"E
C15	65.20'	824.97'	004°31'41"	65.18'	N74°00'23"W
C16	6.17'	10.50'	033°40'28"	6.08'	S88°34'46"E
C17	4.41'	58.07'	004°20'52"	4.41'	S76°43'18"W
C18	62.15'	58.88'	059°28'16"	59.40'	N71°30'33"W
C19	54.34'	59.70'	052°09'00"	52.48'	N15°54'43"W
C20	40.62'	59.79'	038°55'38"	39.85'	N29°24'38"E
C21	6.41'	10.50'	034°59'48"	6.31'	S31°20'17"W
C22	6.15'	10.50'	033°34'32"	6.07'	S02°56'53"E
C23	35.58'	59.97'	033°59'26"	35.06'	N02°44'40"W
C24	62.84'	59.97'	060°02'21"	60.00'	N44°14'34"E
C25	60.20'	59.98'	057°30'29"	57.70'	S77°00'52"E
C26	8.69'	59.83'	008°19'28"	8.69'	S44°07'23"E
C27	6.15'	10.50'	033°34'12"	6.06'	N56°45'06"W
C28	18.76'	175.00'	006°08'32"	18.75'	S70°27'56"E
C29	89.80'	175.00'	029°24'09"	88.82'	S52°41'36"E
C30	56.39'	175.00'	018°27'42"	56.14'	S28°45'41"E
C31	102.53'	175.00'	033°34'11"	101.07'	S02°44'44"E
C32	13.26'	930.06'	000°49'01"	13.26'	N35°48'23"E
C34	77.50'	930.06'	004°46'27"	77.48'	N33°00'39"E
C35	77.50'	930.06'	004°46'27"	77.48'	N28°14'12"E
C36	60.39'	930.06'	003°43'13"	60.38'	N23°59'22"E
C37	7.11'	10.50'	038°47'07"	6.97'	N02°44'12"E
C38	11.73'	60.00'	011°11'54"	11.71'	S11°03'25"E
C39	87.79'	60.00'	083°50'10"	80.17'	S36°27'37"W
C40	45.81'	58.47'	044°07'47"	44.68'	N79°45'39"W
C41	6.62'	10.39'	036°30'38"	6.51'	S75°57'05"E
C42	19.90'	799.71'	001°25'32"	19.90'	S86°30'22"W
C43	83.18'	799.71'	005°57'34"	83.14'	N89°48'05"W
C44	82.24'	799.71'	005°53'31"	82.20'	N83°52'33"W
C45	130.27'	774.97'	009°37'53"	130.12'	N74°35'41"W
C46	204.11'	125.00'	093°33'26"	182.18'	S26°45'29"E
C47	35.33'	125.00'	016°11'40"	35.21'	S28°07'04"W
C48	33.16'	980.06'	001°56'20"	33.16'	N35°14'44"E
C49	83.66'	980.06'	004°53'26"	83.63'	N31°49'51"E
C50	66.89'	980.06'	003°54'37"	66.87'	N27°25'49"E
C51	88.69'	980.06'	005°11'06"	88.66'	N22°52'58"E
C52	73.67'	774.97'	005°27'42"	73.64'	S86°37'00"W
C53	76.61'	774.97'	005°39'51"	76.58'	N87°49'14"W
C54	75.45'	774.97'	005°34'41"	75.42'	N82°11'58"W
C55	48.86'	266.71'	010°29'44"	48.79'	N89°31'41"E
C56	123.22'	266.71'	026°28'13"	122.13'	S71°59'11"E
C57	71.59'	415.00'	009°53'02"	71.50'	N82°04'55"W
C58	87.60'	415.00'	012°05'39"	87.44'	S86°55'44"W
C59	19.09'	484.99'	002°15'18"	19.09'	N82°00'53"E
C60	140.49'	485.00'	016°35'50"	140.00'	S88°33'33"E
C61	51.24'	70.08'	041°53'34"	50.10'	N31°26'25"E
C62	31.63'	48.50'	037°21'49"	31.07'	S33°42'18"W
C63	67.36'	780.06'	004°56'51"	67.34'	N17°29'49"E
C64	80.04'	780.06'	005°52'43"	80.00'	N22°54'37"E
C65	85.00'	780.06'	004°46'27"	84.98'	N28°14'12"E
C66	65.00'	780.06'	004°46'27"	64.98'	N33°00'39"E
C67	79.63'	780.06'	005°50'55"	79.59'	N38°19'21"E
C68	36.60'	780.06'	002°41'17"	36.59'	N42°35'27"E
C69	43.56'	1249.93'	001°59'49"	43.56'	S42°56'15"W
C70	321.40'	1249.93'	014°43'57"	320.51'	S34°34'22"W

Curve Table					
Curve #	Arc Len	Radius	Delta	Chord Len	Chord Brg
C71	210.80'	767.09'	015°45'10"	210.24'	N30°22'37"E
C72	199.19'	1328.74'	008°35'21"	199.01'	N39°39'48"E
C73	367.18'	697.53'	030°09'38"	362.96'	N28°52'43"E
C74	9.00'	755.21'	000°40'57"	9.00'	N14°06'23"E
C75	71.53'	690.88'	005°55'55"	71.50'	N17°28'02"E
C76	70.55'	673.60'	006°00'03"	70.52'	N23°23'49"E
C77	70.72'	675.67'	005°59'49"	70.69'	N29°11'45"E
C78	70.71'	709.75'	005°42'30"	70.68'	N34°54'16"E
C79	70.72'	711.99'	005°41'27"	70.69'	N40°36'24"E
C80	3.91'	713.06'	000°18'52"	3.91'	N43°36'19"E
C81	55.51'	1333.34'	002°23'08"	55.51'	S42°45'48"W
C82	90.09'	1349.28'	003°49'32"	90.08'	S39°38'06"W
C83	53.59'	1395.35'	002°12'01"	53.58'	S36°29'58"W
C84	95.60'	365.50'	014°59'11"	95.33'	S72°04'29"E
C85	36.30'	362.45'	005°44'17"	36.28'	S61°32'39"E
C86	18.62'	362.45'	002°56'34"	18.61'	S57°16'50"E
C87	85.34'	400.00'	012°13'27"	85.18'	N63°08'51"W
C88	9.00'	580.00'	000°53'20"	9.00'	N14°17'54"E
C89	57.72'	580.00'	005°42'07"	57.70'	N17°35'37"E
C90	58.45'	580.00'	005°46'27"	58.43'	N23°19'53"E
C91	312.96'	580.00'	030°54'57"	309.17'	N29°18'42"E
C92	58.51'	580.00'	005°46'47"	58.48'	N34°53'49"E
C93	58.69'	580.00'	005°47'53"	58.67'	N40°41'09"E
C94	11.99'	580.00'	001°11'05"	11.99'	N44°10'38"E
C95	61.08'	50.00'	069°59'34"	57.35'	N77°47'57"E
C96	31.53'	50.00'	036°07'57"	31.01'	S49°08'18"E
C97	127.11'	50.00'	145°39'29"	95.54'	S41°45'25"W
C98	24.82'	20.21'	070°21'10"	23.29'	N79°11'41"E
C99	2.18'	20.21'	006°10'34"	2.18'	N40°55'36"E
C100	59.27'	530.00'	006°24'27"	59.24'	N34°20'50"E
C101	61.54'	530.00'	006°39'09"	61.50'	N27°49'02"E
C102	61.54'	530.00'	006°39'09"	61.50'	N21°09'53"E
C103	36.86'	530.00'	003°59'05"	36.85'	N15°50'46"E
C104	301.27'	555.00'	031°06'05"	297.58'	N29°24'16"E
C105	107.08'	470.00'	013°03'12"	106.85'	N68°20'44"W
C106	83.78'	400.00'	012°00'01"	83.62'	N75°15'35"W
C107	25.00'	470.01'	003°02'53"	25.00'	N76°23'48"W
C108	25.03'	470.37'	003°02'58"	25.03'	N79°26'44"W
C109	2.44'	470.00'	000°17'51"	2.44'	N81°07'15"W
C110	17.45'	20.00'	049°59'41"	16.90'	S38°25'44"W
C111	52.88'	50.00'	060°35'55"	50.45'	N33°07'38"E
C112	44.82'	50.00'	051°21'31"	43.33'	N22°51'05"W
C113	44.82'	50.00'	051°21'31"	43.33'	N74°12'36"W
C114	42.95'	50.00'	049°13'17"	41.65'	S55°30'00"W
C115	30.47'	50.00'	034°54'55"	30.00'	S13°25'54"W
C116	28.39'	50.00'	032°32'14"	28.01'	S20°17'41"E
C117	17.45'	20.00'	049°59'41"	16.90'	N11°33'57"W
C118	14.03'	20.00'	040°11'38"	13.74'	S56°28'17"E
C119	46.99'	60.00'	044°52'22"	45.80'	N58°48'39"W
C120	46.83'	60.00'	044°43'13"	45.65'	S76°23'34"W
C121	68.60'	60.00'	065°30'40"	64.93'	S21°16'37"W
C122	16.01'	60.00'	015°17'01"	15.96'	S19°07'14"E
C123	14.03'	20.00'	040°11'38"	13.74'	N68°39'55"W
C124	17.45'	20.00'	049°59'41"	16.90'	N38°25'44"E
C125	59.07'	50.00'	067°41'24"	55.69'	S29°34'53"W
C126	44.82'	50.00'	051°21'31"	43.33'	S29°56'34"E
C127	44.82'	50.00'	051°21'31"	43.33'	S81°18'05"E
C128	44.82'	50.00'	051°21'31"	43.33'	N47°20'24"E
C129	50.81'	50.00'	058°13'26"	48.65'	N07°27'04"W
C130	302.34'	2000.00'	008°39'41"	302.05'	S13°14'13"W
C131	9.41'	1973.05'	000°16'23"	9.41'	S09°02'34"W
C132	70.00'	1974.72'	002°01'52"	70.00'	S10°11'41"W
C133	75.00'	1975.00'	002°10'33"	75.00'	S12°17'53"W
C134	80.00'	1975.00'	002°19'15"	79.99'	S14°32'47"W
C135	64.14'	1975.00'	001°51'39"	64.14'	S16°38'14"W
C136	7.09'	11.00'	036°56'52"	6.97'	S36°28'57"W
C137	38.67'	50.00'	044°18'50"	37.71'	N27°43'10"E
C138	46.68'	50.00'	053°29'15"	45.00'	N21°10'53"W
C139	50.85'	50.00'	058°16'00"	48.68'	N77°03'30"W

Curve Table					
Curve #	Arc Len	Radius	Delta	Chord Len	Chord Brg
C140	6.12'	10.50'	0332°45'2"	6.04'	S892°30'4"
C141	6.12'	10.50'	0332°45'3"	6.04'	S56°04'12"E
C142	24.60'	50.00'	028°11'1"	24.35'	S53°27'21"E
C143	43.76'	50.00'	050°09'01"	42.38'	N572°23'37"W
C144	43.76'	50.00'	050°09'01"	42.38'	S37°13'32"W
C145	25.38'	50.00'	029°05'19"	25.11'	S202°32'2"E
C146	6.12'	10.54'	0337°1'36"	6.04'	N001°02'44"E
C147	6.13'	10.50'	0332°50'50"	6.04'	N33°12'53"E
C148	49.68'	50.00'	056°55'49"	47.66'	S212°27'1"E
C149	45.39'	50.00'	052°00'41"	43.85'	S303°02'1"E
C150	46.42'	50.00'	051°31'23"	44.77'	S85°36'24"E
C151	6.13'	10.50'	0332°71'1"	6.04'	S84°31'33"W
C152	25.37'	2025.00'	000°43'04"	25.37'	S01°55'55"W
C153	73.81'	2025.00'	02°20'59'19"	73.81'	S104°06'55"E
C154	73.52'	2025.00'	02°02'04'48"	73.51'	S124°50'10"W
C155	78.01'	2025.00'	02°12'26"	78.01'	S145°43'7"E
C156	56.41'	2025.00'	001°34'04"	55.40'	S154°02'02"W
C157	107.87'	600.00'	01°08'05"	107.73'	S034°55'20"E
C158	117.86'	600.00'	01°15'16"	117.67'	N01°12'20"E
C159	207.00'	750.00'	01°54'50"	206.35'	S044°43'3"W
C160	86.70'	50.00'	092°02'47"	76.24'	N52°50'16"E
C161	156.76'	1000.00'	008°58'54"	156.60'	R81°58'47"E
C162	228.28'	1000.00'	01°30'45"	227.78'	S79°56'19"E
C163	85.30'	575.00'	008°29'58"	85.22'	S043°74'1"E
C164	122.08'	575.00'	012°09'51"	121.85'	S042°13'1"E
C165	8.67'	575.00'	000°51'50"	8.67'	S123°30'3"E
C166	114.08'	775.00'	008°28'03"	113.98'	N08°25'57"W
C167	91.16'	775.00'	005°44'23"	91.11'	N00°50'44"E
C168	9.53'	20.00'	027°11'9"	9.44'	N105°12'12"E
C169	18.02'	60.00'	017°12'23"	17.95'	N16°09'45"E
C170	41.49'	60.00'	03°37'03"	40.67'	N121°50'3"E
C171	41.49'	60.00'	03°37'03"	40.67'	N51°20'6"E
C172	61.39'	60.00'	058°37'32"	58.75'	S79°00'56"E
C173	9.88'	20.00'	028°8'51"	9.78'	N63°51'16"E
C174	121.18'	975.00'	007°07'16"	121.10'	N83°28'28"W
C176	12.81'	975.00'	00°45'50"9"	12.81'	N86°05'40"W
C177	108.85'	1025.00'	00°05'05"	108.80'	S83°25'34"E
C178	71.34'	1025.00'	03°59'17"	71.33'	S24°12'41"E
C179	16.93'	20.00'	048°30'45"	16.43'	S79°19'47"W
C180	44.88'	50.00'	051°25'34"	43.39'	N80°47'11"E
C181	53.51'	50.00'	061°18'56"	50.99'	S42°50'14"E
C184	39.94'	50.00'	043°47'40"	37.97'	N147°10'07"E
C185	18.00'	20.00'	051°34'37"	17.40'	S50°45'42"E
C186	84.21'	975.00'	004°56'54"	84.18'	S79°01'10"E
C187	84.87'	975.00'	004°56'54"	84.85'	S83°28'25"E
C188	46.17'	1025.00'	002°34'51"	46.17'	N89°10'48"W
C189	114.42'	1025.00'	006°23'46"	114.36'	N80°41'33"E
C190	43.35'	20.00'	092°02'47"	38.12'	N50°50'16"E
C191	133.80'	725.00'	01°03'42'27"	133.61'	N02°07'21"W
C192	66.30'	725.00'	005°14'24"	66.28'	N09°11'46"E
C193	75.43'	625.00'	006°54'54"	75.38'	S1001°41'7"E
C194	33.14'	51.50'	035°52'12"	32.57'	S62°36'23"E
C195	18.34'	28.50'	036°52'12"	18.02'	N62°36'23"W
C196	10.33'	11.00'	054°39'53"	9.96'	S202°35'7"E
C197	17.48'	50.00'	020°02'08"	17.40'	N55°08'42"E
C198	77.48'	50.00'	084°70'49"	69.96'	S70°26'39"E
C199	17.45'	20.00'	049°59'41"	16.90'	S131°35'57"E
C200	60.94'	50.00'	068°49'49"	57.24'	S08°51'50"E
C202	77.65'	50.00'	088°58'31"	70.08'	S88°16'00"W
C203	17.48'	50.00'	020°02'08"	17.40'	S37°13'40"W
C204	10.33'	11.00'	0534°9'53"	9.96'	S40°73'33"E
C205	18.34'	28.50'	036°52'12"	18.02'	N80°31'25"E
C206	33.14'	51.50'	036°52'12"	32.57'	S081°31'25"W
C207	56.53'	624.89'	005°11'00"	56.51'	S06°94'29"E

PRELIMINARY/FINAL PLAT DAWSON RIDGE
AN ADDITION TO BELTON, TEXAS
 COMPRISED OF 71.368 ACRES OF LAND INCLUDING THE
 REPLAT OF LOTS 1 THROUGH 5 OF AMENDING PLAT DAWSON
 RANCH REGATTA OAKS HOA ADDITION PLAT 2015-048
 SITUATED IN THE CHRISTOPHER CRUISE SURVEY,
 ABSTRACT NO. 166, BELL COUNTY, TEXAS

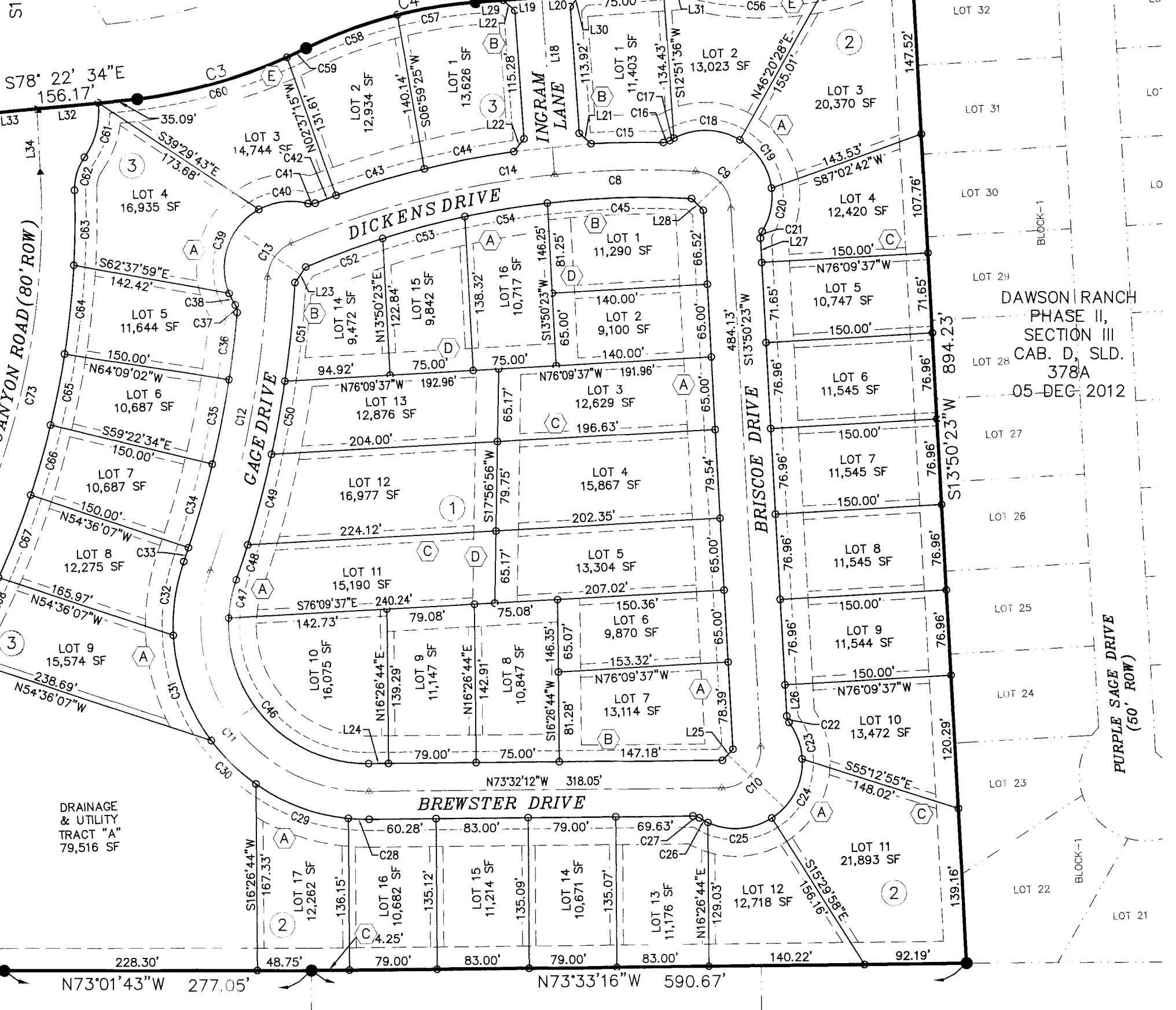
SCALE: 1" = 100'

- PLAT LEGEND**
- ▲ - COB MONUMENT FOUND
UNLESS OTHERWISE NOTED
 - - 1/2" IRON ROD FOUND WITH CAP "RPLS 4540"
UNLESS OTHERWISE NOTED
 - - 1/2" IRON ROD SET WITH CAP "BCE 4540"
SET AT ALL LOT CORNERS
 - () - RECORD INFORMATION
 - # - DENOTES A SUBDIVISION BLOCK
 - POB - POINT OF BEGINNING
 - POB - POINT OF BEGINNING
 - YC - YELLOW CAP #2181

BUILDING SETBACK AND EASEMENT LEGEND SF-2 LOTS:	
(A)	25' TYP. FRONT BUILDING SETBACK
(B)	15' TYP. STREET SIDE BUILDING SETBACK
(C)	6' TYP. INTERIOR SIDE BUILDING SETBACK
(D)	20' TYP. REAR BUILDING SETBACK
(E)	10' TYP. P.U.E. ABUTTING ROW
(F)	15' WASTEWATER AND DRAINAGE EASEMENT
(G)	15' P.U.E.
(H)	10' FORCE MAIN EASEMENT
(I)	15' P.U.E. (7.5' EACH SIDE) & 7.5' SIDE SETBACK
BUILDING SETBACK AND EASEMENT LEGEND PH LOTS:	
(A)	25' TYP. FRONT BUILDING SETBACK
(B)	15' TYP. STREET SIDE BUILDING SETBACK
(J)	10' TYP. WIDE SIDE BUILDING SETBACK
(K)	1.5' TYP. NARROW SIDE SETBACK
(L)	12' TYP. REAR BUILDING SETBACK
(M)	3' ACCESS EASEMENT FOR MAINTENANCE

NOTE: NO FENCES ARE PERMITTED WITHIN THE DRAINAGE EASEMENTS.

REGATTA OAKS TWO CAB. C, SLD. 372-B FEB. 5, 2004
 REGATTA OAKS SECTION III CAB. D, SLD. 191-A 17 SEP 2007
 CHISHOLM TRAIL PARKWAY (CAB. C, SLD. 191-A) (70' ROW)
 S7708'24"E 192.70'



12.50 ACRES
 DONALD GENE PARKER
 VOL. 2578, PG. 738
 OCT. 24, 1989

17.46 ACRES
 DONALD GENE PARKER
 VOL. 2585, PG. 71
 NOV. 15, 1989

BCE LTD. TBPE FIRM REG. # F-5028
 RICK SHELLEY RPLS 4540.

1 ACRE
 ARTURO MENA and wife
 ROSA MENA
 VOL. 4235, PG. 202
 JULY 25, 2000

4 ACRES
 TIMOTHY E. MABRAY
 and wife
 DEBBIE K. MABRAY
 VOL. 2492, PG. 633
 JAN. 10, 1989

16.14 ACRES
 FRANK J. SMITH
 and wife
 JUANITA SMITH
 VOL. 928, PG. 470
 APRIL 2, 1965

20.21 ACRES
 DOUGLAS G. FRANKS
 AND MELISA K. FRANKS
 VOL. 5546, PG. 861

BRIONES
 CONSULTING & ENGINEERING LTD.
 4515 BRIAR HOLLOW PL, STE 106 (713) 539-6408
 HOUSTON, TX 77027 (713) 583-5306 fax
 TBPE FIRM REG. NO. F-5028
 TBPLS FIRM No. 10194252

28.66 ACRES
 CHESTER E. DICKSON
 ETUX LINDA DIANE
 DOC. NO. 2018-00033036
 AUG. 4, 2018

Lewis Walker Survey Abst. No. 860

1.99 ACRES
 GLORIA FRICK
 VOL. 2397, PG. 27
 UNDIVIDED 1/2 INTEREST TO
 EUGENE D. HOLLE
 15 ACRES
 VOLUME 5457, PAGE 622
 AUGUST 5, 2004

12.50 ACRES
 RONALD DEAN PARKER
 VOL. 2578, PG. 728
 OCT. 24, 1989

P-18-04 LOCATION - DAWSON RIDGE


PROPOSED PLAT:


Preliminary Plat
Dawson Ridge
71.368 Acres

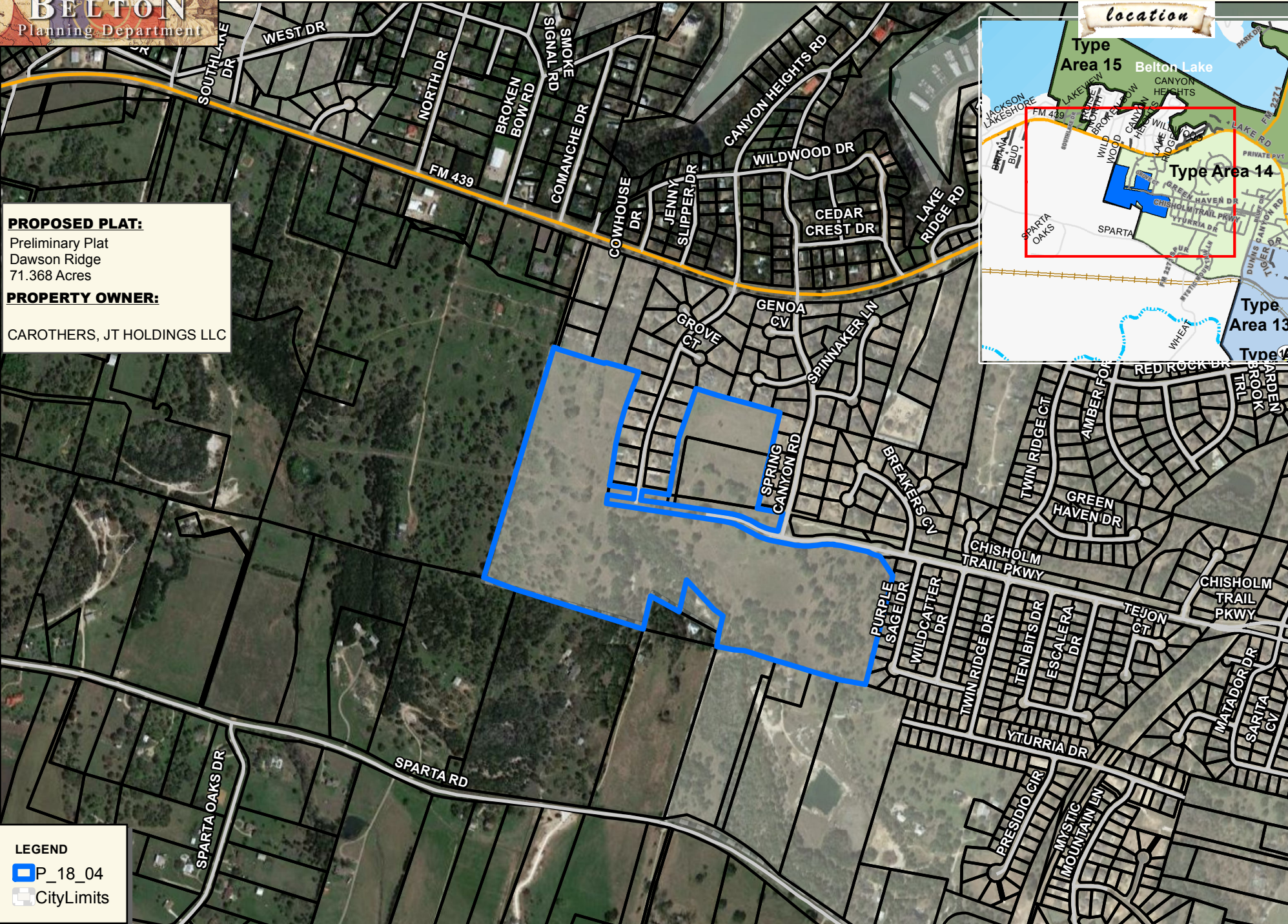
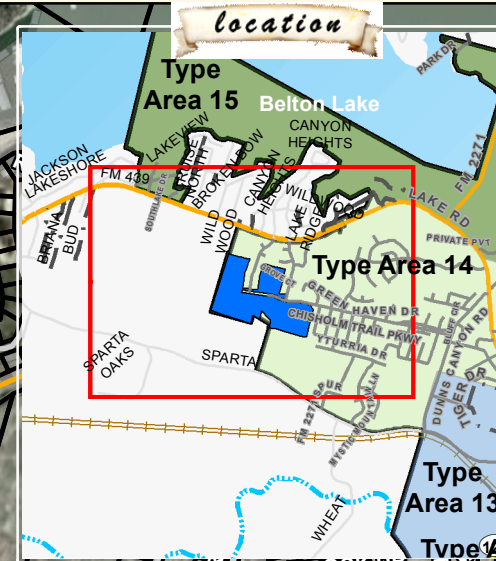
PROPERTY OWNER:

CAROTHERS, JT HOLDINGS LLC

LEGEND

 P_18_04

 CityLimits



0 2,125 4,250 8,500 Feet

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

P-18-04 - DAWSON RIDGE

PROPOSED PLAT:


Preliminary Plat
Dawson Ridge
71.368 Acres

PROPERTY OWNER:

CAROTHERS, JT HOLDINGS LLC

Proposed Dawson Ridge

Legend

 P_18_04

Map Date: 2/9/2018 Aerial Imagery Date: 2017

0 170 340 680 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



50 South Wheat Road, Belton, Texas 76513 | 254-939-5100

May 8, 2018

Cheryl Maxwell
Director of Planning
City of Belton Planning Department
2 North Main Street
Temple, Texas 76501

Dear Ms. Maxwell:

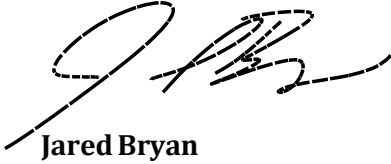
We would like to formally request the following exceptions/variances:

1. Exception to the requirement to build Spring Canyon Road to the southern property boundary. As has been discussed with the City engineer construction of this road doesn't make sense at this time due to several contributing factors.
 - a. Elevation – There is a 50' elevation drop at the southern boundary of our property that continues to drop on the adjacent property. With no current plans or design on the continuation of the road the alignment and elevation of the section of road contained in our development is not known and construction could limit future alignment and connectivity to Sparta Road.
 - b. Lack of Use – Roads are meant to be driven on and at this time the section of Spring Canyon wouldn't get any use. It would be a road to nowhere with no property owners accessing their property off of the road.
 - c. Nuisance – with the road not being completed it would be a location for mischief and create a nuisance for property owners who back up to the future road. Additionally it would likely result in a location the city police department and code enforcement would be called to regularly.
 - d. In addition to the reasons not to build this section we have agreed to additional ROW dedication to the city to allow for both future alignment options as well as the construction of the city water line to the future elevated tank.
2. Exception to Park Fee requirement – As was approved in the previous version of this development we again would like to request an exception to the Park fees. We have dedicated significantly more land than is required through the trail areas and in addition with this final plat and construction will be building a HOA pool and pavilion.
3. ~~Heritage Tree Replacement – Builders have installed a new 2" to 4" caliper tree on every lot built on in Dawson Ranch that didn't currently have a tree located in the front yard. Additionally, we have made every effort to design the subdivision so that trees are~~

~~saved on lots as it is a benefit to the city, future homeowner, and of course us as the builder.~~ Variance not needed.

4. Exception to the one entrance for 50 lot requirement – The western section of the subdivision remains unchanged from previously approved designs. With a cleared gas line easement located to the north of the road that travels east and west we feel like in the event of a blockage at the intersection Emergency crews would still have the ability to access these homes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Bryan', with a stylized, cursive script.

Jared Bryan



City of Belton

Planning Department

May 11, 2018

Applicant: BANDAS ENGINEERING / QUADRUPLE BOGEY DEV.

Date Submitted: 04-13-18

2nd Submittal: 05-04-18

Project: DAWSON RIDGE ADDITION PRELIM / FINAL

Location: 71.368 ACRES / CHISHOLM TRAIL PARKWAY

*****Please comment back in red under the comments submitted on this sheet.*****

PLANNING – Cheryl Maxwell – CMaxwell@BeltonTexas.gov:

1. Provide sizes of the water/sewer lines on the utility sheet.
2. Provide restrictive covenants for review.
3. The Development Agreement will be updated to reflect the revised layout of the subdivision.
4. Please place chart with tract ownership and maintenance responsibility on the plat.
5. Regarding the Tree Survey, Sheet 9...Tree # 22, 82, 118 are Belton Heritage Trees (BHT) proposed for removal. Please indicate on the table that these are BHT.
6. Total diameter of the BHT is 61". 61" replacement required. 50%, or 30.5" may be mitigated by tree credit. Please confirm the trees that will be used for the credit and indicate as such on this sheet (Sheet 9)
7. Replacement trees (30.5") must be minimum of 3" caliper with 10' height and 5' canopy spread at time of planting and be the same species....in this case, Elm, Live Oak, or Cedar Elm.
Provide plan showing details of proposed replacement trees and locations.
8. Add and verify trees 168 and 169 on table for removal or to remain.
9. Provide "Tree Notes" on construction plans similar to previous phases to include:
 - a. No protected trees are scheduled to be removed for residential construction at this time (to be reviewed on a lot by lot basis during residential construction phase).
 - b. No construction activity will disturb more than 50% of the Critical Root Zone (CRZ) of any protected tree.
 - c. No cuts greater than 4" will be made closer to the tree trunk than ½ CRZ radius distance.
 - d. All public utility installations will preserve CRZ structure.
 - e. During residential construction phase the protection of trees will be reviewed on a lot by lot basis for issuance of building permits

PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:

*****Comments will be updated when the revised construction plans are submitted*****

1. Verify if tree tag No. 168 and 169 need to be removed as well to prevent future pavement issues.
2. A street light is needed at Ingram and Dickens.
3. Street lights are needed at each turn in the Rocking Chair/Briscoe/Dickens circle instead of mid-block.
4. The wastewater line in Lot 9 is shown to be outside of the ROW and PUE. Please provide a wider easement for the sewer line.
5. Please identify the hike & bike trail width on the plans.
6. Raven coat the manhole that receives force main discharge.

7. Call out the City's proposed manhole cover.
8. The end of Burnett cul-de-sac drops off. This could cause issues with the street construction.
9. The fuel for the generator shall be diesel, not natural gas.
10. Place reflective markers along the force main every 200 feet.
11. Each stormwater discharge needs energy dissipaters and grouted rip rap.
12. If any slopes in the detention ponds are greater than 4:1, a perimeter 6-foot tall fence is required.
13. General comment: Check all sheet references for accuracy. Sheets 4 and 5, for example, has several references to notes and tables on Sheet 4 which are actually located on Sheet 3.
14. Sheet 91 – Call out the sloped end treatment or headwall at the storm sewer outlet.
15. Sheet 92 – From approximately Station 4+40 to the upstream inlet, there is less than 1-foot of cover over the proposed storm sewer. It appears there is potential to either lower the upstream end or add fill to Block 11, Lots 9-10 to achieve at least 1-foot of cover.
16. Sheet 93 – The proposed ground line on the south side of Chisholm Trail terminates without connecting back to existing ground. Please revise as necessary. Also, call out the headwall at the storm sewer outlet.
17. Sheet 94 – Call out the sloped end treatment or headwall at the storm sewer outlet. The channel slopes are called out to be as steep as 25.71%. This may be susceptible to erosion due to the concentrated release of stormwater out of the storm sewer. The design engineer may need to consider stabilization measures to minimize the erosive potential at this location. There are several line types in the plan view that do not have labels and are not called out in the legend.
18. Sheet 95 – Label existing and proposed contours. Has the removal of the karst feature been submitted for review by Clearwater Underground UD and/or TCEQ? Will there be some sort of concrete slope paving to protect the 83.26% slope? If so, how thick and what type of reinforcement will it have? The storm sewer outfall needs to be noted to be mitered to conform to the exiting slope. Need to label the size and depth of rock riprap will be used in the plunge pool. Is there a detail for the outlet weir for Pond D (need to cite where it can be found)? Need to callout side slopes and compaction requirements (or cite where they can be found) for the berm around Pond D. Need to label the size and depth of rock riprap near the entrance to Pond D and show it in the profile.
19. Sheet 96 – Please provide a typical cross-section for Flume B-1 or reference where it can be found in the plans.
20. Sheet 98 – The 100-year hydrograph summary is shown twice on this page. Should one of these be the 25-year hydrograph summary?
21. Sheet 99 – Need to specify the ends of the 30-inch outlet pipe to Pond B. Are they sloped end treatments, headwalls, etc.? Need to specify size and dimensions or quantities of rock riprap shown in the plan view.
22. Sheet 100 – Need to call out ends of the outlet pipes (sloped end treatments, headwalls, etc.). Need to specify size and dimensions or quantities of rock riprap shown in the plan view. Need to specify where a detail for the outlet structure can be found. Pond C is the downstream pond of a network of Ponds, including Ponds A and B. The individual peak flow results of models for Ponds A and B do not match the “virtual” ponds used in the Pond C model. It is recommended that the models for Ponds A and B be incorporated into the Pond C model to create a system wide model for the entire contributing watershed.
23. Sheet 115 – It is recommended that high service rock berm be used instead of silt fence in the areas of concentrated flow.
24. Drainage Report – It is difficult to discern what storm event is being modeled for the storm sewer analysis. Please label the storm event on the output tables. The hydraulic grade line is higher

than the ground level on the modeled storm event for Storm Drain A2, A1-1, and C. This may indicate the need to upsize the storm sewer piping.

BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:

1. Revise the building line setback to 25' on BLK 1, Lot 1, Lot 7, and Lot 14. These lots are 'Key Lots' and shall observe the 25' setback. (COB Zoning Ordinance, Illustration #17)
2. Place a note on the plat stating that all side-entry garages shall observe a minimum 20' setback or the setback noted on the plat, whichever is greater.

FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:

Fire flow testing performed. All water lines are required to be 8".

POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:

No comments.

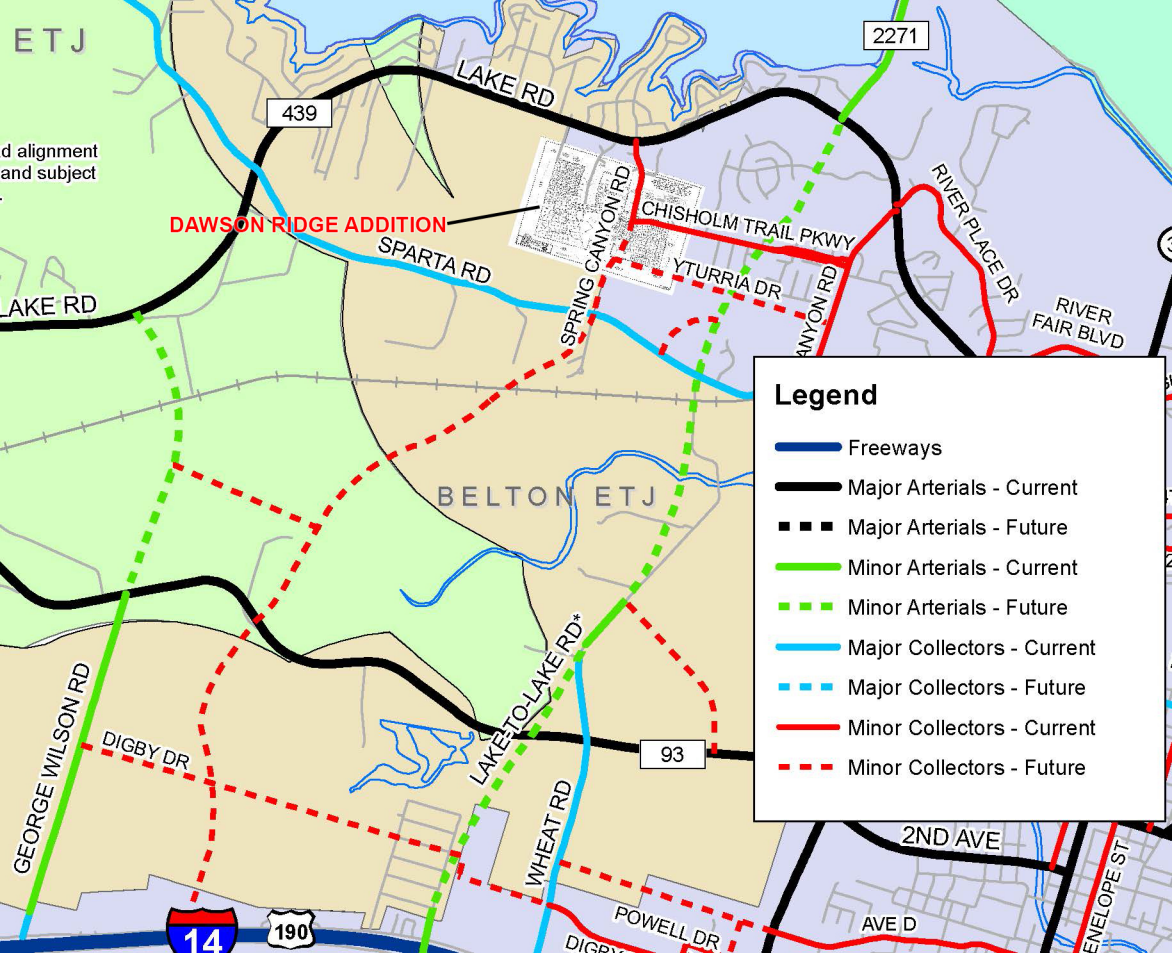
GIS – Anthony Notgrass, ANotgrass@BeltonTexas.gov:

1. Field notes/Plat comments have not been addressed. **Make sure ALL metes and bounds are shown on the plat and that field notes match exactly.** (E.g. Tract 1 - Curve Table C7. Radius/Delta Angle on plat does not match field notes, Direction-Distance along Lot 10-12 Regatta Oaks Two. Plat (N19-07-36E – 360.88ft) does not match field notes (N19-07-28E – 360.88ft) etc., etc.)
2. Show L1-L8, L10 on plat line table
3. Line Table has duplicate numbers
4. We are discussing appropriate naming for streets in the vicinity of Dickens Drive, Briscoe Drive, and Rocking Chair Drive.

Outside Utility Provider Comments

- ☐ **Oncor:**
- ☐ **AT&T:**
- ☐ **Atmos Energy:**
- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☐ **USPS:**
- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.

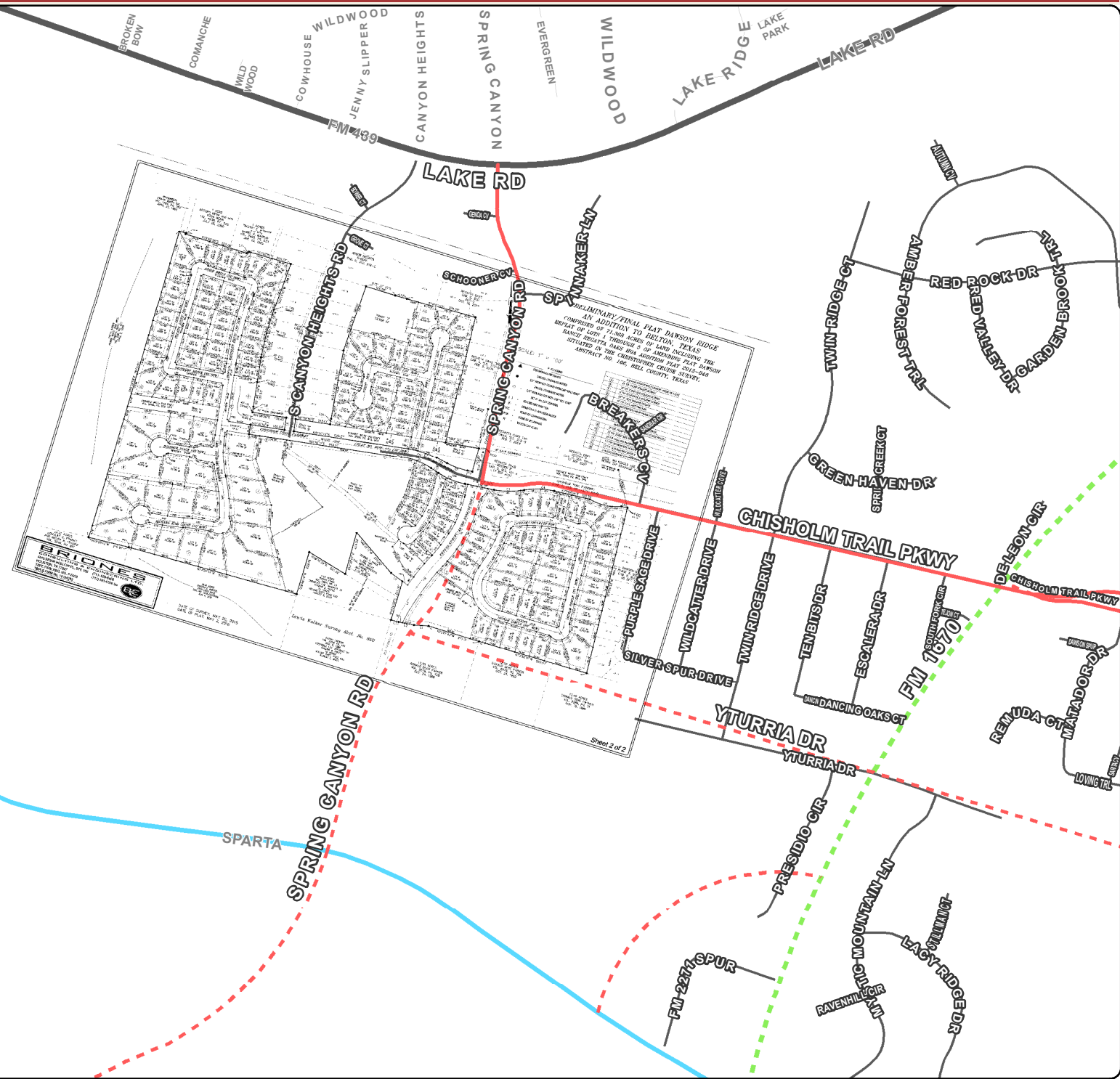


DAWSON RIDGE ADDITION

Legend

Thoroughfare Plan

- MAJOR ARTERIAL, EXISTING
- MINOR ARTERIAL, PROPOSED
- MAJOR COLLECTOR, EXISTING
- MINOR COLLECTOR, EXISTING
- MINOR COLLECTOR, PROPOSED



Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, May 15, 2018

The Planning and Zoning Commission met at 5:30 P.M. in the Kinchion Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, Michael Pressley, David Jarratt, Ty Hendrick, Lewis Simms, Stephanie O'Banion, DJ Fuller and Dave Covington. Commission member Rae Schmuck was absent. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, IT Specialist Ryan Brown and Planning Clerk Laura Livingston.

6. P-18-04 Hold a public hearing and consider a preliminary/final plat of Dawson Ridge Addition, 71.368 acres including a replat of Lots 1 through 5 of Amending Plat Dawson Ranch Regatta Oaks HOA Addition, located south of FM 439 and west of Dunn's Canyon Road in the city limits of Belton.

Ms. Maxwell presented the staff report. (Exhibit D).

Chair Baggerly opened the public hearing. Mr. Jared Bryan, representing Quadruple Bogey Development, LLC, said the variances requested are reasonable and in line with what's been previously requested. He said some may know the challenges they have faced with Dawson Ranch and the topography, with 50-foot drops and areas with caves and ravines. Mr. Bryan said it's a difficult piece of property to develop, especially with the downstream drainage concerns of the City. He said they believe they have worked out all of those issues with this plat and they are anxious to move forward.

With no one else requesting to speak, Chair Baggerly closed the public hearing.

Chair Baggerly said he knows there has been a lot of work put into this. He next asked for a motion by the Commission. Mr. Jarratt made a motion to approve P-18-04, with Ms. O'Banion seconded the motion. Item P-18-04 was approved with 8 ayes, 0 nays.

Staff Report – City Council Agenda Item



Agenda Item #10B

Consider a resolution authorizing the City Manager to execute a Development Agreement associated with Dawson Ridge Addition, located south of FM 439 and west of Dunn's Canyon Road, in the vicinity of Spring Canyon and Canyon Heights Roads.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Summary Information

This item would authorize a development agreement between the City, Quadrupole Bogey Development LLC, and Regatta Oaks/Dawson Ranch HOA Inc. concerning the proposed Dawson Ridge Addition containing 142 residential lots and 9 tracts for public/common use to include ROW, easements, drainage structures, city water tank site, and common areas (see summary table below and staff report for Dawson Ridge Addition).

<u>Tract</u>	<u>Purpose/Use</u>	<u>Owned By</u>	<u>Maintained By</u>
A	Drainage	City	City
B	Lift Station	City	City
C	Common Area	HOA	HOA
D	Drainage	City	City
E	Trail	City	HOA
F	Trail	City	HOA
G	Trail/Drainage	City	HOA/City
H	Future Trail	City	City
I	Water Tower	City	City

With the previous subdivision plat submittal for Dawson Ridge, a development agreement between the applicant, the City, and the HOA was approved by the City Council in April 2017. A revised agreement is proposed with only slight modification since Spring Canyon Road is not being constructed. The revised agreement is attached and provides for a 3-party agreement as outlined below:

- 1) The Developer agrees to do the following:
 - a. Provide 50 linear feet of 30" domestic steel casing with 0.50-inch wall thickness.
 - b. Design and construct a 6-foot wide concrete hike and bike trail along the north side of Chisholm Trail Parkway, from Spring Canyon Road to just west of Canyon Heights Road on Tracts E, F, and G of the Dawson Ridge Addition to satisfy the parkland obligation for this development.

- c. Warranty built trail improvements for one year from date of acceptance by the City for this trail construction.
 - d. Install irrigation, weed barrier, and mulch where desired at trail bump-outs.
- 2) The HOA agrees to do the following:
Install landscaping and provide maintenance of flower beds and grassy areas along the trail in compliance with Atmos' Hello Neighbor Policy, including the option for periodic change in landscaping also in conformance with Policy.
- 3) City agrees to do the following:
- a. Reimburse developer for 50 linear feet of 30" domestic steel casing with 0.50-inch wall thickness for the City of Belton 16" waterline extension, for a cost not to exceed \$11,250*. Cost reimbursed per linear footage will be \$225* for casing installed.
 - b. Maintain the completed trail improvements on Tracts E, F, & G of the Dawson Ridge Addition.

Fiscal Impact

Project Component-Funding	City	Developer
Water and Sewer – Capital Projects		
70 linear feet of 30" domestic steel casing	\$11,250*	n/a
Total W&S Funds	\$11,250*	
Total Funds	\$11,250*	n/a

Budgeted: ___ Yes X No

If not budgeted:

___ Budget Transfer ___ Contingency ___ Amendment Needed X Capital Projects Fund

Funding Source(s): 2016 Water and Sewer Certificates of Obligation

Recommendation

Recommend authorizing the City Manager to execute the Development Agreement.

Attachments

Development Agreement
Resolution

*Cost data still under review. Final numbers will be presented at the Council meeting.

**DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF BELTON
QUADRUPLE BOGEY DEVELOPMENT LLC
AND
REGATTA OAKS/DAWSON RANCH HOMEOWNERS ASSOCIATION, INC.
FOR
DAWSON RIDGE SUBDIVISION**

This agreement is made and entered into by the City of Belton, a home rule City in Bell County, Texas, (hereinafter "City"), Quadruple Bogey Development LLC (hereinafter "Developer"), and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. on this the 22nd day of May, 2018. (The City, Developer, and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. are sometimes referred to herein singly as a "Party" and together as the "Parties".)

For and in consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City, Developer, and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. agree, for themselves, their successors and assigns, as follows:

1. PURPOSE.

This Development Agreement outlines obligations of the City, Developer, and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. regarding Dawson Ridge, north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision. The development agreement consists of trail construction and maintenance, and waterline trenching and steel casing.

2. OBLIGATIONS OF THE DEVELOPER.

- a. Provide 50 linear feet of 30" domestic steel casing with 0.50-inch wall thickness.
- b. Design and construct a 6-foot wide concrete hike and bike trail along the north side of Chisholm Trail Parkway, from Spring Canyon Road to just west of Canyon Heights Road on Tracts E, F, and G of the Dawson Ridge Addition to satisfy the parkland obligation for this development.
- c. Warranty built trail improvements for one year from date of acceptance by the City for this trail construction.
- d. Install irrigation, weed barrier, and mulch where desired at trail bump-outs.

3. OBLIGATIONS OF THE REGATTA OAKS/DAWSON RANCH HOMEOWNERS ASSOCIATION, INC.

Install landscaping and provide maintenance of flower beds and grassy areas along the trail in compliance with Atmos' Hello Neighbor Policy, including the option for periodic change in landscaping also in conformance with Policy.

4. OBLIGATIONS OF THE CITY.

- a. Reimburse developer for 50 linear feet of 30" domestic steel casing with 0.50-inch wall thickness for the City of Belton 16" waterline extension, for a cost not to exceed \$11,250. Cost reimbursed per linear footage will be \$225 for casing installed.
- b. Maintain the completed trail improvements on Tracts E, F, & G of the Dawson Ridge Addition.

5. DEFAULT. In the event either Party fails to perform or otherwise defaults under this Agreement, such Party will be in default and the non-defaulting party may give the defaulting Party written notice of such default. After receipt of such written notice, the defaulting party shall have sixty (60) days to cure such default, provided the defaulting party shall have such extended period as may be required beyond the sixty (60) days if the nature of the cure is such that it reasonably requires more than sixty (60) days and the defaulting party commences the cure within the sixty (60) day period and thereafter continuously and diligently pursues the cure to completion. If the default is not cured as herein provided, this Agreement may be terminated by the Parties or the non-defaulting party may, but is not obligated to, complete the obligations of the defaulting Party. The Parties agree that the non-defaulting party (a) will be entitled to reimbursement by the defaulting party for all costs and expenses incurred by the non-defaulting party in completing the obligations of the defaulting party as liquidated damages, or (b) may seek specific performance of this Agreement, or (c) may seek all other legal remedies available to the non-defaulting party.

6. IMMUNITY. It is expressly understood and agreed that under this Agreement neither party waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

7. VENUE AND CHOICE OF LAW. This Agreement is performable in Bell County, Texas, and shall be interpreted under the Laws of the State of Texas. Any claim or lawsuit to interpret or enforce this Agreement shall be brought in a court of competent jurisdiction of Bell County, Texas.

8. SEVERABILITY. In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.

9. MODIFICATION. This Agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated into this Agreement.

10. ADMINISTRATION. This Agreement shall be administered by the appropriate persons on behalf of the parties that the parties see fit to perform such duties.

11. ENTIRE AGREEMENT. This Agreement contains all commitments and obligations of the parties and represents the entire Agreement of said parties. No verbal or written

conditions not contained herein shall have any force or effect to alter any term of this Agreement.

12. **FORCE MAJEURE.** Neither party shall be responsible for damages or expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe occur and cause such damage or prevent the performance of such obligation.

13. **EXECUTION.** This Agreement shall be executed by the duly authorized official(s) of each party as expressed in the approving resolution or order of the governing body of such party.

14. **ASSIGNMENT; BINDING EFFECT.** This Agreement may be assigned by the Developer. This Agreement runs with the land, and shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement on the date first above written.

CITY OF BELTON, TEXAS

**QUADRUPLE BOGEY
DEVELOPMENT LLC**

Sam A. Listi, City Manager

Jason Carothers, President

ATTEST:

APPROVED AS TO FORM:

Amy M. Casey, City Clerk

John Messer, City Attorney

REGATTA OAKS/DAWSON RANCH HOMEOWNERS ASSOCIATION, INC.

Brad Wyrick, President

RESOLUTION NO. 2018-14-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BELTON, QUADRUPLE BOGEY LLC AND REGATTA OAKS/DAWSON RANCH HOMEOWNERS ASSOCIATION, INC., FOR TRAIL CONSTRUCTION AND MAINTENANCE, AND WATERLINE TRENCHING AND STEEL CASING ASSOCIATED WITH THE DAWSON RIDGE SUBDIVISION PLAT LOCATED NORTH OF SPARTA ROAD, SOUTH OF LAKE ROAD/FM 439, AND WEST OF THE EXISTING DAWSON RANCH SUBDIVISION; PROVIDING FOR DEVELOPER, CITY AND HOA OBLIGATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the development agreement outlines the obligations of all parties, the Developer, City and Regatta Oaks/Dawson Ranch Homeowners Association, Inc., for trail construction and maintenance, and waterline trenching and steel casing in the Dawson Ridge Subdivision within the City of Belton;

Whereas, Management recommends entering into a development agreement with Quadruple Bogey Development LLC and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. to specify the rights and obligations of each party to the agreement, to include the city, the developer and the HOA; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

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

Part 1: The City Council authorizes the City Manager to execute a development agreement between Quadruple Bogey Development LLC, Regatta Oaks/Dawson Ranch Homeowners Association, Inc. and the City of Belton, with the goal of achieving renovation of this property.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **22nd** day of **May**, 2018.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #11

Consider adoption of an ordinance amending Article II, Chapter 23, Section 23-36 of the Code of Ordinances regarding minimum water main standards.

Originating Department

Public Works – Angellia Points, Director of Public Works/City Engineer

Summary Information

Section 23-36 currently reads as follows.

- (a) The minimum water main size for residential uses, single family, two-family, tri-quadrplexes and townhouses shall be 6 inches, provided, however, that the minimum gpm fireflow shall be: SF1 - E and 2F = 500 gpm, 3-6 plex = 750 gpm
- (b) For multi-family uses with land area 2,000 square feet per unit or less the main size shall be a minimum of 8 inches with 750 gpm or sufficiently sized to provide adequate domestic and fire flows, as determined by the city's engineer and fire department.
- (c) Commercial and industrial: Minimum 8 inch mains with 750 gpm but sized to provide adequate domestic and industrial use flows and fire lows as determined by city engineer and fire department, except churches approved by the fire department and where such use will not endanger surrounding property or interfere with appropriate system development.
- (d) Fire hydrant spacing:
 - (1) In general on street intersections;
 - (2) Residential excluding rural density subdivisions, 500 feet on centers with each primary structure being within 500 feet of a fire hydrant as measured along improved streets. The city reserves the right to require multi-family developments 2,000 square feet per unit land area or less to place fire hydrants as deemed necessary on the property at owner's expense;
 - (3) In commercial and industrial areas the spacing of fire hydrants shall be 300 feet o.c. The city reserves the right to require additional hydrants as deemed necessary by the city engineer and fire department. The hydrants shall be at owner's expense.

With the adoption of the revised Design Manual, there are conflicting requirements in Chapter 23, Article II, Section 23-36 of the Code of Ordinances regarding minimum water main sizing and hydrant spacing that will need to be addressed. With adoption of the design manual, Section 23-36 is proposed to be deleted and replaced with the following in order to be consistent and clear on the requirements for water line sizing and fire hydrant requirements.

- (a) The minimum water main size for all uses shall be per the latest adopted fire code and latest adopted design manual.
- (b) Fire hydrant spacing shall adhere to the latest adopted fire code and latest adopted design manual, whichever is more stringent.

Today, in practice, this means an 8" water main size is required, unless it can be demonstrated that a smaller size will work.

Fiscal Impact

None.

Recommendation

Adopt the amended Chapter 23, Article II, Section 23-36 of the Code of Ordinances.

Attachments

Section 23-36 Ordinance Amendment

ORDINANCE NO. 2018-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 23, ARTICLE II, SECTION 23-36 OF THE CODE OF ORDINANCES ESTABLISHING WATER MAIN MINIMUM STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

PART 1: Chapter 23, Article II, Section 23-36 “Water main minimum standards” of the Code of Ordinances of the City of Belton, Texas, is hereby amended to read as follows:

- A. The minimum water main size for all uses shall be per the latest adopted fire code and latest adopted design manual.
- B. Fire hydrants:
 - (1) In general, at each street intersection and at the beginning of every cul-de-sac bulb and each ‘teardrop’ cul-de-sac bulb.
 - (2) Fire hydrant spacing shall adhere to the latest adopted fire code and latest adopted design manual, whichever is more stringent.

PART 2: It is hereby declared to be the intention of the City Council that if any sections, paragraphs, sentences, clauses and phrases of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

PART 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 4: The Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on this the 22nd day of May, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



Amending Chapter 23 of the Code of Ordinances

CITY COUNCIL

MAY 22, 2018



Existing Ordinance

Assuming the revised Design Manual is adopted, there will be conflicting requirements in Chapter 23, Article II, Section 23-36 of the Code of Ordinances regarding minimum water main sizing and hydrant spacing.

Section 23-36 currently reads:

- (a) The minimum water main size for residential uses, single family, two family, tri-quadrplexes and townhouses shall be **6 inches**, provided, however, that the minimum gpm fireflow shall be: SF1 - E and 2F = **500 gpm**, 3-6 plex = **750 gpm**
- (b) For multi-family uses with land area 2,000 square feet per unit or less the main size shall be a minimum of **8 inches** with **750 gpm** or sufficiently sized to provide adequate domestic and fire flows, as determined by the city's engineer and fire department.
- (c) Commercial and industrial: Minimum **8 inch** mains with **750 gpm** but sized to provide adequate domestic and industrial use flows and fire lows as determined by city engineer and fire department, except churches approved by the fire department and where such use will not endanger surrounding property or interfere with appropriate system development.
- (d) Fire hydrant spacing:
 - (1) In general on street intersections;
 - (2) Residential excluding rural density subdivisions, 500 feet on centers with each primary structure being within 500 feet of a fire hydrant as measured along improved streets. The city reserves the right to require multi-family developments 2,000 square feet per unit land area or less to place fire hydrants as deemed necessary on the property at owner's expense;
 - (3) In commercial and industrial areas the spacing of fire hydrants shall be 300 feet o.c. The city reserves the right to require additional hydrants as deemed necessary by the city engineer and fire department. The hydrants shall be at owner's expense.



Proposed Ordinance

Section 23-36 is proposed to read as follows:

- (a) The minimum water main size for all uses shall be per the latest adopted fire code and latest adopted design manual.
- (b) Fire hydrant spacing shall adhere to the latest adopted fire code and latest adopted design manual, whichever is more stringent.

A public hearing was held on May 8, 2018 with one public comment from TABA President, Marty Janczak, speaking in favor of the amendment.

Recommendation: Adopt the amended Chapter 23, Article II, Section 23-26 of the Code of Ordinances.

Staff Report – City Council Agenda Item



Agenda Item #12

Hold a public hearing and consider an ordinance adopting Chapter 25 as the Stormwater Management in the Code of Ordinances regarding the City's standards for stormwater runoff and stormwater quality.

Originating Department

Public Works – Angellia Points, Director of Public Works/City Engineer

Summary Information

The Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Municipal Separate Storm Sewer Systems (MS4) state that a municipality must develop and implement a stormwater ordinance to properly enforce the rules and regulations of the State for all connections to and discharged to the MS4. Although most items of this stormwater ordinance are already being enforced through the development review and inspection processes, TCEQ requires the City to adopt the ordinance to make the processes and requirements formal. The stormwater ordinance covers the following main topics:

- Construction site stormwater runoff controls to require erosion and sediment controls in order to prevent or minimize water quality impacts;
- Post-construction stormwater management requirements in order to address stormwater runoff from new developments and redevelopment projects to ensure the proper controls are in place to prevent or minimize water quality impacts; and
- Illicit discharge detection and elimination requirements to prohibit and eliminate illicit discharges; and
- Inspection and enforcement measures.

The stormwater ordinance requires development to maintain a net zero increase in stormwater runoff. With construction of any type within the City limits and the City's ETJ that disturb more than one (1) acre of land, a stormwater pollution prevention plan is required and must be followed to ensure property erosion control is implemented. Erosion control measures must stay in place until 70% of vegetation is established.

A drainage management plan is required for anything that disturbs more than one (1) acre in order to show how post-development stormwater runoff will not exceed pre-development conditions. For any construction, erosion control shall be inspected prior to breaking ground.

There are times when stormwater infrastructure such as drainage channels, detention ponds, and even inlets are proposed to be owned and/or maintained by an HOA or another property owner. In those cases, a maintenance agreement is required to ensure the drainage facilities are properly maintained.

Illicit discharges are also defined and regulated with this ordinance. Illicit discharges are anything that enters the stormwater system that is simply not stormwater. However, there are exceptions such as waterline flushing, runoff from irrigation, residential vehicle washing, etc. An illicit discharge is considered anything that may cause or contribute to the City to violate a water quality standard. Liquids or materials such as motor oil, garbage, yard waste, salt water pool discharge, and commercial carwash facility runoff are illicit discharges. Yard waste is defined as leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from a *man-made or human-initiated action* from yard and landscaping maintenance and land-clearing operations. Yard waste does not include leaves or pollen that fall naturally from trees or vegetation. Yard waste must be removed from roadways and other impervious areas after the yard maintenance is performed.

In terms of inspection and enforcement, the City will now have the right to enter premises of any person discharging stormwater to determine if they are in compliance. If an issue is detected, a warning notice will be issued in writing to attempt voluntary compliance. In the event a warning notice does not result in voluntary compliance, a notice of violation (NOV) will be issued. The NOV requires the property owner to provide a plan of action within 10 days of the NOV and full compliance within 30 days after the plan of action is provided. For active construction sites, a stop work order can be issued if warranted. After reasonable notice by the City, the City has the right to correct the violation and assess the property owner for the cost of the repair. The cost of the repair can be placed as a lien on the property. Other enforcement measures can include a temporary or permanent injunction in the event of substantial danger of injury or adverse health impact to any person or to the property of any person is found. Criminal penalties will be imposed if a person knowingly violates the ordinance. In the case of a criminal act, a class C misdemeanor and a fine of up to \$2,000 may be imposed.

Currently, drainage management plans, net zero runoff, stormwater pollution prevention plans, erosion control, and voluntary compliance are all required and obtained as needed. The new or noteworthy ordinance items are the following:

- This ordinance applies in the ETJ as appropriate with County approval.
- Existing businesses, including existing carwashes, are not exempt.
- Maintenance agreements are clarified.
- Yard waste is defined and is required to be removed from impervious areas.
- Illicit discharges are defined.
- Violation and penalties are defined. Both the property owner and persons performing the work for lawn maintenance and construction sites can receive the violation notice and can be penalized.

Fiscal Impact

None

Recommendation

Adopt the proposed Chapter 25, Stormwater Management, of the Code of Ordinances.

Attachments

Chapter 25 Ordinance

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ADDING CHAPTER 25 OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING STORMWATER MANAGEMENT IN THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SERVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Municipal Separate Storm Sewer Systems (MS4) state that a municipality must develop and implement a stormwater ordinance to properly enforce the rules and regulations of the State for all connections to and discharged to the MS4; and

WHEREAS, the TCEQ Rules and Regulations for MS4s state that a municipality must implement construction site stormwater runoff controls to require erosion and sediment controls, as well as sanctions to ensure compliance, in order to prevent or minimize water quality impacts; and

WHEREAS, the TCEQ Rules and Regulations for MS4s state that a municipality must implement a post-construction stormwater management ordinance in order to address stormwater runoff from new developments and redevelopment projects to ensure the proper controls are in place to prevent or minimize water quality impacts; and

WHEREAS, illicit discharges can lead to degradation of the water quality of the waterways, and MS4s must adopt an illicit discharge detection and elimination ordinance to prohibit and eliminate illicit discharges; and

WHEREAS; the purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Belton through the regulation of non-storm and stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; and

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

The City of Belton City Council hereby adopts a Stormwater Management Ordinance for the City of Belton.

PART 1: Chapter 25 “Stormwater Management” of the Code of Ordinances of the City of Belton, Texas, is hereby added to read as follows:

ARTICLE I. – GENERAL STORMWATER MANAGEMENT REQUIREMENTS AND EROSION AND SEDIMENTATION CONTROL

Sec. 25-1. - Intent.

- (a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates the cleaning and repair of storm sewers and open channels. In addition, land disturbances during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (b) As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any residential and non-residential subdivision development and applicable City projects or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City.
- (c) In the event impervious area is proposed or added, drainage infrastructure and BMPs shall be in place in order to maintain zero net increase in stormwater runoff rates and to insure no negative impacts attributable to new development and redevelopment.

Sec. 25-2. - Lands to which this Article applies and applicability.

- (a) This ordinance shall be applicable to all subdivisions, both residential and non-residential. The ordinance also applies to land disturbing activities that are also part of a common plan.
- (b) All plans must be reviewed by the Director to ensure that established water quality standards will be maintained during and after land disturbing activity of the site and that post construction runoff levels are consistent with any local and regional watershed plans.
- (c) To prevent the adverse impacts of stormwater runoff, the City has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing one (1) acre or more of land. The following activities are exempt from these stormwater performance criteria:
 - 1. Additions or modifications to existing single family structures; and
 - 2. Repairs to any stormwater treatment practice deemed necessary by the City.
- (d) When a development plan is submitted that qualifies as a redevelopment project, decisions on-site stormwater requirements shall be governed by the criteria found in Design Manual in effect at the time of redevelopment. This criterion is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the City.
- (e) A person engaging in any development activity one acre or larger, within the City limits, shall prepare a stormwater pollution prevention plan and submit

- information in conformance with this article, the City's current adopted Design Manual and applicable TCEQ requirements to the Director for approval. This article applies regardless of whether an owner is required to obtain a permit from the City to conduct such land disturbing or construction activity or not.
- (f) In determining if a project is five acres or smaller, the City will consider whether or not the development is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stages, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, drawings, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in one area, even though no single individual project is larger than five acres individually.
 - (g) Lands under active agricultural use, as defined by the City's current zoning records, are exempted from the requirements of this section until such time that construction or modification to the exempted land begins so that the use of the land in whole or in part will change from agriculture to any other use. At that time, the land shall lose its agricultural exemption and become subject to the provisions of this article and the City's zoning ordinance.
 - (h) The owner of the property on which the activity occurs, in addition to the person engaging in development activity, is responsible for violations of this article. Both the owner and the person engaging in the development activity shall be accountable for any erosion of the property or construction site which results in accumulation of sediment in streets and any waterway or other private properties from construction activity. Any accumulation or deposit of soil material beyond the limits of the property or in City streets or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort or adversely impacts stormwater quality as determined by the City is declared a public nuisance and shall constitute a violation of this article.
 - (i) The stormwater pollution prevention requirements of this article shall apply to all land areas considered to be part of the development activity.

Sec. 25-3. - Compatibility with other permit and ordinance requirements.

- (a) This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 25-4. - Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated. Additionally, all references to any Federal or State regulation or act shall refer to the current regulation or act and any amendments thereto.

- (a) *Agricultural stormwater runoff*. Any stormwater or tail water runoff from orchards, cultivated crops, pastures, range lands, forest lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 Code of Federal Regulations (C.F.R.) § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.
- (b) *Applicant* means a property owner or agent of a property owner who has filed a stormwater management plan.
- (c) *Best management practices (BMPs)*. Best management practices include schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, and other management practices to erosion, sediment and site control, both on and off a particular site
- (d) *Channel* means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- (e) *Clearing* is any activity that removes the vegetative surface cover. Vegetative cutting and mulching is exempted from this definition.
- (f) *Conveyance*. Curbs, gutters, natural and human-made or altered drainage channels or ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.
- (g) *Creek* is a waterway having 64 acres or greater of contributing drainage areas.
- (h) *Detention or detention facility* means the temporary storage of storm runoff and gradual release of stored water at controlled rates in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
- (i) *Developer* means a person who undertakes land disturbance activities.
- (j) *Director* means the Director of Public Works or his/her duly authorized representative or designee.
- (k) *Domestic sewage* means waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.
- (l) *Drainage easement* means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
- (m) *Drainage way* is any creek, stream, channel, swale, or low lying area that conveys surface runoff throughout the site.
- (n) *Erosion control* is a measure that prevents erosion.
- (o) *Extremely hazardous substance*. Any substance listed in the Appendices to 40 C.F.R. Part 355, Emergency Planning and Notification.

- (p) *Garbage*. Waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.
- (q) *Grading* is the excavation or fill of material, including the resulting condition thereof.
- (r) *Harmful quantity*. The amount of hazardous substance the discharge or spill of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by federal law and by the state law.
- (s) *Hazardous substance*. A material where either of the following conditions are met:
 - 1. The elements, compounds, and hazardous wastes are listed in Table 302.4 of 40 C.F.R. Part 302; or
 - 2. A solid waste, as defined in 40 C.F.R. § 261.2, which is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), if it exhibits any of the characteristics identified in 40 C.F.R. § 261.20 through § 261.24 (e.g., ignitability, corrosivity, reactivity, or toxicity).
- (t) *Hazardous waste*. Any waste identified or listed as a hazardous waste by the EPA under the Federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 40 U.S.C. §§ 6901 et seq., or the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Article 361 et seq.
- (u) *Hazardous waste treatment, disposal, and recovery facility*. All land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.
- (v) *Illegal connection*. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, without limitation, any conveyances which allow any non-stormwater discharge including sewage, processed wastewater or wash water to enter the MS4.
- (w) *Illicit discharge*. Any discharge to the MS4 that is not entirely composed of stormwater, except discharges pursuant to this Article, State or Federal law and discharges resulting from emergency firefighting activities.
- (x) *Impervious cover* means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).
- (y) *Industrial*. Activities including manufacturing, processing, material storage, and waste material disposal (and similar activities where stormwater can contact industrial waste) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.
- (z) *Industrial waste*. Any waterborne liquid or solid waste or substance that results from any process of industry, manufacturing, mining, production, trade or business as more specifically defined in 40 C.F.R. 122.26 (b)(14).

- (aa) *Land disturbing activity* means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, stormwater runoff or wind for residential and non-residential subdivisions and applicable City projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.
- (bb) *Landowner* means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
- (cc) *Maintenance agreement* means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices. Maintenance agreements are to be recorded with land records and shall run with the property, regardless of ownership.
- (dd) *Maximum extent practicable (MEP)*. The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by the Federal Clean Water Act § 402(p). A discussion of MEP as it applies to the MS4 is found at 40 C.F.R. § 122.34.
- (ee) *Municipal separate storm sewer system (MS4)*. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.
- (ff) *NPDES Permit*. A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group or generally on an area-wide basis.
- (gg) *Non-point source*. Any source of any discharge of a pollutant that is not a point source.
- (hh) *Notice of Intent (NOI)*. A written submission to the Executive Director of the TCEQ from an applicant requesting coverage under a general permit issued by the TCEQ. Each NOI shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.
- (ii) *Notice of Change (NOC)*. A written notification to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ providing changes to information that was previously provided in a notice of intent. Each NOC shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.
- (jj) *Notice of Termination (NOT)*. A written submission to the Executive Director of TCEQ from a permittee authorized under a general permit issued by the TCEQ

- seeking to terminate such permit coverage. Each NOT shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.
- (kk) *Oil* is of any kind or in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include used oil, petroleum product, or oil designated as a hazardous substance in 40 C.F.R. § 302.4.
 - (ll) *On-site facility* means a stormwater management measure located within the subject property boundary.
 - (mm) *Operator*. An entity or individual who meets one of the following conditions:
 - 1. The person or persons associated with a large or small construction activity that meets either of the following two criteria: (1) the person or entity having operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of a NPDES or TPDES permit; or (2) the person or entity having day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Stormwater Pollution Prevention Plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other NPDES or TPDES permit conditions); or
 - 2. The owner, person or entity that is responsible for the management of an industrial facility subject to the provisions of a NPDES or TPDES permit.
 - (nn) *Petroleum product*. A petroleum substance obtained from distilling and processing crude oil and that is liquid at standard conditions of temperature and pressure, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including but not limited to motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.
 - (oo) *Petroleum storage tank (PST)*. Any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.
 - (pp) *Phasing* is clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.
 - (qq) *Point source*. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff (40 CFR 122.22).

- (rr) *Pollutant*. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; motor oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; noxious or offensive matter of any kind; biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation); oil and grease; and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4 (40 CFR 122.32(e)(3)). The term “pollutant” does not include tail water or rainwater runoff from cultivated or uncultivated rangeland, pastureland and farmland.
- (ss) *Pollution*. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State or U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.
- (tt) *Premises*. Any site and/or facility, as defined under this Article, or building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, owned or operated by a person from which there has been, is or may be a discharge.
- (uu) *Private Amenities and Private Amenity Structures* include but are not limited to, fencing, landscaping, irrigation systems, detached garages, sheds, swimming pools, retaining walls, decks and recreational courts or other similar structures.
- (vv) *Redevelopment* means any construction, alteration or improvement exceeding one acre in area where existing land use is high density commercial, industrial, institutional or multi-family and single family residential.
- (ww) *Release*. Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, or disposing of a pollutant or contaminant into the MS4 or water in the State or U.S.
- (xx) *Reportable quantity (RQ)*. For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 C.F.R. Part 302 (except for any discharge into water in the State where the Final RQ threshold is greater than 100 pounds, in this case the RQ threshold shall be 100 pounds); for any “extremely hazardous substance,” the quantity established in 40 C.F.R. Part 355 and listed in Appendix A thereto.
- (yy) *Sediment control* is any measure that prevents eroded sediment from leaving the site.

- (zz) *Sewage (or sanitary sewage)*. The domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to a publicly-owned treatment works.
- (aaa) *Site* is a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
- (bbb) *Stabilization* is the use of practices that prevent exposed soil from eroding.
- (ccc) *Start of construction* is the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
- (ddd) *Stop work order* means an order issued which requires that all construction activity on a site be stopped.
- (eee) *Stormwater discharge associated with industrial activity*. Stormwater runoff that exits any system that is used for collecting and conveying stormwater that originates from manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by the applicable TPDES.
- (fff) *Stormwater management* means the use of any structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.
- (ggg) *Stormwater pollution prevention plan (SWPPP)*. A plan required by a NPDES or TPDES permit that describes and ensures the implementation of BMPs that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the regulated facility to water in the State and U.S.
- (hhh) *Stormwater runoff means* flow on the surface of the ground, resulting from precipitation.
- (iii) *Tail water*. The runoff of irrigation water from the lower end of an irrigated field.
- (jjj) *TPDES permit*. A permit issued by the State through the TCEQ, predecessor or any successor agency, under the authority delegated by EPA pursuant to 33 U.S.C § 1342(b) (Federal Clean Water Act) and pursuant to the Texas Water Code that authorizes the discharge of pollutants to water in the State or U.S., whether the permit is applicable to a person, group, or generally on an area-wide basis.
- (kkk) *Used oil (or used motor oil)*. Any oil that has been refined with crude oil, or any synthetic oil, that has been used, and, as a result of use, is contaminated by physical or chemical impurities.
- (III) *Vehicle*. For purposes of this Article vehicle includes any vehicle held for personal use including automobiles, trucks, recreational vehicles, motorcycles of any type and boats or personal watercrafts.

(mmm) *Watercourse*. A watercourse includes a drainage path or way or the channel of a stream, to include, without limitation, waters in the State or U.S., in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter occurs with some degree of regularity, depending on the characteristics of the sources (i.e. water is present or flowing during and/or after a rainfall event). Watercourse also means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(nnn) *Water in the State and Waters of the United States*. Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state, except that water in treatment systems which are authorized by State or Federal law, regulation or permit, and which are created for the purpose of waste treatment are not considered to be water in the State. Any water characterized as:

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - i. that are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. that are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
6. The territorial sea; and

7. Wetlands adjacent to waters (others than waters that are themselves wetlands) identified in paragraphs (1) through (7) of this definition.
 8. Waste treatment systems including treatment ponds or lagoons designed to meet the requirements of the Federal Clean Water Act are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.
- (ooo) *Water quality standards.* Provisions that consist of a designated use or uses for the water in the State and water quality criteria for such waters based upon such uses. Water quality criteria consist of narrative provisions and numerical criteria deemed by the State to be necessary to protect those uses, as specified in 30 Texas Administrative Code (TAC) Article 307.
- (ppp) *Waterway* is any channel that directs surface runoff to a watercourse or to the public storm drain. This includes natural and manmade creeks, streams, swales and channels.
- (qqq) *Wetlands.* Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- (rrr) *Yard waste.* Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from yard and landscaping maintenance and land-clearing operations.

Sec. 25-5. - City of Belton and Design Manual.

- (a) This article is cumulative of the regulations found in the Design Manual which describes in detail the technical procedures to be used to comply with the provisions contained in this article. Although the intention of the manuals is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented.

Sec. 27-6. - Stormwater pollution prevention measures required.

- (a) The Texas Commission on Environmental Quality (TCEQ) regulates stormwater discharges from construction sites. Prior to initiating any development activity, a person shall review the state requirements to determine

the current requirements. All TCEQ requirements for stormwater protection from construction activity must be followed.

Sec. 25-7. - Stormwater Pollution Prevention Plan.

- (a) A SWPPP must be developed in accordance with the requirements of the general permit for all construction activity which disturbs one acre or more. The SWPPP must be prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
- (b) Each person, including an owner, engaging in land disturbing or development activity shall implement and maintain the stormwater pollution prevention measures shown on its approved stormwater pollution prevention plan in order to minimize the erosion and the transport of silt, earth, topsoil, and other stormwater pollutants by water runoff or construction activities, beyond the limits of the owner's site onto City streets, drainage easements, drainage facilities, storm drains of other City property prior to beginning any development activity.
- (c) A SWPPP required by this article shall clearly identify the property where land disturbing activity will take place, and the location of all stormwater pollution prevention measures to be installed and maintained throughout the duration of the development for which that plan is submitted.
- (d) An erosion and sediment control plan is not required for the following:
 - 1. Areas under active agriculture use, as defined by the City's current zoning records;
 - 2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
 - 3. Existing nursery and agricultural operations conducted as a main or accessory use;
 - 4. A legally permitted land fill operation; or
 - 5. Vegetative cutting and mulching.

Sec. 25-8. - Development Compliance.

- (a) To obtain coverage under the general permit for stormwater discharges from construction activities between one and five acres into the City's storm drainage system the following are required:
 - 1. Prepare and implement the SWPPP;
 - 2. Post Site Notice; and
 - 3. Submit required copies to the Director, including NOT.
- (b) To obtain coverage under the general permit for stormwater discharges from construction activities five acres or more into the City's storm drainage system, the following is required:

1. Prepare and implement the SWPPP;
 2. Submit NOI to TCEQ and City;
 3. Post NOI and Site Notice; and
 4. Submit required copies to the Director, including NOT.
- (c) Phasing. When phasing is requested, the erosion plan in each phase must be established, reviewed and approved by the Director prior to the start of any subsequent phase, and shall be allowed only when there are no outstanding stormwater pollution prevention violations for the development for which the request is made.
- (d) Erosion Control Devices. In addition to the other requirements of this article, when construction or land disturbing activities are conducted as part of a development, the developer for such subdivision shall continue to maintain all temporary stormwater pollution prevention devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued and at least 70 percent of the native background vegetative cover in unpaved areas, as determined by the City engineer, has been achieved.
- (e) Transfer of Property by Developer. If the developer sells all of the lots in a subdivision to one purchaser, that purchaser:
1. Becomes the developer for the subdivision; and
 2. Is liable for a violation of this article.

Sec. 25-9. – Inspection, Compliance Monitoring, and Right of Entry.

- (a) The owner or developer shall make regular inspections of all control measures. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (b) The Director shall have the right to enter the premises of any person discharging into the MS4 or to waters in the State or U.S. to determine if the person is complying with all requirements of this Article. A person shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties necessary to ensure compliance with this Article. A person shall make available to the Director, upon request, any NOIs, NOCs, NOTs, SWPPPs and any modifications thereto, self-inspection reports, and any other records, reports, or other documents related to compliance with this Article or compliance with any State or Federal stormwater discharge permit. (State law reference: Texas Water Code § 26.173.)
1. Where a person has security measures in force that require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel or

employees so that, upon presentation of suitable City issued identification, the Director shall be permitted to enter without unreasonable delay, which shall be defined as delays in excess of forty-eight (48) hours of the initial request and shall be considered a violation of this Article.

2. The Director shall have the right to set up on the person's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the person's operations related to all discharges regulated by this Article.
3. If the Director has reason to believe that there is an actual or potential illicit discharge associated with a premises, the Director may require any person to conduct specified sampling, testing, analysis, and other monitoring of such premises' discharges, and may specify the frequency and parameters of any such activities necessary to ensure compliance with this Article. All required sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition. All such activities shall be at the person's sole expense.
4. Any temporary or permanent obstruction that obstructs safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the person at the written or verbal request of the Director and shall not be thereafter replaced. The costs of providing such access shall be borne by the person.
5. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system or sanitary sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when there is a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Sec. 25-10. – Violations, Appeals, and Penalties.

- (a) Violations. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. A person performing work on a development commits an offense if the person conducts a land-disturbing or construction activity, and:
 1. Has not developed and implemented a SWPPP in accordance with TCEQ requirements for the location of the development;
 2. Fails to install stormwater pollution prevention devices or to maintain stormwater pollution prevention devices throughout the duration of land

- disturbing activities, in compliance with the SWPPP for the location where the violation occurred;
3. Fails to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain stormwater pollution prevention devices as specified in an approved SWPPP for the location where the violation occurred;
 4. Allows sediment laden water to flow from a site without being treated through a stormwater pollution prevention device;
 5. Fails to maintain existing stormwater pollution prevention devices, including replacement of existing grass or sod; or
 6. Violates any provision of this section.
- (b) A responsible party is also in violation of this ordinance if the responsible party fails or refuses to meet the requirements of the maintenance covenant.
- (c) Warning notice. When the Director finds that any person has violated any provision of this article, the Director may serve upon that person a written or verbal warning notice, specifying the particular violation believed to have occurred and requesting that the person immediately comply with this article or any order so issued.
- (d) Notice of Violation (NOV). In the event the Director finds that any person has not complied with the warning notice or continues to violate any provision of this ordinance, a NOV shall be issued. When the Director determines that an activity is not being carried out in accordance with the requirements of this ordinance, the Director has the option to issue a written notice of violation to the owner of the property with or without a prior warning notice. Within ten (10) calendar days of the receipt of the NOV the person shall submit an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and time lines for completion, to the Director. Upon receipt of that plan and explanation, the responsible person shall have thirty (30) days to affect maintenance and repair of the facility in an approved manner. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Director within the same time period. Receipt of the NOV is presumed to occur ten (10) calendar days following the date the NOV is mailed or delivered.
- (e) Stop-Work Order; Revocation of Permit. In the event that any person holding an approved SWPPP or Drainage Management Plan pursuant to this ordinance violates the terms of the permit or implements site or land development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may suspend or revoke the

building or construction permit or verbally stop work on any or all construction activity.

- (f) Generally, nothing in this section shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing any other type of notice or order provided under this section. Compliance with any notice or order issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.

(g) Reconsideration.

1. Any person subject to a compliance order, stop work order or an emergency cease and desist order issued pursuant to this article may petition the Director to reconsider the basis for the Director's order within ten (10) calendar days of the affected person's receipt of such order.
2. Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.
3. In its petition, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the facts that support the petitioner's view of the facts, and any alternative terms of any order that the petitioner would accept.
4. The effect of any compliance order shall be stayed upon the Director's receipt of the petition pending the Director's reconsideration of the petition unless the Director expressly makes a written determination to the contrary. The effectiveness of any stop work order or emergency cease and desist order shall not be stayed pending the Director's reconsideration unless the Director expressly makes a written determination staying such order.
5. Within ten (10) calendar days of receipt of a petition for reconsideration, the Director shall either (a) grant the petition and withdraw or modify the order accordingly; or (b) deny the petition and provide a written explanation detailing the reasons for the denial. The Director's determination shall be personally served upon the petitioner, or his agent, or mailed, certified, return receipt requested, to the petitioner.
6. Nothing in this section shall limit the authority of the Director to take any other enforcement action or prevent existing or further enforcement action from proceeding without first making the determination contemplated by this section.

(h) Appeal.

1. Any person whose petition for reconsideration by the Director has not been granted in its entirety and who remains adversely affected by the Director's order may appeal the action of the Director to the City manager by filing a written appeal with the City secretary within ten (10) calendar days of receipt of the Director's decision. Receipt is presumed

to occur five (5) calendar days following the date the determination is mailed.

2. Failure to submit a timely written appeal to the City manager shall be deemed to be a waiver of further administrative review.
 3. In its written appeal to the City manager, the appealing party shall indicate the particular provisions of the order objected to, the particular determinations of the Director that are contested, the reasons that the Director's order and/or determinations are contested, and any alternative order that the appealing party would accept.
 4. The effect of the Director's order, as issued or modified, shall not be stayed pending the appeal to the City manager, unless the City manager expressly makes a written determination staying the order.
 5. Within thirty (30) calendar days of receipt of a written appeal to the City manager, the City manager shall consider the appeal and make a final written determination to the appellant. Such determination shall be personally served upon the appellant, or his agent, or mailed, certified, return receipt requested, to the appellant.
 6. Following final action by the City manager on the appeal, any adversely affected party may challenge such action by the City manager in an appropriate court of competent jurisdiction.
 7. Nothing in this section shall limit the authority of the Director to take any other enforcement action or prevent existing or further enforcement action from proceeding unless the same is expressly stayed by the City manager.
- (i) Penalties. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration. The City, after reasonable notice, may correct a violation of this ordinance by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater management facility in writing. After proper notice, the City may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property.
- (j) Injunction. Upon a showing of substantial danger of injury or an adverse health impact to any person or to the property of any person other than the owner or operator, the City may obtain a temporary or permanent injunction, as appropriate, against the owner or the operator of a premises that:
1. prohibits specific conduct that violates this article; and
 2. requires specific conduct that is necessary for compliance with any provision of this article. (State law reference: Texas Local Government Code § 54.016.)
- (k) Criminal penalties.

1. **Penalty.** A person who violates, or causes or permits the violation of, any provision of this article, including knowingly making any false statement, representation, or certification in any application, record, report, plan, petition, appeal or other documentation filed, or required to be maintained, pursuant to this article, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article, commits a Class C misdemeanor which shall be punishable under section 1-8 of this code. A fine not exceeding two thousand dollars (\$2,000.00) may be imposed for violation of the provisions of this article that govern fire safety or public health and sanitation. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense. Proof of a culpable mental state, unless otherwise stated in this article, is not required for conviction of an offense under this article.
 2. **Considerations.** In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the violator's knowledge, intent and/or negligence, and any other factor as justice requires.
- (l) **Remedies nonexclusive.** The remedies provided for in this article are not exclusive of any other remedies that the City may have under State or Federal law or other City ordinances, including other civil actions provided under the Texas Water Code. The City may take any, all, or any combination of these actions against a violator. The City is empowered to take more than one enforcement action against any violator and these actions may be taken concurrently.

Sec. 25-11. - Severability.

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

ARTICLE II. - CONSTRUCTION AND POST CONSTRUCTION STORMWATER RUNOFF CONTROL

Sec. 25-12. - Purpose.

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and

welfare of the public residing in watersheds within the City. This ordinance seeks to meet that purpose through the following objectives:

- (a) Mitigate increases in stormwater runoff from any land disturbing activity in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (b) Minimize increases in nonpoint source pollution caused by stormwater runoff from land disturbing activity which would otherwise degrade local water quality;
- (c) Minimize the total volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and
- (d) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 25-13. - Drainage management plan.

- (a) A drainage management plan is required for all land disturbing activities which disturb one (1) acre or more of land.
- (b) No application for a construction, building or other development permit will be approved unless it includes a drainage management plan (drainage plan) detailing how runoff and associated water quality impacts resulting from the land disturbing activity will be controlled or managed.
- (c) This plan must meet the submittal requirements outlined in this section, be sealed by a professional engineer and must indicate whether stormwater will be managed on-site or off-site. If on-site, the plan must include the specific location and types of BMP's to be used.
- (d) The drainage plan shall be developed and coordinated with the drainage plan and may be shown on the same sheet if applicable. It shall also be coordinated with the landscaping plan to prevent conflicts and assure compatible land use, if landscaping is a selected and approved BMP.
- (e) No building, construction, or other development permit shall be issued until a drainage plan has undergone a review and been approved by the City after determining that the plan is consistent with the requirements of this ordinance.

Sec. 25-14. - Drainage management plan requirements.

- (a) A drainage plan shall be required with construction and building permit applications and will include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of all proposed land disturbing activity of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures

- proposed for managing stormwater generated at the project site. The intent of this is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future land disturbing activity.
- (b) The following information, in addition to all requirements found within the City's Design Manual shall be included in the drainage plan:
1. Plan. A map (or maps), a site layout, and a written description of the drainage plan and justification of proposed changes in natural conditions may also be required.
 2. Engineer Analysis. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications found within the Design Manual.
 3. Inventory. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site.
 4. Maintenance easements. The applicant must ensure access to all stormwater BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded and will remain in effect even with transfer of title to the property.
 5. Maintenance agreement. The applicant must execute an easement and an inspection and maintenance agreement in accordance with the specifications of this ordinance.
 6. Identify maintenance entity.
 7. If required, Maintenance and Repair Plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, shall be included in the plan.
- (c) The City may also require a concept plan to consider the maximum development potential of a site under existing or future zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- (d) For land disturbing activity occurring on a previously developed site, an applicant shall be required to include within the drainage plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

Sec. 25-15. - Potential pollutants from land disturbing activity.

Potential stormwater pollutants from land disturbing activity may consist of but are not limited to total suspended solids, increased temperature, oil and grease, floatables (trash), nutrients (fertilizers), bacteria, metals, pesticides, and sediment (soil due to erosion).

Sec. 25-16. - Best Management Practices (BMPs).

It is the responsibility of the engineer to design BMPs that address site-specific conditions using the appropriate design criteria found in this code as well as the Design Manual.

Sec. 25-17. - Factors to be considered.

The following are example of factors that should be considered when evaluating and selecting BMPs for a land disturbing activity:

- (a) Effect of the land disturbing activity on runoff volumes and rates.
- (b) Potential pollutants from the land disturbing activity.
- (c) Percent of site treated by each BMP.
- (d) Effectiveness of the BMP on potential pollutants from the land disturbing activity.
- (e) Natural resources on the site.
- (f) Configuration of site, including existing waterways.

The following items are acceptable additional permanent BMPs to be utilized based on the size of the land disturbing activity and complying the Design Manual.

- (a) Permeable and semi-pervious pavement.
- (b) Discharge of roof drains to pervious surface.
- (c) Extended Detention Basins for Stormwater Quality Benefits.
- (d) Retention ponds.
- (e) Detention Pond Outlet for Erosion Protection and Stormwater Quantity Benefits.
- (f) Subsurface treatment devices.
- (g) Landscaping.
- (h) Preservation of existing tree canopy.
- (i) Other BMPs. Other BMPs and innovative designs will be considered when submitted to the Director with supporting calculations and references.

Sec. 25-18. - Maintenance agreements.

- (a) All privately owned stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement shall be between the City and the Home Owners

- Association or the City and the individual land owner and will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities. As part of the maintenance covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts. All stormwater management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance. Repair and maintenance needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined or required by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
- (b) Prior to the final plat approval or issuance of a building permit, whichever comes first, the applicant, owner, or developer of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the stormwater management facility. The easement and agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance.
 - (c) The City, at its sole discretion, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 25-19. - Inspection.

Stormwater facility inspections shall comply with all requirements found within the Design Manual and the following:

- (a) The Director or designated agent may make inspections as hereinafter described and either shall approve that portion of the work completed or shall notify the landowner or agent wherein the work fails to comply with the drainage plan and/or SWPPP as approved. To obtain inspections, the landowner,

applicant or developer shall notify the Director at least two working days before each of the following:

1. Start of construction;
 2. Installation of post construction; and
 3. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.
- (b) For all privately owned and maintained stormwater maintenance facilities the landowner or agent shall make regular inspections of all BMPs. The purpose of such inspections will be to determine the overall effectiveness of the stormwater infrastructure and BMPs and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (c) Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

ARTICLE III. - ILLICIT DISCHARGE PREVENTION

Sec. 25-20. - Purpose.

The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to City's MS4 to the maximum extent practicable as required by Federal and State law. This Article establishes methods for controlling the introduction of pollutants into the City's MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the Texas Pollutant Discharge Elimination System (TPDES) permit processes. The objectives of this ordinance are to:

- (a) Regulate the contribution of pollutants or contaminants to the City's MS4 or the waters in the State or U.S. by any person;
- (b) Prohibit illicit discharges and illegal connections to City's MS4;
- (c) Prevent non-stormwater discharges, generated as a result of spills, releases, inappropriate dumping or disposal, to City's MS4;

- (d) Protect and preserve the functionality of water courses and ways located within the City; and,
- (e) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

Sec. 25-21. - General Prohibition and Requirements.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:
 - 1. A discharge or flow from water line flushing;
 - 2. Runoff or return flow from lawn watering, landscape irrigation and other irrigation utilizing potable water, groundwater, or surface water sources;
 - 3. A discharge from a potable water source;
 - 4. A discharge or flow from a diverted stream flow or natural spring;
 - 5. A discharge or flow from rising ground waters and springs;
 - 6. Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
 - 7. A discharge or flow from uncontaminated pumped ground water;
 - 8. Uncontaminated discharge or flow from a footing drain;
 - 9. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant or contaminant;
 - 10. Uncontaminated discharge or flow from a crawl space pump, or sump pump;
 - 11. A discharge or flow from individual residential vehicle washing;
 - 12. A discharge or flow from a riparian habitat or wetland;
 - 13. Swimming pool water that has been de-chlorinated so that Total Residual Chlorine is less than 0.10 mg/L and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 - 14. A discharge or flow from water used in street washing;
 - 15. A discharge or flow resulting from firefighting activities by the fire department (firefighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
 - 16. Other allowable non-stormwater discharges listed in 40 CFR 122.23(d)(2)(iv)(B)(1);
 - 17. A discharge authorized by, and in full compliance with, a NPDES or TPDES permit. Such TPDES permit includes the TPDES Multi Sector General Permit and the TPDES Construction General Permit;

18. Other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges;
 19. Agricultural stormwater runoff;
 20. A discharge or flow from a potable water source not containing any pollutant, contaminant or a harmful quantity of a substance or material from the cleaning or draining of a storage tank or other container;
 21. Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant; and
 22. A discharge or flow from water used in vehicle, exterior building, and pavement wash water where detergents and soaps are not used and where spills or leaks of hazardous substances or hazardous waste have not occurred (unless all spilled material is removed).
- (c) The use of BMPs or the presence of pervious cover that filters pollutants or contaminants from a discharge before the discharge reaches the MS4 will be considered an additional affirmative defense if no pollutant or contaminant is present upon the discharges release into the MS4.
- (d) No affirmative defense shall be available if the discharge, release or flow in question has been determined by the Director to be a source of a pollutant or contaminant to water in the State or U.S. or the MS4, written notice of such determination has been provided to the discharger and the discharge has continued to occur seven (7) calendar days following receipt of such notice.
- (e) **Illegal Connections.** The construction, connection, use, maintenance or continued existence of any illegal connection to the MS4 is prohibited.
1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 2. A person violates this Article if the person connects a line conveying domestic or industrial sewage to the MS4, or allows such a connection to continue.
 3. Illegal connections in violation of this Article shall be disconnected and redirected, if necessary, by the owner or operator to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Director.
 4. Any drain or conveyance that has not been documented in plans, maps or an equivalent, and which may be connected to the MS4, shall be located by the owner, occupant or operator of that property within three (3) calendar days following receipt of a written NOV from the Director. Such notice may grant a longer time period, not to exceed sixty (60) calendar days but shall require that the drain or conveyance be identified as a storm sewer, sanitary sewer or other type of conveyance, and that the outfall location or point of connection to the MS4, sanitary sewer system or other discharge point be identified. Results of these

investigations shall be documented and provided to the Director to confirm compliance with this Article.

- (f) Nuisances. An actual or threatened discharge to the MS4 or any condition caused or permitted to exist that violates or would violate this article is a threat to public health, safety and welfare and is hereby deemed to be a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken in accordance with this ordinance.
- (g) NPDES/TPDES Required. A person violates this Article if the person discharges, or causes to be discharged, stormwater without first having obtained a NPDES or TPDES permit to do so (if applicable) or fails to comply with paragraph (h) of this section.
- (h) Submission of SWPPP/NOI/NOC/NOT Required. The operator or owner of a premises, required to have a NPDES or TPDES permit to discharge stormwater, shall submit a copy of the SWPPP to the Director within two (2) business days of the time that the operator or owner submits notification to the TCEQ that a SWPPP is available, if applicable. The operator or owner shall also submit a copy of the applicable NOI, NOC and NOT to the Director in accordance with the time frame provided for under the applicable TPDES or NPDES permit.
- (i) Compliance with NPDES/TPDES. A premises shall be operated in strict compliance with the requirements of any applicable and required NPDES or TPDES permit. A person violates this Article if the person operates a premises in violation of a requirement of any such permit.
- (j) Modification of SWPPP. The Director may request that any operator or owner of a premises to consider modifying the applicable SWPPP if, in the best professional judgment of the Director, the SWPPP does not comply with the requirements of the applicable NPDES or TPDES to discharge stormwater. Any deficiencies so noted shall be provided to the operator or owner in writing and the Director shall give the operator or owner a reasonable amount of time, not to exceed thirty (30) days, to consider and implement such changes to the SWPPP. If the operator or owner disagrees with the Director, the operator or owner shall submit, in writing, the basis for such disagreement and non-implementation.
- (k) Notice of Release Required. Notwithstanding any other requirements of local, State or Federal law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges of contaminants or pollutants into the MS4, the waters in the State or U.S. in any reportable or harmful quantity said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of household hazardous waste, hazardous substance(s) or hazardous waste said person shall

immediately notify the Director by telephone and other State or Federal emergency response agencies, if required. In the event of a release of non-hazardous materials, said person shall notify the Director by phone no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice within three (3) business days of the personal notification.

- (l) Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that may pollute, contaminate, or adversely retard the flow of water through the watercourse.
- (m) BMPs Required. The owner or operator of a commercial or industrial premises or any premises where a SWPPP is required by the TCEQ, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4, waters in the State or U.S. or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non- structural BMPs to prevent the further discharge of pollutants or contaminants to the MS4. Compliance with all terms and conditions of a valid NPDES or TPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this paragraph. These BMPs shall be part of a SWPPP as necessary for compliance with the requirements of the NPDES or TPDES permit.

Sec. 25-22. - Specific Prohibitions and Requirements.

- (a) The specific prohibitions and requirements in this Section are not inclusive of all the discharges prohibited by the general prohibitions of this Article.
- (b) No person shall introduce, release or cause to be introduced any discharge into the MS4 that causes or contributes to causing the City to violate a water quality standard, the City's stormwater permit coverage for discharges from its MS4, any applicable EPA or TCEQ regulation or State or Federal law.
- (c) No person shall discharge, release, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - 1. Any used motor oil, antifreeze, or any other motor vehicle fluids;
 - 2. Any industrial waste;
 - 3. Any hazardous substance or hazardous waste, including household hazardous waste which is any waste generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the

exclusion provided in 40 C.F.R. § 261.4(b)(1), would be classified as a hazardous waste under 40 C.F.R. Part 261.;

4. Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
5. Any garbage or yard waste;
6. Any discharge from: a commercial carwash facility, vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or commercial or public facility that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance from any vehicle washing, cleaning, or maintenance;
7. Any discharge from a commercial mobile power washer including, without limitation, discharges from mobile vehicle detailing or cleaning equipment, or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
8. Any discharge from commercial or professional floor, rug, or carpet cleaning containing a harmful quantity of any pollutant or contaminant;
9. Any discharge from the wash down or other cleaning of pavement or the exterior of buildings that contains any soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
10. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
11. Any ready-mixed concrete, mortar, ceramic, or asphalt base material, or material from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
12. Any discharge or wash down water from any commercial animal pen, kennel, fowl, or livestock containment area, including a livestock management facility as defined in this Code, containing more than five (5) animals;
13. Any filter backwash from a swimming pool, fountain or spa;
14. Any swimming pool water containing total residual chlorine of 0.10 mg/L or more or containing any harmful quantity of chlorine, muriatic acid or other chemicals used in the treatment or disinfection of the swimming pool water or in pool cleaning;
15. Any fire protection water containing oil or hazardous substances or materials, unless treatment adequate to remove pollutants and contaminants occurs before discharge. (This prohibition does not apply to discharges or flow from firefighting by the Fire Department.);

16. Any water from a water curtain in a spray room used for painting vehicles or equipment;
 17. Any substance or material that will damage, block, or clog the MS4;
 18. Any release from a petroleum storage tank (PST) or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria;
 - a. Compliance with all State and Federal standards and requirements;
 - b. No discharge containing a harmful quantity of any pollutant; and
 - c. No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/L of total petroleum hydrocarbons (TPH).
 19. Any amount of herbicides or pesticides that constitute a harmful quantity.
- (d) Yard waste must be removed from roadways and any impervious areas within public and private property after yard maintenance is performed so as to prevent or minimum yard waste being caught in stormwater runoff.
- (e) No person shall introduce or cause to be introduced into the MS4 any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with any land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures or other BMPs to the maximum extent practicable.
- (f) Motor vehicle fluids, oil, petroleum product and used oil regulation. No person shall:
1. Discharge motor vehicle fluids, oil, petroleum products or used oil into the MS4 or a sewer drainage system, septic tank, surface water, groundwater, or watercourse;
 2. Knowingly mix or commingle motor vehicle fluids, oil, petroleum products or used oil with any type of waste that is to be disposed of in a landfill or knowingly directly dispose of motor vehicle fluids, oil, petroleum products or used oil on land or in a landfill; or
 3. Apply motor vehicle fluids, oil, petroleum products or used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces motor vehicle fluids, oil, petroleum products or used oil into the environment.

Sec. 25-23. - 25-40. – Reserved.

PART 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

PART 3: It is hereby declared to be the intention of the City Council that if any sections, paragraphs, sentences, clauses and phrases of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

PART 4: The Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

ORDINANCE NO. 2018-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ADDING CHAPTER 25 OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING STORMWATER MANAGEMENT IN THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SERVERABILTY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Municipal Separate Storm Sewer Systems (MS4) state that a municipality must develop and implement a stormwater ordinance to properly enforce the rules and regulations of the State for all connections to and discharged to the MS4; and

WHEREAS, the TCEQ Rules and Regulations for MS4s state that a municipality must implement construction site stormwater runoff controls to require erosion and sediment controls, as well as sanctions to ensure compliance, in order to prevent or minimize water quality impacts; and

WHEREAS, the TCEQ Rules and Regulations for MS4s state that a municipality must implement a post-construction stormwater management ordinance in order to address stormwater runoff from new developments and redevelopment projects to ensure the proper controls are in place to prevent or minimize water quality impacts; and

WHEREAS, illicit discharges can lead to degradation of the water quality of the waterways, and MS4s must adopt an illicit discharge detection and elimination ordinance to prohibit and eliminate illicit discharges; and

WHEREAS; the purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Belton through the regulation of non-storm and stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; and

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

The City of Belton City Council hereby adopts a Stormwater Management Ordinance for the City of Belton.

PART 1: Chapter 25 “Stormwater Management” of the Code of Ordinances of the City of Belton, Texas, is hereby added to read as follows:

ARTICLE I. – GENERAL STORMWATER MANAGEMENT REQUIREMENTS AND EROSION AND SEDIMENTATION CONTROL

Sec. 25-1. - Intent.

- (a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates the cleaning and repair of storm sewers and open channels. In addition, land disturbances during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (b) As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City and the City's Extraterritorial Jurisdiction (ETJ). This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any residential and non-residential subdivision development and applicable City projects or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City and ETJ.
- (c) In the event impervious area is proposed or added, drainage infrastructure and BMPs shall be in place in order to maintain zero net increase in stormwater runoff rates and to insure no negative impacts attributable to new development and redevelopment.

Sec. 25-2. - Lands to which this Article applies and applicability.

- (a) This ordinance shall be applicable to all subdivisions, both residential and non-residential. The ordinance also applies to land disturbing activities that are also part of a common plan.
- (b) All plans must be reviewed by the Director to ensure that established water quality standards will be maintained during and after land disturbing activity of the site and that post construction runoff levels are consistent with any local and regional watershed plans.
- (c) To prevent the adverse impacts of stormwater runoff, the City has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing one (1) acre or more of land. The following activities are exempt from these stormwater performance criteria:
 - 1. Additions or modifications to existing single family structures; and
 - 2. Repairs to any stormwater treatment practice deemed necessary by the City.
- (d) When a development plan is submitted that qualifies as a redevelopment project, decisions on-site stormwater requirements shall be governed by the criteria found in Design Manual in effect at the time of redevelopment. This criterion is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the City.

- (e) A person engaging in any development activity one acre or larger, within the City limits or the ETJ, shall prepare a stormwater pollution prevention plan and submit information in conformance with this article, the City's current adopted Design Manual and applicable TCEQ requirements to the Director for approval. This article applies regardless of whether an owner is required to obtain a permit from the City to conduct such land disturbing or construction activity or not. Activity within the ETJ may require approval from Bell County as well.
- (f) In determining if a project is five acres or smaller, the City will consider whether or not the development is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stages, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, drawings, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in one area, even though no single individual project is larger than five acres individually.
- (g) Lands under active agricultural use, as defined by the City's current zoning records, are exempted from the requirements of this section until such time that construction or modification to the exempted land begins so that the use of the land in whole or in part will change from agriculture to any other use. At that time, the land shall lose its agricultural exemption and become subject to the provisions of this article and the City's zoning ordinance.
- (h) The owner of the property on which the activity occurs, in addition to the person engaging in development activity, is responsible for violations of this article. Both the owner and the person engaging in the development activity shall be accountable for any erosion of the property or construction site which results in accumulation of sediment in streets and any waterway or other private properties from construction activity. Any accumulation or deposit of soil material beyond the limits of the property or in City streets or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort or adversely impacts stormwater quality as determined by the City is declared a public nuisance and shall constitute a violation of this article.
- (i) The stormwater pollution prevention requirements of this article shall apply to all land areas considered to be part of the development activity.

Sec. 25-3. - Compatibility with other permit and ordinance requirements.

- (a) This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of

law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 25-4. - Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated. Additionally, all references to any Federal or State regulation or act shall refer to the current regulation or act and any amendments thereto.

- (a) *Agricultural stormwater runoff*. Any stormwater or tail water runoff from orchards, cultivated crops, pastures, range lands, forest lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 Code of Federal Regulations (C.F.R.) § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.
- (b) *Applicant* means a property owner or agent of a property owner who has filed a stormwater management plan.
- (c) *Best management practices (BMPs)*. Best management practices include schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, and other management practices to erosion, sediment and site control, both on and off a particular site
- (d) *Channel* means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- (e) *Clearing* is any activity that removes the vegetative surface cover. Vegetative cutting and mulching is exempted from this definition.
- (f) *Conveyance*. Curbs, gutters, natural and human-made or altered drainage channels or ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.
- (g) *Creek* is a waterway having 64 acres or greater of contributing drainage areas.
- (h) *Detention or detention facility* means the temporary storage of storm runoff and gradual release of stored water at controlled rates in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
- (i) *Developer* means a person who undertakes land disturbance activities.
- (j) *Director* means the Director of Public Works or his/her duly authorized representative or designee.
- (k) *Domestic sewage* means waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.
- (l) *Drainage easement* means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

- (m) *Drainage way* is any creek, stream, channel, swale, or low lying area that conveys surface runoff throughout the site.
- (n) *Erosion control* is a measure that prevents erosion.
- (o) *Extremely hazardous substance*. Any substance listed in the Appendices to 40 C.F.R. Part 355, Emergency Planning and Notification.
- (p) *Garbage*. Waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.
- (q) *Grading* is the excavation or fill of material, including the resulting condition thereof.
- (r) *Harmful quantity*. The amount of hazardous substance the discharge or spill of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by federal law and by the state law.
- (s) *Hazardous substance*. A material where either of the following conditions are met:
 - 1. The elements, compounds, and hazardous wastes are listed in Table 302.4 of 40 C.F.R. Part 302; or
 - 2. A solid waste, as defined in 40 C.F.R. § 261.2, which is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), if it exhibits any of the characteristics identified in 40 C.F.R. § 261.20 through § 261.24 (e.g., ignitability, corrosivity, reactivity, or toxicity).
- (t) *Hazardous waste*. Any waste identified or listed as a hazardous waste by the EPA under the Federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 40 U.S.C. §§ 6901 et seq., or the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Article 361 et seq.
- (u) *Hazardous waste treatment, disposal, and recovery facility*. All land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.
- (v) *Illegal connection*. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, without limitation, any conveyances which allow any non-stormwater discharge including sewage, processed wastewater or wash water to enter the MS4.
- (w) *Illicit discharge*. Any discharge to the MS4 that is not entirely composed of stormwater, except discharges pursuant to this Article, State or Federal law and discharges resulting from emergency firefighting activities.
- (x) *Impervious cover* means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

- (y) *Industrial*. Activities including manufacturing, processing, material storage, and waste material disposal (and similar activities where stormwater can contact industrial waste) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.
- (z) *Industrial waste*. Any waterborne liquid or solid waste or substance that results from any process of industry, manufacturing, mining, production, trade or business as more specifically defined in 40 C.F.R. 122.26 (b)(14).
- (aa) *Land disturbing activity* means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, stormwater runoff or wind for residential and non-residential subdivisions and applicable City projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.
- (bb) *Landowner* means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
- (cc) *Maintenance agreement* means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices. Maintenance agreements are to be recorded with land records and shall run with the property, regardless of ownership.
- (dd) *Maximum extent practicable (MEP)*. The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by the Federal Clean Water Act § 402(p). A discussion of MEP as it applies to the MS4 is found at 40 C.F.R. § 122.34.
- (ee) *Municipal separate storm sewer system (MS4)*. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.
- (ff) *NPDES Permit*. A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group or generally on an area-wide basis.
- (gg) *Non-point source*. Any source of any discharge of a pollutant that is not a point source.
- (hh) *Notice of Intent (NOI)*. A written submission to the Executive Director of the TCEQ from an applicant requesting coverage under a general permit issued

- by the TCEQ. Each NOI shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.
- (ii) *Notice of Change (NOC)*. A written notification to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ providing changes to information that was previously provided in a notice of intent. Each NOC shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.
 - (jj) *Notice of Termination (NOT)*. A written submission to the Executive Director of TCEQ from a permittee authorized under a general permit issued by the TCEQ seeking to terminate such permit coverage. Each NOT shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.
 - (kk) *Oil* is of any kind or in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include used oil, petroleum product, or oil designated as a hazardous substance in 40 C.F.R. § 302.4.
 - (ll) *On-site facility* means a stormwater management measure located within the subject property boundary.
 - (mm) *Operator*. An entity or individual who meets one of the following conditions:
 - 1. The person or persons associated with a large or small construction activity that meets either of the following two criteria: (1) the person or entity having operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of a NPDES or TPDES permit; or (2) the person or entity having day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Stormwater Pollution Prevention Plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other NPDES or TPDES permit conditions); or
 - 2. The owner, person or entity that is responsible for the management of an industrial facility subject to the provisions of a NPDES or TPDES permit.
 - (nn) *Petroleum product*. A petroleum substance obtained from distilling and processing crude oil and that is liquid at standard conditions of temperature and pressure, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including but not limited to motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

- (oo) *Petroleum storage tank (PST)*. Any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.
- (pp) *Phasing* is clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.
- (qq) *Point source*. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff (40 CFR 122.22).
- (rr) *Pollutant*. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; motor oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; noxious or offensive matter of any kind; biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation); oil and grease; and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4 (40 CFR 122.32(e)(3)). The term "pollutant" does not include tail water or rainwater runoff from cultivated or uncultivated rangeland, pastureland and farmland.
- (ss) *Pollution*. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State or U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.
- (tt) *Premises*. Any site and/or facility, as defined under this Article, or building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, owned or operated by a person from which there has been, is or may be a discharge.
- (uu) *Private Amenities and Private Amenity Structures* include but are not limited to, fencing, landscaping, irrigation systems, detached garages, sheds, swimming pools, retaining walls, decks and recreational courts or other similar structures.
- (vv) *Redevelopment* means any construction, alteration or improvement exceeding one acre in area where existing land use is high density commercial, industrial, institutional or multi-family and single family residential.

- (ww) *Release*. Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, or disposing of a pollutant or contaminant into the MS4 or water in the State or U.S.
- (xx) *Reportable quantity (RQ)*. For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 C.F.R. Part 302 (except for any discharge into water in the State where the Final RQ threshold is greater than 100 pounds, in this case the RQ threshold shall be 100 pounds); for any “extremely hazardous substance,” the quantity established in 40 C.F.R. Part 355 and listed in Appendix A thereto.
- (yy) *Sediment control* is any measure that prevents eroded sediment from leaving the site.
- (zz) *Sewage (or sanitary sewage)*. The domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to a publicly-owned treatment works.
- (aaa) *Site* is a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
- (bbb) *Stabilization* is the use of practices that prevent exposed soil from eroding.
- (ccc) *Start of construction* is the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
- (ddd) *Stop work order* means an order issued which requires that all construction activity on a site be stopped.
- (eee) *Stormwater discharge associated with industrial activity*. Stormwater runoff that exits any system that is used for collecting and conveying stormwater that originates from manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by the applicable TPDES.
- (fff) *Stormwater management* means the use of any structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.
- (ggg) *Stormwater pollution prevention plan (SWPPP)*. A plan required by a NPDES or TPDES permit that describes and ensures the implementation of BMPs that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the regulated facility to water in the State and U.S.
- (hhh) *Stormwater runoff means* flow on the surface of the ground, resulting from precipitation.
- (iii) *Tail water*. The runoff of irrigation water from the lower end of an irrigated field.

- (jjj) *TPDES permit*. A permit issued by the State through the TCEQ, predecessor or any successor agency, under the authority delegated by EPA pursuant to 33 U.S.C § 1342(b) (Federal Clean Water Act) and pursuant to the Texas Water Code that authorizes the discharge of pollutants to water in the State or U.S., whether the permit is applicable to a person, group, or generally on an area-wide basis.
- (kkk) *Used oil (or used motor oil)*. Any oil that has been refined with crude oil, or any synthetic oil, that has been used, and, as a result of use, is contaminated by physical or chemical impurities.
- (lll) *Vehicle*. For purposes of this Article vehicle includes any vehicle held for personal use including automobiles, trucks, recreational vehicles, motorcycles of any type and boats or personal watercrafts.
- (mmm) *Watercourse*. A watercourse includes a drainage path or way or the channel of a stream, to include, without limitation, waters in the State or U.S., in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter occurs with some degree of regularity, depending on the characteristics of the sources (i.e. water is present or flowing during and/or after a rainfall event). Watercourse also means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (nnn) *Water in the State and Waters of the United States*. Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state, except that water in treatment systems which are authorized by State or Federal law, regulation or permit, and which are created for the purpose of waste treatment are not considered to be water in the State. Any water characterized as:
1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 2. All interstate waters, including interstate wetlands;
 3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

- i. that are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. that are used or could be used for industrial purposes by industries in interstate commerce;
- 4. All impoundments of waters otherwise defined as waters of the United States under this definition;
- 5. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- 6. The territorial sea; and
- 7. Wetlands adjacent to waters (others than waters that are themselves wetlands) identified in paragraphs (1) through (7) of this definition.
- 8. Waste treatment systems including treatment ponds or lagoons designed to meet the requirements of the Federal Clean Water Act are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.
- (ooo) *Water quality standards.* Provisions that consist of a designated use or uses for the water in the State and water quality criteria for such waters based upon such uses. Water quality criteria consist of narrative provisions and numerical criteria deemed by the State to be necessary to protect those uses, as specified in 30 Texas Administrative Code (TAC) Article 307.
- (ppp) *Waterway* is any channel that directs surface runoff to a watercourse or to the public storm drain. This includes natural and manmade creeks, streams, swales and channels.
- (qqq) *Wetlands.* Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- (rrr) *Yard waste.* Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from a man-made or human-initiated action from yard and landscaping maintenance and land-clearing operations. Yard waste does not include leaves or pollen that fall naturally from trees or vegetation.

- (a) This article is cumulative of the regulations found in the Design Manual which describes in detail the technical procedures to be used to comply with the provisions contained in this article. Although the intention of the manuals is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented.

Sec. 27-6. - Stormwater pollution prevention measures required.

- (a) The Texas Commission on Environmental Quality (TCEQ) regulates stormwater discharges from construction sites. Prior to initiating any development activity, a person shall review the state requirements to determine the current requirements. All TCEQ requirements for stormwater protection from construction activity must be followed.

Sec. 25-7. - Stormwater Pollution Prevention Plan.

- (a) A SWPPP must be developed in accordance with the requirements of the general permit for all construction activity which disturbs one acre or more. The SWPPP must be prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
- (b) Each person, including an owner, engaging in land disturbing or development activity shall implement and maintain the stormwater pollution prevention measures shown on its approved stormwater pollution prevention plan in order to minimize the erosion and the transport of silt, earth, topsoil, and other stormwater pollutants by water runoff or construction activities, beyond the limits of the owner's site onto publicly maintained streets, drainage easements, drainage facilities, storm drains of other City property prior to beginning any development activity.
- (c) A SWPPP required by this article shall clearly identify the property where land disturbing activity will take place, and the location of all stormwater pollution prevention measures to be installed and maintained throughout the duration of the development for which that plan is submitted.
- (d) An erosion and sediment control plan is not required for the following:
 - 1. Areas under active agriculture use, as defined by the City's current zoning records;
 - 2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
 - 3. Existing nursery and agricultural operations conducted as a main or accessory use;
 - 4. A legally permitted land fill operation; or

5. Vegetative cutting and mulching.

Sec. 25-8. - Development Compliance.

- (a) To obtain coverage under the general permit for stormwater discharges from construction activities between one and five acres into the City's storm drainage system the following are required:
 - 1. Prepare and implement the SWPPP;
 - 2. Post Site Notice; and
 - 3. Submit required copies to the Director, including NOT.
- (b) To obtain coverage under the general permit for stormwater discharges from construction activities five acres or more into the City's storm drainage system, the following is required:
 - 1. Prepare and implement the SWPPP;
 - 2. Submit NOI to TCEQ and City;
 - 3. Post NOI and Site Notice; and
 - 4. Submit required copies to the Director, including NOT.
- (c) Phasing. When phasing is requested, the erosion plan in each phase must be established, reviewed and approved by the Director prior to the start of any subsequent phase, and shall be allowed only when there are no outstanding stormwater pollution prevention violations for the development for which the request is made.
- (d) Erosion Control Devices. In addition to the other requirements of this article, when construction or land disturbing activities are conducted as part of a development, the developer for such subdivision shall continue to maintain all temporary stormwater pollution prevention devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued and at least 70 percent of the native background vegetative cover in unpaved areas, as determined by the City engineer, has been achieved.
- (e) Transfer of Property by Developer. If the developer sells all of the lots in a subdivision to one purchaser, that purchaser:
 - 1. Becomes the developer for the subdivision; and
 - 2. Is liable for a violation of this article.
- (f) Development in the ETJ may also require approval by Bell County.

ARTICLE II. - CONSTRUCTION AND POST CONSTRUCTION STORMWATER RUNOFF CONTROL

Sec. 25-9. - Purpose.

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and

welfare of the public residing in watersheds within the City. This ordinance seeks to meet that purpose through the following objectives:

- (a) Mitigate increases in stormwater runoff from any land disturbing activity in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (b) Minimize increases in nonpoint source pollution caused by stormwater runoff from land disturbing activity which would otherwise degrade local water quality;
- (c) Minimize the total volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and
- (d) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 25-10. - Drainage management plan.

- (a) A drainage management plan is required for all land disturbing activities which disturb one (1) acre or more of land.
- (b) No application for a construction, building or other development permit will be approved unless it includes a drainage management plan (drainage plan) detailing how runoff and associated water quality impacts resulting from the land disturbing activity will be controlled or managed.
- (c) This plan must meet the submittal requirements outlined in this section, be sealed by a professional engineer and must indicate whether stormwater will be managed on-site or off-site. If on-site, the plan must include the specific location and types of BMP's to be used.
- (d) The drainage plan shall be developed and coordinated with the drainage plan and may be shown on the same sheet if applicable. It shall also be coordinated with the landscaping plan to prevent conflicts and assure compatible land use, if landscaping is a selected and approved BMP.
- (e) No building, construction, or other development permit shall be issued until a drainage plan has undergone a review and been approved by the City after determining that the plan is consistent with the requirements of this ordinance.

Sec. 25-11. - Drainage management plan requirements.

- (a) A drainage plan shall be required with construction and building permit applications and will include sufficient information to evaluate the

- environmental characteristics of the project site, the potential impacts of all proposed land disturbing activity of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future land disturbing activity.
- (b) The following information, in addition to all requirements found within the City's Design Manual shall be included in the drainage plan:
1. Plan. A map (or maps), a site layout, and a written description of the drainage plan and justification of proposed changes in natural conditions may also be required.
 2. Engineer Analysis. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications found within the Design Manual.
 3. Inventory. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site.
 4. Maintenance easements. The applicant must ensure access to all stormwater BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded and will remain in effect even with transfer of title to the property.
 5. Maintenance agreement. The applicant must execute an easement and an inspection and maintenance agreement in accordance with the specifications of this ordinance.
 6. Identify maintenance entity.
 7. If required, Maintenance and Repair Plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, shall be included in the plan.
- (c) The City may also require a concept plan to consider the maximum development potential of a site under existing or future zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

- (d) For land disturbing activity occurring on a previously developed site, an applicant shall be required to include within the drainage plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

Sec. 25-12. - Potential pollutants from land disturbing activity.

Potential stormwater pollutants from land disturbing activity may consist of but are not limited to total suspended solids, increased temperature, oil and grease, floatables (trash), nutrients (fertilizers), bacteria, metals, pesticides, and sediment (soil due to erosion).

Sec. 25-13. - Best Management Practices (BMPs).

It is the responsibility of the engineer to design BMPs that address site-specific conditions using the appropriate design criteria found in this code as well as the Design Manual.

Sec. 25-14. - Factors to be considered.

The following are example of factors that should be considered when evaluating and selecting BMPs for a land disturbing activity:

- (a) Effect of the land disturbing activity on runoff volumes and rates.
- (b) Potential pollutants from the land disturbing activity.
- (c) Percent of site treated by each BMP.
- (d) Effectiveness of the BMP on potential pollutants from the land disturbing activity.
- (e) Natural resources on the site.
- (f) Configuration of site, including existing waterways.

The following items are acceptable additional permanent BMPs to be utilized based on the size of the land disturbing activity and complying the Design Manual.

- (a) Permeable and semi-pervious pavement.
- (b) Discharge of roof drains to pervious surface.
- (c) Extended Detention Basins for Stormwater Quality Benefits.
- (d) Retention ponds.
- (e) Detention Pond Outlet for Erosion Protection and Stormwater Quantity Benefits.
- (f) Subsurface treatment devices.
- (g) Landscaping.
- (h) Preservation of existing tree canopy.
- (i) Other BMPs. Other BMPs and innovative designs will be considered when submitted to the Director with supporting calculations and references.

Sec. 25-15. - Maintenance agreements.

- (a) All privately owned stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement shall be between the City, or County if in the ETJ, and the Home Owners Association or the City, or County if in the ETJ, and the individual landowner and will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. Some maintenance agreements may be required to be between the Home Owners Association and individual landowner. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities. As part of the maintenance covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts. All stormwater management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance. Repair and maintenance needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined or required by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
- (b) Prior to the final plat approval or issuance of a building permit, whichever comes first, the applicant, owner, or developer of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the stormwater management facility. The easement and agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance.
- (c) The City, at its sole discretion, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 25-16. - Inspection.

Stormwater facility inspections shall comply with all requirements found within the Design Manual and the following:

- (a) The Director or designated agent may make inspections as hereinafter described and either shall approve that portion of the work completed or shall notify the landowner or agent wherein the work fails to comply with the drainage plan and/or SWPPP as approved. To obtain inspections, the landowner, applicant or developer shall notify the Director at least two working days before each of the following:
 - 1. Start of construction;
 - 2. Installation of post construction; and
 - 3. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.
- (b) For all privately owned and maintained stormwater maintenance facilities the landowner or agent shall make regular inspections of all BMPs. The purpose of such inspections will be to determine the overall effectiveness of the stormwater infrastructure and BMPs and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (c) Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

ARTICLE III. - ILLICIT DISCHARGE PREVENTION

Sec. 25-17. - Purpose.

The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to City's MS4 to

the maximum extent practicable as required by Federal and State law. This Article establishes methods for controlling the introduction of pollutants into the City's MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the Texas Pollutant Discharge Elimination System (TPDES) permit processes. The objectives of this ordinance are to:

- (a) Regulate the contribution of pollutants or contaminants to the City's MS4 or the waters in the State or U.S. by any person;
- (b) Prohibit illicit discharges and illegal connections to City's MS4;
- (c) Prevent non-stormwater discharges, generated as a result of spills, releases, inappropriate dumping or disposal, to City's MS4;
- (d) Protect and preserve the functionality of water courses and ways located within the City; and,
- (e) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

Sec. 25-18. - General Prohibition and Requirements.

- (a) No person, existing at the time of the ordinance adoption or future property owner, shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:
 - 1. A discharge or flow from water line flushing;
 - 2. Runoff or return flow from lawn watering, landscape irrigation and other irrigation utilizing potable water, groundwater, or surface water sources;
 - 3. A discharge from a potable water source;
 - 4. A discharge or flow from a diverted stream flow or natural spring;
 - 5. A discharge or flow from rising ground waters and springs;
 - 6. Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
 - 7. A discharge or flow from uncontaminated pumped ground water;
 - 8. Uncontaminated discharge or flow from a footing drain;
 - 9. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant or contaminant;
 - 10. Uncontaminated discharge or flow from a crawl space pump, or sump pump;
 - 11. A discharge or flow from individual residential vehicle washing;
 - 12. A discharge or flow from a riparian habitat or wetland;

13. Swimming pool water that has been de-chlorinated so that Total Residual Chlorine is less than 0.10 mg/L and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 14. A discharge or flow from water used in street washing;
 15. A discharge or flow resulting from firefighting activities by the fire department (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
 16. Other allowable non-stormwater discharges listed in 40 CFR 122.23(d)(2)(iv)(B)(1);
 17. A discharge authorized by, and in full compliance with, a NPDES or TPDES permit. Such TPDES permit includes the TPDES Multi Sector General Permit and the TPDES Construction General Permit;
 18. Other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges;
 19. Agricultural stormwater runoff;
 20. A discharge or flow from a potable water source not containing any pollutant, contaminant or a harmful quantity of a substance or material from the cleaning or draining of a storage tank or other container;
 21. Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant; and
 22. A discharge or flow from water used in vehicle, exterior building, and pavement wash water where detergents and soaps are not used and where spills or leaks of hazardous substances or hazardous waste have not occurred (unless all spilled material is removed).
- (c) The use of BMPs or the presence of pervious cover that filters pollutants or contaminants from a discharge before the discharge reaches the MS4 will be considered an additional affirmative defense if no pollutant or contaminant is present upon the discharges release into the MS4.
- (d) No affirmative defense shall be available if the discharge, release or flow in question has been determined by the Director to be a source of a pollutant or contaminant to water in the State or U.S. or the MS4, written notice of such determination has been provided to the discharger and the discharge has continued to occur seven (7) calendar days following receipt of such notice.
- (e) **Illegal Connections.** The construction, connection, use, maintenance or continued existence of any illegal connection to the MS4 is prohibited.
1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection

was permissible under law or practices applicable or prevailing at the time of connection.

2. A person violates this Article if the person connects a line conveying domestic or industrial sewage to the MS4, or allows such a connection to continue.
 3. Illegal connections in violation of this Article shall be disconnected and redirected, if necessary, by the owner or operator to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Director.
 4. Any drain or conveyance that has not been documented in plans, maps or an equivalent, and which may be connected to the MS4, shall be located by the owner, occupant or operator of that property within three (3) calendar days following receipt of a written NOV from the Director. Such notice may grant a longer time period, not to exceed sixty (60) calendar days but shall require that the drain or conveyance be identified as a storm sewer, sanitary sewer or other type of conveyance, and that the outfall location or point of connection to the MS4, sanitary sewer system or other discharge point be identified. Results of these investigations shall be documented and provided to the Director to confirm compliance with this Article.
- (f) Nuisances. An actual or threatened discharge to the MS4 or any condition caused or permitted to exist that violates or would violate this article is a threat to public health, safety and welfare and is hereby deemed to be a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken in accordance with this ordinance.
- (g) NPDES/TPDES Required. A person violates this Article if the person discharges, or causes to be discharged, stormwater without first having obtained a NPDES or TPDES permit to do so (if applicable) or fails to comply with paragraph (h) of this section.
- (h) Submission of SWPPP/NOI/NOC/NOT Required. The operator or owner of a premises, required to have a NPDES or TPDES permit to discharge stormwater, shall submit a copy of the SWPPP to the Director within two (2) business days of the time that the operator or owner submits notification to the TCEQ that a SWPPP is available, if applicable. The operator or owner shall also submit a copy of the applicable NOI, NOC and NOT to the Director in accordance with the time frame provided for under the applicable TPDES or NPDES permit.
- (i) Compliance with NPDES/TPDES. A premises shall be operated in strict compliance with the requirements of any applicable and required NPDES or TPDES permit. A person violates this Article if the person operates a premises in violation of a requirement of any such permit.

- (j) **Modification of SWPPP.** The Director may request that any operator or owner of a premises to consider modifying the applicable SWPPP if, in the best professional judgment of the Director, the SWPPP does not comply with the requirements of the applicable NPDES or TPDES to discharge stormwater. Any deficiencies so noted shall be provided to the operator or owner in writing and the Director shall give the operator or owner a reasonable amount of time, not to exceed thirty (30) days, to consider and implement such changes to the SWPPP. If the operator or owner disagrees with the Director, the operator or owner shall submit, in writing, the basis for such disagreement and non-implementation.
- (k) **Notice of Release Required.** Notwithstanding any other requirements of local, State or Federal law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges of contaminants or pollutants into the MS4, the waters in the State or U.S. in any reportable or harmful quantity said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of household hazardous waste, hazardous substance(s) or hazardous waste said person shall immediately notify the Director by telephone and other State or Federal emergency response agencies, if required. In the event of a release of non-hazardous materials, said person shall notify the Director by phone no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice within three (3) business days of the personal notification.
- (l) **Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that may pollute, contaminate, or adversely retard the flow of water through the watercourse.
- (m) **BMPs Required.** The owner or operator of a commercial or industrial premises or any premises where a SWPPP is required by the TCEQ, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4, waters in the State or U.S. or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non- structural BMPs to prevent the further discharge of pollutants or contaminants to the MS4. Compliance with all terms and conditions of a valid NPDES or TPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions

of this paragraph. These BMPs shall be part of a SWPPP as necessary for compliance with the requirements of the NPDES or TPDES permit.

Sec. 25-19. - Specific Prohibitions and Requirements.

- (a) The specific prohibitions and requirements in this Section are not inclusive of all the discharges prohibited by the general prohibitions of this Article.
- (b) No person shall introduce, release or cause to be introduced any discharge into the MS4 that causes or contributes to causing the City to violate a water quality standard, the City's stormwater permit coverage for discharges from its MS4, any applicable EPA or TCEQ regulation or State or Federal law.
- (c) No person shall discharge, release, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - 1. Any used motor oil, antifreeze, or any other motor vehicle fluids;
 - 2. Any industrial waste;
 - 3. Any hazardous substance or hazardous waste, including household hazardous waste which is any waste generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 C.F.R. § 261.4(b)(1), would be classified as a hazardous waste under 40 C.F.R. Part 261.;
 - 4. Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - 5. Any garbage or yard waste;
 - 6. Any discharge from: a commercial carwash facility, vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or commercial or public facility that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance from any vehicle washing, cleaning, or maintenance;
 - 7. Any discharge from a commercial mobile power washer including, without limitation, discharges from mobile vehicle detailing or cleaning equipment, or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - 8. Any discharge from commercial or professional floor, rug, or carpet cleaning containing a harmful quantity of any pollutant or contaminant;
 - 9. Any discharge from the wash down or other cleaning of pavement or the exterior of buildings that contains any soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all

harmful quantities of such released material have been previously removed;

10. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
 11. Any ready-mixed concrete, mortar, ceramic, or asphalt base material, or material from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
 12. Any discharge or wash down water from any commercial animal pen, kennel, fowl, or livestock containment area, including a livestock management facility as defined in this Code, containing more than five (5) animals;
 13. Any filter backwash from a swimming pool (chlorinated and saline types), fountain or spa;
 14. Any swimming pool water containing total residual chlorine of 0.10 mg/L or more or containing any harmful quantity of chlorine, muriatic acid or other chemicals used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 15. Any saline swimming pool water;
 16. Any fire protection water containing oil or hazardous substances or materials, unless treatment adequate to remove pollutants and contaminants occurs before discharge. (This prohibition does not apply to discharges or flow from firefighting by the Fire Department.);
 17. Any water from a water curtain in a spray room used for painting vehicles or equipment;
 18. Any substance or material that will damage, block, or clog the MS4;
 19. Any release from a petroleum storage tank (PST) or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - a. Compliance with all State and Federal standards and requirements;
 - b. No discharge containing a harmful quantity of any pollutant; and
 - c. No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/L of total petroleum hydrocarbons (TPH).
 20. Any amount of herbicides or pesticides that constitute a harmful quantity.
- (d) Yard waste must be removed from roadways and any impervious areas within public and private property after yard maintenance is performed so as to prevent or minimum yard waste being caught in stormwater runoff. Yard

- waste is required to be blown or swept back onto the lawns. Bagged yard waste must be disposed of according to the City's solid waste policies.
- (e) No person shall introduce or cause to be introduced into the MS4 any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with any land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures or other BMPs to the maximum extent practicable.
 - (f) Motor vehicle fluids, oil, petroleum product and used oil regulation. No person shall:
 - 1. Discharge motor vehicle fluids, oil, petroleum products or used oil into the MS4 or a sewer drainage system, septic tank, surface water, groundwater, or watercourse;
 - 2. Knowingly mix or commingle motor vehicle fluids, oil, petroleum products or used oil with any type of waste that is to be disposed of in a landfill or knowingly directly dispose of motor vehicle fluids, oil, petroleum products or used oil on land or in a landfill; or
 - 3. Apply motor vehicle fluids, oil, petroleum products or used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces motor vehicle fluids, oil, petroleum products or used oil into the environment.

ARTICLE IV. – INSPECTIONS AND ENFORCEMENT

Sec. 25-20. – Inspection, Compliance Monitoring, and Right of Entry.

- (a) The owner or developer shall make regular inspections of all control measures. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (b) The Director shall have the right to enter the premises of any person discharging into the MS4 or to waters in the State or U.S. to determine if the person is complying with all requirements of this Article. A person shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties necessary to ensure compliance with this Article. A person shall make available to the Director, upon request, any NOIs, NOCs, NOTs, SWPPPs and any modifications thereto, self-inspection reports, and any other records, reports, or other documents related to compliance with this Article or compliance with any State or Federal stormwater discharge permit. (State law reference: Texas Water Code § 26.173.)

1. Where a person has security measures in force that require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel or employees so that, upon presentation of suitable City issued identification, the Director shall be permitted to enter without unreasonable delay, which shall be defined as delays in excess of forty-eight (48) hours of the initial request and shall be considered a violation of this Article.
2. The Director shall have the right to set up on the person's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the person's operations related to all discharges regulated by this Article.
3. If the Director has reason to believe that there is an actual or potential illicit discharge associated with a premises, the Director may require any person to conduct specified sampling, testing, analysis, and other monitoring of such premises' discharges, and may specify the frequency and parameters of any such activities necessary to ensure compliance with this Article. All required sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition. All such activities shall be at the person's sole expense.
4. Any temporary or permanent obstruction that obstructs safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the person at the written or verbal request of the Director and shall not be thereafter replaced. The costs of providing such access shall be borne by the person.
5. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system or sanitary sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when there is a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Sec. 25-21. – Violations, Appeals, and Penalties.

- (a) Violations. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. A person performing work on a development commits an offense if the person conducts a land-disturbing or construction activity, and:

1. Has not developed and implemented a SWPPP in accordance with TCEQ requirements for the location of the development;
 2. Fails to install stormwater pollution prevention devices or to maintain stormwater pollution prevention devices throughout the duration of land disturbing activities, in compliance with the SWPPP for the location where the violation occurred;
 3. Fails to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain stormwater pollution prevention devices as specified in an approved SWPPP for the location where the violation occurred;
 4. Allows sediment laden water to flow from a site without being treated through a stormwater pollution prevention device;
 5. Fails to maintain existing stormwater pollution prevention devices, including replacement of existing grass or sod; or
 6. Violates any provision of this section.
- (b) A responsible party is also in violation of this ordinance if the responsible party fails or refuses to meet the requirements of the maintenance covenant.
- (c) Warning notice. When the Director finds that any person has violated any provision of this article, the Director may serve upon that person a written or verbal warning notice, specifying the particular violation believed to have occurred and requesting that the person immediately comply with this article or any order so issued.
- (d) Notice of Violation (NOV). In the event the Director finds that any person has not complied with the warning notice or continues to violate any provision of this ordinance, a NOV shall be issued. When the Director determines that an activity is not being carried out in accordance with the requirements of this ordinance, the Director has the option to issue a written notice of violation to the owner of the property with or without a prior warning notice. Within ten (10) calendar days of the receipt of the NOV the person shall submit an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and time lines for completion, to the Director. Upon receipt of that plan and explanation, the responsible person shall have thirty (30) days to affect maintenance and repair of the facility in an approved manner. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Director within the same time period. Receipt of the NOV is presumed to occur ten (10) calendar days following the date the NOV is mailed or delivered.
- (e) Stop-Work Order; Revocation of Permit. In the event that any person holding an approved SWPPP or Drainage Management Plan pursuant to this ordinance violates the terms of the permit or implements site or land

development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may suspend or revoke the building or construction permit or verbally stop work on any or all construction activity.

(f) Generally, nothing in this section shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing any other type of notice or order provided under this section. Compliance with any notice or order issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.

(g) Reconsideration.

1. Any person subject to a compliance order, stop work order or an emergency cease and desist order issued pursuant to this article may petition the Director to reconsider the basis for the Director's order within ten (10) calendar days of the affected person's receipt of such order.
2. Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.
3. In its petition, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the facts that support the petitioner's view of the facts, and any alternative terms of any order that the petitioner would accept.
4. The effect of any compliance order shall be stayed upon the Director's receipt of the petition pending the Director's reconsideration of the petition unless the Director expressly makes a written determination to the contrary. The effectiveness of any stop work order or emergency cease and desist order shall not be stayed pending the Director's reconsideration unless the Director expressly makes a written determination staying such order.
5. Within ten (10) calendar days of receipt of a petition for reconsideration, the Director shall either (a) grant the petition and withdraw or modify the order accordingly; or (b) deny the petition and provide a written explanation detailing the reasons for the denial. The Director's determination shall be personally served upon the petitioner, or his agent, or mailed, certified, return receipt requested, to the petitioner.
6. Nothing in this section shall limit the authority of the Director to take any other enforcement action or prevent existing or further enforcement action from proceeding without first making the determination contemplated by this section.

- (h) Appeal.
1. Any person whose petition for reconsideration by the Director has not been granted in its entirety and who remains adversely affected by the Director's order may appeal the action of the Director to the City manager by filing a written appeal with the City secretary within ten (10) calendar days of receipt of the Director's decision. Receipt is presumed to occur five (5) calendar days following the date the determination is mailed.
 2. Failure to submit a timely written appeal to the City manager shall be deemed to be a waiver of further administrative review.
 3. In its written appeal to the City manager, the appealing party shall indicate the particular provisions of the order objected to, the particular determinations of the Director that are contested, the reasons that the Director's order and/or determinations are contested, and any alternative order that the appealing party would accept.
 4. The effect of the Director's order, as issued or modified, shall not be stayed pending the appeal to the City manager, unless the City manager expressly makes a written determination staying the order.
 5. Within thirty (30) calendar days of receipt of a written appeal to the City manager, the City manager shall consider the appeal and make a final written determination to the appellant. Such determination shall be personally served upon the appellant, or his agent, or mailed, certified, return receipt requested, to the appellant.
 6. Following final action by the City manager on the appeal, any adversely affected party may challenge such action by the City manager in an appropriate court of competent jurisdiction.
 7. Nothing in this section shall limit the authority of the Director to take any other enforcement action or prevent existing or further enforcement action from proceeding unless the same is expressly stayed by the City manager.
- (i) Penalties. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration. The City, after reasonable notice, may correct a violation of this ordinance by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater management facility in writing. After proper notice, the City may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work can be placed as a lien on the property.
- (j) Injunction. Upon a showing of substantial danger of injury or an adverse health impact to any person or to the property of any person other than the

owner or operator, the City may obtain a temporary or permanent injunction, as appropriate, against the owner or the operator of a premises that:

1. prohibits specific conduct that violates this article; and
2. requires specific conduct that is necessary for compliance with any provision of this article. (State law reference: Texas Local Government Code § 54.016.)

(k) Criminal penalties.

1. Penalty. A person who violates, or causes or permits the violation of, any provision of this article, including knowingly making any false statement, representation, or certification in any application, record, report, plan, petition, appeal or other documentation filed, or required to be maintained, pursuant to this article, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article, commits a Class C misdemeanor which shall be punishable under section 1-8 of this code. A fine not exceeding two thousand dollars (\$2,000.00) may be imposed for violation of the provisions of this article that govern fire safety or public health and sanitation. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense. Proof of a culpable mental state, unless otherwise stated in this article, is not required for conviction of an offense under this article.
2. Considerations. In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the violator's knowledge, intent and/or negligence, and any other factor as justice requires.

(l) Remedies nonexclusive. The remedies provided for in this article are not exclusive of any other remedies that the City may have under State or Federal law or other City ordinances, including other civil actions provided under the Texas Water Code. The City may take any, all, or any combination of these actions against a violator. The City is empowered to take more than one enforcement action against any violator and these actions may be taken concurrently.

Sec. 25-22. - Severability.

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Sec. 25-23. - 25-40. – Reserved.

PART 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

PART 3: It is hereby declared to be the intention of the City Council that if any sections, paragraphs, sentences, clauses and phrases of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

PART 4: The Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #13

Hold a public hearing to receive input regarding the following Code updates:

- 2015 International Building Code
- 2015 International Existing Building Code
- 2015 International Residential Code
- 2015 International Energy Conservation Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel Gas Code
- 2015 International Property Maintenance Code
- 2015 International Swimming Pool and Spa Code
- 2014 National Electrical Code

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Summary Information

In 2017, the City received an Insurance Service Organization (ISO) Building Code Effectiveness Grading Schedule (BCEGS) evaluation. We were advised our 2009 Building Codes and 2011 Electrical Code are in need of updating to current 2015 International Building and 2014 National Electrical Code in order to preserve the City's ISO Rating of Class 5 for 1 and 2 Family Residential Properties and Class 4 for Commercial and Industrial properties. The ISO Rating contributes to a community's insurance pricing, with the lower number the better. Without adoption of the updated codes, we are subject to a downgrade to a Class 9 rating, which could be reflected in future rates.

In response to the evaluation last year, we worked with the BCEGS Agency in an effort to maintain our current ISO ratings. We agreed to present the latest updated codes for Council adoption by June 2018. These Codes are already in place in area cities of Killeen, Harker Heights, Morgan's Point, and Georgetown, but not in Temple or Salado, as we understand it.

A summary of the proposed changes is available on the City's website. Many of the local contractors are already complying with the updated codes since several surrounding cities have adopted them. Adopting the 2014/2015 codes will ensure consistency between the building codes and the City's Fire Code which was recently update to the 2015 version as well.

A council briefing summarizing the proposed changes that will result if the 2015 Codes are adopted was provided on May 8th and a public workshop held on May 17th. At the workshop,

TABA Governmental Affairs Director, Marty Janczak, presented the group's recommendations (attached). We will be analyzing them for ordinance development for June 12th Council meeting. As shown in the schedule below, the first of two public hearings is scheduled for the May 22nd Council meeting, with adoption anticipated on June 12, 2018.

Tentative Schedule:

May 8:	Council Workshop
May 10 – June 12:	Information available to public...post on website and send letters to stakeholders;
May 17:	Hold public workshop
May 22:	Council Meeting—public hearing and discussion
June 12:	Council Meeting—2 nd public hearing and proposed adoption
June 26:	Council Meeting if needed to meet June 29 th deadline
Oct 1:	Effective Date

Fiscal Impact

None

Recommendation

Hold public hearing and receive public comments.

Attachments

Summary of Code Changes—PowerPoint Slides
ISO Brochure on Building Code Effectiveness Classifications
TABAs Recommendations

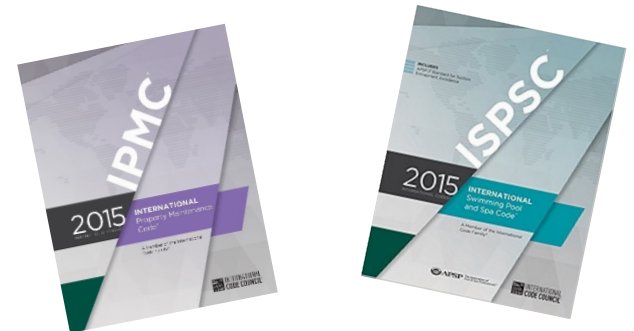


2015 I-Codes Adoption

May 2018

Codes

- 2015 International Building Code
 - 2015 International Existing Building Code
 - 2015 International Residential Code
 - 2015 International Energy Conservation Code
 - 2015 International Mechanical Code
 - 2015 International Plumbing Code
 - 2015 International Fuel Gas Code
 - 2014 National Electrical Code
-
- 2015 International Property Maintenance Code - new
 - 2015 International Swimming Pool and Spa Code – pulled from IBC and IRC



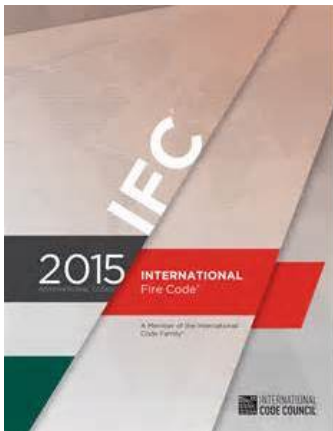
Code Updates

- 2009 Building Codes—Currently in use
- 2008 Electrical Code—Currently in use
- Codes updated every 3 years
 - Building Codes: 2009, 2012, 2015, 2018
 - Electrical Codes: 2008, 2011, 2014, 2017
- 2012 not used by many in our region
- 2015 adopted by Copperas Cove, Killeen, Harker Heights (Belton under 2015 Fire Code)
- 2018 recently released—not vetted

Code Update Proposed

Review the significant code changes:

- 2009 to 2015 I-Codes
- 2008 to 2014 NEC



2015 Fire Code (Chapter 11)
By Fire Marshal's Office

Benefits of Adopting New Codes

- Provide consistency with adopted Fire Code—
overlap between Fire Code and Building Codes
- Provide the highest quality codes, standards and products in which to construct.
- Protect the health, safety and welfare of our citizens by creating safe buildings and community.
- Provide standards for energy-efficient buildings.
- Provide consistent codes across Region.
- Maintain and Possibly Improve our ISO Rating.

ISO's Building Code Effectiveness Grading Schedule (BCEGS)

- Assesses the building codes in effect.
- Well-enforced, up-to-date codes demonstrate less loss experience during natural hazards.
- Benefits are safer buildings, less damage and lower insured losses from catastrophes.
- Grading is based upon adoption of newer codes; level of certified staff; use of check list in plans review and inspections; and level of enforcement (Stop Work).

ISO's Building Code Effectiveness Grading Schedule (BCEGS)

- Adoption of these codes will allow City of Belton to:
 - Maintain Class 5 for 1 & 2 Family Residential Property
 - Improve to Class 4 for Commercial and Industrial Property
- GCEGS classifications may be used by insurers to offer premium discounts
- GCEGS classifications used by FEMA to rank funding applications

Proposed Adoption Schedule

May 8:	Council Workshop
May 10:	Newspaper Notice of May 22 nd CC Meeting
May 10 – June 12:	Information available to public...post on website and send letters to stakeholders
May 17:	Hold public workshop
May 22:	Council Meeting —public hearing/discussion
May 25:	Newspaper Notice of June 12 th CC Meeting
June 12:	Council Meeting —2 nd public hearing and proposed adoption
June 26:	Council Meeting if needed for late-June deadline
Oct 1:	Effective Date

2015 International Residential Code



2012/2015 IRC

Chapter 3 Building Planning and Construction

CHANGE SUMMARY:

R308.4.6 Glazing Adjacent Stairs and Ramps. For **glazing** not to be considered to be in a **hazardous location** the **minimum** height above a tread at the side of a stairway is now **36."**



2015 IRC

Chapter 3 Building Planning and Construction

CHANGE SUMMARY:

R315.2 Where required.

A **carbon monoxide alarm** is required in bedrooms when there is a **fuel-fired appliance** in the bedroom or adjoining bathroom.



Carbon monoxide alarm

© Creations/Shutterstock.com.



2015 IRC

Chapter 4 Foundations

CHANGE SUMMARY:

R404.4 Retaining walls.

Freestanding **retaining walls** not supported at the top, with more than 48 inches of unbalanced backfill must be designed by an **engineer**.

Retaining walls resisting additional lateral loads and with more than 24 inches of unbalanced backfill must also be designed in accordance with **accepted engineering practice**.



2015 IRC

Chapter 6 Wall Framing

CHANGE SUMMARY:

TABLE R602.10.3(1) Bracing Requirements Based on Wind Speed.

Values in Table R602.10.3(1) for required minimum bracing length changed slightly as the new **ultimate design wind speeds** were used to calculate bracing.

Previously, there were **four** wind speed categories—85, 90, 100, and 110 mph.

Now there are **five** categories—110, **115**, 120, 130, and 140 mph.



2012 & 2015 IECC – Residential

International Energy Conservation Code

R402.1.2 Insulation and Fenestration Requirements

R-Value	2009	2012	2015
Attic	R30	R38	R38
Wood Frame Wall	R13	R13	R13
Wood Floor	R13	R13	R13
U-factor	0.65	0.40	0.40
Skylight	0.75	0.65	0.65
SHGC	0.30	0.25	0.25

2012 & 2015 IECC - Residential

R402.4 Air Leakage (Mandatory)

The 2012 IECC deleted the option to ***inspect*** or ***test*** for air leakage. It is now mandatory to perform both and the code increased the tightness requirements.

In most cases, **mechanical ventilation** will be required in houses that meet the air tightness requirements.



© Retrotec Inc

A blower door is used to test the tightness of the house

2012/2015 IRC

International Residential Code

Chapter 3 Building Planning and Construction

CHANGE SUMMARY:

R303.4 Mechanical Ventilation. Where the **air infiltration rate** of a dwelling unit is less than **5 air changes/hour** when tested with a blower door at a pressure of **0.2 inch w.c. (50 Pa)**, the dwelling unit shall be provided with **whole house** mechanical ventilation in accordance with Section M1507.3.

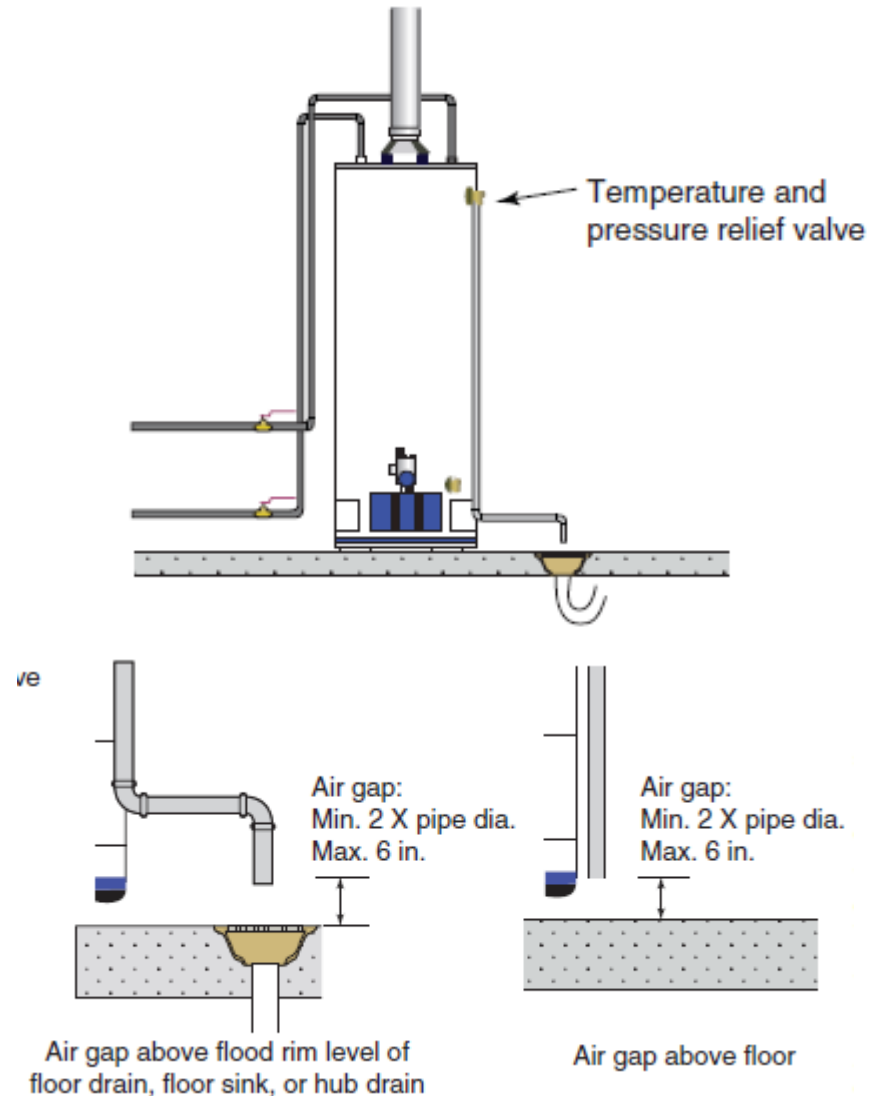


Residential Plumbing

Chapter 25-33

P2804.6.1 The **T&P relief valve discharge pipe** termination must have an **air gap**.

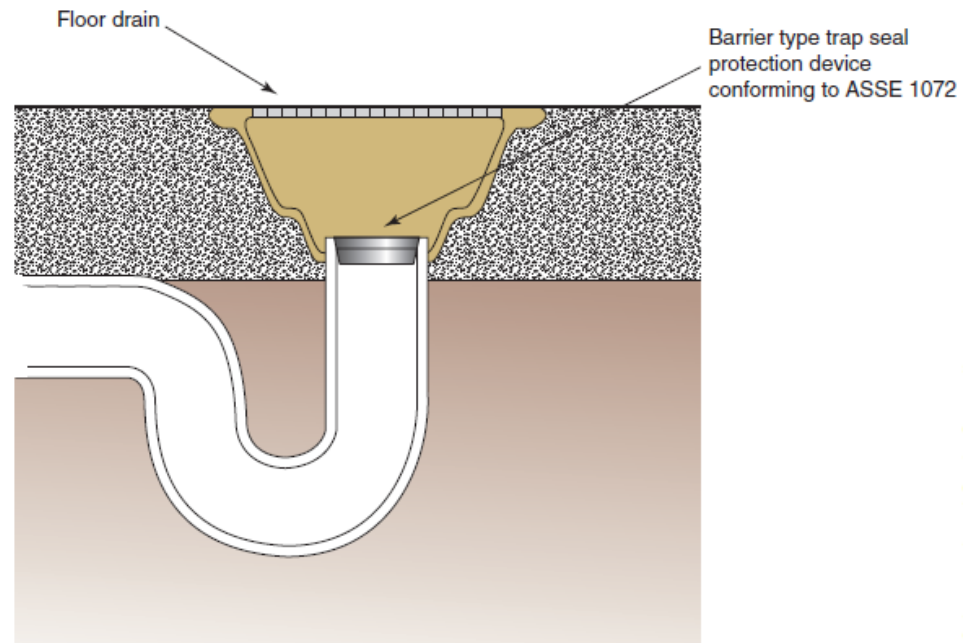
PEX and **PE-RT tubing** used for relief valve discharge piping must be one size larger than the **T&P valve discharge outlet** and the outlet end of the tubing must be fastened in place.



Residential Plumbing

Chapter 25-33

P3201.2 **Trap seal** protection against evaporation can now be: **Trap seal primer valves** supplied with **non-potable water** and **Barrier-type trap seal protection devices**.



A barrier-type trap seal protection device is one of four methods of protecting the floor drain trap seal from evaporation.

2014 NEC--Residential Electrical

National Electrical Code

State Law:

- State adopted the **2014 NEC Sept 01, 2014**
- All licensed electricians must wire to **2014 NEC**
- Local municipalities may not reduce requirements of the state adopted code.
- Local municipalities may create local amendments that are more stringent.



2014 NEC

210.8(A)(10) – GFCI for Laundry Areas

GFCI protection is required for all 125 volt, single phase 15- and 20-amp receptacles installed in **Laundry Areas**.

(Note: Laundry area is not defined)



2014 NEC

210.8(D) – GFCI for Dishwashers

GFCI protection shall be provided for outlets that supply dishwashers installed in dwelling unit locations.



2014 NEC

210.12(A) AFCI Protection

The list of rooms in dwelling units has been expanded to include:

Kitchens

Laundry rooms

(Leaves bathroom & garage)



AFCI Combination Device



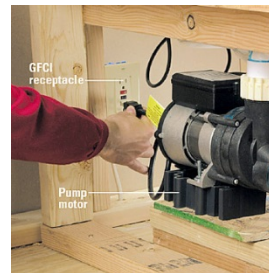
AFCI Device



2014 NEC

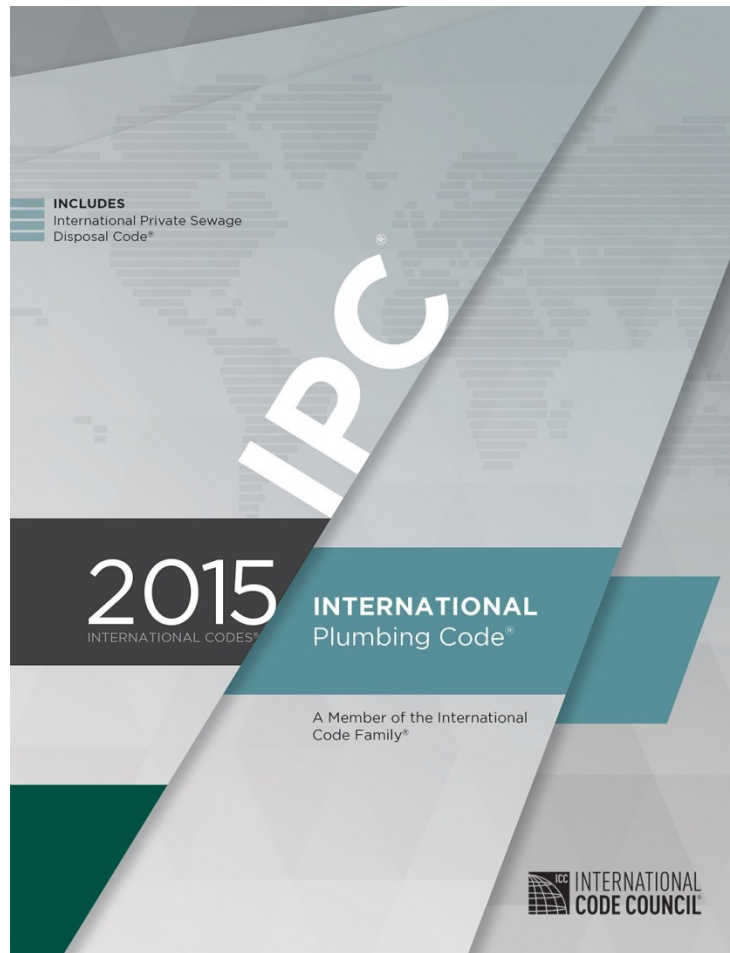
680.73 Hydromassage Bathtubs - Accessibility

Hydromassage bathtub electrical equipment shall be **accessible** without damaging the **structure** or **finish**. Cord & plug connected motor's receptacle shall be located within **1 foot** of service opening.



2015 IPC (Commercial)

International Plumbing Code



Example of some
changes on
following slides

2015 IPC

Chapter 4 – 403.3 Required public toilet facilities.

CHANGE SUMMARY:

Structures and tenant spaces intended for **quick transactions**, including takeout and pickup & dropoff having a public access area **300** sq ft or less is not required to have **public restrooms**.



Examples:

- Dry Cleaners
- Pizza Pickup
- Check Cashing



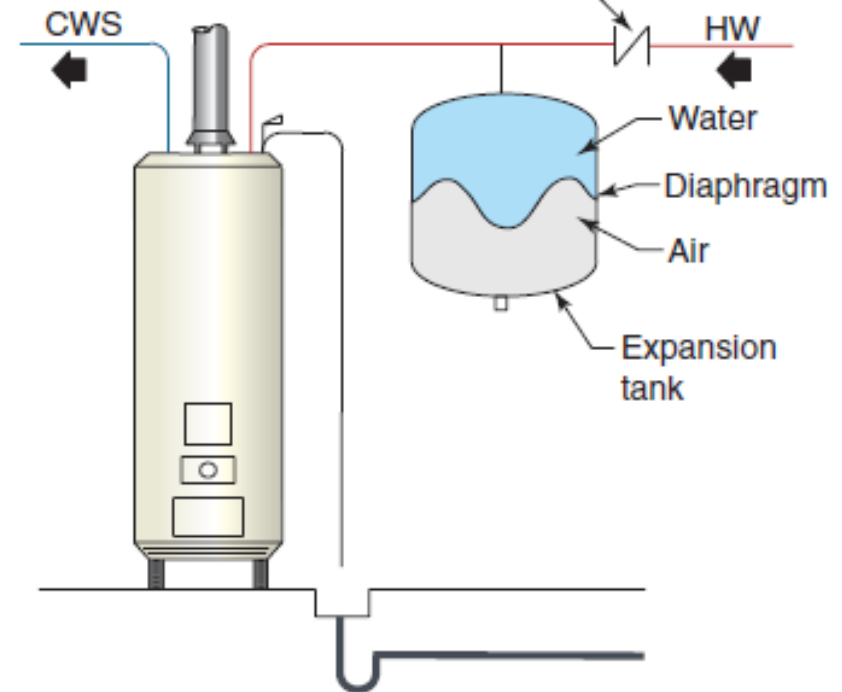
2015 IPC

Chapter 6 – 607.3 Thermal expansion control

CHANGE SUMMARY:

The only available method to control **closed-system** pressure increases caused by the **heating of water** has been limited to the use of **thermal expansion tanks**.

Where the cold water supply to a storage water heating system passes through a backflow preventer, a check valve or a required pressure reducing valve, thermal expansion control is required



Thermal expansion control required

2015 IPC

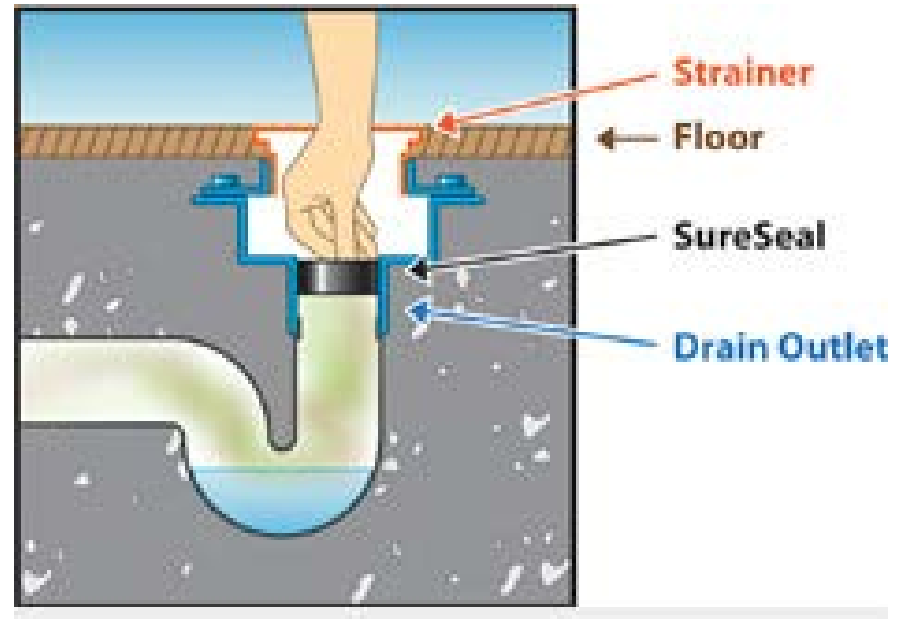
Chapter 10 – 1002.4.1.4 Barrier-type trap seal protection device.

CHANGE SUMMARY:

A **barrier-type** trap seal protection device shall protect the floor drain trap seal from evaporation.

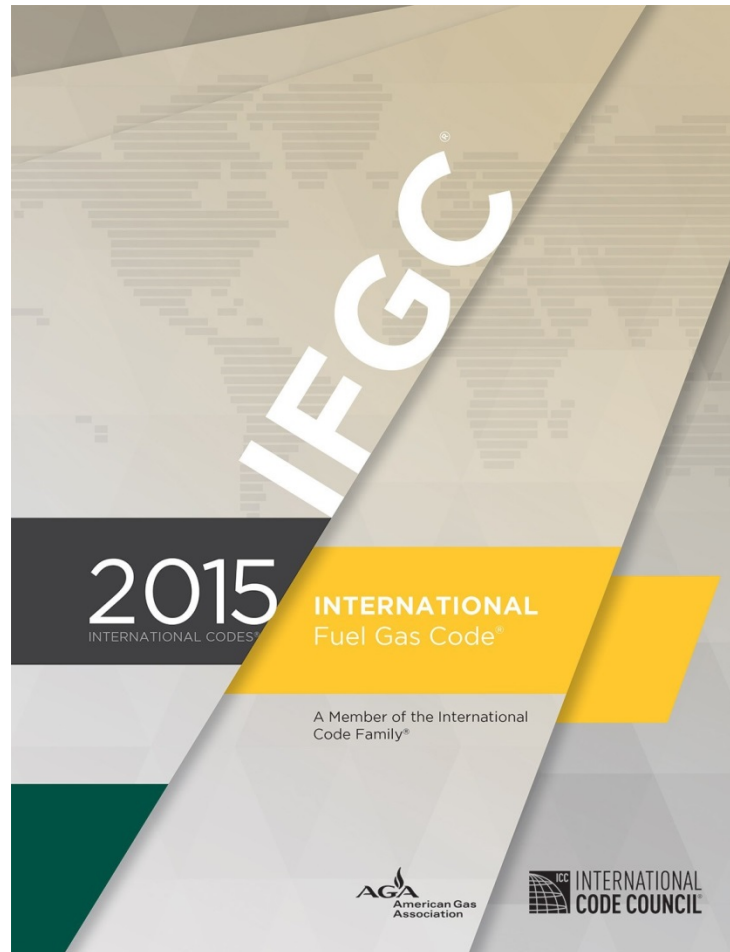
When water runs into the floor drain, the insert allows the water to pass and then closes to significantly reduce evaporation of the trap seal.

ASSE 1072



2015 IFGC (Commercial)

International Fuel Gas Code



Example of some
changes on
following slides

2015 IFGC

Chapter 3 – 310.1.1 CSST

CHANGE SUMMARY:

CSST shall be bonded to the electrical service grounding electrode system.



2015 IFGC

Chapter 4 – 403.6 Plastic pipe, tubing and fittings

CHANGE SUMMARY:

PVC and **CPVC** pipe are expressly prohibited materials for supplying fuel gas.

Can use approved polyethylene gas piping listed by ASTM D 2513

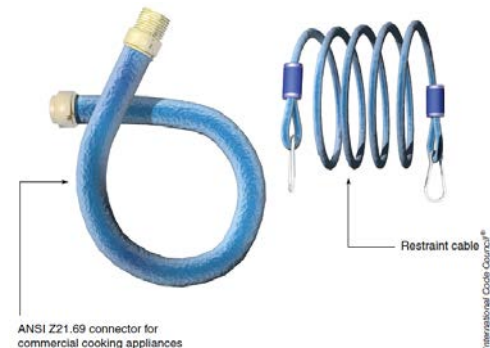


2015 IFGC

Chapter 4 – 411.1.1 Commercial cooking appliances

CHANGE SUMMARY:

Movement of commercial cooking appliances with casters shall be limited by a **restraining device**.



New Water Heater Standards

April 16, 2015



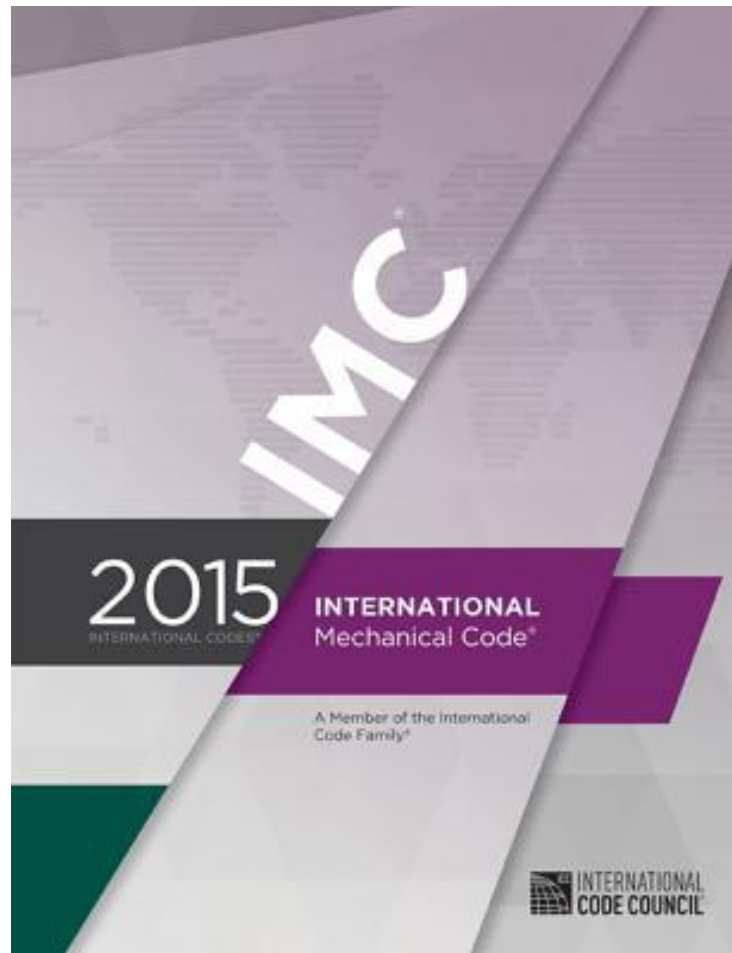
2 to 8 inches taller
2 to 6 inches wider
Up to 35% cost increase

**Can save 25% to 50% in
utility bills**



2015 IMC (Commercial)

International Mechanical Code



Example of some
changes on
following slides

2015 IMC

Chapter 3 – 304.11 Fall Arresting Restraint Systems

CHANGE SUMMARY:

The code allows for **fall-arresting restraint systems** to be installed instead of guard rails on roof tops.



2012/2015 IMC

Chapter 3 – 306.5 Equipment on Roofs / Elevated Structures

CHANGE SUMMARY:

Permanent access is required to equipment and appliances on a **roof** or **elevated structure** higher than **16 feet** above grade.

Such access shall not require the use of portable ladders.



2015 IMC

Chapter 5 – 502.20 Manicure and Pedicure Station Exhaust

CHANGE SUMMARY:

Pedicure stations are now required to have exhaust systems the same as manicure stations. The exhaust system must be located within **12 inches** from the point of chemical application.



International Code Council®



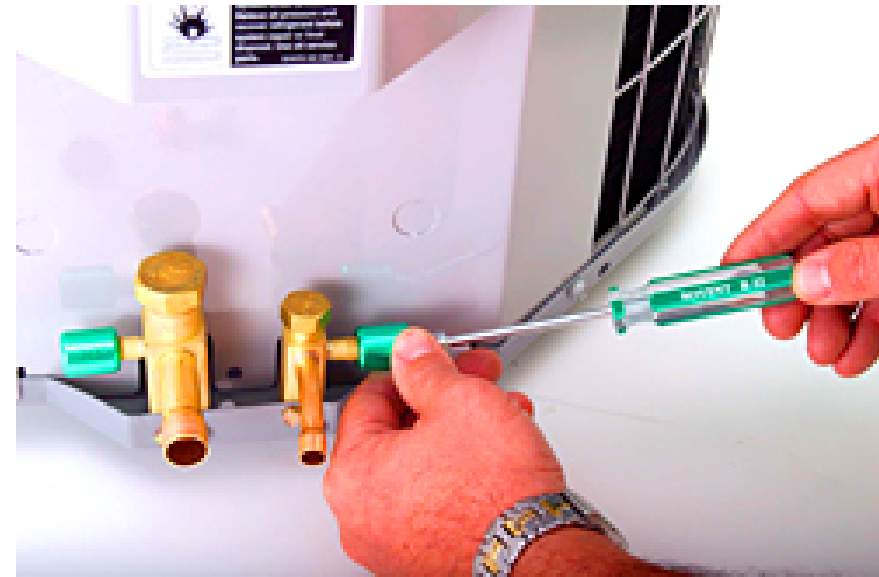
2015 IMC

Chapter 11 – 1102.3 Access Port Protection

CHANGE SUMMARY:

Locking caps are required whenever refrigerant is added or recovered from refrigeration or air conditioning systems.

Unless the ports are located indoors, on roofs with restricted access or behind barriers.



Commercial Energy



2015 IECC Commercial

International Energy Conservation Code

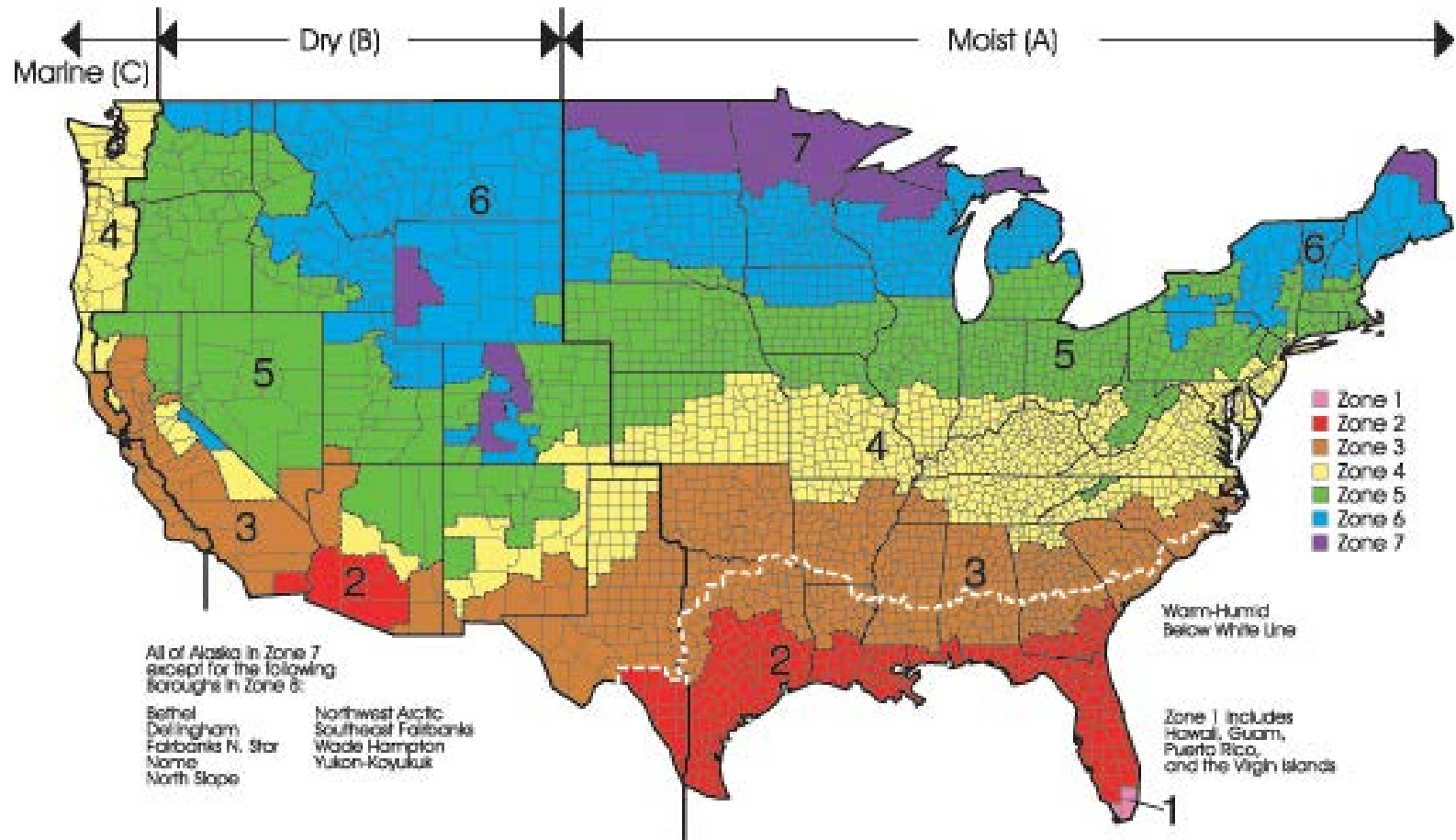
C103.2 Information on Construction Drawings

1. **Insulation materials** and their R-values.
2. **Fenestration** U-factors and solar heat gain coefficients (SHGCs).
3. **Mechanical system** design criteria.
4. **Water heating** system and equipment types, sizes and efficiencies.
5. **Economizer** description.
6. **Equipment and system controls**.
7. **Fan motor** horsepower (hp) and controls.
8. **Duct** sealing, duct and pipe insulation and location.
9. **Lighting** fixture schedule with wattage and control narrative.
10. **Location of daylight zones on floor plans**.
11. **Air sealing** details.

2015 IECC Commercial

Figure C301.1 Climate Zones

(Bell Co = 2(A) Moist / Warm-Humid)



2015 IECC Commercial

C402.1.1 Low Energy Buildings

CHANGE SUMMARY:

Low energy buildings are exempt from the building thermal envelope requirements.

- Energy usage less than **3.4 Btu/h ft²**
- **1.0 watt per sq ft** of floor area for space conditioning purposes
- **No** conditioned space



Greenhouses were added to the list of Low Energy Buildings.

2012 & 2015 IECC Commercial

C402.1.3 Opaque Thermal Envelope Insulation

CHANGE SUMMARY:

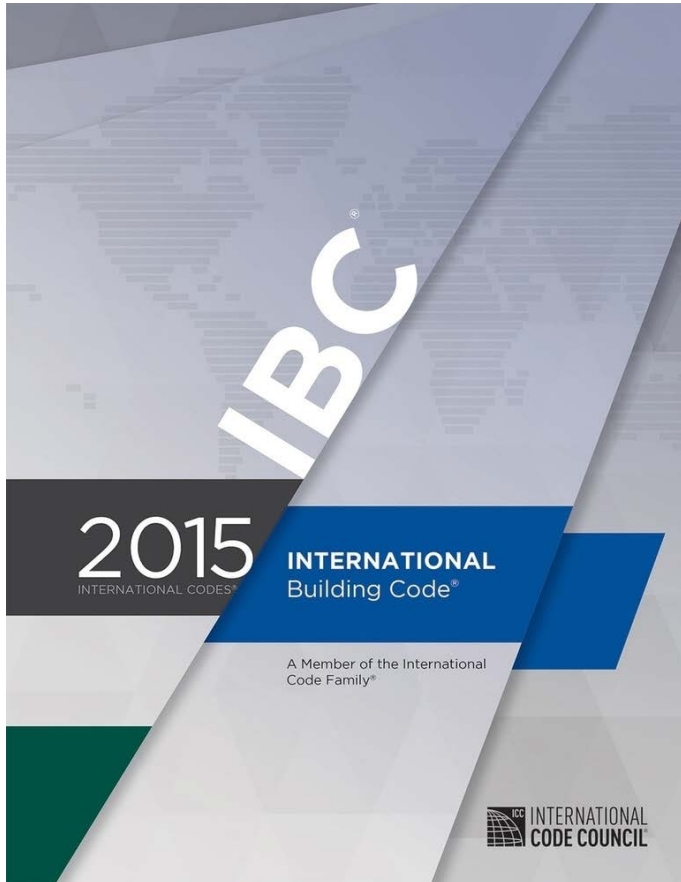
Table C402.1.3

(Prescriptive) has some changes.

Commercial buildings include hotels and residential buildings over 3 stories in height

R-Value	2009	2012	2015
Attic	R30	R38	R38
Wood Frame Wall	R13	R13 + 3.8 ci or R20	R13 + 3.8 ci or R20
Wood Floor	R13	R13 + 3.8 ci or R20	R13 + 3.8 ci or R20
Insulation at Roof Deck	R20ci	R20ci	R25ci

Commercial Building Code



Example of some
changes on
following slides



2012/2015 IBC

Chapter 4 Special Use and Occupancy

CHANGE SUMMARY:

419 Live Work Area

A dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant.



3,000 sq ft max

50% NR area

First or main floor

Up to 5 employees



2015 IBC

International Building Code

Chapter 9 Fire Protection Systems

CHANGE SUMMARY:

[F] 907.2.3 Group E.

Manual fire alarm systems in **Group E** occupancies are required where the occupant load exceeds **50**. **Emergency voice/alarm communication (EVAC) system** are required where the occupant load exceeds **100**.



2012 IBC

Chapter 9 Fire Protection Systems

CHANGE SUMMARY:

[F] 903.2.7 Group M.

An **automatic sprinkler system** shall be provided throughout all buildings containing a **Group M** occupancy where ... used for the display and sale of **upholstered furniture** or **mattresses** exceeds **5,000 sq ft.**



2012/2015 IBC

Chapter 10 Means of Egress

CHANGE SUMMARY:

1011.2 Floor-level exit signs in Group R-1.

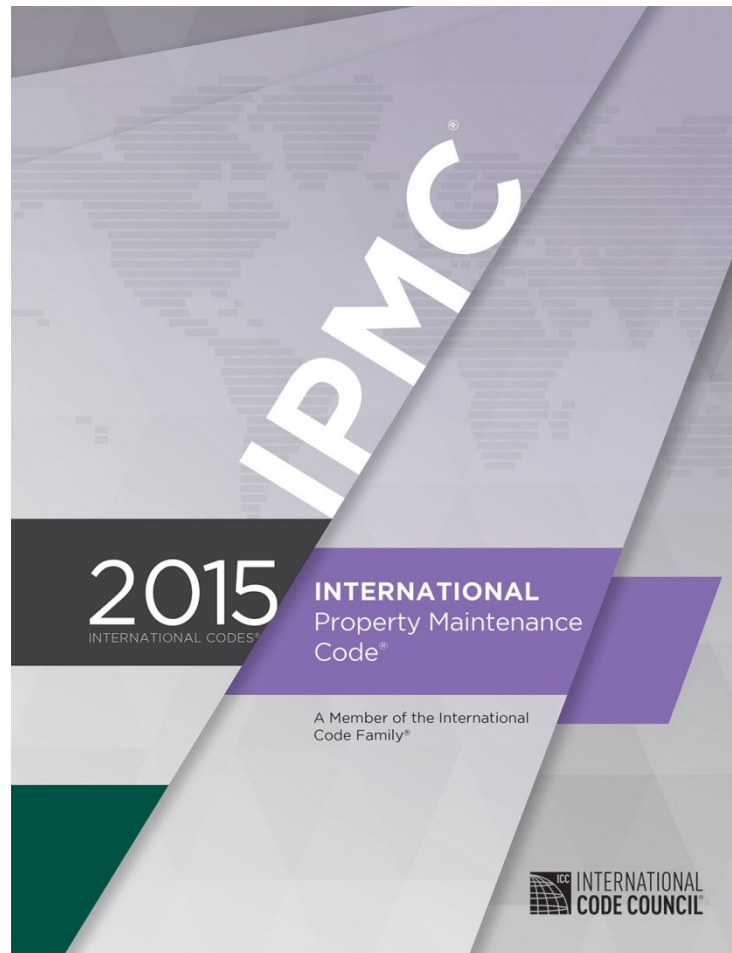
Where **exit signs** are required in Group R-1 ... additional low-level exit signs shall be provided in all areas serving **guestrooms**.

The bottom of the sign shall be between **10** to **12"** above the floor level, flush mounted to the door or wall and be within **4"** of the door frame on the latch side.



2015 IPMC

International Property Maintenance Code



Example of some
changes on
following slides

2015 IPMC

Chapter 1 – Scope and Administration

CHANGE SUMMARY:

Sec 107.6 Transfer of ownership. If a **NOV** has been served, then it is unlawful to sell, lease or transfer the property to another without first complying with the **NOV** or submit a notarized statement that the new owner accepts responsibility for making the corrections or repairs.



2012/2015 IPMC

Chapter 3 – 304 Exterior Structure

CHANGE SUMMARY:

304.15 Doors. All exterior doors and hardware shall be maintained in good condition.

304.19 Gates. All exterior gates and hardware shall be maintained in good condition.



2015 IPMC

Chapter 6 – 602 Heating Facilities

CHANGE SUMMARY:

602.2 Residential Occupancies.

Cooking appliances and portable unvented fuel-burning space heaters shall not be used to provide **required heating**.



Min 68 ° F

2015 IPMC

Chapter 6 – 605 Electrical Equipment

CHANGE SUMMARY:

605.4 Wiring.

Flexible cords shall not be used for permanent wiring and cannot run through doors, windows, cabinets, or be concealed in walls, floors and ceilings.



2015 ISPSC

International Swimming Pool and Spa Code

No significant changes,
just its own code now,
pulled from IBC & IRC



Proposed Adoption Schedule

May 8:	Council Workshop
May 10:	Newspaper Notice of May 22 nd CC Meeting
May 10 – June 12:	Information available to public...post on website and send letters to stakeholders
May 17:	Hold public workshop
May 22:	Council Meeting —public hearing/discussion
May 25:	Newspaper Notice of June 12 th CC Meeting
June 12:	Council Meeting —2 nd public hearing and proposed adoption
June 26:	Council Meeting if needed for late-June deadline
Oct 1:	Effective Date

Contact Info

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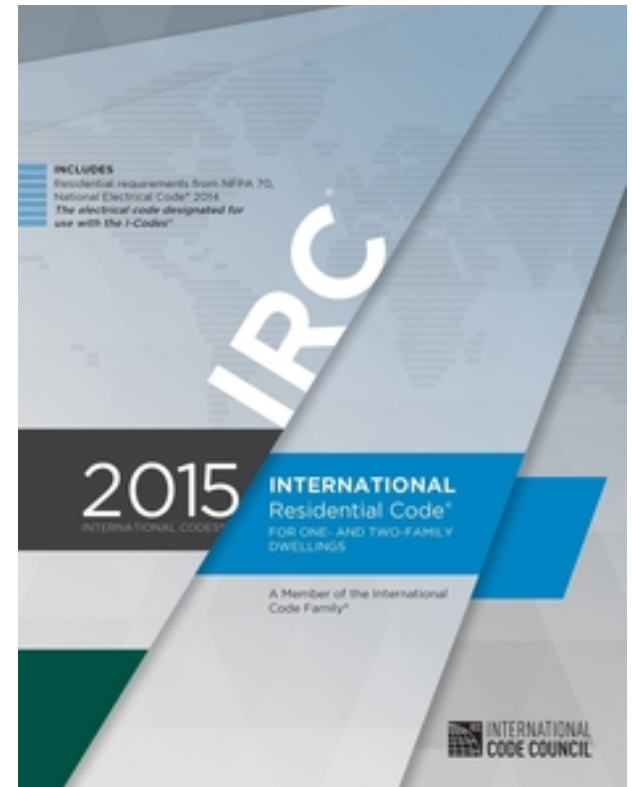
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Questions?





Building code enforcement protects your citizens every day

Maximize your community's resilience with ISO's BCEGS® program



Building code enforcement can have a major influence on the economic well-being of a municipality and the safety of its citizens. Municipalities that adopt up-to-date, unamended codes — and rigorously enforce them using a sufficient number of trained and certified code enforcement professionals — minimize damage from natural hazards, fire, and other perils, ultimately reducing insurance costs.

How can you determine the effectiveness of code enforcement in your community?

Building Code Effectiveness Grading Schedule (BCEGS®)

ISO, an independent statistical, rating, and advisory organization that serves the insurance industry, manages the BCEGS® program. BCEGS is an evaluation system that has reviewed building code enforcement for more than 20,000 communities nationwide. Approximately 87 percent of the U.S. population lives in jurisdictions classified in the BCEGS program. Since 1995, trained ISO field representatives have visited communities to survey and collect information on building code adoption and enforcement practices. We analyze the data and develop a Building Code Effectiveness Classification from 1 to 10 for both commercial and residential construction. In some parts of the country there are significant differences in enforcement efforts for one- and two-family dwellings and all other construction. Class 1 communities represent exemplary commitment to building code enforcement. Insurers can use the classifications to grant premium credits for buildings constructed in jurisdictions that enforce the latest code revisions.

Why should you participate in ISO's BCEGS program?

When your community participates in the BCEGS program, you get a free independent review of your building department by highly qualified field representatives. Program participation has many other benefits:

- Property owners can benefit from insurance premium discounts or decreased deductibles.
- FEMA's National Flood Insurance Program's Community Rating System (NFIP/CRS) uses the BCEGS information and classification as a component of the community rating schedule that determines flood insurance discounts in participating communities.
- After the review is complete, ISO provides a comprehensive benchmarking report that explains where your community earned points, allowing you to identify potential areas for improvement. This report also contains valuable comparisons between your community's building code enforcement efforts and those of similar communities in your county and state and across the country.

Building Code Effectiveness Classifications

- Participation may help your residents be in a better position to secure property coverage that might not otherwise have been available.
- The BCEGS program encourages good public policy and rigorous code enforcement.



Saint Louis County, Missouri, officials receive a Class 1 BCEGS rating plaque from ISO. Pictured, from left to right, are Daniel W. Dreisewerd, P.E., Code Enforcement Division Manager; Ralph Dorio, ISO Community Mitigation Manager; David R. Kasl, R.A., Code Enforcement Division Assistant Manager; Sheryl L. Hodges, D.E., P.E., L.P.G., Director, St. Louis County Departments of Highways & Traffic and Public Works; Dale Thomure, CBO, CFM, ISO Field Representative; Charles A. Dooley, St. Louis County Executive; and David Wrone, St. Louis County Public Information Manager.

How does ISO evaluate a community?

Here are the steps in the evaluation process:

- ISO gives the community's building official a detailed questionnaire to complete.
- A trained ISO field representative meets with the building official to review and verify the community's commitment to code enforcement.
- ISO analyzes the questionnaire data and arrives at a total score, which determines the community's Building Code Effectiveness Classification for both commercial and residential construction.
- ISO notifies the community of the results and publishes the classification for participating insurers.

"The Federal Alliance for Safe Homes (FLASH®) is a not-for-profit corporation with the mission to promote life safety, property protection, and economic well-being by strengthening homes and safeguarding families from natural and man-made disasters. We achieve our goals through education programs and other projects and initiatives.

"Building code adoption and enforcement are key elements in accomplishing our mission. The BCEGS program from Verisk Insurance Solutions — Commercial Property offers an unbiased nationwide snapshot of a given community's commitment to building code enforcement efforts — yet the BCEGS program maintains its local relevance. BCEGS classification has demonstrated a strong correlation to hazard resilience and day-to-day building safety."



Leslie Chapman-Henderson
President
The Federal Alliance
for Safe Homes

The BCEGS analysis and ultimately the community's classification depend on some key criteria, including staffing levels and qualifications of plan reviewers and field inspectors, code adoption and amendments, and the community's commitment to building code enforcement.

ISO also takes into account:

- public awareness programs and code development activities in a community

“The BCEGS rating system is an invaluable tool that confirms – in an unbiased, external manner – our commitment to the safety and well-being of our community. Our ISO rating sends a powerful and unmistakable message to the residents and business owners of St. Louis County that our plan reviewers and inspectors are among the best-qualified in the entire nation.”

Charles A. Dooley
County Executive
Saint Louis County, Missouri
Class 1 BCEGS community – commercial construction
Class 2 BCEGS community – one- and two-family residential construction

- details of the building department’s review of plans for residential and commercial buildings
- thoroughness of the inspection process
- zoning provisions in force to mitigate natural hazards

During the evaluation, we also collect and analyze additional data when determining the classification:

- underwriting information, including natural hazard data in the area
- number of permits issued
- number of plan reviews conducted
- number of inspections completed
- building department funding and expenses
- size and population of jurisdiction
- fair market value of all buildings

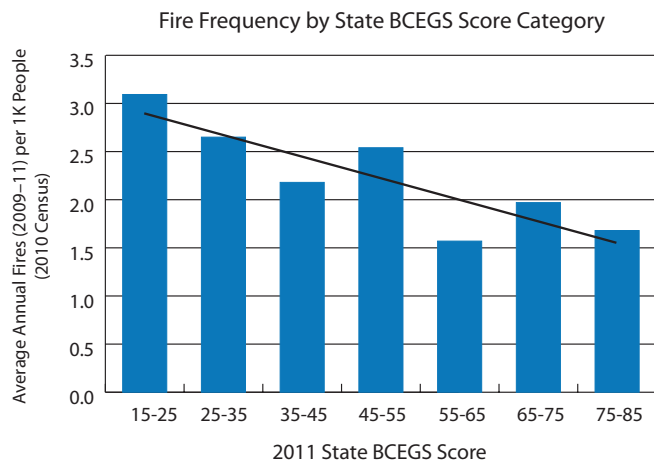
Building departments and code enforcement efforts change frequently. That’s why our field representatives evaluate communities approximately every five years. Or we can survey a community sooner if its building code enforcement agency has made significant changes or when a community requests a resurvey.

Mitigation reduces building damage and economic loss

Here are just a few examples of how improved building codes can save billions of dollars and reduce damage from all types of natural disasters:

- Louisiana State University (LSU) conducted a modeling study to determine the mitigation effectiveness of the latest building code improvements following Hurricane Katrina. The study results, released in January 2006, were similar to results of studies conducted in Florida following Hurricane Andrew in 1992. The LSU study concluded that if communities had adopted and effectively enforced the latest building codes, the residential wind damage suffered in Mississippi during Hurricane Katrina would have been 65 percent less, a reduction from \$4.8 billion to \$1.7 billion.
- A 2005 study conducted by a council of the National Institute of Building Sciences concluded that funds directed toward hazard mitigation before an event reduce losses by almost four dollars for every dollar spent. The federal government supports that concept with predisaster grants to communities that effectively institutionalize natural hazard mitigation strategies in their building code adoption and enforcement.
- A 2013 study from the Wharton Risk Center looked at residential losses due to hailstorm damage, focusing on storms in Missouri between 2008 and 2010. The study found that proper roof construction and enforcement of related building code provisions resulted in less hail damage. Communities with effective building code enforcement experienced a 10-to-20 percent reduction in losses due to hailstorms. The study concluded that strong building code enforcement could reduce the average loss per claim by \$1,500 per home. We used BCEGS classifications to quantify the level of code enforcement for the communities in the study. Communities with more favorable BCEGS classifications experienced less financial loss due to hailstorm damage.

Building Code Effectiveness Classifications



This chart is the result of an internal study comparing fire frequency to points earned in the BCEGS program. The study indicates that rigorously enforced codes reduce the frequency of fires.

For more information about the BCEGS program, please call ISO at 1-800-444-4554 or send e-mail to BCEGS3@iso.com. Be sure to visit ISO Mitigation Online at www.isomitigation.com — your source for up-to-date information on community efforts to mitigate the risk of losses from fire and natural hazards.



A Verisk Analytics Company

545 Washington Boulevard
Jersey City, NJ 07310-1686
www.iso.com

1. Comprehensive Amendment

This is a comprehensive amendment that provides flexibility for meeting the energy code requirements while maintaining energy performance. It provides a "true" unrestricted performance path that will allow for cost-optimized construction of an energy-equivalent house. (Includes Amendments 5, 6, 8, 9)

Revise as follows:

R402.4 Air leakage (Mandatory). The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections N1102.4.1 through N1102.4.4.

R402.4.1 Building thermal envelope. The *building thermal envelope* shall comply with Sections N1102.4.1.1 and N1102.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

R402.4.1.1 Installation (Mandatory). The components of the *building thermal envelope* as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the *code official*, an *approved* third party shall inspect all components and verify compliance.

R402.4.1.2 Testing (Mandatory). The building or dwelling unit shall be tested ~~and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8 for air leakage.~~ Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*. During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

R402.4.1.3 Leakage rate (Prescriptive). The building or dwelling unit shall have an air leakage rate not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8, when tested in accordance with Section N1102.4.1.2.

that encourage innovation and the use of materials and equipment to result in a home which is at least equivalent to that prescribed in the 2015 energy code.

The modifications will reinstate many of the changes made since the 2006 IRC Chapter 11 that restricted the flexibility of the builder/designer to construct an energy efficient code compliant home while still meeting the energy performance levels of the current code.

Items included in this amendment:

Energy-neutral building tightness tradeoffs

Credit for more energy-efficient buildings which incorporate reduced window area

Energy-neutral heating, cooling and water heating equipment efficiency tradeoffs

As drafted in the 2015 IECC, all homes have a “mandatory” requirement to be equal to or tighter than 3ACH50 or 5ACH50, depending on climate zone. Proposed changes will allow for homes to be less tight provided other efficiency changes are made to the house to offset energy lost due to the change in air infiltration.

In the 2015 IECC, when conducting a performance analysis, a building glazing area greater than 15% of the conditioned floor area (CFA) is penalized for using more energy. However, a building with less than 15% window to CFA does not get credit for saving energy. This amendment (14) allows the builder/designer to optimize window area that is both energy efficient and pleasing to the consumer.

[Return to IECC](#)

2. Remove Mandatory Requirements for Above Code Program

This proposal eliminates the need to meet all "Mandatory" requirements identified by the IRC/IECC as long as the program exceeds the energy-efficiency levels required.

Revise as follows:

R102.1.1 Above code programs.

The code official or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Buildings approved in writing by such an energy efficiency program shall be considered in compliance with this code. ~~The requirements identified as "mandatory" in Chapter 4 shall be met.~~

Reason:

The key element of an above-code program is that it must meet or exceed the energy-efficiency requirements of the 2015 IECC. Requiring such a program to also meet the detailed prescriptive requirements labeled as "mandatory" in the 2015 IECC defeats the purpose of performance based above code program. This code change proposal will allow flexibility in the methodology used for any above-code program to meet or exceed 2015 IECC minimums.

[Return to IECC](#)

3. Overhang Credit for SHGC (Climate Zone 1-4)

This amendment allows for the use of overhangs to meet the solar heat gain coefficient requirements within the IECC.

Add new text as follows:

PROJECTION FACTOR. The ratio of the horizontal depth of an overhang, eave, or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave, or permanently attached shading device.

R402.3.2.1 Glazed fenestration SHGC exception. In Climate Zones 1 through 4, permanently shaded vertical fenestration shall be permitted to satisfy the SHGC requirements. The projection factor of an overhang, eave, or permanently attached shading device shall be greater than or equal to the value listed in table 402.3.3 for the appropriate orientation. The minimum projection shall extend beyond each side of the glazing a minimum of 12 inches (0.3 m). Each orientation shall be rounded to the nearest cardinal orientation (+/-45 degrees or 0.79 rad) for purposes of calculations and demonstrating compliance.

TABLE R402.3.2.1
MINIMUM PROJECTION FACTOR REQUIRED BY ORIENTATION FOR SHGC EXCEPTION

ORIENTATION	PROJECTION FACTOR
North	$\geq 0.40^a$
South	≥ 0.20
East	≥ 0.50
West	≥ 0.50

a. For the north orientation, a vertical projection located on the west-edge of the fenestration with equivalent PF ≥ 0.15 shall also satisfy the minimum projection factor requirement.

Reason:

The concept of using shading to reduce heat gain is integral to the architecture of some of the oldest cultures. Shading in modern construction offers many possibilities. This proposed code change allows for the use of overhangs to meet the solar heat gain coefficient requirements within the 2015 IECC.

Permanent exterior shading features such as overhangs are allowed to be used in IECC Chapter 5 as a prescriptive tradeoff to meeting SHGC requirements. The calculation for determining the projection factor for overhangs has been in the 2000, 2003, 2006, and 2009 IECC for commercial buildings and has been proven to be very simple to calculate, fitting well into a prescriptive approach.

The use of shading devices was allowed under the 2003 IECC and is currently allowed as a tradeoff under the commercial provisions of the IECC. Allowing flexibility in meeting the solar heat gain coefficient through the use of proven shading alternatives will increase the usability of the code for the building and design community while ensuring that the new fenestration is energy efficient. When credit for shading is permitted in the building code, it encourages an integrated approach to building designs, energy use, construction materials and renewable resources particularly as part of urban infrastructure, site and town planning and building design to be considered holistically. It also creates the opportunity for aesthetically pleasing and ingenious designs that might not otherwise be permitted.

[Return to IECC](#)

4. Multi-Family Air Leakage Testing

This amendment adds an exception to allow compliance to the air barrier requirements as and allow builders to test the entire building as a whole, as is permitted for commercial buildings.

Revise as follows:

R402.4 Air leakage (Mandatory). The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Section R402.4.1 through R402.4.4.

Exception: Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC Section C402.5

Reason:

Air tightness testing for single-family detached homes is very straightforward; however, it is much more difficult to accurately test attached dwelling units, including multi-family buildings. Currently the IECC treats low-rise multifamily buildings of three stories or less like single-family homes and multifamily buildings of four stories or more like commercial buildings. Regardless of height, all multifamily buildings have the same air-tightness testing complications, such as: Does the entire building need to be tested at one time? What about multifamily buildings with open corridors? Does every dwelling need to be tested? Can the leakages be averaged between units? Is the leakage tested only to the "outside" or should it include leakage to adjacent units?

By approving this change, low-rise multifamily buildings and attached single-family dwellings will avoid these complications, but still held to the same level of performance as high-rise (R-2) residential as well as all commercial buildings.

[Return to IECC](#)

5. Air Leakage Trade-Offs

This Amendment allows builders to trade improvements in other building energy components for less stringent building envelope pressure test results. This performance option provides flexibility in meeting the air tightness requirements and provides options for recovering from an unexpected air tightness test failure. (Part of Amendment E1)

Revise as follows:

R402.4 Air leakage (Mandatory). The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.4.

R402.4.1 Building thermal envelope. The *building thermal envelope* shall comply with Sections R402.4.1.1 and R402.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

R402.4.1.1 Installation (Mandatory). The components of the *building thermal envelope* as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the *code official*, an *approved* third party shall inspect all components and verify compliance.

R402.4.1.2 Testing (Mandatory). The building or dwelling unit shall be tested ~~and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8~~ for air leakage. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*. During testing:

7. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
8. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
9. Interior doors, if installed at the time of the test, shall be open;
10. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
11. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
12. Supply and return registers, if installed at the time of the test, shall be fully open.

R402.4.1.3 Leakage rate (Prescriptive). The building or dwelling unit shall have an air leakage rate not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8, when tested in accordance with Section R402.4.1.2.

Reason:

These modifications remove the mandatory maximum air-tightness requirement and provide designers and builders the flexibility to trade off building tightness with other performance path measures. Currently the building tightness requirement is mandatory and the 3 and 5 ACH tightness levels, even under ideal circumstances, are very difficult to achieve. This will provide energy neutral tradeoffs for expensive and sometimes unattainable requirements with other building improvements. This proposal does not change the stringency or efficiency of the code; it only increases the flexibility.

[Return to IECC](#)

6. Prescriptive Table Requirements

This amendment replaces 2015 IECC Tables R402.1.2 and R402.1.4 in the residential section of the 2015 with the following tables and proposes a revision to R403.3.1 on Duct Insulation.

Revise as follows:

Delete Table 402.1.1 and Table 402.1.3 in their entirety and replace with the following:

TABLE R402.1.2
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b, e}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁱ	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	1.20	0.75	0.30	30	13	3 / 4	13	0	0	0
2	0.65 ^f	0.75	0.30	30	13	4 / 6	13	0	0	0
3	0.50 ^f	0.60	0.30	30	13	5 / 8	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.60	NR	38	13	5 / 10	19	10/13	10, 2ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 ^h	13 / 17	30 ^g	10/13	10, 2ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 ^h	15 / 19	30 ^g	15/19	10, 4ft	10/13
7 and 8	0.35	0.60	NR	49	21	19 / 21	38 ^g	15/19	10, 4ft	10/13

For SI: 1 foot = 304.8 mm.

- R-values are minimums. U-factors and SHGC are maximums. R-19 batts compressed into a nominal 2 x 6 framing cavity such that the R-value is reduced by R-1 or more shall be marked with the compressed batt R-value in addition to the full thickness R-value.
- The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
- There are no SHGC requirements in the Marine Zone.
- Basement wall insulation is not required in warm-humid locations as defined by Figure 301.1 and Table 301.1.
- Or insulation sufficient to fill the framing cavity, R-19 minimum.
- "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- The second R-value applies when more than half the insulation is on the interior of the mass wall.
- For impact rated fenestration complying with Section R301.2.1.2 of the *International Residential Code* or Section 1608.1.2 of the *International Building Code*, the maximum U-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.

TABLE 402.1.4
EQUIVALENT U-FACTORS^a

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor ^b	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
1	1.20	0.75	0.035	0.082	0.197	0.064	0.360	0.477
2	0.75	0.75	0.035	0.082	0.165	0.064	0.360	0.477
3	0.65	0.65	0.035	0.082	0.141	0.047	0.360	0.136
4 except Marine	0.40	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065
7 and 8	0.35	0.60	0.026	0.057	0.057	0.033	0.050	0.065

Footnotes remain unchanged

Nonfenestration Ufactors shall be obtained from measurement, calculation or an approved source.

- a. When more than half the insulation is on the interior, the mass wall Ufactors shall be a maximum of 0.17 in Zone 1, 0.14 in Zone 2, 0.12 in Zone 3, 0.10 in Zone 4 except Marine, and the same as the frame wall Ufactor in Marine Zone 4 and Zones 5 through 8.
- b. Basement wall Ufactor of 0.360 in warm-humid locations as defined by Figure 301.1 and Table 301.2.
- c. Foundation Ufactor requirements shown in Table 402.1.3 include wall construction and interior air films but exclude soil conductivity and exterior air films. Ufactors for determining code compliance in accordance with Section 402.1.4 (total/4 alternative) of Section 405 (Simulated Performance Alternative) shall be modified to include soil conductivity and exterior air films.

Revise R403.3.1 as follows

R403.3.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.

Reason:

The increased table values in the 2012 IECC and the 2015 IECC did not show justification for the cost increases from the 2009 IECC. Studies indicate nationally almost a \$6,000 increase to the cost of constructing a single-family detached dwelling with a 13-year simple payback. With statistics showing that for every \$1,000 increase to the cost of construction nearly 206,000 potential home buyers will not qualify for a mortgage. This, increase disqualifies approximately 1.3 million families from purchasing a home every year. That equates to approximately \$24,000,000 in potential taxes revenues never being generated for municipalities.

7. Ceiling R-Value/U-Factors Reduction (Climate Zones 2-5)

This amendment reinstates the appropriate minimum ceiling R-Values in climate zones 2, 3, 4 and 5, those published in the 2009 IRC Chapter 11.

Revise as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,e}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^f	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^c	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^c WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38 30	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38 30	20 or 13+5 ^{h,i}	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.55	0.40	49 38	20 or 13+5 ^{h,i}	8/13	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.32	0.55	NR	49 38	20 or 13+5 ^{h,i}	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^{h,i}	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^{h,i}	19/21	38 ^g	15/19	10, 4 ft	15/19

Footnotes remain unchanged

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor ^b	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030 0.035	0.084	0.165	0.064	0.360	0.477
3	0.35	0.55	0.030 0.035	0.060	0.098	0.047	0.091 ^c	0.136
4 except Marine	0.35	0.55	0.026 0.030	0.060	0.098	0.047	0.059	0.065
5 and Marine 4	0.32	0.55	0.026 0.030	0.060	0.082	0.033	0.050	0.055
6	0.32	0.55	0.026	0.045	0.060	0.033	0.050	0.055
7 and 8	0.32	0.55	0.026	0.045	0.057	0.028	0.050	0.055

Footnotes remain unchanged

Reason:

There were four changes in the Ceiling R-value requirements in the 2012 IECC, none of which should have been considered cost effective. An energy and cost analysis was performed to show that the simple paybacks are in the 80-130 year range.

Climate Zone	Representative City	Change	Energy Savings	Incremental Cost	Simple Payback
2	Orlando, FL	R-38->R-30	\$10/yr	\$1,305	130 years
3	Atlanta, GA	R-38->R-30	\$16/yr	\$1,305	82 years
4	Richmond, VA	R-49->R-38	\$15/yr	\$1,379	92 years
5	Indianapolis, IN	R-49->R-38	\$15/yr	\$1,379	92 years

The energy modeling was done using the Energy Plus simulation engine and BEopt version 1.4, Cost figures came from ASHRAE RP-1481. Vaulted or cathedral ceiling are very problematic when trying to achieve R-49, which is about 16 inches thick. This would require a rafter at least 17" tall (which does not exist) or an insulated panel, which represents a very small portion of the market.

[Return to IECC](#)

8. Mechanical Equipment Trade-Off

This amendment reinstates the performance option in IRC Chapter 11 to reduce prescriptive requirements by installing HVAC equipment with higher energy-efficiency performance ratings than required by the code.

Revise as follows:

TABLE R405.5.2(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Heating systems ^{d,e}	<p>As proposed for other than electric heating without a heat pump. Where the proposed design utilizes electric heating without a heat pump the standard reference design shall be an air source heat pump meeting the requirements of Section R403 of the IECC-Commercial Provisions.</p> <p>Fuel type: same as proposed design Efficiencies:</p> <p>Electric: air-source heat pump with prevailing federal minimum standards</p> <p>Nonelectric furnaces: natural gas furnace with prevailing federal minimum standards</p> <p>Nonelectric boilers: natural gas boiler with prevailing federal minimum standards</p> <p>Capacity: sized in accordance with Section R403.6</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Cooling systems ^{d,e}	<p>As proposed</p> <p>Fuel type: Electric</p> <p>Efficiency: in accordance with prevailing federal minimum standards</p> <p>Capacity: sized in accordance with Section R403.6</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Service Water Heating ^{d,e,f,g}	<p>As proposed</p> <p>Fuel type: same as proposed design</p> <p>Efficiency: in accordance with prevailing federal minimum standards</p> <p>Use: $\text{gal/day} = 30 + 10 \times \text{Nbr}$</p> <p>Tank temperature: 120°F</p> <p>Use: same as proposed design</p>	<p>As proposed</p> <p>As proposed</p> <p>Same as standard reference</p> <p>Same as standard reference</p> <p>$\text{gal/day} = 30 + (10 \times \text{Nbr})$</p>

Footnotes remain unchanged

Reason:

This amendment serves to retain energy-neutral equipment trade-off provisions from the 2006 IECC for heating and cooling systems and service water heating. By retaining these, builders have an opportunity to optimize a code-compliant house design by using energy-efficient equipment. Quite often, the use of this high-efficiency equipment provides a more cost-effective solution to achieve code compliance. Eliminating this ability discourages the concept of the "house as a system" approach, which is a cornerstone of building science.

Rejecting this amendment will reduce any incentive to install state-of-the-art, energy-efficient equipment. It will increase the cost of construction by driving builders to often use less efficient equipment. If there are no trade-off values, the builder has less incentive to put a higher performing system in the house.

Significant improvements in the efficiency of HVAC and water heating equipment have been made in the last 20 years. With the increased emphasis on new and improved technologies, this trend is expected to continue and will result in even higher energy savings in future years. If builders are forced to comply with the energy code by installing requirements which are not cost-effective, there will be a resistance to install higher efficiency equipment. This could end up hurting energy efficiency in the long term, consumers which have non-condensing furnaces will be less likely to install a higher efficiency condensing replacement furnace because of the additional cost to run an exhaust vent.

Industries such as log home manufacturers may no longer be able to construct to projected higher envelope requirements. The combination of increases in envelope thermal requirements, building tightness and duct tightness combined with the elimination of energy neutral trade-offs pose a serious threat to the viability of the log home industry. There are practical limitations to the thickness of log home walls. Increasing requirements for the log diameter has a exponential increase in the cost of the logs, making log walls with a U- factor of 0.082 or lower prohibitively expensive

[Return to IECC](#)

9. Window Area Trade-Off

This amendment will provide the building designer the ability to reduce window area and get credit for the energy saved. (Part of Amendment E1)

Revise as follows:

TABLE R405.5.2(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Vertical fenestration other than opaque doors	Total area ^b = (a) The proposed glazing area; where proposed glazing area is less than 15% of the conditioned floor area. (b) 15% of the conditioned floor area; where the proposed glazing area is 15% or more of the conditioned floor area.	As proposed
	Orientation: equally distributed to four cardinal compass orientations (N, E, S, & W)	As proposed
	U-factor: from Table R402.1.3	As proposed
	SHGC: From Table R402.1.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.	As proposed
	Interior shade fraction: $0.92 - (0.21 \times \text{SHGC for the standard reference design})$	$0.92 - (0.21 \times \text{SHGC as proposed})$
	External shading: none	As proposed

Footnotes remain unchanged

Reason:

Walls generally have better thermal performance than windows. There is no incentive in the performance path for the building designer to optimize the window area to save energy and provide daylighting, egress and views that makes for a safe and comfortable house. These modifications will provide the building designer the ability to reduce window area and get credit for the energy saved.

As this section is now written, the house is penalized for having more than 15% window area yet receives no credit toward code compliance when the window area is reduced below 15%. This change rectifies this disparity and makes the performance path more representative of actual energy use.

[Return to IECC](#)

Staff Report – City Council Agenda Item



Agenda Item #14

Consider authorizing the City Manager to renew the pipe bedding and road base contracts for the annual construction materials for infrastructure projects for one year, and any change orders associated with the contract, not to exceed the amount authorized under state law.

Originating Department

Public Works – Angellia Points, P.E., Director of Public Works /City Engineer

Background

Annually, the City enters into a contract with a construction company or materials provider to have access to items such as hot mix asphaltic concrete (HMAC), construction of sidewalks, bedding materials, and crushed limestone road base. The materials are used for typical maintenance work, internal capital improvement projects, and other miscellaneous work that the City participates in. In addition to these materials, Public Works provides the excavation, preparation of right-of-way, preparation of subgrade, processing of limestone base, traffic control, and final site restoration.

On May 9, 2017, contracts were awarded to the following firms, with two one-year extensions possible:

- Concrete – Dixon Paving
- HMAC – Oldcastle-Wheeler
- Pipe Bedding – Lonestar Grading and Materials
- Road Base - Lonestar Grading and Materials

Staff would like to renew the contracts for pipe bedding and road base only. The contracts for HMAC and concrete will be reworked, advertised, and bid in the upcoming weeks. The HMAC contract will need to include a line item for the City to purchase and pick-up HMAC directly without going through the supplier. The concrete contract will need to include turn-key sidewalk and curb construction, which is different from the current contract.

As done in previous years, materials are ordered on an as-needed basis by the Director of Public Works. The City reserves the right to reduce quantities and/or the total contract amount at the sole discretion of the City. Due to this stipulation, the approved amounts do not represent the absolute cost of the contract, but are guaranteed unit prices from the company for stated quantities.

Fiscal Impact

Bid summaries are attached for the renewing contracts, and fiscal impact will vary from project to project. The funding sources will be operating budget, capital project funds, and bond funds as appropriate.

Budgeted: ☒ Yes ☐ No ☒ Capital Project Funds, TIRZ Funds, Etc.

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed

Recommendation

Authorize the City Manager to renew contracts for the annual construction materials with Lonestar Grading and Materials for pipe bedding and road base for infrastructure projects, and any change orders associated with the contract for one year, not to exceed the amount authorized under state law.

Attachments

Bid schedules for each renewing contract

BID C
BID SCHEDULE

Annual Construction Materials for Infrastructure Projects - 2017

Bedding

Item Code			Approx. Quantity	Unit	Description and Unit Price in Words	Unit Price	Total Amount (in numerals)
Desc. Code	Item No.	S.P. No.					
1	COB		700	TN	Provide and Deliver 1-inch Crushed Stone Bedding Materials, Complete For fifteen Dollars and seventy-four Cents per Ton.	\$ 15.74	\$ 11,018.00
2	COB		200	TN	Provide and Deliver Washed Sand or Washed Manufactured Sand Bedding Material, Complete For fourteen Dollars and twenty-eight Cents per Ton.	\$ 14.28	\$ 2,856.00

Total Amount Bid (In Numerals) for BID C: Bedding

\$ 13,874.00

Total Amount Bid (In Words) for BID C: Bedding

BID D
BID SCHEDULE

Annual Construction Materials for Infrastructure Projects - 2017

Crushed Limestone Base

Item Code			Approx. Quantity	Unit	Description and Unit Price in Words	Unit Price	Total Amount (in numerals)
Desc. Code	Item No.	S.P. No.					
1	247		20,000	TN	Provide and Deliver Crushed Limestone Base, Complete For eleven Dollars and ninety-four Cents per Ton.	\$ 11.94	\$ 238,800.00

Total Amount Bid (In Numerals) for BID D: Crushed Limestone Base

\$ 238,800.00

Total Amount Bid (In Words) for BID D: Crushed Limestone Base

City Council

Annual Construction Materials Bid

One-year contract extensions

Summary of Work

- Annually, the City awards a contract following a bid process for construction-related materials for projects.
- Materials are used in a variety of projects and maintenance work by City crews.
- A bid was developed with estimated quantities that may be needed throughout the year. The City will order materials on an as-needed basis, and is not obligated to use the full quantities shown in the bid document.
- In 2017, the materials included sidewalk construction, curb and gutter, asphalt, pipe bedding, and road base (crushed limestone).

Materials Contract

4 Contracts:

Concrete Work - Dixon Paving

Asphalt - Oldcastle-Wheeler

Pipe Bedding - Lonestar Grading & Materials

Road Base - Lonestar Grading & Materials

The bid packages explained the City's participation (i.e., prepping subgrade, traffic control, site restoration, etc.).

- Staff does not need to obtain additional quotes for every item (bid up front) every time a project and maintenance requires materials.
- Contract is valid for 1 calendar year with two 1-year extensions.
- First year was May 2017 – May 2018.
- **First 1-year extension is requested for Pipe Bedding and Road Base only.**
- **Concrete bid and HMA bid will be reworked, advertised, and bid in the upcoming weeks.**

Bid Results – Low Bidders

Bidder	Bid A Concrete	Bid B HMAC	Bid C Pipe Bedding	Bid D Road Base
Old Castle-Wheeler	No bid	\$240,060	No bid	No bid
Austin Materials	No bid	\$260,750	\$18,100	\$270,000
Dixon Paving	\$301,975	No bid	\$14,400	\$240,000
Lonestar Grading & Materials	\$564,800	No bid	\$13,874	\$238,800

Recommendation

Authorize the City Manager to renew contracts for the annual construction materials with Lonestar Grading and Materials for pipe bedding and road base for infrastructure projects, and any change orders associated with the contract for one year, not to exceed the amount authorized under state law.

Staff Report – City Council Agenda Item



Agenda Item #15

Consider adopting a resolution authorizing the City Manager to execute an Advanced Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set Aside Program relating to the South Belton Shared Use Path Project.

Originating Department

Administration – Bob van Til, Grants and Special Projects Coordinator.

Summary Information

The purpose of this item is to consider a resolution authorizing the City Manager to enter into an Advance Funding Agreement (AFA) with the Texas Department of Transportation for the 2017 Transportation Alternatives Set Aside Program (TASA) in order to build the S. Belton Shared Use Path.

Approved by the Texas Transportation Commission in October 26, 2017, this grant will provide a 12-foot wide concrete shared use path (also known as a hike and bike path) from the existing path in Confederate Park to the existing sidewalks on FM 436 at S. Wall Street. The proposed shared use path will also extend under IH 35 to the east right of way line of the interstate, then extend south to FM 436 and then farther east to S. Wall Street.

The project budget is an estimated \$1,790,570. The grant amount is \$1,432,456 with a local match of \$358,114.

The AFA document is being finalized by TxDOT's Contract Department. This resolution is needed to obtain their approval so that it can be sent to us for signatures and project initiation.

Fiscal Impact

Funding Source(s): Texas Department of Transportation TASA (80%).

Local Match: 20% from the City of Belton (General Fund Contingencies) and from the Tax Increment Reinvestment Zone (TIRZ).

Amount: \$300,000 is committed from the TIRZ. The remainder of the local match is from the City: \$58,114.

Budgeted: ☐ Yes ☒ No ☐ Capital Project Funds

If not budgeted: ☐ Budget Transfer ☐ Contingency ☒ Amendment Needed

Recommendation

Staff recommends approval of the resolution.

Attachments

Resolution
Project map

RESOLUTION 2018-15-R

**RESOLUTION AUTHORIZING EXECUTION OF AN
ADVANCE FUNDING AGREEMENT (AFA) WITH THE
TEXAS DEPARTMENT OF TRANSPORTATION FOR A
TRANSPORTATION ALTERNATIVES SET-ASIDE (TASA) PROJECT**

WHEREAS, on October 26, 2017, via Minute Order 115076, the Texas Transportation Commission authorized South Belton Shared Use Path project (the "Project") to receive Transportation Alternatives Set-Aside (TASA) funds for project construction and Texas Department of Transportation (TxDOT) oversight; and

WHEREAS, the TASA funds require a local match, the City of Belton commits to provide the match. The local match is comprised of cash, plus in-kind contributions, if any; and

WHEREAS, the City of Belton is responsible for all non-reimbursable costs and 100% of overruns, if any; and

WHEREAS, the City Council of City of Belton desires to reaffirm its support of the Project and approve and authorize the execution of an Advance Funding Agreement (AFA) with TxDOT for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON THAT the City Manager, Sam A. Listi, is authorized to enter into an AFA with TxDOT for this Project.

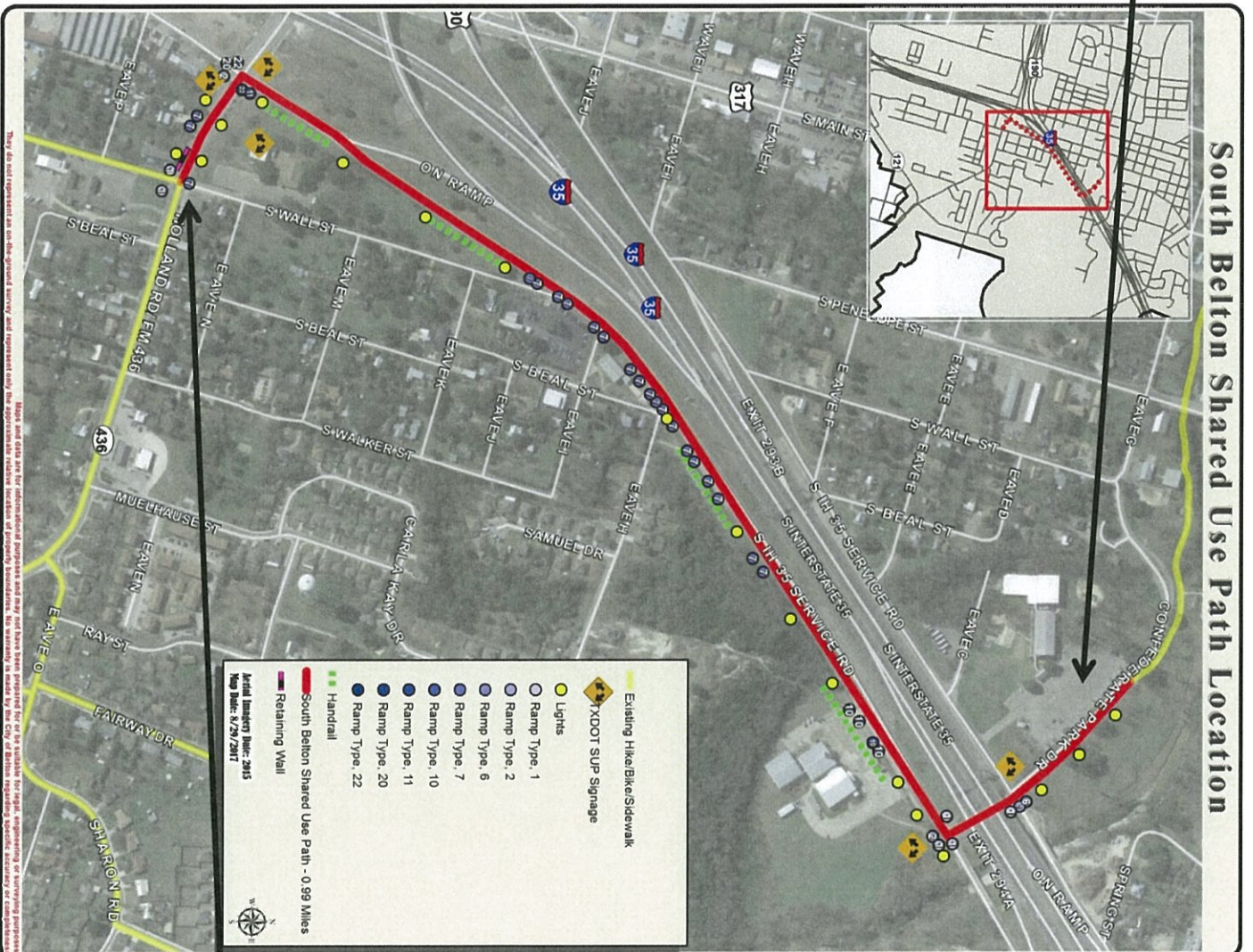
DULY PASSED by majority vote of all members of the City Council of the City of Belton, Texas on the 22nd day of May, 2018.

Marion Grayson, Mayor
City of Belton, Texas

ATTEST

Amy M. Casey, City Clerk
City of Belton

Confederate Park



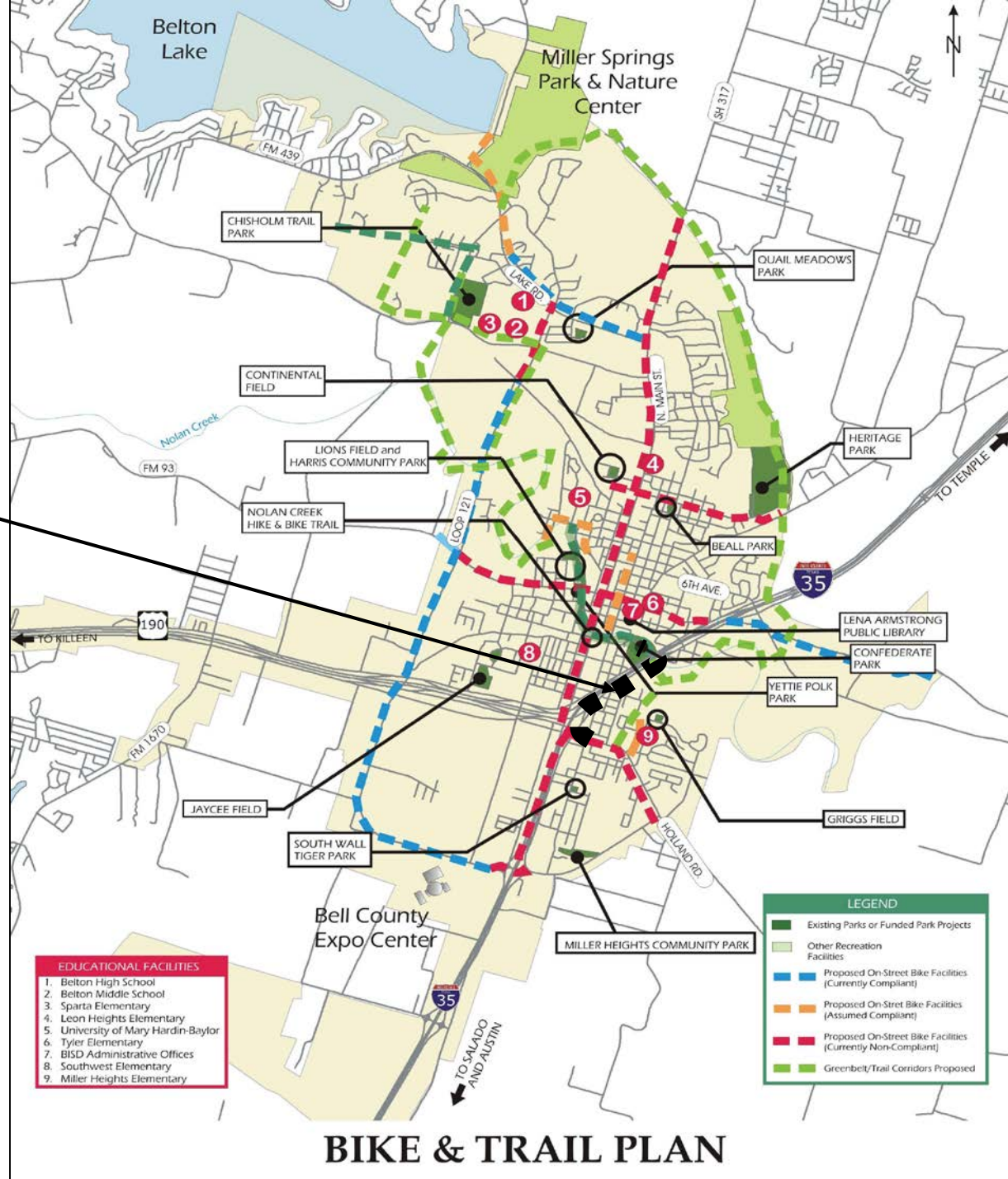
S. Wall Street



South Belton Shared Use Path Transportation Alternative Set Aside Program

City Council Meeting
May 22, 2018

South Belton Shared Use Path



[illegible]

Confederate Park

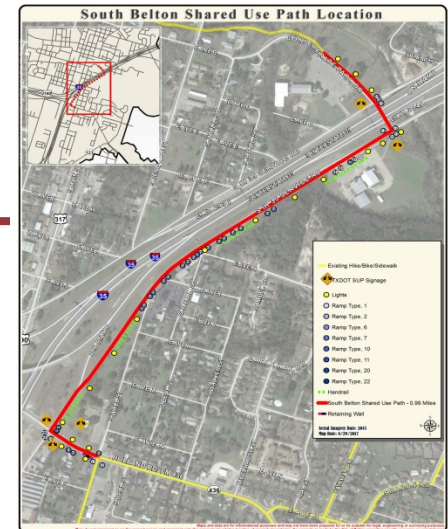
S. Wall Street

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

S. Belton Shared Use Path

Purpose

- Resolution authorizing City Manager to sign AFA
- Funding Sources: TxDOT; TIRZ; City of Belton



S. Belton Shared Use Path

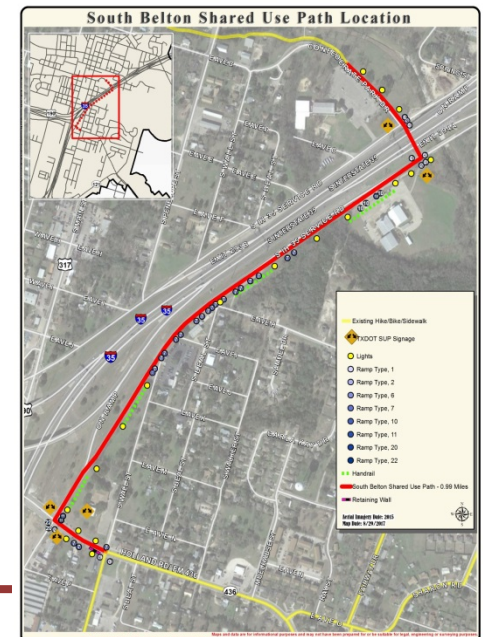
- Budget

Est. Project Cost
\$1,790,570

Local match
\$358,114

- TxDOT: \$1,432,456
- TIRZ: \$300,000
- City of Belton: \$58,114

- General Fund Reserves



S. Belton Shared Use Path

- Next Steps:
 - Design
 - Bid
 - Build
 - Projected completion date:
 - Mid 2021
- Recommendation:
 - Approve the Resolution

