

**Appendix B Zoning**

**Sec. VII: - Zoning Districts; Purpose, Uses, and Conformance to Comprehensive Plan.**

**10. HS: Hamilton Square Overlay.**

- a. Intent. The HS—Hamilton Square Overlay is intended to be used only in the historic central business district of the City of Hamilton. The uses in this district are generally retail or office in nature and often rely on off-site parking. Uses also have minimal setback requirements due to the compact nature of the downtown area. Residential uses in conjunction with permitted nonresidential uses are also appropriate. Residential uses in the district shall be prohibited on the ground floor of buildings.
- b. Permitted Uses. These standards are designed to create a successful and prosperous commercial atmosphere. Business and property owners are not required to provide parking. This overlay stresses the need for maintenance and upkeep of commercial property.
  - 1) The Hamilton Square Overlay applies only to the one-hundred blocks of North Rice, North Bell, East Henry and East Main Street.
  - 2) Permitted Uses. Within the HS Overlay only, no structure or land shall be used, and no structure shall be hereafter erected, relocated, reconstructed or structurally altered, except for the purposes indicated in the following Table 1:

Table 1: Table of Permitted and Conditional Uses in the HS Overlay

Permitted & Conditional Uses	Commercial Building Street Access	Commercial Building Second Story	Commercial Building Third Story
Administrative & Business Offices	P	P	P
Arts & Crafts	P	P	P
Consumer Repair Services	P	P	P
Financial Services (excluding check cashing services)	P	P	P
Food & Grocery Sales	P	P	P
General Retail Sales	P	P	P
Restaurant	P	P	P
Short Term Rentals	-	P	P

Single Family Residential (as work/live units)	-	S	S
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NOTES: The columns in this table indicates uses that are permitted by floors in commercial buildings. The uses are permitted (P); or, specific use permit (S).

c. Live/work unit. A structure or a portion of a structure:

- 1) That combines a commercial activity allowed in the zone with a residential living space for the owner of the commercial business, or the owner's employee and that person's household;
- 2) Where the resident owner or employee of the business is responsible for the commercial activity performed; and
- 3) Where the commercial activity conducted takes place subject to a valid business license associated with the premises.
- 4) The living area of a "work/live unit" shall provide at least one exit which does not require persons to exit through the work area.

d. Nonconforming Use. Any business lawfully operating on the effective date of this article shall be deemed a non-conforming use. The nonconforming use will be permitted to continue until the property is sold; or, there is a change in ownership; or, the business is terminated for any reason. Such non-conforming uses shall not be increased, enlarged, extended or altered with exception that the use may be changed to a conforming use.

e. The following uses are prohibited:

- 1) New or used automobile sales.
- 2) Storage: open storage, personal storage, commercial storage, business storage, mini-warehouses, and warehousing in general.
- 3) Adult Entertainment.
- 3) Restaurants shall not provide drive through services. Restaurants may provide entertainment as a secondary use.

f. Special Conditions.

1) General Standards of Buildings

i. Window Displays. Window displays shall not contain:

- a) Merchandise, products or materials that are *faded due* to exposure to the sun;
- b) Refuse, debris, scraps, stored materials, dust, dirt, withered plant material, etc. that are not currently promoting commercial or public activity and interests.

ii. Facade maintenance. Building facades, including windows, doors, glass, awnings, siding, rails, steps, fixtures, signs, etc. shall be maintained as follows:

- a) Paint and material finishes shall be periodically applied to replace checked, cracked, peeled or weathered surfaces.

- b) All windows shall be clean, broken glass replaced and obstructions removed that are not part of a current window display or sign. This shall not apply to devices designed to facilitate the passage of air or light.
  - c) All exterior building parts shall be maintained in a safe and secure condition and all exterior parts that show signs of deterioration, obsolescence or disrepair shall be removed, replaced or renovated.
- iii. Vacant store fronts. Store fronts with display windows that are visible by pedestrian traffic at street level and that are vacant for more than 14 calendar days shall provide either a window screen that obscures the view of vacant space from pedestrians or a window display that shows arts, crafts, merchandise from surrounding businesses or objects/information of general interest. In multi-story buildings, some form or type of window treatment shall be provided to obscure contents at all levels above grade.
- 2) Commercial activity, enclosed. All commercial activity, including the display of merchandise, shall be conducted within the enclosed confines of a building. However, commercial activity, including the display of merchandise, may be conducted on the sidewalk and/or street only during special events that are recognized as allowing such activity by the City Council. Commercial activity may be restricted at said events in order to protect the public health, safety and welfare.
- 3) Planters, gardens and green spaces. All planters, gardens, green areas, etc. shall be kept free of weeds, litter and plant material that is dead, dying, diseased or infested by insects. Overgrown plants shall be trimmed and kept within a designed planting area. At the end of the growing season, not later than December 1st of each year, a continuous layer of shredded bark or pine needle mulch (2—3" deep) shall be applied to soil surfaces that are not planted with a ground cover.
- 4) Sidewalk vending and automated teller machines (ATM). No vending machines or automated teller machines shall be placed on any sidewalk, lot, porch or outside entry area within the HS Overlay.
- g. Design Standards. Established to foster the preservation, restoration, and rehabilitation of structures and places of historic, architectural, and community value.
  - 1) Exterior materials. Exterior materials found in the HS Overlay include: wood, brick, stone, cement board, and stucco. Additions and new construction shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common in the downtown area. Acceptable materials include, but may not be limited to brick, stone, wood, cement board, or stucco.
  - 2) Predominant exterior finish colors shall be similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape (bright or fluorescent colors

which were not typically used in early Texas downtowns shall not be used). Buildings with the primary exterior finish as metal are prohibited.

- 3) False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.
- 4) Awnings/Canopies:
  - i. Ratios—Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.
  - ii. Projection—Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend past the width of the sidewalk.
- 5) Pedestrian streetscape—Pedestrian streetscape spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. Historic past references maintaining the classic feel of the downtown and matching current construction materials, colors, textures and fixture designs that complement the area's historic qualities.
- 6) Architectural design: The architectural design of buildings and sites shall strive to achieve the following objectives:
  - i. Architectural compatibility;
  - ii. Integration of uses
  - iii. Encouragement of pedestrian activity
  - iv. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings; and
  - v. Buildings that contain special architectural features to signify entrances;
  - vi. All building materials shall be established on architectural elevations and supporting information.
- 7) Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style.
- 8) Window maintenance. Boarded or sealed window and door openings: Boarded or sealed window and door opening[s] create a health, safety and fire hazard to adjoining property owners, tenants, customers, and emergency personnel.
  - i. After the effective date of this ordinance boarding up windows will be prohibited except as a temporary measure for no longer than thirty (30) days.
  - ii. Missing and broken windows shall be replaced with glass to allow for safe and rapid egress in case of emergency, and shall not be boarded or sealed over except in the following:

- iii. There is at least one window opening for every room adjacent to the outside/interior of the building, AND
- iv. the sealed opening is constructed of the same material and architectural look to appear as if such opening never existed AND
- v. the architectural renderings of the material proposed to be used to seal such opening are approved by the Planning & Zoning Commission, OR
- vi. The City, otherwise approves of the architectural and safety measure in place for such sealed opening.

9) Failure to take reasonable steps to make the repairs shall constitute a public health and safety nuisance and may be abated by the City in accordance with the Nuisance Abatement proceedings contained within the Hamilton Code of Ordinances. The costs incurred by the City in the event of such abatement shall be assessed as a tax lien in accordance with the abatement process prescribed therein.

h. Site Development Regulations. Each site in the HS Overlay district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	<i>Minimum lot area</i> 3000 square feet.
Lot Width	Minimum lot width Twenty-five (25) feet
Height	Maximum height—3 stories
Front Yard	Minimum required setback, 0 feet
Street Side Yard	Minimum required setback, 0 feet
Interior Side Yard	Minimum required setback, 0 feet
Rear Yard	Minimum required setback, 0 feet
Building Width (Living Area)	Not Applicable
Building Depth (Living Area)	Not Applicable
Maximum Building Coverage	Not Applicable
Parking	No off-street parking shall be required

Definitions to be added to Appendix B – Zoning; Section II: Definitions

1. *Short Term Rentals.* a short-term rental is a property that is rented for less than 30 consecutive days.

2. *Work/Live Unit.* A building or space within a build used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.”