

ORDINANCE NO. 2021-556

AN ORDINANCE AMENDING SECTIONS 28-223 AND 28-1019 IN CHAPTER 28 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, ESTABLISHING RESIDENTIAL DESIGN STANDARDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS it is necessary to make certain amendments to Sections 28-223 and 28-1019 of Chapter 28 – Zoning of the Code of Ordinances of the City of Waco establishing residential design standards; and

WHEREAS the City Plan Commission conducted a public hearing on the amendments to Sections 28-223 and 28-1019 of Chapter 28 – Zoning of the Code of Ordinances of the City of Waco establishing residential design standards on July 13, 2021; and

WHEREAS the City Council conducted a public hearing on these proposed amendments on August 3, 2021,

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

Section 1. That Sections 28-223 and 28-1019 of Chapter 28 - Zoning of the Code of Ordinances of the City of Waco shall be amended and shall read as follows (~~deletions~~/additions):

Sec. 28-223. ~~Building elevations and materials.~~ Residential Design Standards

~~The intent of this division is to promote good design. Upgrading of the quality of development through better design and execution of projects is encouraged. Contrasting design, when sensitive to the surrounding environment, is recognized as a valid means of adding interest and vitality to an area. The elevations of buildings designed to be open to view from a public street or right-of-way, kind and texture of the building material of the buildings, and the relationship of building elevations and materials to adjacent buildings or structures create an architectural character for development, and the following standards are designed to promote quality and compatibility of building design:~~

~~(1) — Materials should be selected for suitability to the type of buildings and style in which they are used, and for harmony with adjoining buildings.~~

~~(2) — In any building in which the structural frame is exposed to view, the structural materials should also meet the above criteria.~~

~~(3) — Building components and appurtenances, including doors, windows, canopies and trim, should maintain a harmonious proportion to each other and to the building as a whole.~~

~~(4) — Mechanical equipment on roof, ground or building should be screened from public view at ground level with materials harmonious with the building, or located so as not to be visible from any public street or residential area.~~

~~(5) — Miscellaneous structures and objects, excluding works of art such as outdoor sculpture, adjacent to a building should be compatible with the architectural style of the main buildings in scale, materials and colors.~~

~~(6) — Variation in architectural detail, variations in building massing, or varied siting of individual buildings should be used to provide visual interests where more than one building is located on a single parcel.~~

The intent of this division is to promote compatible design of residential development in context to the relationship of scale and architectural elements to surrounding neighborhoods, buildings and structures and provide standards that limit the effects of repetition and uniformity by requiring substantive variation and diversity in front elevations within a certain lot pattern.

Sec. 28-223.01. Application of regulations

Section 28-223.02- 28.223. 06 apply to all new construction single-family detached dwellings, single-family attached dwellings, and two-family dwellings in residential zoning districts within city limits of Waco. The regulations only apply to single-family attached dwellings and two-family dwellings if existing single-family detached dwelling are located within the same block-face.

Sec. 28-223.02. Building Scale and Relationship

1. Each building shall be within 20% of the average height and width of buildings located in the same block-face. The height requirement shall not apply for block- faces that have a mix of single and two story buildings.

2. The roof pitch of each building shall be within 20% of the average roof pitch of buildings located in the same block-face.

3. This section only applies to block-faces that are at least 75% built out.

4. For the purposes of determining compliance of this section, fractions will be rounded to the nearest whole number.

Sec. 28-223.03. Building Architectural Features

The front building façade shall have a minimum of a two (2) foot by ten (10) foot offset every thirty (30) feet of façade and a combination of one (1) of the following architectural features for every thirty (30) feet to break up the monotony of the facade:

1. Projecting Bay or box windows, cantilevered, rather than supported by a permanent foundation (not to exceed twenty-five (25) percent of the facade length).



2. Stoops (at least twenty-five (25) percent of the facade length)



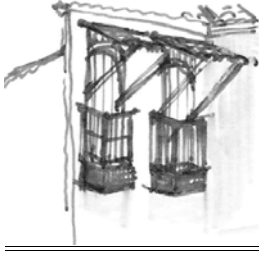
3. Porches (covered and unenclosed).



4. Balconies.



5. Structural window awnings or canopies.



6. Roof dormers.



7. Chimneys (minimum depth of one (1) foot and not to exceed twenty-five (25) percent of the facade).



8. A second-story roof overhang (at least twenty-five (25) percent of the facade length).



Sec. 28-223.04. Location of Parking

1. Required parking for buildings with no garages shall be located in the side or rear yard of the building.

- a. Legally platted lots with a width of 50' or below as of the effective date of this section that have no access to an improved alley are exempt from this requirement subject to the parking areas including the driveway does not constitute more than 50 percent of the front yard.
2. Required parking for buildings with garages shall meet the following standards:
 - a. Front load garages shall not comprise more than 50% of the front façade of the building. The measurement of the width of the garage door only shall be used to determine compliance with this section.
 - i. Legally platted lots with a width under 50' are exempt from this requirement subject to the façade containing at least two architectural features consistent with the requirements in Sec. 28-223.03.
 - ii. Two story buildings that have a front load garage on the first story and living space on the second story are exempt from this requirement subject to the façade containing at least two architectural features consistent with the requirements in Sec. 28-223.03.
- b. Side load garages shall have architectural features consistent with the requirements in Sec. 28-223.03.
- c. Front load garages shall not protrude more than 10 feet from front façade of the building.

Sec. 28-223.05. Front Façade Variation

The front façade for any new construction of applicable detached single-family dwelling, single-family attached dwelling, and two-family dwellings within a six (6) lot pattern must be sufficiently differentiated from each other and from any another dwelling unit that is two (2) lots removed on either side of the subject property on the same side of the street, as generally depicted below and otherwise set forth herein.

Figure 1.

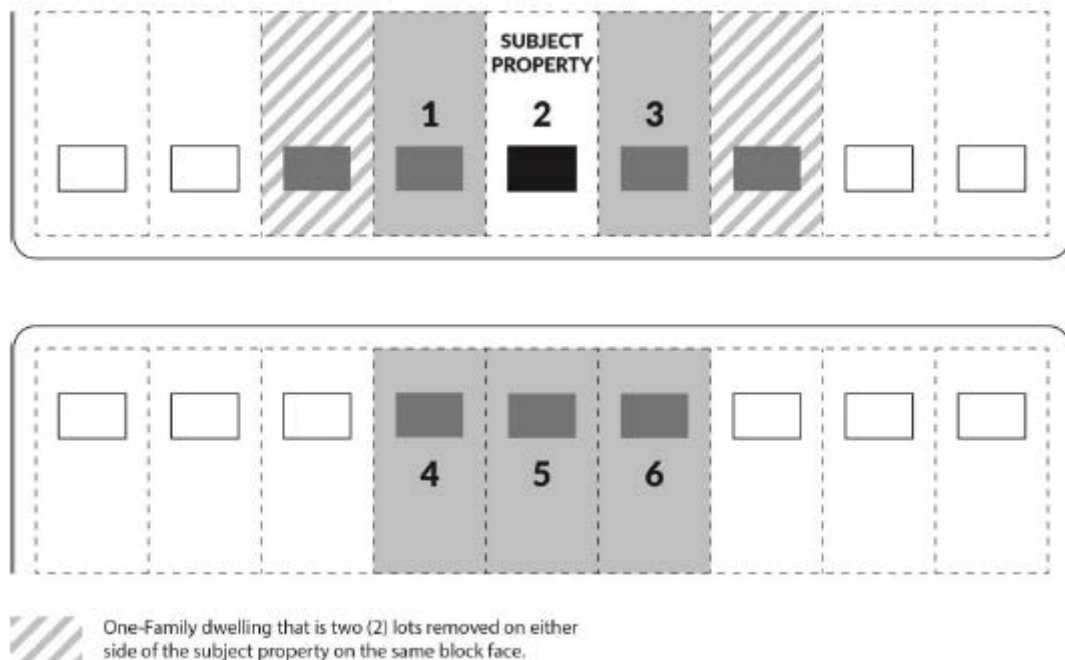
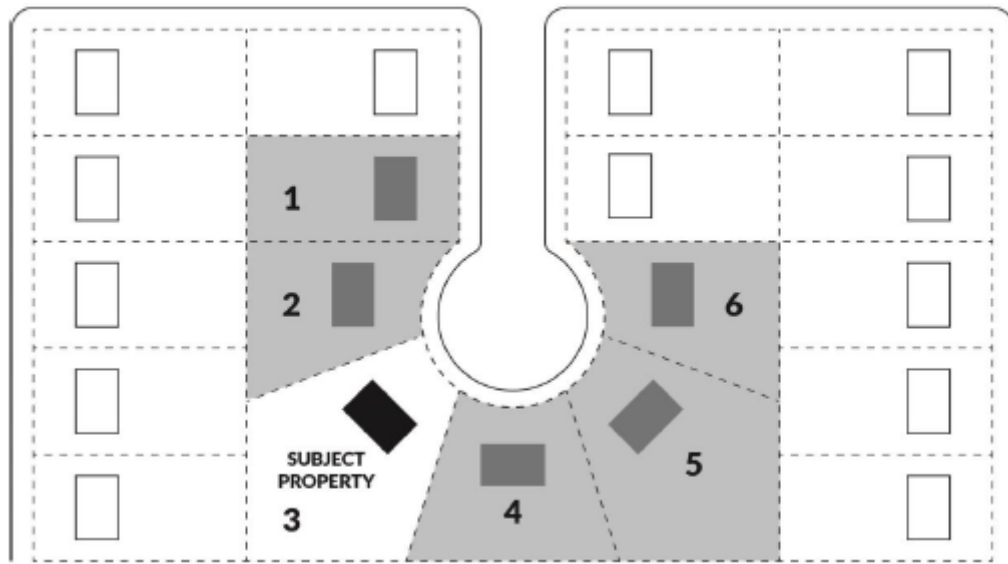


Figure 2.

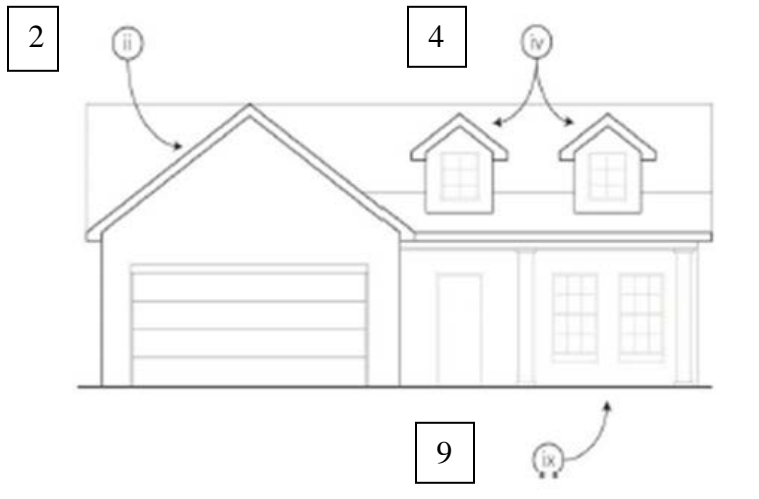
For a dwelling unit to be deemed sufficiently differentiated, i.e., different façade elevation, three of the following elements must be met:

- 1) Change in roofline that is at least 50% of the width of the front elevation;
- 2) Change in roof pitch of at least two (2) units of change as measured by a roof's vertical rise over its horizontal span (e.g., 6/12 pitch to 8/12 pitch);
- 3) Inclusion or exclusion of a front porch or front entry structure or change in height of a front porch roof of at least four (4) feet. A porch must be a minimum of four (4) feet in depth to create a functional space;
- 4) Difference in number of dormers;
- 5) Change in number of front facing garage bay doors;
- 6) Garages recessed or projected by a minimum increment of four (4) feet;
- 7) Change in exterior materials covering 50% or more of the wall coverage on the front façade (excluding openings);
- 8) Addition of a bay window that projects a minimum of one foot from the front wall, as measured from the ground up; or
- 9) Difference in number of windows, provided there is at least two (2) feet of separation between windows when two (2) or more windows are present.
- 10) Addition of landscaping that includes a minimum of two (2) trees in the front yard and a landscaping bed that is at least 25% of the width of the front house elevation. The landscaping bed must be a minimum depth of three (3) feet and include a border or edging with plant coverage of at least 50% of the bed area. A landscape plan must be submitted for review at time of building permit to qualify for this element.

This section only applies to new subdivisions or block-faces that are less than 25% built out.

Figure 3.
Depictions correspond to the numbering under section 28-223.05





Sec. 28-1019. Location of accessory parking.

(d) Except as provided below, no accessory off-street parking facilities shall be located in any required yard:

- (1) On any property zoned R-1 or used for single family, small lot single-family, or two family dwellings, the off-street parking for all vehicles including recreational vehicles and recreational equipment or trailers, whether oversized or not, may be located in a front yard, provided such parking is located on a driveway improved with an all-weather surface and provided that the maximum width of that length of the driveway, located within the front yard, shall not exceed twenty-four (24) feet for single-family or two family dwellings and fifteen (15) feet for small lot single-family dwellings. Parking areas in addition to driveways are permitted in front yards, provided they are improved with an all-weather surface and provided that they are separated from the front property line by a minimum of five (5) feet of landscaped area; and further provided that the total of the areas covered by an all-weather surface, including the driveway, does not constitute more than ~~75%~~ 50% of the front yard for single-family, ~~or~~ two family dwellings and ~~50% of the front yard~~ for small lot single-family dwellings.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco,

Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 5. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco which shall be a fine of not less than \$1.00 and no more than \$2,000.00, and each day a violation exists shall be a separate offense.

Section 6. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: this 3rd day of August 2021.

Second Reading: this 17th day of August 2021.

DocuSigned by:

Dillon Meek

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Dillon Meek, Mayor
City of Waco, Texas

ATTEST:

DocuSigned by:

Esmeralda Hudson

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Esmeralda Hudson, City Secretary

DocuSigned by:



APPROVED AS TO FORM & LEGALITY:

DocuSigned by:

John T. Patterson, for

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Jennifer Richie, City Attorney