

**ORDINANCE NO. 2023-431**

**AN ORDINANCE OF THE CITY OF WACO, TEXAS, AMENDING DIVISION 23 “BRAZOS RIVER CORRIDOR DISTRICT” OF ARTICLE IV “DISTRICT REGULATIONS” OF CHAPTER 28 “ZONING” OF THE CODE OF ORDINANCES, FOR THE PURPOSES OF MODIFYING LIGHTING AND LANDSCAPING STANDARDS, AND AMENDING AND RE-NUMBERING THE DEFINITION SECTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, amendments to the Brazos River Corridor District in Division 23 of the Code of Ordinances of the City of Waco are proposed; and

**WHEREAS**, on April 25, 2023, the City Plan Commission conducted a public hearing on the proposed amendments to Division 23 “Brazos River Corridor District” of Article IV “District Regulations” of Chapter 28 “Zoning” of the Code of Ordinances of the City of Waco, Texas, for the purposes of expanding the boundaries of the Brazos River Corridor District, modifying lighting and landscaping standards, and amending and re-numbering the definition section; and

**WHEREAS**, on May 16, 2023, the Waco City Council conducted a public hearing on the proposed changes and approved on first reading the amendments to the ordinance but did not approve the expansion of the boundaries of the Brazos River Corridor District,

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

**Section 1.** That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

**Section 2.** That Division 23 “Brazos River Corridor District” of Article IV “District Regulations” of Chapter 28 “Zoning” of the Code of Ordinances of the City of Waco shall be amended as follows (**Additions** / **Deletions**):

**CHAPTER 28 – ZONING**

**ARTICLE IV. – DISTRICT REGULATIONS**

**DIVISION 23. SPECIAL DISTRICT - BRAZOS RIVER CORRIDOR DISTRICT**

**Sec. 28-796. Purpose.**

The primary purpose of these special provisions for development in the Brazos River Corridor district is to ensure the development of the Brazos River Corridor as a center for quality recreation, convention, tourism, housing and office facilities. The regulations are designed to protect the special environmental character of the corridor, to promote continued private and public investment. Additional development standards and design guidelines for the district are intended to preserve the distinctive character and natural beauty of the Brazos River Corridor and to maintain its charm and atmosphere.

**Sec. 28-797 Definitions.**

*Caliper inches* means the diameter of the trunk measured six inches above ground level, up to and including four-inch-caliper size, and measured 12 inches above ground level if the measurement, taken at six inches above ground level, exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

*Significant tree* shall mean a tree that has a diameter of 6 inches or more, measured four and one-half feet above natural grade, and is one of the following species:

- (a) Ash, Texas
- (b) Cypress. Bald
- (c) Elm, American
- (d) Elm, Cedar
- (e) Madrone
- (f) Maple. Bigtooth
- (g) All Oaks
- (h) Pecan
- (i) Walnut, Arizona
- (j) Walnut, Eastern Black

Substantial renovation shall be determined by the following ratios:

Appraised Value of Building	Cost of Renovation
Greater than \$200,000	30%
\$100,000 to \$200,000	40%
Less than \$100,000	50%

Maintenance items such as roof repair or replacement, HVAC repair and replacement, electrical and plumbing repair, foundation stabilization, masonry repair, replacement of rotten wood, and repair of existing windows and doors that do not significantly change

the architectural character of a building shall not, in and of themselves, be considered substantial renovation.

**Sec. 28-798. Zoning classifications.**

The Brazos River Corridor district is an overlay, and its regulations shall be applicable to each property within the district, except where specifically exempted in Section 28-798, in addition to the regulations of the base R, O, C, or M district classification in which such property is located. The zoning classification of each property shall be designated by the base district classification plus the Brazos River Corridor district designation (BRC). For example, a property in the C-1 district within the Brazos River Corridor district will carry a C-1 (BRC) classification.

**Sec. 28-799. Application of regulations.**

Within the Brazos River Corridor district, the regulations of each respective base district shall continue to apply to property located in that district, except as expressly supplemented or modified herein. These regulations only apply to new development or a substantial renovation to an existing structure. Properties zoned R-E, R-1A or R-1B, or used for single-family residential purposes shall be exempt from the following sections: 28-800 (except 28-800(1)) “Uses”, 28-801 “Lot area, height and yard requirements,” 28-802 “Site development standards,” 28-802.1 “Pedestrian access,” 28-802.2 “Parking”, 28-802.3 “Drainage,” 28-802.4 “Utilities,” 28-803 “Signs—Prohibitions,” 28-804 “(Signs)—Permitted,” 28-805 “(Signs)—Use-related,” 28-806 “(Signs)—Compatibility,” 28-807 “(Signs)—Number, setback, area and height,” 28-808 “Illuminated signs,” ,” 28-810 “Garbage or trash storage,” 28-811 “Loading docks and service entrances,” 28-812.3 “Items of secondary construction,” 28-812.4 “100-year floodplain construction,” 28-812.5 “Roofs,” 28-813.1 “General requirements”, 28-813.2 “Submission of landscape plan”, 28-813.5 “Parking lots”, 28-813.6 “Screening/buffering”, 28-813.8 “Planting methods”, 28-813.9 “Protection of landscape areas”, 28-813.10 “Irrigation/watering systems”, 28-813.12 “Plan alternatives”, 28-814.1 “Prohibited usage,” 28-814.2 “On-site sewage facilities,” 28-814.5 “Marinas,” and 28-815 “Maintenance standards.”

**Sec. 28-800. Uses.**

Permitted uses and uses allowed by special permit in the Brazos River Corridor district shall be those uses specified for the base district in which a property is located, except that the following uses are specifically prohibited in the Brazos River Corridor district:

- (1) HUD-Code manufactured homes.
- (2) Dispensing or serving of food and beverages directly to consumers in motor vehicles, except where property has frontage on Interstate 35
- (3) Television and radio broadcasting towers.

- (4) Automobile sale and/or rental (except as incidental to primary use).
- (5) Repair and servicing of automobiles and other passenger vehicles.
- (6) Automobile car-washing establishments (except as incidental to primary use).
- (7) Heavy machinery storage, rental, sales and repair.
- (8) Machinery, farm sales, repairing and overhauling.
- (9) HUD-Code manufactured home sales.
- (10) Warehouse storage.
- (11) Feed processing and grain elevators.
- (12) Lumberyards.
- (13) Roofing sales and service.
- (14) Contractor's shop.
- (15) Tire retreading, recapping or rebuilding.
- (16) Self-storage warehouses.
- (17) Motor freight and truck service terminals.
- (18) Sand and gravel extraction except from the bed of the river.
- (19) Junkyards, automobile wrecking yards, salvage yards and scrap operations.
- (20) Acid manufacturing.
- (21) Cement, lime, gypsum or plaster of Paris manufacturing.
- (22) Distillation of bones.
- (23) Fat rendering.
- (24) Fertilizer manufacturing.
- (25) Gas manufacturing.
- (26) Garbage, offal or dead animals, reduction or dumping.
- (27) Glue manufacturing.
- (28) Storage or refining of petroleum or its products.
- (29) Smelting of tin, copper, zinc or iron ores.
- (30) Stockyards or slaughter of animals.
- (31) Agriculture feed lots.
- (32) Asphalt batching.
- (33) Screened or unscreened open storage.
- (34) Sexually oriented businesses.
- (35) Enclosed outside storage.

**Sec. 28-801. Lot area, height and yard requirements.**

Lot area, height and yard requirements applicable to a use in the Brazos River Corridor district shall be those specified for the base district in which the use is located, except that:

- (1) A minimum yard of not less than 25 feet shall be provided adjacent to Brazos Parkway/Martin Luther King, Jr. Drive and University Parks Drive; except where a lot of less than 100 feet in depth between Brazos Parkway/Martin Luther King, Jr. Drive and the lake exits, a yard of not more than 20 per cent of the lot depth may be permitted.
- (2) No off-street parking spaces shall be located within ten feet of any public right-of-way or within 25 feet of Lake Brazos.
- (3) Any buildings constructed within the Brazos River Corridor shall be outside the floodway of the Brazos and Bosque Rivers as established by the most recent study approved by the Federal Emergency Management Agency (FEMA). Permits for excavation, removal of vegetation, or at-grade improvements in the floodway, such as sidewalks, shall be required by the city building official. However, filling within the floodway, or the construction of permanent structures such as fences, buildings, or shelters is prohibited.
  - (a) *100-Year flood.* A flood that occurs on the average of once every 100 years. This flood has a one-percent chance of occurring in any given year.
  - (b) *100-Year floodplain.* That land which is subject to flooding by the occurrence of a 100-year flood.
  - (c) *Floodway.* The channel of stream plus any adjacent floodplain areas, as defined by FEMA maps, that must be kept free of encroachment so that the 100-year flood can be carried without causing the flood height to increase in excess of one foot.

**Sec. 28-802. Site development standards.**

Each use in the Brazos River Corridor district shall comply with all site development standards contained in section 28-171. The general exterior styling of architecture of any new buildings or any building altered or remodeled in the Brazos River Corridor must conform to or be in sympathy with the Brazos River Development Plan and the comprehensive plan as adopted by the city council.

**Sec. 28-802.1 Pedestrian access.**

On the west side of the Brazos River between Franklin Avenue and Interstate 35, an area of pedestrian access twenty (20) feet wide behind the uppermost retaining wall of the existing river walk shall be required.

In other areas with river frontage, this access shall be required when the vertical dimension between the level of the river walk and the main pedestrian level of the development exceeds ten (10) feet.

(Ord. No. 2000-32, § 1, 6-20-00)

**Sec. 28-802.2 Parking.**

In developments with river frontage, parking shall be placed away from the river and not located between the building and the river.

**Sec. 28-802.3 Drainage.**

Surface runoff from paved areas and other impermeable surfaces shall not flow directly into the river, but shall be routed to enhance removal of contaminants before release into the river.

**Sec. 28-802.4 Utilities.**

All surface drops for electrical and communication utilities shall be placed underground from the distribution line to the point of service in compliance with utility service regulations.

**Sec. 28-803. Signs--Prohibitions.**

The following signs shall be prohibited within the Brazos River Corridor Overlay District:

- (1) All off-premises signs except the national or state flag, insignia, legal notices, or fundamental, directional or traffic signs which are legally required or necessary to essential functions of government agencies.
- (2) Mobile signs as defined as any sign designed for use and display out-of-doors which is mounted on a trailer or is otherwise capable of being easily transported or moved place to place.
- (3) Banners, pennants, searchlights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons or other gas-filled objects, except that banners, pennants, balloons or searchlights may be permitted for a period not to exceed

ten days for special events, such as grand openings. A written permit for such temporary use shall be obtained from the building official.

- (4) Banners which are incorporated into the architectural design of the building or site are exempt from this provision if approval has been granted by the city building official.
- (5) Banners on light standards located on public property are exempt from this provision if approval has been granted by the city manager's office.

**Sec. 28-804. Same--Permitted.**

All signage within the BRC district shall be in keeping with the general guideline of preserving the distinctive character, natural beauty and historic charm of the Brazos River Corridor.

**Sec. 28-805. Same--Use-related.**

All display signs, visual displays or graphics located in the Brazos River Corridor must relate to a bona fide public or private use within the corridor or advertise a bona fide use conducted in or on the premises adjacent to the Brazos River Corridor or with a prominent, in-use entrance to the Brazos River Corridor.

**Sec. 28-806. Same--Compatibility.**

The type, shape, color, construction and materials of all proposed signs in the BRC district shall be reviewed as to their compatibility with the Brazos River Corridor Plan and the Comprehensive Plan.

**Sec. 28-807. Signs--Number, setback, area and height.**

The number, setback, area and height of signs in the BRC district shall be permitted as in the base district with the following exceptions:

- (1) No detached sign more than three feet in height shall be located within the floodway or within 50 feet of the water's edge, whichever is greater with the following exceptions:
  - a. The national or state flag, insignia, legal notices, or fundamental, directional or traffic signs which are legally required or necessary to the essential functions of governmental agencies.
- (2) No detached sign shall exceed 15 feet in height.

- (3) The maximum area of any detached sign shall not exceed 120 square feet and be in conformity with the signage requirements of the base district.
- (4) In order to provide for construction of a sign to the scale which may be required for exceptionally large developments, the following area and height restrictions shall apply for any permitted use in a C or M district or for a government or institutional use in an O district having a frontage on a limited-access freeway or primary arterial:
  - a. *Area.* Where the frontage of a development on a public right-of-way exceeds 750 feet, an additional one-half square foot of area shall be permitted for each foot of frontage in excess of 750 feet up to a maximum area of 250 square feet.
  - b. *Height.* For exceptionally large developments requiring a sign in accordance with subsection (4) of this section, a maximum height of 30 feet shall be allowed.
- (5) The area of signs placed in windows, so as to be viewed from the outside, shall be counted in calculating the permitted area of attached signs.

**Sec. 28-808. Illuminated signs.**

- (1) For illuminated signs with lighting fixtures behind the face of the sign, all light sources shall be a steady light concealed. No flashing lights, including strobe lights, are permitted in the BRC district. The face of the sign shall be standard, opaque glass or another substance of an equal or similar light transmission factor.
- (2) For other illuminated signs, a light source outside the face of the sign shall be a steady light concealed by a hood or other method of indirect lighting.
- (3) Lighted signs that portray movement, electronic reader board signs, and neon signs shall be considered permitted within the context of this section.

(Ord. No. 1986-49, § 1(4.2301(f)(2)), 9-16-86; Ord. No. 2000-32, § 1, 6-20-00)

**Sec. 28-809. Outdoor lighting.**

The purpose of this division is to encourage a safe, secure atmosphere while maintaining an environment of visual quality which is unobtrusive to surrounding property. Where hazards exist which can be minimized or eliminated by lighting, or where use extends into hours of darkness, the lighting of parking areas, walks and drives may be required in such manner and during such hours as may be deemed necessary in the interest of public safety and security. Such lighting may be attached to a building or freestanding fixture.

**Sec. 28-809.1 Lighting requirements.**

- (1) All supports and fixtures shall be compatible in design and appearance with the character of the area. Wood utility poles shall not be used, however decorative or specially designed wood fixtures will be considered. All wiring shall be underground.
- (2) Mechanical equipment shall be effectively screened from the public.
- (3) The limits of illumination on neighboring property from an establishment shall be by zoning of the neighborhood property. Maximum footcandle levels measured by holding a light meter in a vertical position at the neighboring property line shall not exceed standards specified by ordinance. The zoning standards are as follows:
  - (a) Single family and two-family residential – 0.5 footcandles.
  - (b) Multiple-family residential – 0.5 footcandles.
  - (c) Non-residential – 3.0 footcandles.
  - (d) Light industrial – 5.0 footcandles.
- (4) Lighting levels in public areas shall be as follows:
  - (a) Commercial parking use – 1.5 (minimum); 4:1 (uniformity ration max./min.).
  - (b) Walkways, jogging trails and bikeways – 1.0 (minimum); 4:1 (uniformity ratio max./min.).

\*Uniformity ratios stated are maximum values.
- (5) Lighting shall be shielded or constructed so that no direct light is emitted upward, either directly from the lamp or indirectly from the fixture, above the 90° cutoff angle of the fixture.

**Sec. 28-810. Garbage or trash storage.**

All garbage or trash storage units in the BRC district shall be painted in inconspicuous colors and screened from public view by appropriately designed landscaping or fencing. Dumpsters placed in a permanent location shall be set on appropriately sized concrete pad as specified by the city solid waste services department.

**Sec. 28-811. Loading docks and service entrances.**

All loading docks and service entrances in the BRC district shall be screened from public view by appropriately designed landscaping or fencing.

**Sec. 28-812. Materials.**

It is the purpose of these design standards to promote the use of quality, durable and, wherever practical, low maintenance materials throughout the Brazos River Corridor. At the same time, it is recognized that advances in building material technology may result in the availability of new materials not in existence, or not widely used, at the time these standards were written. Any construction material or system not specifically mentioned herein may be submitted to the city plan review committee for consideration and approval.

**Sec. 28-812.1 Historical construction.**

New additions to existing historical structures, which have been designated as National Register properties, Texas landmarks, or local landmarks, shall be discernable from the original building. Such additions shall not copy the original design, but shall maintain a compatible compliment of proportion, scale, color, texture and size to the existing building.

**Sec. 28-812.2 New residential primary construction (single and multi-family).**

All residential construction shall include a permanent foundation that is an integral part of the structure and meets or exceeds current building standards.

**Sec. 28-812.3 Items of secondary construction.**

- (1) Walkways shall be of concrete, masonry or stone and designed to drain well and maintain an all-weather surface. The use of wood or compacted granular materials as a walkway material may only be used when approved by the city plan review committee.
- (2) The primary structure portion of a retaining wall shall be either concrete, interlocking sheet pilings engineered and specifically designed for use as a retaining wall. The exposed exterior treatment of a retaining wall may be masonry, stone, railroad ties, concrete or interlocking masonry retaining wall units.
- (3) The use of chain link fencing is not allowed unless screened from public view by mature landscaping. The twisted tines of chain link fencing shall only be placed at the bottom of the fence, pointing towards the ground. No barbed or razor wire

shall be permitted. Privacy fencing constructed of wood fencing boards (such as redwood or cedar one foot x six feet) shall be constructed so the fencing boards, rather than the supporting framework, faces onto all public rights-of-way (excluding alleys). Wood fencing shall use redwood, cedar or treated lumber. If painted or stained, the fence shall be maintained against excessive fading or peeling.

- (4) Carports, storage sheds and outbuildings shall use the same construction materials as the main building they serve and shall have compatible architectural style.

#### **Sec. 28-812.4 100-year floodplain construction.**

All building foundations which are constructed within the 100-year flood plain shall be an engineered structure, taking into consideration, but not limited to, the static and dynamic loads induced on the structure by water under a flood condition.

#### **Sec. 28-812.5 Roofs.**

Where the roof of a building contains mechanical equipment, the equipment shall be screened from view from lines of sight on the ground or any vantage point no closer than one story below the line of the roof being viewed. When the roof is visible from a nearby taller structure, which existed prior to the construction of the shorter building, the new roof shall be designed so as to present a clean uncluttered appearance to the taller neighboring building. Roofs shall not be used as a backdrop for painted or applied signage. The orientation of siting of buildings with metal roofs shall consider the effects of glare on adjacent structures and traffic.

#### **Sec. 28-813 Landscaping.**

The purpose of this section is to ensure that the preservation of the natural beauty and environmental quality of the Brazos River Corridor is preserved through the adoption of landscaping standards that respect and enhance the corridor's environment. Landscaping is important to the development of the Brazos River Corridor as a center for quality recreation, tourism, commercial and residential development and therefore should be given a high priority in the development process.

##### **Sec. 28-813.1 General requirements.**

Landscaping shall consist of an appropriate combination of deciduous and evergreen trees, shrubs, and/or ground cover (including grass), and shall be installed in all required yards in the BRC district except those areas covered by driveways, walkways and other paved surfaces.

Landscaping shall be installed to screen all off-street commercial parking areas from adjacent properties and public rights-of-way. Such landscaping shall consist of a dense, all-season visual barrier to a height of at least two feet above the adjacent grade of the off-street area.

#### **Sec. 28-813.2 Submission of landscape plan.**

All plans for construction projects that are required to provide landscaping shall be accompanied by a landscape plan and an irrigation plan that demonstrates compliance with the Brazos Corridor landscape standards and local ordinances pertaining to landscaping. The landscape plan shall indicate the date, scale, north arrow, project title and project address. The type, size, height and location of proposed landscape material to be used and the total square footage of all landscape area should be included as well as existing and proposed utilities, trees, swales and berms. The irrigation plans shall be designed and sealed by a licensed irrigator and shall meet all state and local codes. The plans shall indicate the type, size and location of piping and irrigation heads, backflow prevention devices, valves, and controllers.

#### **Sec. 28-813.3 Lot Coverage.**

(1) Not more than 80 percent of the lot area in the BRC district may be covered by impervious surfaces of buildings, structures, and pavement. In zones requiring less than 80 percent coverage, the more restrictive base zone regulations shall apply.

(2) Walks, fountains, and plazas can be within the landscape area but shall not constitute more than five percent of the landscaped area.

#### **Sec. 28-813.4 Tree planting, species recommendation and plant sizes.**

Tree planting shall be a minimum of 30 caliper inches per acre. A minimum of one planted tree per lot is required. Planted trees shall be no less than six feet in initial height. At least 60 per cent of required trees must come from the preferred plant list. For commercial property, at least 60 per cent of required trees will be from the same genus or species (if more than ten trees are required).

#### **Sec. 28-813.5 Parking lots.**

One tree shall be planted for every 15 parking spaces. The landscaped area should occur entirely within the parking lot boundaries as a landscaped median, landscaped islands, or landscaped peninsulas. In order to provide significant space for the growth of trees planted within these areas, the minimum width for landscaped islands, medians, or peninsulas which contain new trees shall be eight feet measured from the inside of the curb. Grass pavers are permitted instead of concrete or asphalt but all other landscape standards remain in effect.

#### **Sec. 28-813.6 Screening/buffering.**

Landscape buffers shall meet all local ordinances pertaining to sight obstructions. Plants and trees used as buffering elements shall be planted in a permeable landscape area at least eight feet wide. Berms shall be a minimum of three feet high with a slope no greater than four to one.

#### **Sec. 28-813.7 Tree preservation.**

In order to encourage the preservation of significant trees and continued growth of smaller trees, the following credit toward the total landscape area and minimum caliper inches per acre required is possible.

- (1) Each square foot of landscape area which is permeable and within the area encompassed by one and a half times the drip line of a surveyed tree at least two inches in trunk diameter (measured six inches above the base of the tree) shall count as one and one-quarter square feet of landscaped area. Overlapping drip line areas will not be counted twice and no credit will be given if half of the drip line area is impervious. No credit will be given where damaging grading has occurred within one and a half times the drip line of the tree.
- (2) Each one caliper inch of a preserved significant tree shall count as 1.5 caliper inches of required tree planting per Section 28-813.4.

#### **Sec. 28-813.8 Planting methods.**

A minimum of three inches of shredded hardwood mulch shall be added in a non-turf area to the soil surface after planting. Non-porous material, such as sheet plastic, shall not be placed under the mulch. A minimum of four inches of permeable soil, native or imported, shall be required for all turf areas. A minimum of six inches of permeable soil mixed with two inches of compost material shall be required for all shrub and groundcover areas. Site drainage shall be taken in to consideration when planting.

#### **Sec. 28-813.9 Protection of landscape areas.**

All landscape areas adjacent to vehicular use areas shall be protected with concrete or stone curb at least six inches in height. Curb stops alone will not be allowed.

**Sec. 28-813.10            Irrigation/watering systems.**

The owner shall be responsible for the irrigation of all required landscape areas and plant materials, utilizing one or a combination of the following methods:

- (1) An automatic or manual underground irrigation system (conventional spray, bubbler, drip, emitters, drip tubing, porous pipe and the like) with the turf zones separated from planting zones.
- (2) A hose attachment within 100 feet of all required landscape areas and plant materials where there is no road or parking pavement between the hose attachment and landscape area and the site plan area is no larger than a half acre.
- (3) Landscape areas planted with native grasses and wildflowers may use a temporary and aboveground irrigation system. The system shall be required to be in place for two growing seasons.

Irrigation plans shall be designed by a licensed irrigator and shall meet all state and local codes. Automatic irrigation systems shall be equipped with a controller with a dual or multiple programming options. Sprinkler head spacing shall be designed for head to head coverage and the system be designed for minimum runoff and minimum over spray onto non-irrigated areas. Areas containing grass pavers shall be irrigated. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

**Sec. 28-813.11            General maintenance.**

The owner, tenant or agent, shall be jointly responsible for maintaining all landscaping in a healthy, neat, and orderly condition and replacing landscape materials when they are severely damaged, diseased, or dead.

**Sec. 28-813.12            Plan alternatives.**

Plans that deviate from the required standards will be considered if appropriate substitutions are demonstrated. Examples of special landscape features that will be considered are arbors, gazebos, public seating areas, approved rain storage, irrigation

distribution systems, native plantings, additional landscape coverage, additional tree planting, fountains and ponds.

**Sec. 28-814. Environmental guidelines.**

The purpose of this section is to protect and enhance the environmental quality of the Brazos River Corridor. Environmental quality includes both the natural and man made environment within the corridor.

**Sec. 28-814.1. Prohibited usage.**

Sites with the potential to adversely affect water quality and sites required to obtain storm water permits in the Corridor are required to establish monitoring plans to ensure that water quality is not impacted. The monitoring plan shall be reviewed and approved by the City of Waco personnel prior to implementation.

- (1) Specific land uses that are associated with a high risk of environmental degradation, or are not otherwise consistent with the objectives for planned growth within the BRC district, are prohibited.
- (2) New underground storage tanks containing petroleum products, located within 500 feet of the water's edge, shall install secondary containment systems. Existing storage facilities that are upgraded or replaced shall also install secondary containment systems.
- (3) Above ground storage tanks shall be properly screened from the public's view by vegetation barriers or fences consistent with section 28-812 of this ordinance.
- (4) Non-storm water discharges are prohibited with the exception of occasional incidental releases, such as non-commercial or charity car washes, etc. or emergency related water discharges.
- (5) Storage of hazardous, industrial, or municipal waste is not allowed in the Corridor. Hazardous substances or hazardous wastes shall not be stored in outside areas subject to inundation or destructive water velocities caused by a 100-year flood.

**Sec. 28-814.2 On-site sewage facilities.**

In consideration of the aquifer recharge zone, permeable soil conditions, hydrogeologic character and inherent water quality risk associated with on-site sewage facilities (OSSFs), new OSSFs are prohibited in the corridor.

**Sec. 28-814.3 Cliffs.**

There shall be no physical structure attached to or allowed to deface the cliffs within the Brazos River Corridor.

**Sec. 28-814.4 Springs.**

A developer shall prepare a written assessment for development within 500 feet of any spring to ensure that the spring is not adversely impacted.

**Sec. 28-814.5 Marinas.**

Marinas with fueling and/or repair facilities shall establish monitoring systems said monitoring plan shall be approved by appropriate city personnel.

**Sec. 28-815. Maintenance standards.**

Items such as broken windows shall be replaced in a timely manner or boarded with a minimum one-half inch CDX plywood that is screwed into place, cut to fit the opening and painted to blend with the existing building.

**Sec. 28-816. Boating safety operations and maintenance.**

The following provisions are intended to help assure water quality, water safety, and encourage diverse boating opportunities throughout the Brazos River Corridor.

- (1) There shall be no sewage or other liquid disposal into the surface water of Lake Brazos.
- (2) Oil absorbing pads shall be used in the operation of bilges and shall be disposed of properly.
- (3) Boat maintenance shall be performed in locations away from the surface waters of Lake Brazos, except in cases of emergency.
- (4) Removing paint from boat hulls while in the water is prohibited.
- (5) Fish shall be cleaned in designated areas and waste there from disposed of properly. Disposal of fish waste in surface waters at marinas is strictly prohibited.
- (6) Rental boats and such facilities shall be licensed by the city.
- (7) Motorized boats for group hire are allowed, but such operations, including but not limited to number and routes shall be required to obtain a permit from the city.
- (8) Airboats are prohibited. Airboats include but are not limited to swamp boats or flat bottom boats powered by an airplane-type propeller projecting above the stem of the boat, which are designed to be operated in swamps, glades, or other shallow areas.

- (9) To ensure public safety, special permits shall be required for water-related special events such as drag boat races, regattas, sculling competitions, and other similar events.

The regulations are intended to be consistent with, and in addition to, those regulations coned in Chapter 17, Article IV - Lakes, Division 2 - Lake Brazos, Sections 17-166 through 17-171. To the extent that any of those regulations are inconsistent with or in conflict herewith, this section shall control.

**Secs. 28-817--28-830. Reserved.**

**Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**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 nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

**Section 7.** 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 8.** 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 16th day of May 2023.

**SECOND READING:** this 6th day of June 2023.

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Dillon Meek, Mayor  
City of Waco, Texas

**ATTEST:**

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Michelle Hicks, City Secretary

**APPROVED AS TO FORM & LEGALITY:**

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Jennifer Richie, City Attorney

**APPROVED:**

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Clint Peters, Director of Development Services