

ORDINANCE NO. 2023-794

AN ORDINANCE OF THE CITY OF WACO, TEXAS, AMENDING VARIOUS SECTIONS OF CHAPTER 28 “ZONING” OF THE CODE OF ORDINANCES, FOR THE PURPOSES OF ADDING A DEFINITION FOR AGRICULTURAL OPERATIONS AND ALLOWING AGRICULTURAL OPERATIONS AS A PERMITTED USE IN ALL ZONING DISTRICTS, IN ORDER TO COMPLY WITH REVISIONS TO TEXAS AGRICULTURE CODE CHAPTER 251, PER HOUSE BILL 1750 OF THE 88TH REGULAR SESSION; 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, the Code of Ordinances of the City of Waco, in Chapter 28 “Zoning” currently permits some agricultural uses in the R-E, R-1A, R-1B and M-2 Zoning Districts; and

WHEREAS, it is necessary to amend Chapter 28 “Zoning” of the Code of Ordinances to comply with House Bill 1750 of the 88th Regular Session of the Texas Legislature; and

WHEREAS, said amendments include adding a definition for “Agricultural operations” and allowing “Agricultural operations” as a permitted use in all Zoning Districts; and

WHEREAS, on August 22, 2023, the City Plan Commission conducted a public hearing on the proposed amendments to Chapter 28 “Zoning” of the Code of Ordinances of the City of Waco, Texas, to make the above listed changes; and

WHEREAS, on September 5, 2023, the Waco City Council conducted a public hearing on the proposed amendments,

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 Chapter 28 “Zoning” of the Code of Ordinances of the City of Waco shall be amended as follows (Additions / ~~Deletions~~):

Chapter 28 - ZONING

ARTICLE I. - IN GENERAL

Section 28-1. - Definitions.

Agricultural operations shall include the following activities:

- (A) Cultivating the soil;
- (B) Producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;
- (C) Floriculture;
- (D) Viticulture;
- (E) Horticulture;
- (F) Silviculture;
- (G) Wildlife management;
- (H) Raising or keeping livestock or poultry, including veterinary services; and
- (I) Planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 2. - R-E SINGLE-FAMILY RESIDENCE DISTRICT

Section 28-272. - Permitted uses.

- (6) ~~Farming and raising of agricultural products~~ Agricultural operations.

DIVISION 3. - R-1A SINGLE-FAMILY RESIDENCE DISTRICT

Section 28-297. - Permitted uses.

- (13) ~~Agriculture; farming and raising agricultural products~~ Agricultural operations.

DIVISION 4. - R-1B SINGLE-FAMILY RESIDENCE DISTRICT

Section 28-322. - Permitted uses.

- (13) ~~Agriculture; farming and raising agricultural products~~ Agricultural operations.

DIVISION 5. - R-1C SINGLE-FAMILY RESIDENCE DISTRICT

Section 28-347. - Permitted uses.

- (19) Agricultural operations.

DIVISION 6. - R-2 TWO-FAMILY AND ATTACHED SINGLE-FAMILY RESIDENCE DISTRICT

Section 28-372. - Permitted uses.

(27) Agricultural operations.

DIVISION 7. - R-3A MULTIPLE-FAMILY RESIDENCE DISTRICT
Section 28-397. - Permitted uses.

(29) Agricultural operations.

DIVISION 8. - R-3B MULTIPLE-FAMILY RESIDENCE DISTRICT
Section 28-422. - Permitted uses.

(30) Agricultural operations.

DIVISION 9. - R-3C MULTIPLE-FAMILY RESIDENCE DISTRICT
Section 28-447. - Permitted uses.

(30) Agricultural operations.

DIVISION 10. - R-3D MULTIPLE-FAMILY RESIDENCE DISTRICT
Section 28-472. - Permitted uses.

(30) Agricultural operations.

DIVISION 11. - R-3E MULTIPLE-FAMILY RESIDENCE DISTRICT
Section 28-497. - Permitted uses.

(30) Agricultural operations.

DIVISION 12. - O-1 OFFICE DISTRICT Section
28-522. - Permitted uses.

(40) Agricultural operations.

DIVISION 13. - O-2 OFFICE-RESIDENCE DISTRICT
Section 28-547. - Permitted uses.

(53) Agricultural operations.

DIVISION 14. - O-3 OFFICE-LIMITED COMMERCIAL DISTRICT
Section 28-572. - Permitted uses.

(55) Agricultural operations.

DIVISION 15. - C-1 COMMUNITY COMMERCIAL – NO ALCOHOL DISTRICT

Section 28-597. - Permitted uses.

(60) Agricultural operations.

DIVISION 16. - C-2 COMMUNITY COMMERCIAL DISTRICT

Section 28-622. - Permitted uses.

(68) Agricultural operations.

DIVISION 17. - C-3 GENERAL COMMERCIAL DISTRICT

Section 28-647. - Permitted uses.

(78) Agricultural operations.

DIVISION 18. - C-4 CENTRAL COMMERCIAL DISTRICT

Section 28-672. - Permitted uses.

(77) Agricultural operations.

DIVISION 19. - C-5 SERVICE COMMERCIAL DISTRICT

Section 28-697. - Permitted uses.

(117) Agricultural operations.

DIVISION 20. - M-1 OFFICE AND RESTRICTED INDUSTRIAL DISTRICT

Section 28-722. - Permitted uses.

(58) Agricultural operations.

DIVISION 21. - M-2 LIGHT INDUSTRIAL DISTRICT

Section 28-747. - Permitted uses.

(69) ~~Agriculture, farming and raising agriculture products~~ Agricultural operations.

DIVISION 22. - M-3 GENERAL INDUSTRIAL DISTRICT

Section 28-772. - Permitted uses.

(71) Agricultural operations.

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 5th day of September 2023.

SECOND READING: this 19th day of September 2023.

Dillon Meek, Mayor
City of Waco, Texas

ATTEST:

Hicks, City Secretary

Michelle

APPROVED AS TO FORM & LEGALITY:

Richie, City Attorney

Jennifer

APPROVED:

Peters, Director of Development Services

Clint