

**ORDINANCE NO. 2024-441**

**AN ORDINANCE OF THE CITY OF WACO, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING SECTION 28-247 IN CHAPTER 28 "ZONING" OF SAID CODE; PROVIDING THAT THE ZONING MAP SHALL BE CHANGED SO THAT CERTAIN PROPERTY DESCRIBED AS 0.261 ACRES OF LAND DESCRIBED AS LOTS 4 AND 5A, BLOCK 121, J H BARNARD SUBDIVISION, KNOWN AS 522 HERRING AVENUE, SHALL BE CHANGED FROM R-3E DISTRICT CLASSIFICATION AND BECOME AND BE DESIGNATED INTO O-1 DISTRICT CLASSIFICATION; 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.**

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

**Section 1.** That pursuant to Section 28-247 in Chapter 28 "Zoning" of the Code of Ordinances of the City of Waco, Texas, the Zoning Map be amended based on the following findings:

1. The proposed zoning is in conformance with the land use component of the Comprehensive Plan;
2. The property meets all the area and width requirements for the O-1 zoning district;
3. The existing public infrastructure is adequate to provide for uses allowed in the O-1 zoning district; and
4. There is existing O-1 zoning immediately across Herring Avenue that was approved for a rezone in 2016,

and that the Zoning Map be changed so that territory located in the City of Waco, McLennan County, Texas, as hereinafter described, to-wit:

**0.261 ACRES OF LAND DESCRIBED AS LOTS 4 AND 5A, BLOCK 121, J H BARNARD SUBDIVISION, KNOWN AS 522 HERRING AVENUE, AS DESCRIBED AND SHOWN ON EXHIBIT "A" ATTACHED,**

which currently is zoned R-3E shall be changed to be designated and classified as O-1 zoning district and the Zoning Map shall be amended accordingly.

**Section 2.** 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 3.** 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 4.** 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 5.** 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 21st day of May 2024.

**SECOND READING:** this 4th day of June 2024.

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Jim Holmes, Mayor  
City of Waco, Texas

**ATTEST:**

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Michelle Hicks, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Jennifer Richie, City Attorney

**APPROVED:**

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Clint Peters, Director of Development Services