

ORDINANCE NO. 2014-432

AN ORDINANCE AMENDING VARIOUS SECTIONS IN CHAPTER 28 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, FOR THE PURPOSES OF ADDING A DEFINITION FOR TEMPORARY COMMERCIAL PARKING FACILITIES, DETERMINING THE ZONING DISTRICTS IN WHICH THESE FACILITIES WILL BE ALLOWED AND DETERMINING REQUIREMENTS FOR THESE FACILITIES; 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 Chapter 28 – Zoning of the Code of Ordinances of the City of Waco for the purposes of adding a definition for temporary commercial parking facilities, determining the zoning districts in which these facilities will be allowed and determining requirements for these facilities; and

WHEREAS, the City Plan Commission conducted a public hearing on proposed changes to Chapter 28 – Zoning of the Code of Ordinances of the City of Waco concerning the regulation of temporary commercial parking facilities on June 24, 2014; and

WHEREAS, the City Council conducted a public hearing on these proposed changes on July 15, 2014;

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

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

ARTICLE I. IN GENERAL

Sec. 28-1. Definitions.

Temporary commercial parking facility- shall mean the use of property not to exceed 15 days per calendar year for parking operated as a business enterprise by charging a fee in conjunction with a temporary event(s) that is open to the public, and that will have more than 5,000 persons in attendance.

ARTICLE IV. DISTRICT REGULATIONS

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

Sec. 28-322. Permitted uses.

(19) Temporary commercial parking facility.

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

Sec. 28-372. Permitted uses.

(22) Temporary commercial parking facility.

DIVISION 12. O-1 OFFICE DISTRICT

Sec. 28-522. Permitted uses.

(35) Temporary commercial parking facility.

DIVISION 13. O-2 OFFICE-RESIDENCE DISTRICT

Sec. 28-547. Permitted uses.

(46) Temporary commercial parking facility.

DIVISION 14. O-3 OFFICE-LIMITED COMMERCIAL DISTRICT

Sec. 28-572. Permitted uses.

(47) Temporary commercial parking facility.

DIVISION 16. C-2 COMMUNITY COMMERCIAL DISTRICT

Sec. 28-622. Permitted uses.

(59) Temporary commercial parking facility.

DIVISION 17. C-3 GENERAL COMMERCIAL DISTRICT

Sec. 28-647. Permitted uses.

(75) Temporary commercial parking facility.

DIVISION 18. C-4 CENTRAL COMMERCIAL DISTRICT

Sec. 28-672. Permitted uses.

(69) Temporary commercial parking facility.

DIVISION 21. M-2 LIGHT INDUSTRIAL DISTRICT

Sec. 28-747 Permitted uses.

(96) Temporary commercial parking facility.

DIVISION 22. M-3 GENERAL INDUSTRIAL DISTRICT

Sec. 28-772. Permitted uses.

(70) Temporary commercial parking facility.

ARTICLE VII. OFF-STREET PARKING AND LOADING

Sec. 28-1019. Location of accessory parking.

(a) Accessory off-street parking spaces shall be located on the same lot as the use served, except when the board of adjustment authorizes, as a special exception, all or part of the required off-street parking spaces to be located on a lot that does not contain the principal use or structure to be served.

(b) Accessory use of off-street parking spaces on a lot other than the lot on which the principal use or structure served is located may be authorized by the board of adjustment.

(1) On a lot in an R or O district, provided that such lot is adjacent to (or separated only by an alley or street from) the use served; and provided that use of the lot is limited to passenger cars, and further provided that boundary landscaping with a minimum height of three feet shall be required along street rights-of-way to screen the pavement surface from view and that such height be achieved through the following landscape elements: earthen berms, grass, ground cover, shrubbery, trees, landscape timbers, and/or masonry walls, in accordance with the definition of landscaping found in section 28-218 of the Zoning Ordinance.

(2) On a lot in a C or M district; provided, that such lot is within 300 feet of the use served as measured along the shortest route of public access.

(c) Where parking facilities are permitted on a lot other than the lot on which the structure or use served is located, the owner of record of the lot occupied by the structure or use to which the parking facilities are accessory shall be the same as the owner of record of the lot on which the parking facilities are permitted or shall be the lessee in a lease agreement concerning the lot on which the parking facilities are permitted. Copies of the lease agreement shall be deposited with the office of the zoning administrator. The owner of record of the lot on which the

parking facilities are permitted shall not change or the lease agreement shall not be terminated until such time as any one (as appropriate) of the following conditions occur:

- (1) The structure or use being served is terminated; or
- (2) The new owner of record of the lot on which the parking facilities are permitted is the same as the owner of record of the lot occupied by the structure or use to which the parking facilities are accessory; or
- (3) Another lot is properly developed and used for the required accessory off-street parking in place of the initial lot used for accessory off-street parking, subject to the same requirements and conditions attaching to such substitute lot, and such substitution shall be approved by the board of adjustment.

(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 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 24 feet. 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 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 per cent of the front yard.
- (2) In the R and O districts, accessory off-street parking spaces, open to the sky, may be located in a required side or rear yard. On any property used for single-family or two-family dwellings, parking located on a side yard, abutting a street, shall be located on an all weather surface.
- (3) In the C and M districts, accessory off-street parking spaces, open to the sky, may be provided in any yard except within 50 feet of an R district in a required yard.
- (4) Accessory off-street parking spaces located within an accessory structure may be located in a required side or rear yard subject to the provisions of section 28-926.
- (5) For churches and schools, accessory off-street parking spaces, open to the sky may be provided in all but the first 25 feet of the required 50 feet front yard.
- (6) An all-weather surface shall be defined as concrete, hot-mix, asphaltic concrete, gravel bordered by cement curbing or a similar permanent border, concrete or brick pavers, or some other improved surface as approved by the city engineer. Gravel bordered by cement curbing or a similar permanent border may only be used for single-family residential parking spaces.
- (7) Gravel shall be defined as material consisting of durable particles of rock mixed with approved binding material that is free from thin or elongated pieces, clay lumps, soil foam or vegetable matter. The material may be bank run or the binder may be added and incorporated by methods approved by the city engineer.
- (8) Parking of vehicles on property used for residential purposes or located in residential zoning districts shall be governed by section 25-199 of this Code.
- (9) The terms of this section shall not be construed to apply to the parking of vehicles in a front yard or side yard used as part of a temporary commercial parking

facility where such parking is permitted in conjunction with a temporary event that is no longer than two weeks in duration, that is open to the public, and that will have more than 5,000 persons in attendance. a temporary commercial parking facility is permitted by right.

Sec. 1022. Design and maintenance of off-street parking facilities.

All off-street parking facilities shall be designed and maintained in accordance with the standards contained in section 28-215 except for a temporary commercial parking facility.

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 15th day of July, 2014.

Second Reading: this 5th day of August, 2014.

Malcolm Duncan, Jr., Mayor
City of Waco, Texas

ATTEST:

Patricia W. Ervin, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney