

ORDINANCE NO. 2016-436

AN ORDINANCE AMENDING SECTION 28-123 IN CHAPTER 28 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, TO REQUIRE THE OWNER OF A PROPERTY TO SIGN THE APPLICATION FOR A REQUEST FOR REZONING OR SPECIAL PERMIT UNLESS THE CITY OF WACO INITIATED THE APPLICATION; AMENDING SECTION 28-151 IN CHAPTER 28 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS TO REVISE CERTAIN PUBLIC NOTICING REQUIREMENTS; 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 amend Section 28-123 in Chapter 28 – Zoning of the Code of Ordinances of the City of Waco to require that the owner of a property sign the application for a request for rezoning or special permit concerning the property unless the City of Waco initiated the application; and

WHEREAS, it is necessary to amend Section 28-151 in Chapter 28 – Zoning of the Code of Ordinances of the City of Waco to revise certain public noticing requirements; and

WHEREAS, the City Plan Commission conducted a public hearing on these proposed changes on May 24, 2016 and recommended approval of the proposed changes; and

WHEREAS, the City Council conducted a public hearing on these proposed changes on June 21, 2016,

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

Section 1. That Section 28-123 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. 28-123. Applications.

Any person requesting an amendment, supplement or change to this chapter or a special permit shall file an application with the commission on forms prescribed by the commission by rule. The application shall state the reason why the applicant requests an amendment, supplement or change to this chapter or a special permit. The owner(s) of the property must sign the application unless the City of Waco initiated the application. Notice of all public hearings concerning any City of Waco initiated application shall be given to the property owner as required by Section 28-151. A copy of the application shall be made available by the commission for public inspection at least ten days prior to the public hearing on the application.

Section 2. That Section 28-151 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. 28-151. - Notice required.

In any public hearing required under this article, notice shall be given as follows:

- (1) Notice shall be given by mail to the applicant at least eleven ~~ten~~ days prior to the date of the public hearing.
- (2) Notice shall be given by mail to the owner of each site within 200 feet of the property which is the subject of the application at least eleven ~~ten~~ days prior to the public hearing.
- (3) Notice of any public hearing before the city council shall be given by publication of an informational notice in a newspaper of general circulation at least sixteen ~~ten~~ days prior to the date of the public hearing. At the option of the director of planning, notice may be given of any other public hearing.
- (4) At the option of the director of planning, notice may be given by mail to the owner of any site more than 200 feet from the property which is the subject of the application at least eleven ~~ten~~ days prior to the date of the public hearing.
- (5) At the option of the director of planning, notice may be given by mail to the community organization having an interest in the application at least eleven ~~ten~~ days prior to the date of the public hearing.
- (6) At the option of the director of planning, notice may be given by posting a notice on the property which is the subject of the application at least eleven ~~ten~~ days prior to the date of the public hearing.

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

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 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 6. 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

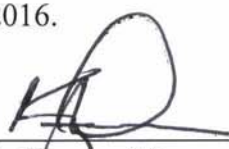
day a violation exists shall be a separate offense.

Section 7. 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 June, 2016.

Second Reading: this 5th day of July, 2016.




Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:



Esmeralda Hudson, City Secretary

APPROVED AS TO FORM & LEGALITY:



Jennifer Richie, City Attorney



APPROVED:



Clint Peters, Director of Planning Services