

**ORDINANCE NO. 2017-\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 28-173 IN CHAPTER 28-ZONING OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, TO REQUIRE DEVELOPMENT PLANS TO ILLUSTRATE EXISTING AND PROPOSED TRAFFIC CONTROL DEVICES; 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 28-173 in Chapter 28-Zoning of the Code of Ordinances of the City of Waco, Texas, to require that development plans illustrate existing and proposed traffic control devices; and

**WHEREAS**, the City Plan Commission conducted a public hearing on the amendment to Section 28-173 described above on September 26, 2017; and

**WHEREAS**, the City Council conducted a public hearing on this proposed amendment on October 17, 2017,

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

*Section 1.* That Section 28-173 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. 28-173. - Contents of development plan.**

(a) The development plan shall include maps and drawings, sufficiently dimensioned to illustrate the following:

- (1) Existing and proposed locations and arrangements of uses on the site, and on abutting sites within 50 feet and any other information necessary to describe or identify the proposed development; and
- (2) Existing and proposed site improvements; building elevations for buildings on the site; off-site improvements, utilities, facilities and drainage systems; location of all aboveground and belowground accessory structures; street features; and trees. Building elevations shall indicate the general height, bulk, scale and architectural character of buildings; and
- (3) Existing and proposed topography, watercourses, grading, landscaping, exterior lighting, traffic control devices, screening, irrigation facilities and erosion-control measures; and

- (4) When access to a public water or sanitary sewer line is available at the site, details of proposed connections if the waterline is greater than one inch or if the sewer line is greater than four inches; and
- (5) Existing and proposed parking, loading and traffic and pedestrian circulation features on the site; and
- (6) Where applicable, the location of the 100-year floodplain and the escarpment area; and
- (7) The approximate site and location of proposed signs, if known.

(b) Two sets of the development plans shall also contain floor plans. The third set of development plans shall contain one complete set of detailed construction plans for review by the building official to determine compliance with the relevant building codes.

(c) If a developer makes application to the zoning board of adjustment for a variance or any other relief or decision, the application to such board shall include a development plan as required by section 28-172.

(d) Where an applicant wishes to obtain preliminary site plan approval prior to application for a building permit or certificate of occupancy, the submittal may exclude the requirements of subsection (b) of this section; however, this requirement must be met prior to final approval of development plans and the issuing of a building permit or certificate of occupancy. Preliminary plan approval shall be considered binding if final plans are in complete conformity.

(e) Where an applicant is only applying for a site work permit, the development plan shall include maps and drawings, sufficiently dimensioned to illustrate the existing and proposed topography and erosion-control measures, the general location of existing watercourses, existing trees of eight inches or greater in caliper (as measured six inches from the base), and native vegetation (as referenced in section 28-217). The drawing shall also indicate any trees or native vegetation to be removed.

(f) Where an applicant is only for a permit for the construction or substantial alteration of a parking lot, the development plan shall include maps and drawings, sufficiently dimensioned to illustrate the items listed in subsection (e) above and the existing and proposed parking, loading and traffic and pedestrian circulation features on the site, and the existing and proposed lighting and screening, where required by ordinance. Substantial alteration shall be defined as increasing the number of parking spaces and/or paved area by more than ten per cent, removal of existing landscaping or reconstruction of the parking lot surface. It shall not include routine maintenance such as seal coating, asphalt overlaying, and/or restriping.

*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 17<sup>th</sup> day of October, 2017.

**Second Reading:** this 7<sup>th</sup> day of November, 2017.

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Kyle Deaver, Mayor  
City of Waco, Texas

**ATTEST:**

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Esmeralda Hudson, City Secretary

**APPROVED AS TO FORM & LEGALITY:**

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Jennifer Richie, City Attorney