

## PROPOSED DOWNTOWN OVERLAY ZONING DISTRICT

### Purpose

The purpose of the Downtown district is to create a place where people can live, work, and play within its boundaries; a place that values the architectural history of our community, while encouraging the best of contemporary design; a place that encourages human interaction through the development of a physical environment that is vital, attractive, pedestrian friendly, and secure.

### Definitions

**Arcade:** a frontage wherein the façade is a colonnade that overlaps the sidewalk, while the façade at sidewalk level remains at the frontage line.

**Block-Face:** one side of a street between two consecutive intersections.

**Build-to-Line:** the distance between the property line and the building.

**Commercial:** the term collectively defining workplace, Office, Retail, and Lodging Functions.

**Façade:** the exterior wall of a building that is set along a Frontage Line.

**Forecourt:** a frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs.

**Frontage:** the area between a building Façade and the vehicular lanes, inclusive of its built and planted components.

**Frontage Line:** a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines.

**Front Street:** the street on which a building's principal entrance is located. For a building being constructed on an infill lot, it would also be the street on which a majority of the existing buildings on a block-face have their principal entrance.

**Function:** the use or uses accommodated by a building and its Lot

**Gallery:** a frontage wherein the façade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk.

**Infill Lot:** a lot within a block face that is at least 35% developed. Developed shall mean that an existing, rehabable building(s) occupies 35% or more of a block face.

**Liner Building:** a building specifically designed to mask a parking lot or a parking structure from a Frontage.

**Principal Building:** the main building on a lot, usually located toward the Frontage.

**Private Frontage:** the privately held Layer between the Frontage Line and the Principal Building Façade.

**Property Line:** a recorded boundary of a plot of land.

**Public Frontage:** the area between the curb of the vehicular traffic lanes and the Frontage Line.

**Residential:** characterizing premises available for long-term human dwelling.

**Shopfront and Awning:** a frontage wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade.

**Substantial renovation:** shall be determined by the following ratios:

<u>Appraised Value of building</u>	<u>Cost of Renovation</u>
Greater than \$200,000	30%
\$100,000 to \$200,000	40%
Less than \$100,000	50%

Maintenance items such as roof repair or replacement, HVAC repair and replacement, electrical and plumbing repair, foundation stabilization, masonry repair, replacement of rotten wood, and repair of existing windows and doors that do not significantly change the architectural character of a building shall not, in and of themselves, be considered substantial renovation.

**Side Street:** any street adjacent to a land parcel on which a building is located other than the Front Street.

**Stoop:** a frontage wherein the façade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows.

**Streetscreen:** a freestanding wall built along the Frontage Line, or coplanar with the Façade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

**Terrace or Light Court:** a frontage wherein the façade is set back from the frontage line by an elevated terrace or sunken light court.

### **Zoning classification**

The Downtown district is an overlay, and its regulations shall be applicable to each property within the district, except where specifically exempted in Section 28-798, in addition to the regulations of the base R, O, C, or M district classification in which such property is located. The zoning classification of each property shall be designated by the base district classification plus the downtown district designation (D). For example, a property zoned C-4 would be designated as C-4 (D).

### **Application of regulations**

Within the Downtown district, the regulations of each respective base district shall continue to apply to property located in that district, except as expressly supplemented or modified herein.

### **Uses**

Permitted uses and uses allowed by special permit in the Downtown district shall be those uses specified for the base district in which a property is located, except as specified below.

In all base-zoning districts where residential uses are allowed by right, a density of 40 units per acre shall be permitted.

The following units are specifically prohibited in the downtown district:

- (1) HUD – Code manufactured homes.
- (2) Dispensing or serving of food and beverages directly to consumers in motor vehicles, except where property has frontage on Interstate 35.
- (3) Television and radio broadcasting towers.
- (4) Automobile sales (except where no outside display or storage occurs).
- (5) Repair and servicing of automobiles and other passenger vehicles (except where no outside repair or storage occurs).
- (6) Automobile rental (except as incidental to primary use)
- (7) Automobile car-washing establishments (except as incidental to primary use).
- (8) Heavy machinery storage, rental, sales and repair.
- (9) Machinery, farm sales, repairing and overhauling.
- (10) HUD – Code manufactured home sales.
- (11) Warehouse storage.
- (12) Lumberyards.
- (13) Roofing sales and service.
- (14) Contractor's shop.
- (15) Tire retreading, recapping or rebuilding.
- (16) Self-storage warehouses.
- (17) Motor freight and truck service terminals.
- (18) Sand and gravel extraction except from the bed of the river.
- (19) Junkyards, automobile wrecking yards, salvage yards and scrap operations
- (20) Storage or refining of petroleum or its products.

- (21) Sexually oriented businesses.
- (22) Outside open storage (screened and unscreened).
- (23) Building materials, retail.
- (24) Recreation vehicle (RV) parks.
- (25) Well drilling shop.

### **Building form**

**Building set back.** The *build-to-line*, or distance between the *property line* and the building, shall be zero (0) for 80% of the width of the building's *façade* on a *front street* and for 30% of a building's *façade* on a *side street*. In case of an *infill* lot, structures shall match the *build-to-line* of one of the existing adjacent buildings.

**Building height.** The minimum height for a one-story building shall be 22 feet. The maximum building height for a building on an *infill lot* shall be no more than 3 stories above the tallest building on the *block-face*. The interior height of the first floor of a *commercial* use shall be a minimum of 12 feet from finished floor to finished ceiling for new buildings and buildings undergoing *substantial renovation*.

**Building width.** The maximum building width for an *infill lot* shall be no wider than the widest existing building on the *block-face*, except in cases where the enforcement of this provision may result in the creation of unusable land parcels.

**Ground floor finish level.** The maximum ground floor finish level for a *commercial* use shall be 6 inches above the sidewalk and for a *residential* use shall be 36 inches above the sidewalk, except where topography of a lot requires lower/higher finish floor level.)

**Primary entrance location.** The primary entrance location shall be on the front building *façade* facing the street for new buildings and buildings undergoing *substantial renovation*.

**Loading and service entries.** No loading and service entries may face the streets for new buildings and buildings undergoing *substantial renovation*.

**Façade glazing.** All facades shall be glazed with clear glass at a rate of no less than 30% on the ground floor for new buildings and buildings undergoing *substantial renovation*.

**Private frontage.** *Private frontage* may be in the form of a *Terrace or Dooryard, Forecourt, Stoop, Shopfront & Awning, Gallery or Arcade*.

Awnings. Awnings may *encroach* over the sidewalk to within 4 feet of the curb depending on the proximity to features such as traffic signals, lampposts, and street trees and must clear the sidewalk vertically by a minimum of 8 feet.

\*Metal buildings. Pre-engineered metal buildings shall not be permitted.

\*Boarded windows. Boarded up windows on the first floor of a building façade that fronts on a street are prohibited. *(It is recommended that this provision be retroactive after a 6-month grace period for removal of existing boards from windows.)*

Infill design standards. All development on *infill lots* shall comply with the *Downtown Façade Design Standards*. Where there is a conflict between these standards and the provisions of this ordinance, these standards shall prevail in the restoration of an architecturally or historically significant structure.

### **Parking and access**

\*Parking requirements for renovation of existing buildings shall be reduced by 20% of the base district requirement.

Off-street parking shall be located behind buildings, underground, or in a parking structure. In cases where there is an existing parking lot and where a building is undergoing *substantial renovation*, existing parking lots must be substantially screened from view of the street by a 3.5 to 8 foot *street screen*. Openings in the *streetscreen* shall be no wider than to allow for pedestrian access. Where deemed appropriate, landscaping and/or fencing may be substituted for a *street screen*.

Curb cuts shall be minimized and concentrated at mid-blocks or off of alleys.

\*Parking structures fronting on streets shall have *linear buildings* lining the first story.

No new curb cuts shall be permitted along Austin Avenue between 3<sup>rd</sup> and 9<sup>th</sup> Streets.

### **\*Signage**

The following signs shall be prohibited within the Downtown Overlay District:

- 1) All off-premises signs except the national or state flag, insignia, legal notices, or fundamental, directional or traffic signs which are legally required or necessary to essential functions of government agencies.

- 2) No detached signs except monument type signs shall be permitted on the same lot as the primary structure. The area of these signs shall be a maximum of 24 sq. ft. for lots with up to 150 ft. of frontage on a public street and 48 sq. ft. for lots having more than 150 ft. of frontage. Said signs shall not be permitted to encroach into public right-of-way.
- 3) Mobile signs are defined as any sign designed for use and display out-of-doors which is mounted on a trailer or is otherwise capable of being easily transported or moved from place to place.
- 4) Banners, pennants, searchlights, twirling signs, balloons, or other gas-filled objects, except that banners, pennants, balloons or searchlights may be permitted for a period no to exceed 10 days for special events, such as grand openings. The total number of days for which permits may be issued within one year shall not exceed 40 days. A written permit for temporary use shall be obtained from the building official.
- 5) Banners which are incorporated into the architectural design of the building or site are exempt from this provision if approval has been granted by the city building official.
- 6) Banners on light standards located on public property are exempt from this provision if approval has been granted by the city manager's office.

One attached sign per building wall may be displayed for each occupant or use on the premises. The cumulative size of signs may not exceed 10 percent of the wall area except that painted signs that consist of at least 35% graphic art versus lettering may cover up to 30% of a blank side or rear wall. Existing or replicated signs of historic or architectural significance shall be exempt from these provisions.

Sidewalk signs are permitted in the overlay district subject to the following requirements:

- 1) The sign must be located on the sidewalk directly in front of a building that is built to the property line.
- 2) The sign must be displayed at a designated location on the sidewalk only during the hours that the business it advertises is open to the public.
- 3) The sign must not create a site obstruction that poses a safety problem for vehicle and/or pedestrians.
- 4) The sign may not be wider than the lesser of 1/3 the width of the sidewalk or 30 inches.
- 5) The sign may not be more than 4 feet high
- 6) Indemnification of the City for liability arising from the installation, use or maintenance of the sign must be provided.

- 7) Only one sign shall be permitted per building.
- 8) The sign shall be professionally designed and constructed. Plans for such signs shall be subject to design review and approval by staff based on compatibility with the surrounding buildings and streetscape.

Outdoor digital signs may be allowed subject to staff review based on their size, brightness, movement, and location relative to traffic signals and residential uses.

### **\*Public spaces**

Streetscape should be installed along all street frontages in the overlay district to include sidewalks, lighting and trees (where appropriate). Design of streetscape shall be subject to the location of the development with the overlay and shall be in accordance with the *Downtown Streetscape Guidelines*.

Where feasible, sidewalks shall be a minimum of 8 feet in width. Where wider sidewalks exist adjacent to new development, the width of the adjacent sidewalk must be matched.

Street lighting shall be designed to be sensitive to “dark sky” principles, which are intended to protect and preserve the nighttime environment through the use of outdoor lighting fixtures that minimize light pollution.

Open air vending shall be permitted subject to the provisions of Chapter 13, Article IX, Division 2 of the Code of Ordinances of the City of Waco.

### **\*Fences**

Chain link fences are prohibited except along alleys and where screened from public view by landscaping in accordance with the provisions of Section 28-219(b) (2).

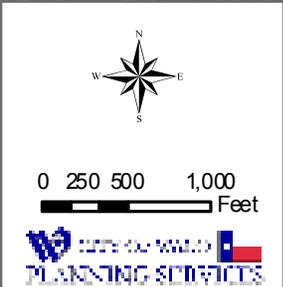
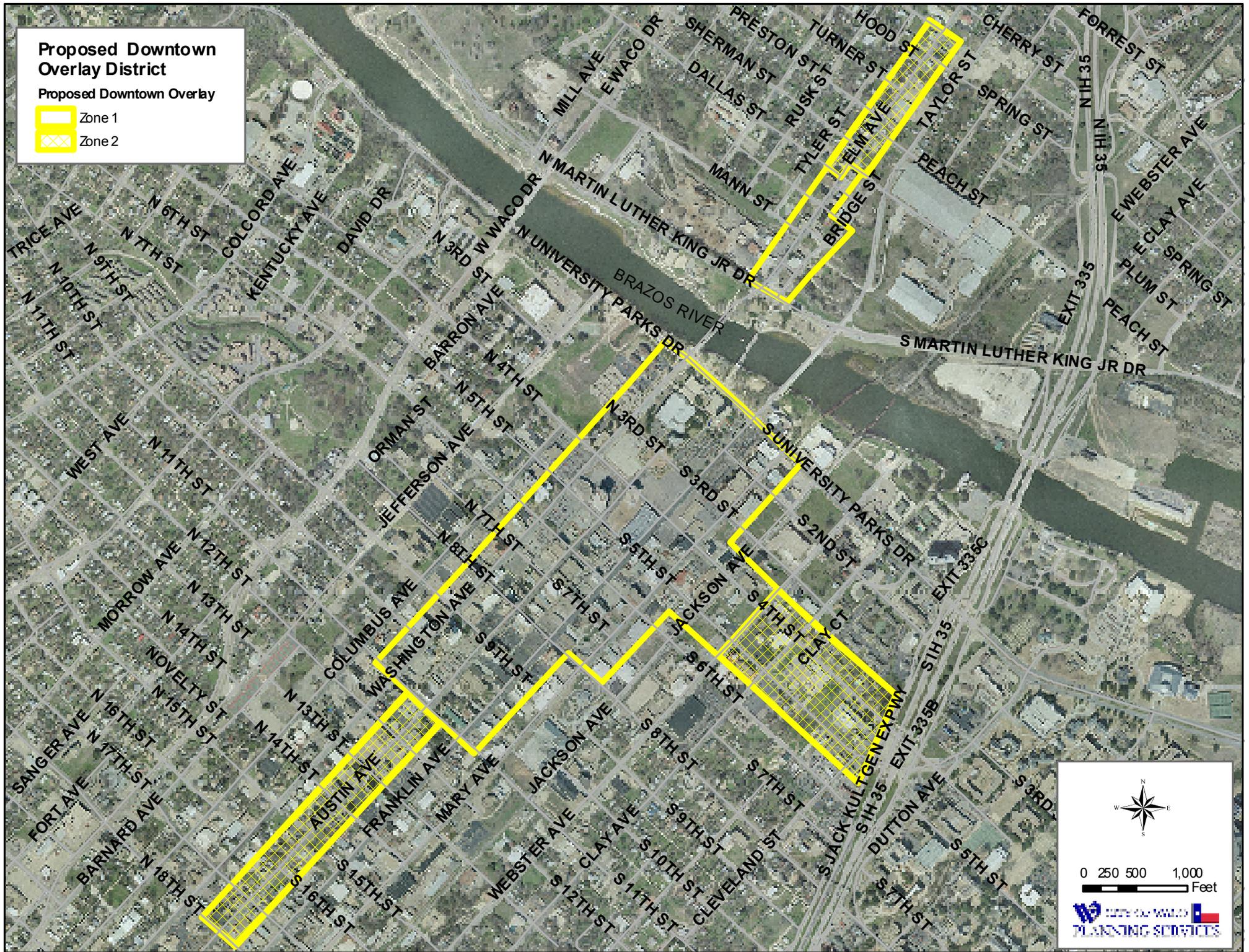
The use of barbed wire and/or razor wire is prohibited. *(It is recommended that this provision be retroactive after a 6-month grace period for removal of existing barbed wire and razor wire. This time period may be extended to coincide with the duration of an existing lease agreement.)*

*\*Only those provisions marked with an asterisk shall apply to Zone 2 of the Downtown Overlay District.*

# Proposed Downtown Overlay District

Proposed Downtown Overlay

-  Zone 1
-  Zone 2



A north arrow is located in the bottom right corner, pointing upwards. Below it is a scale bar with markings for 0, 250, 500, and 1,000 feet. At the bottom right, there is a logo for 'CITY OF WACO PLANNING SERVICES' with a small Texas state flag icon.