

DIVISION 14. - O-3 OFFICE-LIMITED COMMERCIAL DISTRICT

Sec. 28-571. - Purpose.

The O-3 office-limited commercial district is intended to permit selected business uses in locations convenient to residential areas, where the character of the business uses are such that they predominantly serve local needs; to encourage the grouping of such local-serving business uses with safe and convenient vehicular and pedestrian access, so that traffic congestion will be alleviated; and to ensure a proper relationship between the business district and adjacent residential uses by maintaining compatibility of scale through height and yard requirements.

(Ord. No. 1986-49, § 1(4.1401), 9-16-86)

Sec. 28-572. - Permitted uses.

Permitted uses in the O-3 district are:

- (1) Single-family dwellings.
- (2) Single-family (zero lot line) dwellings.
- (3) Two-family dwellings, duplexes. (Only one two-family dwelling is permitted per lot.)
- (4) Public uses, such as parks, libraries, buildings and municipal zoos.
- (5) Schools including public and private schools, elementary and secondary schools, preschools, kindergartens, nursery schools and special schools, provided the use meets all setback, lot size and other development requirements applicable.
- (6) Houses of worship, convents, rectories, parsonages and parish houses.
- (7) Clinics and lab services, but not including veterinary clinics.
- (8) Clubs, lodges, fraternities and sororities where the chief activity is not a business.
- (9) Commercial and vocational schools.
- (10) Convalescent or rest homes.
- (11) Dressmaking, millinery, tailor shops, shoe repair shops and similar shops.
- (12) Child care facilities.
- (13) Office buildings.
- (14) Personal service shops.
- (15) Restaurants.
- (16) Retail sales, excluding automobiles, trucks, farm machinery, construction machinery and equipment, agricultural and farm supplies, motorcycles, HUD-Code manufactured homes and RVs.
- (17) Studios of artists, photographers, crafts and custom trades.

- (18) Fire stations, police stations, artesian wells, pumping stations, lakes, boat docks, boathouses, water supply reservoirs, filter beds, water tanks, towers or standpipes and marinas.
- (19) Railroad rights-of-way, railroad tracks, bridges and signals.
- (20) Public utilities; poles, wires and transmission and/or distribution lines and other transmission and distributing appurtenances, but not including storage facilities, electrical energy production facilities, transformers or relay substations.
- (21) Accessory off-street parking and loading facilities subject to the provisions of article VII of this chapter.
- (22) Accessory signs subject to the provisions of article VIII of this chapter.
- (23) Other accessory uses subject to the provisions of section 28-926.
- (24) Financial institutions.
- (25) Home occupations subject to the provisions of section 28-928 and all other applicable provisions of this chapter.
- (26) Office and business equipment sales offices.
- (27) Parking facility, commercial.
- (28) Photostating and copy services.
- (29) Religious, philanthropic and educational institutions, museums.
- (30) Travel bureaus.
- (31) Townhouse dwellings.
- (32) Sale of beer and wine for consumption off premises, provided that such use is located in a nonconforming retail grocery store.
- (33) Licensed group homes.
- (34) Golf courses, but not miniature courses or driving ranges.
- (35) Sale of beer for on-premise consumption, provided that such use is located on a public golf course.
- (36) Wireless communication system antennas on alternate independent support structures.
- (37) Adult day care facilities.
- (38) Photostating and copy services.
- (39) Small packaging and shipping services.
- (40) Community home I.
- (41) Outside display subject to the provisions of section 28-926.
- (42) Single-family detached (zero lot line) dwellings.
- (43) Excavation, mining and/or removal of material limited to sand, soil or gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit; provided the excavation,

mining and/or removal of material meet the following:

- a. The amount of material being removed from the site is not more than 125,000 cubic yards;
 - b. A site grading permit is issued meeting all requirements of article III, division 3 of this chapter for a period of time that is specified in the site grading permit which period of time shall be reasonable for the amount of work that is being done as part of the construction on the property or development of the property for a permitted use, as determined by the building official; and
 - c. If excavation, mining and/or removal of material is intended to create a water body or lake as an accessory use, the area of the water body or lake cannot exceed ten percent of the total area of the tract or lot where it is being constructed. This applies to the parent tract or lot and further division of the parent tract or lot will not permit additional water bodies or lake to exceed ten percent of the total area of the parent tract or lot.
- (44) Farmers' markets (except on lots containing only single-family uses) provided that a farmers' market permit has been issued in accordance with chapter 13 of this Code.
 - (45) Sale of alcohol for off-premise consumption provided that such use occurs at a permitted farmers' market.
 - (46) Community gardens provided that a community garden permit has been issued in accordance with chapter 13 of this Code (unless such permit is not required under chapter 13 of this Code).
 - (47) Temporary commercial parking facility.
 - (48) Neighborhood grocery stores.
 - (49) Bed and breakfast homestay establishment provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.
 - (50) Bed and breakfast inn provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.
 - (51) Short term rental type I provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.
 - (52) Short term rental type II provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(Ord. No. 1986-49, § 1(4.1402), 9-16-86; Ord. No. 1987-3, §§ 9, 13, 2-17-87; Ord. No. 1987-24, §§ 12, 20, 12-21-87; Ord. No. 1988-45, §§ 10, 17, 10-18-88; Ord. No. 1988-73, § 7, 1-3-89; Ord. No. 1990-13, §§ 1, 8, 4-17-90; Ord. No. 1990-61, §§ 6, 8, 12, 15, 16, 12-18-90; Ord. No. 1992-35, § 5, 10-6-92; Ord. No. 1996-3, §§ 3, 4, 2-20-96; Ord. No. 1997-25A, § 1, 6-17-97; Ord. No. 1997-30, § 1(f), 7-1-97; Ord. No. 2004-0122, § 1, 4-6-04; Ord. No.

2004-0332, § 1, 6-15-04; Ord. No. 2005-437, § 2, 8-2-05; Ord. No. 2007-291, § 2, 5-1-07; Ord. No. 2010-131, § 1, 3-2-10; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2011-116, § 1, 3-1-11; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2014-432, § 1, 8-5-14; Ord. No. 2014-515, § 1, 9-2-14; Ord. No. 2017-703, § 2, 8-1-17)

Sec. 28-573. - Special uses.

Uses which may be allowed in the O-3 district by special permit in accordance with the provisions of section 28-121 et seq. are:

- (1) Public utilities; electrical energy production facilities, transformers or relay substations and storage facilities.
- (2) Reserved.
- (3) Airport or heliport, subject to approval of the Federal Aviation Administration.
- (4) Hospitals.
- (5) Excavation, mining and/or removal of any material, including, but not limited to, sand, soil and gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit, if (1) the amount of material being removed from the site is more than 125,000 cubic yards, or (2) the excavation and/or mining involving the removal of material is intended to construct a water body or lake as an accessory use and the area of the water body or lake exceeds ten percent of the total area of the lot or tract where it is being constructed; provided the excavation, mining and/or removal is conducted in accordance with all terms and conditions of the special use permit, the surface mining and excavation guidelines and all other applicable ordinances and codes of the city and meets the following conditions:
 - a. The property on which the excavation, mining and/or removal operation is conducted is not located within 1,000 feet of 26 or more dwelling units, and
 - b. Trucks used to transport excavated material from an excavation or mining operation site shall not be driven on a local or collector street that provides vehicular access to a residential subdivision containing 26 or more dwelling units.
- (6) Monopole and stealth antenna structures at any height for wireless communication system.
- (7) Vocational rehabilitation enterprises, with a letter of support from the appropriate state or federal agency.
- (8) Appliance repair and service (household).
- (9) Bakeries, retail.
- (10) Cleaning, dyeing and laundry plants, commercial.
- (11) Health, physical and cultural services.
- (12) Nurseries or greenhouses, retail.

- (13) Restaurants, drive-in or with drive-in windows.
- (14) Schools, colleges and universities.
- (15) Parcel and package delivery and express services.
- (16) Outdoor recreational and amusement facility.
- (17) Community home II.
- (18) Short term rental type III provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.
- (19) Reserved.
- (20) Reserved.
- (21) Financial institutions providing goods or services directly to customers in motor vehicles outside of an enclosed structure.
- (22) Transitional shelter I.
- (23) Reserved.
- (24) Transitional shelter II.
- (25) Dwelling, small lot single-family provided that:
 - a. The dwelling is located within the limits of the area depicted in the Imagine Waco, A Plan for Greater Downtown.
 - b. The dwelling is located on a street that is 26 feet or wider and on-street parking is not restricted.
 - c. If the dwelling is located on an arterial or collector street or the lot is less than 40 feet in width, access should be from an alley or an approved shared driveway with adjoining lot(s).
 - d. The following architectural requirements will apply in addition to the requirements of section 28-223:
 - (i) Front building façades must maintain a minimum of 25 percent openings in the wall which must consist of windows and doors. A side building façade located on a corner lot must maintain a minimum of 15 percent openings in the wall which must consist of windows and doors.
 - (ii) Primary and accessory building materials must remain complimentary to each other, and of the surrounding character of similar structures.
 - (iii) All structures must have at least one primary entrance. The main entrance of the home shall face the front property line.
 - (iv) All structures shall provide an entry-level covered porch with a minimum depth of five feet along at least 50 percent of the front building façade.

(Ord. No. 1986-49, § 1(4.1403), 9-16-86; Ord. No. 1987-24, §§ 1, 9, 2-17-87; Ord. No. 1987-33, § 1, 6-9-87; Ord. No. 1987-64, § 1, 11-24-87; Ord. No. 1988-45, § 1, 10-18-88; Ord. No. 1989-30, § 6, 7-18-89; Ord. No. 1990-13, § 1, 4-17-90; Ord. No. 1997-2, § 1(b), (c), 2-4-97; Ord. No. 1997-30, § 1(g), 7-1-97; Ord. No. 1998-53, § 1, 2-2-99; Ord. No. 2003-0405, § 1, 7-15-03; Ord. No. 2004-0122, § 1, 4-6-04; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2005-287, § 2, 5-3-05; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2010-693, § 1, 12-7-10; Ord. No. 2013-481, § 1, 8-20-13; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2016-174, § 1, 3-1-16; Ord. No. 2017-703, § 2, 8-1-17)

Sec. 28-574. - Lot area.

Except as otherwise provided in section 28-901, every lot in the O-3 district upon which a structure or use is erected, altered or maintained shall have:

- (1) *All permitted uses*. An area of not less than 6,000 square feet; and a minimum width of 60 feet.
- (2) *Two-family dwelling*. An area of not less than 3,000 square feet per dwelling unit; and a minimum width of 60 feet.
- (3) *Uses allowed by special permit*. Same as for permitted uses, subject to the provisions of section 28-130.
- (4) *Townhouse dwelling*. An area of not less than 3,000 square feet for each dwelling unit; and a minimum width of 20 feet for each dwelling unit.
- (5) *Single-family attached and detached (zero lot line) dwelling*. An area of not less than 4,000 square feet per dwelling unit; and a minimum width of 40 feet.
- (6) *Single-family dwelling*. An area of not less than 6,000 square feet per dwelling unit; and a minimum width of 50 feet.
- (7) *Small lot single-family dwelling*. An area of not less than 3,000 square feet per dwelling unit; and a minimum width of 30 feet.

(Ord. No. 1986-49, § 1(4.1404), 9-16-86; Ord. No. 1988-45, § 17, 10-18-88; Ord. No. 1988-73, § 8, 1-3-89; Ord. No. 2007-291, § 2, 5-1-07; Ord. No. 2007-356, § 2, 6-5-07; Ord. No. 2016-174, § 1, 3-1-16)

Sec. 28-575. - Height restrictions.

Except as provided in section 28-903, no structure or use in the O-3 district shall be erected, altered or maintained which exceeds two stories or 35 feet in height.

(Ord. No. 1986-49, § 1(4.1405), 9-16-86)

Sec. 28-576. - Yard requirements.

Except as provided in section 28-904, no structure or use in the O-3 district shall be erected, altered or maintained unless the following yards are provided:

- (1) *All permitted uses.* A front yard of not less than 15 feet; a rear yard of not less than 25 feet; two side yards of not less than five feet each, except that:
 - a. A side yard of not less than 15 feet shall be required where the side yard is adjacent to a side street or as provided in section 28-904(f).
 - b. A side yard abutting any R-1 or R-2 district shall not be less than 25 feet.
 - c. The required side or rear yard adjacent to a lot in an R-1A, R-1B or R-1C district shall be increased by one foot for every two feet, or fraction thereof, by which the principal structure exceeds 25 feet in height.
 - d. For detached (zero lot line) dwelling; a side yard not less than ten feet opposite the zero lot line side yard; provided, that the distance between principal detached structures on adjacent lots shall not be less than ten feet.
 - e. For small lot single-family dwelling; a front yard of not less than 25 feet; a rear yard of not less than 25 feet; and two side yards with a combined width of not less than ten feet; provided, that the distance between principal structures on adjacent lots shall not be less than ten feet.
- (2) *Uses allowed by special permit.* Same as for permitted uses in subsection (1) of this section, subject to the provisions of section 28-130(b).

(Ord. No. 1986-49, § 1(4.1406), 9-16-86; Ord. No. 2007-291, § 2, 5-1-07; Ord. No. 2016-174, § 1, 3-1-16)

Sec. 28-577. - Nonresidential regulations.

- (1) Retail sales in the O-3 district are subject to the following conditions:
 - (a) Retail sales shall be permitted by right between the hours of 7:00 a.m. and 7:00 p.m. of any day.
 - (b) Retail sales may be allowed by special permit between the hours of 7:00 p.m. and 12:00 midnight and from 5:00 a.m. to 7:00 a.m. of any day. Factors to be considered in the granting of the special permit for operation of a business during these hours shall include, but not be limited to, the type of use and the impact of extended hours of the operation on the surrounding neighborhood.
- (2) All principal uses or activities shall be conducted within a completely enclosed structure. There shall be no outside storage, no sale of goods or dispensing or serving of food and beverages directly to consumers in motor vehicles, and no outside display or sale of merchandise.

(Ord. No. 1986-49, § 1(4.1407), 9-16-86; Ord. No. 2010-255, § 1, 5-4-10)

Sec. 28-578. - Additional regulations.

Uses in the O-3 district shall also comply with the following regulations:

- (1) Section 28-171 requiring review of development plans for all uses except single-family dwellings.
- (2) Chapter 9 regulating development in the escarpment zone.
- (3) Chapter 11 regulating development in floodplains.
- (4) A permit is required for all site work of property and for the construction or substantial alteration of a parking lot. "Substantial alteration" includes the adding of spaces or reconstruction of the parking lot area. Single-family residential uses shall be exempt from this requirement.

(Ord. No. 1986-49, § 1(4.1408), 9-16-86; Ord. No. 1998-82, § 1, 5-4-99)

Sec. 28-579. - Distance requirement.

- (a) A community home I located in the O-3 district shall be located at least ½-mile from another community home I.
- (b) A community home II located in the O-3 district shall be located at least 500 feet from any lot used for a school, day care center, or another community home II, transitional shelter, shelter, or halfway house.
- (c) A transitional shelter located in the O-3 district shall be located at least 500 feet from any lot used for a school, day care center, or another transitional shelter, community home II, shelter, or halfway house.

(Ord. No. 2004-0332, § 1, 6-15-04)

Secs. 28-580—28-595. - Reserved.