

MEMO

TO: Waco Downtown Redevelopment Project Team
City of Waco: Tom Balk, Clint Peters, Laura Wagstaff, Isaac Burchill
Hunt Companies: Rodney Moss, Jerimi Henry, Kirk Benken
Overland Partners: Rich Archer, Alisha Burkman
FROM: Matt Goebel, Andy Rutz (Crescendo), Alex Hoffman (Plan2Code)
DATE: November 17, 2025
RE: Waco Downtown Form-Based Code: Third Installment (Administration)

We are pleased to submit for your review the third and final installment of the Waco Downtown Form-Based Code. This draft completes the framework introduced in the first two installments by establishing clear, consistent administrative procedures to guide how the code will be applied, reviewed, and maintained over time.

Overview of the Three Installments

This is the third of three installments:

- **Installment 1 (Districts and Uses):** Introduced the overall zoning framework for the Downtown Redevelopment Area, including the four subareas, dimensional standards, and the consolidated use table.
- **Installment 2 (Development Standards):** Carries forward and refines that initial material, adding new graphics and supplemental information, while introducing additional development standards addressing parking, connectivity, landscaping, and building design. The entire document now follows a consistent and sequential numbering system to improve usability and cross-referencing.
- **Installment 3 (Administration/Signs – this draft):** Completes the code by adding the administrative and procedural framework, including review procedures, flexibility tools, and defined roles for decision-making bodies.

Key Additions and Updates

This installment includes:

- **Urban Design Plan Review:** Introduces a new design-focused review process tailored to the downtown area. This tool ensures compliance with the FBC's design standards and coordinates closely with the City's existing development plan process. Future refinement will determine how these two review tracks are best aligned to avoid duplication.
- **Preapplication Meetings:** Formalizes a preapplication step for most downtown projects. This step is intended to improve coordination early in the process and provide applicants with clear expectations before submittal.
- **Minor Modifications and Variances:** Establishes a new minor modification procedure for limited flexibility in applying numerical standards, allowing small adjustments to be approved

administratively. Broader deviations continue to follow the variance process, with new cross-references for consistency and clarity.

- **Appeals and Decision-Making Bodies:** Clarifies the roles of the Director of Development Services, Downtown Architectural Control Committee, and Board of Adjustment, including the committee's new role in hearing and recommending decisions on appeals specific to the downtown area.

Next Steps/Comments

Please review this installment and submit comments by December 15. Feedback can focus on organization and clarity, as well as substantive content. **The easiest way to submit comments is to download and mark up a PDF version and submit to: info@wacodowntownredevelopment.com.** Another option is to return your comments to City Hall: 300 Austin Ave, Waco, TX. Attn: Tom Balk, Waco Downtown Redevelopment.

www.wacodowntownredevelopment.com

CONTENTS

| | |
|---|-----------|
| Article 1: Introduction..... | 2 |
| Article 2: Form-Based Zoning Districts | 2 |
| Article 3: Site Development..... | 2 |
| Article 4: Streets, Access, and Connectivity..... | 2 |
| Article 5: Building Standards..... | 2 |
| Article 6: Uses Allowed | 2 |
| Article 7: Administration | 3 |
| 7.1 Applicability..... | 3 |
| 7.2 Downtown-Specific Review Procedures..... | 3 |
| 7.2.1 Preapplication Meetings | 3 |
| 7.2.2 Changes and Amendments to the Zoning Map | 4 |
| 7.2.3 Urban Design Plans | 5 |
| 7.2.4 Minor Modification | 7 |
| 7.2.5 Variance | 9 |
| 7.2.6 Appeal of Administrative Decision..... | 9 |
| 7.3 Review and Decision-Making Bodies | 10 |
| 7.3.1 Director of Development Services | 10 |
| 7.3.2 Downtown Architectural Control Committee..... | 11 |
| 7.3.3 Board of Adjustment | 11 |
| Article 8: Rules of Interpretation and Definitions | 12 |

Article 1: Introduction

Article 2: Form-Based Zoning Districts

Article 3: Site Development

Article 4: Streets, Access, and Connectivity

Article 5: Building Standards

Article 6: Uses Allowed

Article 7: Administration

Commentary:

This article includes targeted updates to the Waco development review procedures. The intent is not to replace the current procedures but rather to make targeted updates to areas of the zoning process where additional tools are necessary to implement the Strategic Roadmap. The major new tools introduced are a mandatory preapplication meeting, a site plan review process (to supplement the existing development plan), and a new special adjustment body to hear variance requests downtown.

7.1 Applicability

This article describes the review and approval procedures for land use and development applications in accordance with the Form-Based Code. Unless specifically enumerated in the sections below, all other administrative procedures in the Waco Code of Ordinances, Chapter 28, *Zoning*, Article II, *Administration*, shall apply.

7.2 Downtown-Specific Review Procedures

7.2.1 Preapplication Meetings

Commentary:

While preapplication meetings occur sometimes now in Waco, they are voluntary. The FBC draft proposes to make them mandatory for new development and projects that meet the definition of "substantial renovation" in the FBC. Additional discussion is necessary regarding whether any smaller projects should be exempted.

A. Purpose

The pre-application conference is intended to provide an opportunity for the potential applicant to meet with staff to review applicable submittal requirements and review procedures associated with the proposed application request.

B. When Required

An applicant for development within the Downtown Form-Based Code area¹ shall be required to attend a pre-application conference prior to submitting an application. A pre-application conference is required for all new development and for substantial renovations, as described in §3.2.2. *Substantial Renovation*. For all other applications, a preapplication meeting is optional.

C. Procedure

1. The applicant shall make a request for a pre-application conference with the Development Services Department. Staff shall schedule the pre-application conference and notify appropriate staff and the potential applicant of the time and location of the meeting.

¹ NOTE: Need to determine the best shorthand consistent reference for the area covered by the Downtown FBC. Should we call it the "Downtown"? This draft uses a few different approaches, but these will be made consistent in the public draft.

2. To maximize the benefit of this meeting, the potential applicant shall submit a concept sketch and narrative description of their proposal with the pre-application conference request.
3. At the meeting, staff will assist the potential applicant to identify key issues and concerns regarding the proposed development project so the potential applicant may address them as part of their formal application submittal. At the conclusion of the pre-application conference, Town staff will summarize key outcomes from the meeting and will provide a projection of anticipated development review timelines based on the information presented at the meeting.

D. Conference Determinations

City staff attending the pre-application conference shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Code, adopted building or engineering standards, or other policies or regulations enforced by the City and/or other public entities. City staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project, such as a variance or minor modification.

E. Effect

Any information or discussions held at the pre-application conference shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

7.2.2 Changes and Amendments to the Zoning Map

A. Process

In accordance with TLGC §211, all changes and amendments to the zoning map for areas regulated by the Form-Based Code shall be reviewed and approved by the Plan Commission and City Council following the procedure set forth in Chapter 28, Division 6 *Amendments, Supplements, Changes of Zoning Ordinance; Special Permits*.

B. Criteria for Extensions and Modification to the Form-Based Code Boundary

In determining a request for extending or modifying the boundary of the Form-Based Code, the reviewing body shall consider:

1. If the request furthers the purpose and intent of the adopted *Downtown Master Development Strategic Roadmap*; or
2. Whether the extension would be contiguous to the existing Form-Based Code boundary.

7.2.3 Urban Design Plans²

Commentary:

Currently the Waco development review process involves submission of a Development Plan for all projects to the Building Department, which then refers the application to other departments as necessary. The current process likely does not allow for a full evaluation of some of the new standards introduced in the Form-Based Code, particularly the design-oriented requirements.

The intent of this section is to create a new, separate Urban Design Plan requirement for projects in the Downtown for review specifically by Planning staff (or a third-party reviewer) to ensure design requirements of the FBC are met. A code amendment will be required to Article III, Division 3, to remove overlapping requirements with Development Plans. Urban Design Plans will look at building design, orientation, and site layout while the Site Development Plan will look at infrastructure, stormwater, landscaping and other horizontal elements of the development project.

A. Purpose

The Urban Design Plan review process is intended to ensure compliance with the development and design standards of this Form-Based Code and to encourage quality development reflective of the adopted goals and objectives of the adopted *Downtown Master Development Strategic Roadmap*. The Urban Design Plan review process also ensures that proposed development applications address and mitigate potential adverse impacts prior to issuance of a building permit.

B. Applicability

Urban Design Plan review is required for:

1. New construction of:
 - a. Nonresidential buildings; or
 - b. Residential buildings or sites resulting in three or more additional dwelling units; or
2. Any project or modification meeting the definition of §3.2.2. *Substantial Renovation*.

C. Content of Urban Design Plans³

Urban Design Plans shall at minimum contain the following materials to assist in an evaluation of whether the proposal meets the requirements of the Form-Based Code:

- a. The proposed use of the property;
- b. Identification of the proposed building type and when mixed-use, identify the use of the first floor;
- c. Proposed frontage type with the following dimensions:
 - i. Width;
 - ii. Depth;
 - iii. Ground floor height
- d. A calculation of lot coverage;
- e. Front, side, side street, and rear setbacks;

² The nomenclature may need to change here to avoid confusion with the current "Development Plans". Some alternative naming conventions could include: Site Design Plans; Architectural Site Plans; and Urban Design plans.

³ This is a starting list for discussion. Need to determine whether any of this should be housed outside the FBC, such as in an external development handbook, where it can be updated without requiring a full code amendment.

- f. The height of the ground floor and a calculation of the area of the first-floor facade that is transparent;
- g. The height of the building;
- h. The dimension of the building stepback, when applicable;
- i. The locations of building entrances and measurements which calculate the distance between such entries;
- j. Proposed building materials;
- k. Locations and dimensions of any proposed encroachments into the right-of-way;
- l. Locations of bicycle parking with a dimension measuring the distance from the bicycle parking area to an entrance of the building;
- m. Proposed parking and loading areas, as required by Section 4.5., *Off-Street Parking and Loading*;
- n. Landscape Plans, as required in Section 3.3.2. *Landscape Plan*;
- o. Streetscape Requirements, *when required in Section 3.3.3. Streetscape Requirements*; and
- p. Buffering, Screening, and Fencing, when applicable as per Sections 3.3.6, *Buffering*, and 3.3.7., *Screening and Fencing*.

D. Concurrent Review**1. Development Plan or Subdivision Plat**

An application for Urban Design Plan approval may be submitted and reviewed concurrently with an application for development plan or subdivision plat. When applicable, the appropriate approval body shall not approve the Urban Design Plan until after an official decision is made on the plan or plat.

2. Construction Plans

- a. An application for Urban Design Plan approval may be submitted and reviewed concurrently with an application for construction plan review. In such a case, the Director shall not decide on the construction plan approval until after the Urban Design Plan decision is made by the appropriate approval body.
- b. The choice to submit construction plans concurrently with an associated Urban Design Plan is at the applicant's discretion, and the applicant shall be responsible for making any necessary changes to the construction plans based on the site/urban design plan approval.

E. Approval of Urban Design Plans**1. Process**

An application for an Urban Design Plan shall be submitted to the Director of Development Services for review. The review process shall be conducted administratively and the Director shall have the authority to approve, approve with conditions, or deny all plans. If a plan is not approved, the applicant may appeal the decision in accordance with §1.5.3 *Appeal of Administrative Decision*.

2. Criteria for Approval

All applications shall be reviewed and approved provided they comply with:

- a. Downtown District Standards;
- b. Site Development Standards; and
- c. Building Standards

F. Third-Party Review

The Director may identify the need for expert review by a third party of the Urban Design Plan. The Director shall require such technical review to be paid for by the applicant. The selection of the third-party expert shall be at the City's discretion. Based on the results of the third-party review, the City may require changes to the application that comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

1. The accuracy and completeness of submissions;
2. The applicability of analysis techniques and methodologies;
3. The validity of conclusions reached; and
4. Any specific technical issues designated by the City.

G. Post-Decision Actions and Limitations**1. No Building Permit without Approval**

No building permit shall be issued until the Urban Design Plan and associated construction plans have been approved pursuant to this subsection.

2. Minor Changes Allowed

Development authorized by an Urban Design Plan may incorporate minor changes from the approved plan without the need for a new application, provided that the Director determines that the proposed changes:

- a. Could be approved under the allowable administrative adjustments pursuant to §---, *Minor Modifications*, had they been requested with the original application;
- b. Comply with the standards of this Form-Based Code;
- c. Are necessary to meet conditions of approval; and/or
- d. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the development plan.

H. Appeals of Administrative Decisions

In the event an Urban Design Plan is not approved by the Director, the applicant may appeal the decision in accordance with §1.5.3 *Appeal of Administrative Decision*.

7.2.4 Minor Modification**A. Purpose**

The Minor Modification procedure allows adjustments, modifications, or deviations from certain numerical standards of this Form-Based Code. Minor Modifications are intended to provide greater flexibility without requiring a formal zoning amendment. The Minor Modification procedure is not a waiver of standards, but rather a procedure for modifying standards up to a specified amount when circumstances or site conditions warrant such modification.

B. Table of Allowable Minor Modifications⁴

An application for a Minor Modification may request only the types of modifications shown below.

Table 1.5.2.1: Table of Allowable Minor Modifications

| FBC Standard | Allowable Modification (maximum percentage) |
|-----------------------------------|--|
| Building Placement | |
| Lot width, minimum | 15 |
| Lot coverage, maximum | 15 |
| Front setback, maximum | 15 |
| Side building setback, maximum | 15 |
| Rear building setback, maximum | 15 |
| Building Form | |
| Building height, maximum | 10 |
| Building Components | |
| Distance between entries, maximum | 15 |
| Minimum landscaped area | 5 |

C. Limitations on Minor Modifications

The Minor Modification procedure shall not be used to:

1. Modify standards outside of this Form-Based Code;
2. Modify the uses or activities allowed on the property;
3. Modify the standards that apply to a specific use or activity, including dimensional and numerical standards; or
4. Modify a standard that is already modified through a modification, variance, or other adjustment procedure.

D. Minor Modification Procedure

1. Application

- a. An application for a Minor Modification may only be submitted and reviewed as part of a concurrent application for an Urban Design Plan, Site Development Plan, or platting procedure. Standalone Minor Modification applications shall not be considered.
- b. Multiple requests for eligible modifications pursuant to Table 1.5.2.1: Table of Allowable *Minor Modifications* may be considered under the same Minor Modification application.

2. Review and Decision

When the request for a Minor Modification is submitted concurrently with and associated with an application that requires approval by the Director, the Director

⁴ This is a starting point for discussion. Most communities limit the standards for which a Minor Modification can be used, at least at first, to limit overuse.

shall review and approve, approve with conditions, or deny the modification in accordance with the criteria in §X.X. below.

E. Review Criteria

1. In reviewing a request for a Minor Modification, the decisionmaker shall consider whether the Minor Modification would result in development that complies with or exceeds the intent of the standard being modified and the overall intent of this Form-Based Code, and the extent to which the requested Minor Modification:
 - a. Is technical in nature;
 - b. Compensates for an unusual site condition or circumstance not shared by surrounding properties in general;
 - c. Meets all other applicable building and safety codes;
 - d. Benefits the City by protecting community assets, features, and sensitive areas in alignment with the Comprehensive Plan;
 - e. Avoids creating adverse impacts to surrounding areas; and
 - f. The application of the standard without the modification would adversely affect the public and/or site
2. An application shall be approved if the application supports the criteria listed above, and the applicant has provided any additional data and references, if requested by the Director of Development Services.

7.2.5 Variance**A. Purpose**

The Variance procedure provides a mechanism to authorize deviations from the development standards of this Form-Based Code when it is demonstrated that such a Variance will not be contrary to the public interest or the spirit of this Form-Based Code, where, owing to special conditions, literal enforcement of this Form-Based Code will result in practical difficulties or unnecessary hardship.

B. Applicability

Any property owner seeking relief from the Form-Based Code may request a variance when the strict application of this code meet the criteria contained in §28-94 *Variances authorized*.

C. Variance Procedure

Applications for a variance shall be submitted, considered, and acted upon pursuant to all provisions required for variances generally in the Waco Code of Ordinances, specifically Chapter 28, Division 5 *Variances and Nonconforming Uses or Structures*.

D. Review Criteria

In reviewing a variance application within the Downtown, the Board of Adjustment shall evaluate the request in accordance with the criteria outlined in §28-94 *Variances authorized*.

7.2.6 Appeal of Administrative Decision**A. Purpose**

The Appeal of Administrative Decision procedure is intended to establish a remedy whereby persons claiming to have been aggrieved by a decision of the Director of

Development Services or other administrative official in administering this Form-Based Code may appeal that decision.

B. Applicability

Any person may appeal a decision of the Director or other officer made in the administration or enforcement of this Form-Based Code. Appeals shall be made to the appropriate body as indicated in §X.X *Review and Decision-Making Bodies*.

C. Appeal of Administrative Decision Procedure

The process for appealing an administrative decision or interpretation of the Form-Based Code shall be initiated when the aggrieved party submits a request formally appealing the Director's determination in accordance with §28-68 *Appeal procedure*.

D. Procedure for Appeals within the Downtown

A decision made pursuant to this Form-Based Code may be appealed pursuant to the procedure set forth in §---, *Appeal of Administrative Decision*, as amended by the following procedures specific to the Downtown:

1. Appeals to decisions made by the Director of Development Services shall first be heard and subject to recommendation by the Downtown Architectural Control Committee.
2. The Board of Adjustment shall then hear and decide the appeal as set forth in §28-68 *Appeal procedure*.

E. Review Criteria

In reviewing a proposed Appeal of Administrative Decision application, the appropriate appeal authority shall consider the following:

- a. The facts stated in the application, as presented by the appellant and/or the Director;
- b. The written and oral testimony of the public;
- c. The testimony of the appellant;
- d. The requirements and intent of the applicable standards from this Form-Based Code compared to the written decision that is being appealed; and
- e. The testimony of the administrative official or body from which the appeal is taken.

7.3 Review and Decision-Making Bodies⁵

7.3.1 Director of Development Services

The Director of Development Services or designee shall review and decide upon development applications filed in accordance with the provisions of the Form-Based Code. The Director shall have full authority to make determinations as to the intent and applicability of the code requirements and whether an application is in compliance with such standards.

⁵ To be integrated into the general list of review bodies in the Waco code.

7.3.2 Downtown Architectural Control Committee⁶

The Downtown Architectural Control Committee, as established in §---, shall review and provide recommendations to the Board of Adjustment for all appeals of the Form-Based Code.

7.3.3 Board of Adjustment

The Board of Adjustment shall make the final decision for all appeals of the Form-Based Code in accordance with the procedure outline in §28-68 *Appeal procedure*.

⁶ A separate ordinance will be necessary to establish this committee.

Article 8: Rules of Interpretation and Definitions