



## College Station, TX

**Meeting Agenda**  
**Planning and Zoning Commission**  
**1101 Texas Ave, College Station, TX 77840**  
**Internet: <https://zoom.us/j/87942220848>**  
**Phone: 888 475 4499 and Webinar ID: 879 4222 0848**

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*The City Council may or may not attend this meeting.*

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**October 6, 2022**

**6:00 PM**

**City Hall Council Chambers**

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**Notice is hereby given that a quorum of the meeting body will be present in the physical location stated above where citizens may also attend in order to view a member(s) participating by videoconference call as allowed by 551.127, Texas Government Code. The City uses a third-party vendor to host the virtual portion of the meeting; if virtual access is unavailable, meeting access and participation will be in-person only.**

**1. Call to Order, Pledge of Allegiance, Consider Absence Request.**

**2. Hear Visitors**

At this time, the Chairperson will open the floor to visitors wishing to address the Commission on issues not already scheduled on tonight's agenda. An individual who wishes to address the Commission regarding any item on the agenda shall register with the Commission Secretary prior to 4 p.m. on the day of the meeting. To register, the individual must provide a name and phone number by calling 979.764.3751 or emailing [khejny@cstx.gov](mailto:khejny@cstx.gov) prior to 4 p.m. To submit written comments to the Commission, email [khejny@cstx.gov](mailto:khejny@cstx.gov) and they will be distributed to the Commission. The visitor presentations will be limited to three minutes in order to accommodate everyone who wishes to address the Commission and to allow adequate time for completion of the agenda items. The Commission will receive the information, ask city staff to look into the matter, or will place the matter on a future agenda for discussion. (A recording is made of the meeting; please give your name and address for the record.)

**3. Consent Agenda**

All matters listed under the Consent Agenda, are considered routine by the Commission and will be enacted by one motion. These items include preliminary plans and final plats, where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.

**3.1. Consideration, discussion, and possible action to approve meeting minutes.**

**Attachments:** 1. September 15 2022

**3.2. Presentation, discussion, and possible action regarding a Final Plat for Williams Creek Reserve Block 1, Lots 6R & 7R, Common Area BR, Open Space A, and Private ROW being a replat of Williams Creek Reserve Block 1, Lots 6 & 7, Common Area B & Private Right of Way consisting of 2 residential lots, 2 common areas, and Private Right of Way on approximately 16.697 acres of land, generally located at the intersection of Knoxville Way and Rock Prairie Road to the east of Williams Creek Subdivision Phase 7. Case #FP2022-000023**

Sponsors: Robin Macias

Attachments:

1. Staff Report
2. Vicinity, Aerial, and Small Area Map
3. Final Plat

**4. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.**

**5. Regular Agenda**

- 5.1. Presentation, discussion, and possible action regarding waiver requests to the Unified Development Ordinance Section 8.3.G, 'Blocks' and Section 8.3.F.4, 'Alleys' and presentation, discussion, and possible action regarding a Preliminary Plan for Wyatt Place Subdivision Lot 10 (SE ½ of) on approximately two acres, located at 14015 Renee Lane. Case #PP2022-000002

Sponsors: Anthony Armstrong

Attachments:

1. Staff Report
2. Waiver Requests
3. Renee Lane Supporting Information and Exhibit
4. Victoria Avenue Supporting Information and Exhibit
5. Public Alley Supporting Information and Exhibit
6. Vicinity Map, Aerial and Small Area Map
7. Preliminary Plan

- 5.2. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 1, "General Provisions," Section 1.10 "Transitional Provisions," Article 3, "Development Review Procedures," Section 3.4 "Plat Review," Section 3.12 "Building Permit," Article 4, "Zoning Districts," Section 4.1 "Establishment of Districts," Article 5, "District Purpose Statements and Supplemental Standards," Section 5.1 "Residential Zoning Districts," Section 5.2 "Residential Dimensional Standards," Article 6, "Use Regulations," Section 6.3 "Types of Use," Section 6.4 "Specific Use Standards," Article 7, "General Development Standards," Article 8, "Subdivision Design and Improvements," Section 8.3 "General Requirements and Minimum Standards of Design for Subdivisions within the City Limits," Section 8.8 "Requirements for Parkland Dedication," Article 11, "Definitions," Section 11.2 "Defined Terms," of the Code of Ordinances of the City of College Station, Texas, regarding the creation of the Middle Housing zoning district. Case# ORDA2022-000006. (Note: Final action on this item is scheduled for the October 27, 2022 City Council Meeting – subject to change.)

Sponsors: Matthew Ellis

Attachments:

1. Memo - Middle Housing
2. Section 1.10. Transitional Provisions redlines
3. Section 3.4. Plat Review redlines
4. Section 3.12. Building Permit redlines
5. Section 4.1. Establishment of Districts redlines
6. Section 5.1. and Section 5.2. redlines
7. Section 6.3. Types of Use redlines
8. Section 6.4. Specific Use Standards redlines
9. Article 7. General Development Standards redlines
10. Section 8.3. General Requirements of Subdivision Design redlines



11. Section 8.8. Requirements for Park Land Dedication redlines
12. Section 11.2 Defined Terms redlines

5.3. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 3, "Development Review Procedures," Section 3.3 "Zoning Map Amendment (Rezoning)," Article 5, "District Purpose Statements and Supplemental Standards," Section 5.11 "Single-Family Overlay Districts," Article 9, "Nonconformities," and Section 9.2 "Nonconforming Uses," of the Code of Ordinances of the City of College Station, Texas, regarding the Restricted Occupancy Overlay. Case #ORDA2022-000008 (Final action on this item is scheduled for the October 27, 2022 City Council Meeting – subject to change).

Sponsors: Alyssa Halle-Schramm

Attachments:

1. Memo
2. Sec. 3.3 Zoning Map Amendment (Rezoning) Redlines
3. Sec. 5.11 Single Family Overlay Districts Redlines

5.4. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 8 "Subdivision Design and Improvements," Section 8.3.K "Sidewalks," of the Code of Ordinances of the City of College Station, Texas, to adjust sidewalk zones utilized for fee in lieu of construction and other sidewalk-related requirements. Case #ORDA2022-000007. (Final action on this item is scheduled for the October 27, 2022 City Council Meeting - subject to change).

Sponsors: Jason Schubert

Attachments:

1. Memo - Sidewalks UDO Amendment
2. Sidewalk Zone Funds Table
3. Existing Sidewalk Zones
4. Proposed Sidewalk Zones
5. Ordinance redlines

## 6. Informational Agenda

6.1. Discussion of new development applications submitted to the City.  
New Development Link: [www.cstx.gov/newdev](http://www.cstx.gov/newdev)

6.2. Discussion of Minor / Amending Plats approved by staff:

- JHW Commercial Addition Phase 2: Block 1, Lots 4-A & 4-B ~ Case #FPCO2022-000006
- The Meadows Phase I: Block 1, Lots 1R-2R & 31R ~ Case #FP2022-000019
- The Meadows Phase II: Block 1, Lots 1R ~ Case #FP2022-000020

Sponsors: Derrick Williams, Robin Macias

6.3. Presentation and discussion regarding the P&Z Calendar of Upcoming Meetings:

- Thursday, October 13, 2022 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison - Wright)
- Thursday, October 20, 2022 ~ P&Z Meeting ~ Council Chambers ~ 6:00 p.m.
- Thursday, October 27, 2022 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison - McIlhaney)
- Thursday, November 3, 2022 ~ P&Z Meeting ~ Council Chambers ~ 6:00 p.m.

6.4. Presentation and discussion regarding an update on items heard:

- A Rezoning to establish a Restricted Occupancy Overlay on approximately 10 acres located along Justin Avenue. The Planning & Zoning Commission heard this item on September 1, 2022 and voted (4-2) to recommend approval. The City Council heard this item on September 22, 2022 and voted (6-1) to approve the request.
- An Ordinance Amendment regarding the creation of a new use called Shared Housing. The Planning & Zoning Commission heard this item on September 1, 2022 and voted (6-0) to recommend approval. The City Council heard this item on September 22, 2022 and voted (7-0) to postpone action until the October 13, 2022 City Council Meeting.
- A presentation on the Small Area Plan Audit. The Planning & Zoning Commission heard this item on September 1, 2022 and voted (6-0) to recommend forwarding the item to City Council. The City Council heard this item on September 22, 2022 and voted (7-0) to accept the audit.

6.5. Discussion and review regarding the following meetings: Design Review Board and BioCorridor Board.

- None

**7. Discussion and possible action on future agenda items.**

A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

**8. Adjourn.**

The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website and at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on September 30, 2022 at 5:00 p.m.



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City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email [adaassistance@cstx.gov](mailto:adaassistance@cstx.gov) at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

**Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.**

**"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411,**

Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

**Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.**

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."

**MINUTES**  
**PLANNING & ZONING COMMISSION**  
**1101 Texas Ave, College Station, TX 77840**  
**September 15, 2022 6:00 p.m.**  
**Phone: \*888 475 4499 and Webinar ID: 871 1256 7029**  
**Internet: <https://zoom.us/j/87112567029>**

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**COMMISSIONERS PRESENT:** Dennis Christiansen, Bobby Mirza, William Wright, Jason Cornelius, Mark Smith, and Thomas Jackson

**COMMISSIONERS ABSENT:** Melissa McIlhaney

**COUNCIL MEMBERS PRESENT:** Dennis Maloney

**CITY STAFF PRESENT:** Michael Ostrowski, Alyssa Halle-Schramm, Erika Bridges, Anthony Armstrong, Robin Macias, Lucas Harper, Parker Mathews, Matthew Ellis, Naomi Sing, Gillian Sitler, Katherine Beaman-Jamael, Gabriel Schrum, Leslie Whitten, Adam Falco, and Kristen Hejny

1. Call Meeting to Order, Pledge of Allegiance, Consider Absence Request.

Chairperson Christiansen called the meeting to order at 6:00 p.m.

2. **Hear Visitors**

No visitors spoke.

3. **Consent Agenda**

- 3.1 Consideration, discussion, and possible action to approve meeting minutes.

- September 1, 2022

- 3.2 Presentation, discussion, and possible action regarding a Final Plat for Southern Pointe Sections 115 and 401 on approximately 20.48 acres of land, generally located along the SH 6 frontage road at its intersection with Southern Pointe Parkway in the City's Extraterritorial Jurisdiction. Case #FPCO2022-000003

**Commissioner Wright motioned to approve the Consent Agenda. Commissioner Smith seconded the motion, motion passed (6-0).**

4. **Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission Action.**

No items were removed.

5. **Regular Agenda**

Public Hearing, presentation, and discussion on Regular Agenda Items #5.1 and #5.2 were held together.

- 5.1 Public Hearing, presentation, discussion, and possible action regarding an ordinance amending the Comprehensive Plan – Future Land Use & Character Map from Neighborhood Center Mixed Residential for approximately 0.356 acres, generally located at 217 Richards Street. Case #CPA2022-000002 (Note: Final action of this item will be considered at the October 13, 2022 City Council Meeting – Subject to change).
- 5.2 Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Article 4, “Zoning Districts,” Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundary from GC General Commercial to GS General Suburban on approximately 0.356 located at Holleman Place Lot 1R-2, generally located at 217 Richards Street. Case #REZ2022-000013 (Note: Final action of this item will be considered at the October 13, 2022 City Council Meeting – Subject to change).

Staff Planner Macias presented the Comprehensive Plan Amendment and Rezoning to the Commission, recommending approval.

Commissioner Cornelius asked if any other lots in the area are zoned as GC General Commercial.

Staff Planner Macias clarified that GC General Commercial zoning exists only on this lot.

Chairperson Christiansen opened the public hearing.

No visitors spoke.

Chairperson Christiansen closed the public hearing.

**Commissioner Cornelius motioned to recommend approval of the Comprehensive Plan Amendment. Commissioner Wright seconded the motion, the motion passed (6-0).**

**Commissioner Wright motioned to recommend approval of the Rezoning. Commissioner Cornelius seconded the motion, the motion passed (6-0).**

- 5.3 Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Article 4, “Zoning Districts,” Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundary from R Rural to GC General Commercial for approximately 2.238 acres including Harvey Hillside Block 1, Lot 1, generally located at the intersection of Harvey Road and State Highway 30. Case #REZ2022-000015 (Note: Final action of this item will be considered at the October 13, 2022 City Council Meeting – Subject to change).

Staff Planner Macias presented the Rezoning to the Commission recommending approval.

Chairperson Christiansen clarified that the rezoning of this property is for a freestanding sign.

Staff Planner Macias clarified that the current R Rural zoning does not allow for a freestanding sign.

Director of Planning & Development Services Ostrowski clarified that sign code is based off of zoning districts, however, staff is currently working on updating the sign ordinance.

Chairperson Christiansen opened the public hearing.

No visitors spoke.

Chairperson Christiansen closed the public hearing.

**Commissioner Cornelius motioned to recommend approval of the Rezoning. Commissioner Mirza seconded the motion, the motion passed (6-0).**

## **6. Informational Agenda**

### **6.1 Discussion of new development applications submitted to the City.**

New Development Link: [www.cstx.gov/newdev](http://www.cstx.gov/newdev)

There was no discussion.

### **6.2 Presentation and discussion regarding the P&Z Calendar of Upcoming Meetings:**

- Thursday, September 22, 2022 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison – Cornelius)
- Thursday, October 6, 2022 ~ P&Z Meeting ~ Council Chambers ~ 6:00 pm.
- Thursday, October 13, 2022 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison – Wright)
- Thursday, October 20, 2022 ~ P&Z Meeting ~ Council Chambers ~ 6:00 p.

There was no discussion.

### **6.3 Presentation and discussion regarding an update on items heard:**

- A Comprehensive Plan Amendment from Suburban Residential to Neighborhood Commercial on approximately one acre located at 106 Southland Street. The Planning & Zoning Commission heard this item on August 18, 2022 and voted (7-0) to recommend approval. The City Council heard this item on September 8, 2022 and voted (7-0) to approve the request.
- A Rezoning from General Suburban and Planned Development District to Planned Development District on approximately one acre located at 1201 Wellborn Road. The Planning & Zoning Commission heard this item on August 18, 2022 and voted (7-0) to recommend approval. The City Council heard this item on September 8, 2022 and voted (7-0) to approve the request.

There was no discussion.

### **6.4 Discussion and review regarding the following meetings: Design Review Board, BioCorridor Board.**

- DRB Meeting – September 9, 2022

Commissioner Cornelius provided an update to the Commission regarding façade changes to the Aggieland Credit Union located at 501 University Drive.

Director of Planning & Development Services Ostrowski recognized Chairperson Christiansen for being inducted into the Texas Transportation Hall of Honor.

**7. Discussion and possible action on future agenda items.**

A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There was no discussion.

**8. Adjourn**

The meeting adjourned at 6:13 p.m.

**Approved:**

\_\_\_\_\_  
Dennis Chairperson Christiansen, Chairperson  
Planning & Zoning Commission

**Attest:**

\_\_\_\_\_  
Kristen Hejny, Admin Support Specialist  
Planning & Development Services



**Final Plat  
for  
Williams Creek Reserve  
Block 1, Lots 6R & 7R, Common Area BR, Open Space A, and  
Private ROW  
being a Replat of  
Block 1, Lots 6 & 7, Common Area B & Private ROW  
FP2022-000023**

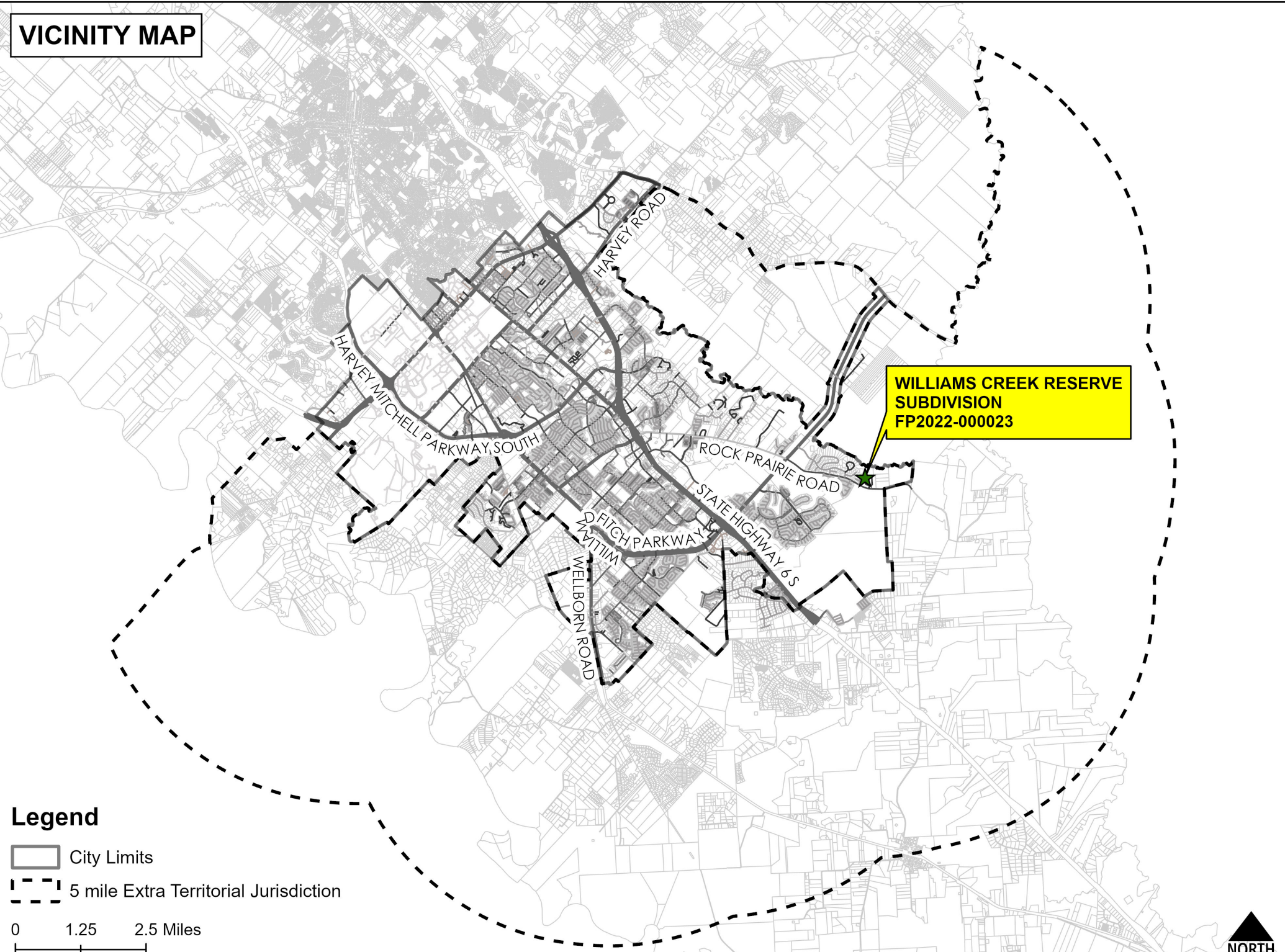
|                                                                                                     |                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Scale</b>                                                                                        | 2 lots and 3 common areas on 16.697 acres                                                                                                                                                       |
| <b>Location</b>                                                                                     | Generally located at the intersection of Knoxville Way and Rock Prairie Road to the east of Williams Creek Subdivision Phase 7.                                                                 |
| <b>Property Owner</b>                                                                               | Williams Creek Reserve, LLC<br>Manu and Ramila Patel<br>Gregory M and Cherry Ann Myatt                                                                                                          |
| <b>Applicant</b>                                                                                    | Schultz Engineering, LLC                                                                                                                                                                        |
| <b>Project Manager</b>                                                                              | Robin Macias, Staff Planner<br><a href="mailto:rmacias@cstx.gov">rmacias@cstx.gov</a>                                                                                                           |
| <b>Project Overview</b>                                                                             | This replat is to realign lot lines for two existing lots, one common area and private right-of-way and will establish an open space lot. The original plat was approved and filed in May 2022. |
| <b>Preliminary Plan</b>                                                                             | The preliminary plan was approved in November 2021. The Preliminary Plan was approved with waivers for UDO Section 8.3.G Block Length requirements in Rural Context Zones.                      |
| <b>Public Infrastructure</b>                                                                        | Total linear feet proposed:<br>0 Streets                      0 Sanitary Sewer Lines<br>0 Sidewalks                  0 Water Lines<br>0 Storm Sewer Lines                                       |
| <b>Parkland Dedication</b>                                                                          | Not required.                                                                                                                                                                                   |
| <b>Traffic Impact Analysis</b>                                                                      | N/A                                                                                                                                                                                             |
| <b>Compliant with Comprehensive Plan (including Master Plans) and Unified Development Ordinance</b> | Yes                                                                                                                                                                                             |
| <b>Compliant with Subdivision Regulations</b>                                                       | Yes with the exception of the waiver to block length approved with the preliminary plan.                                                                                                        |
| <b>Staff Recommendation</b>                                                                         | Approval                                                                                                                                                                                        |

**Supporting Materials**

1. Vicinity Map, Aerial, and Small Area Map
2. Final Plat



VICINITY MAP



**WILLIAMS CREEK RESERVE  
SUBDIVISION  
FP2022-000023**

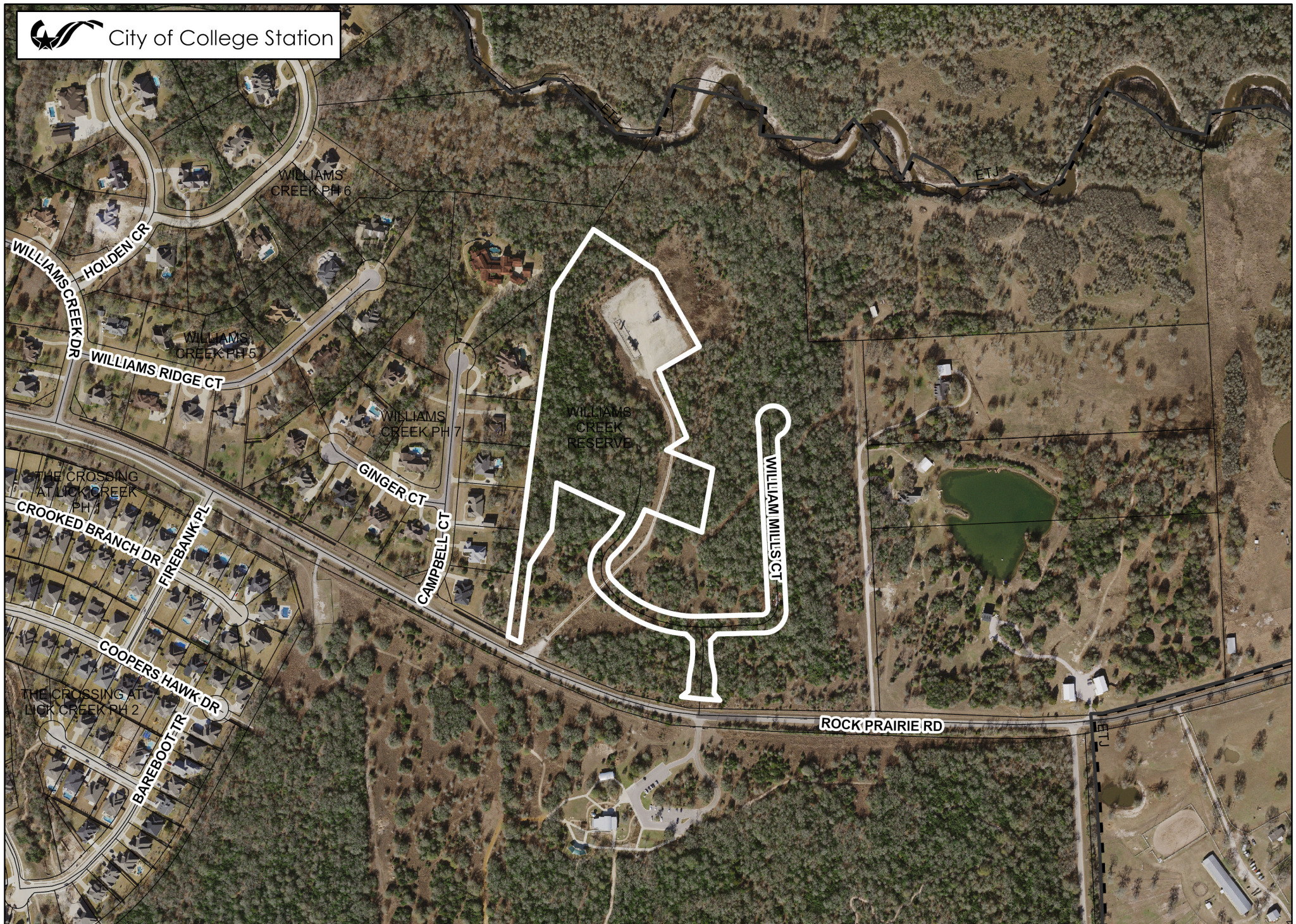
Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction

0 1.25 2.5 Miles







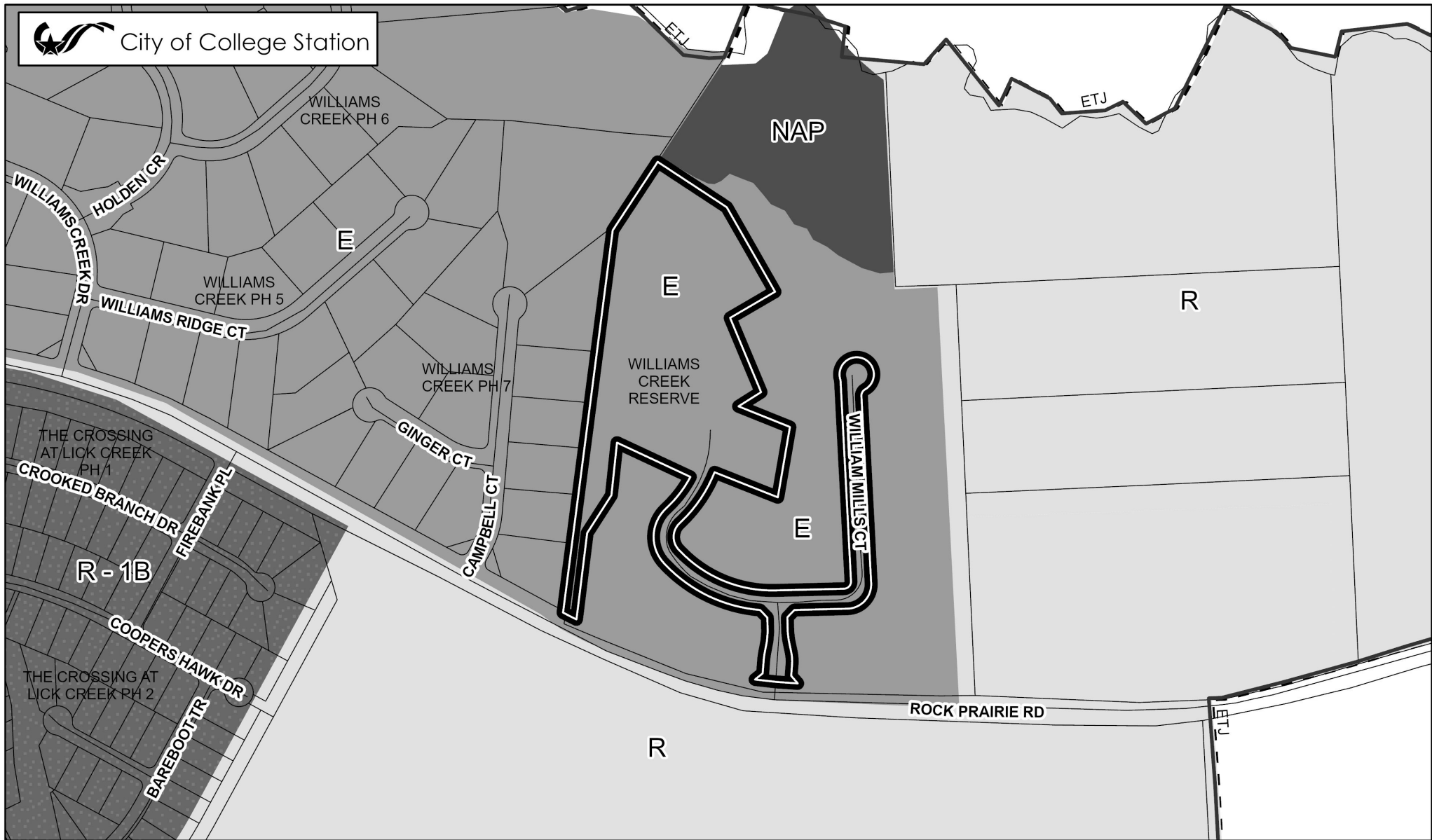
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**WILLIAMS CREEK RESERVE  
SUBDIVISION**

Case:  
FP2022-000023

**FINAL PLAT  
RESIDENTIAL**  
Page 12 of 202





**ZONING DISTRICTS** (In Grayscale)

|                    |                              |     |                       |
|--------------------|------------------------------|-----|-----------------------|
| <u>Residential</u> |                              | MF  | Multi-Family          |
| R                  | Rural                        | MU  | Mixed-Use             |
| WE                 | Wellborn Estate              | MHP | Manufactured Home Pk. |
| E                  | Estate                       |     |                       |
| WRS                | Wellborn Restricted Suburban |     |                       |
| RS                 | Restricted Suburban          |     |                       |
| GS                 | General Suburban             |     |                       |
| D                  | Duplex                       |     |                       |
| T                  | Townhome                     |     |                       |

**Non-Residential**

|     |                          |
|-----|--------------------------|
| NAP | Natural Area Protected   |
| O   | Office                   |
| SC  | Suburban Commercial      |
| WC  | Wellborn Commercial      |
| GC  | General Commercial       |
| CI  | Commercial Industrial    |
| BP  | Business Park            |
| BPI | Business Park Industrial |
| C-U | College and University   |

**Planned Districts**

|       |                         |
|-------|-------------------------|
| P-MUD | Planned Mixed-Use Dist. |
| PDD   | Planned Develop. Dist.  |

**Design Districts**

|      |                          |
|------|--------------------------|
| WPC  | Wolf Pen Creek Dev. Cor. |
| NG-1 | Core Northgate           |
| NG-2 | Transitional Northgate   |
| NG-3 | Residential Northgate    |

**Overlay Districts**

|     |                            |
|-----|----------------------------|
| OV  | Corridor Ovr.              |
| RDD | Redevelopment District     |
| KO  | Krenek Tap Ovr.            |
| NPO | Nbrhd. Prevailing Ovr.     |
| NCO | Nbrhd. Conservation Ovr.   |
| HP  | Historic Preservation Ovr. |

**Retired Districts**

|      |                           |
|------|---------------------------|
| R-1B | Single Family Residential |
| R-4  | Multi-Family              |
| R-6  | High Density Multi-Family |
| C-3  | Light Commercial          |
| RD   | Research and Dev.         |
| M-1  | Light Industrial          |
| M-2  | Heavy Industrial          |



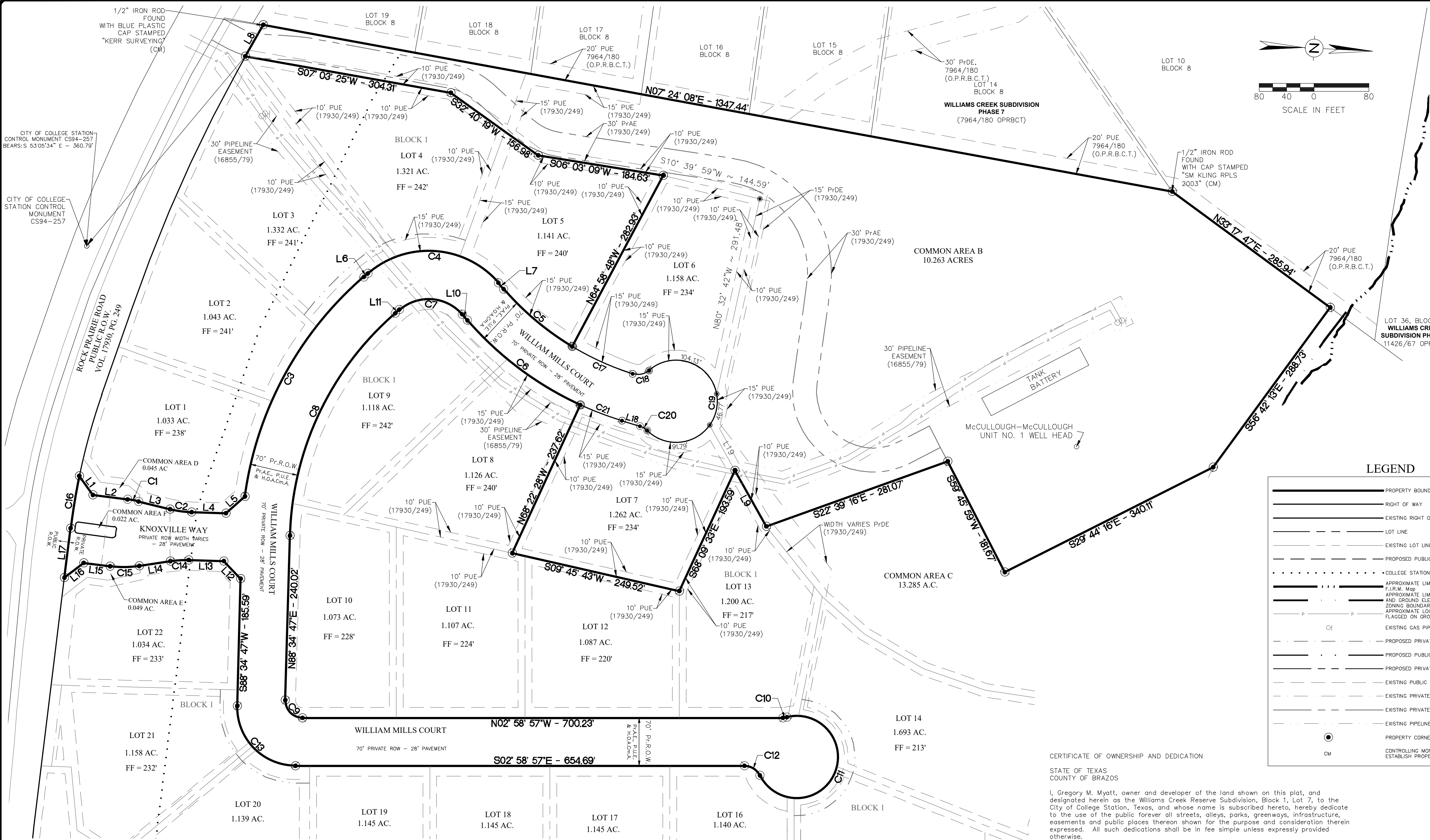
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**WILLIAMS CREEK RESERVE  
SUBDIVISION**

Case:  
FP2022-000023

**FINAL PLAT  
RESIDENTIAL**

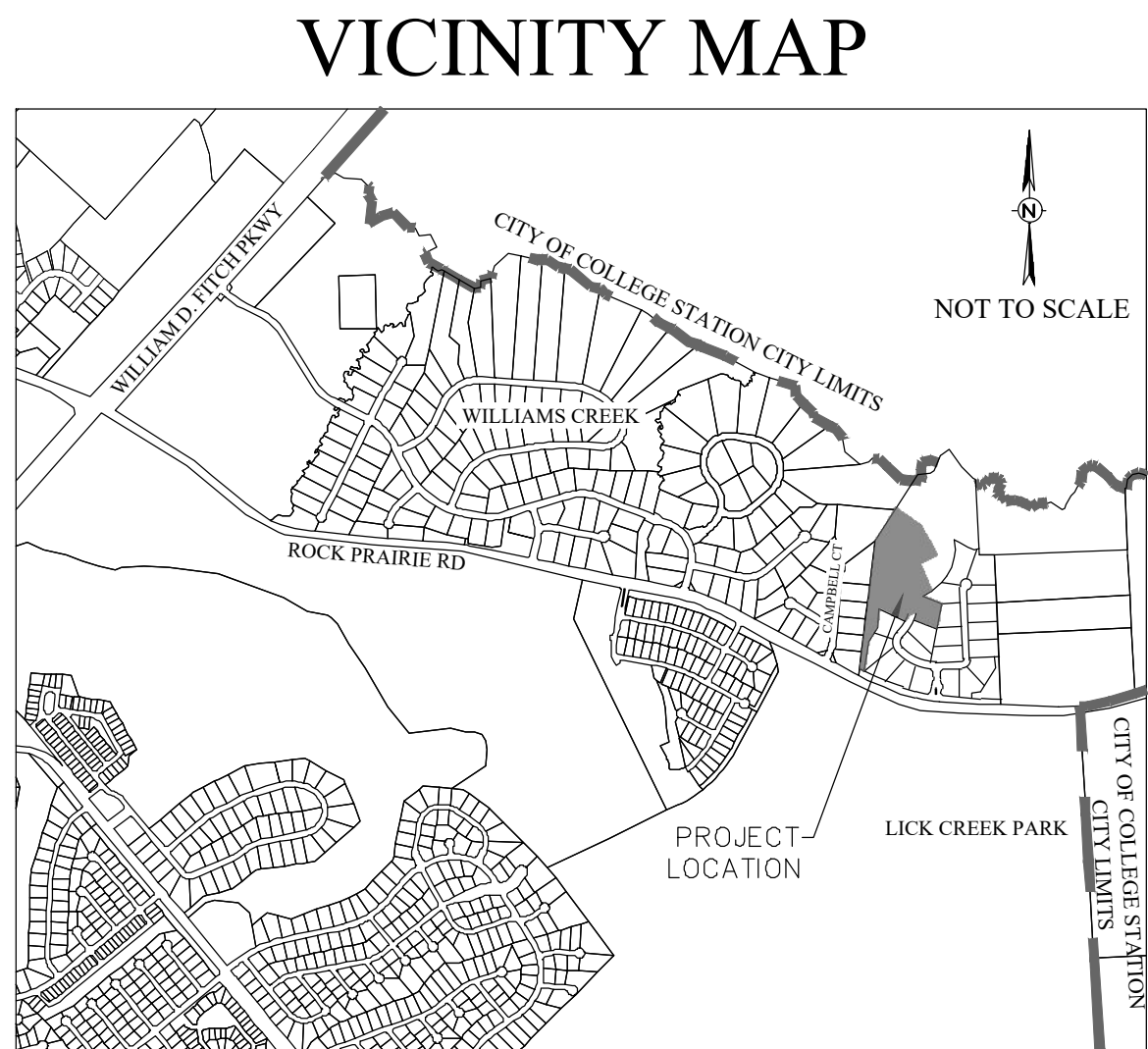




| LINE TABLE |        |               |
|------------|--------|---------------|
| LINE #     | LENGTH | DIRECTION     |
| L1         | 34.26' | N51° 14' 01"E |
| L2         | 50.80' | N4° 29' 24"E  |
| L3         | 47.27' | N10° 46' 17"E |
| L4         | 49.87' | N1° 25' 13"W  |
| L5         | 36.79' | N44° 02' 20"W |
| L6         | 7.84'  | N43° 52' 54"W |
| L7         | 11.79' | N46° 07' 06"E |
| L8         | 52.61' | N63° 10' 07"W |
| L9         | 93.32' | S57° 50' 09"W |
| L10        | 11.79' | S46° 07' 06"W |
| L11        | 7.84'  | S43° 52' 54"E |
| L12        | 35.36' | S43° 34' 47"W |
| L13        | 51.45' | S1° 25' 13"E  |
| L14        | 45.74' | S11° 44' 24"E |
| L15        | 39.11' | S4° 29' 24"W  |
| L16        | 35.21' | S40° 45' 10"E |
| L17        | 72.70' | N85° 59' 43"W |
| L18        | 27.58' | N13° 57' 26"E |
| L19        | 75.50' | N57° 50' 09"E |

| Curve Table |         |         |            |         |         |                 |
|-------------|---------|---------|------------|---------|---------|-----------------|
| CURVE #     | LENGTH  | RADIUS  | DELTA      | TANGENT | CHORD   | CHORD DIRECTION |
| C1          | 16.44'  | 150.00' | 006°16'53" | 8.23'   | 16.44'  | N07°37'50"E     |
| C2          | 31.92'  | 150.00' | 012°11'30" | 16.02'  | 31.86'  | N04°40'32"E     |
| C3          | 371.99' | 515.00' | 041°23'06" | 194.53' | 363.95' | N64°34'27"W     |
| C4          | 212.06' | 135.00' | 090°00'00" | 135.00' | 190.92' | N01°07'06"E     |
| C5          | 131.15' | 415.00' | 018°06'26" | 66.13'  | 130.61' | N37°03'53"E     |
| C6          | 207.33' | 485.00' | 024°29'34" | 105.27' | 205.79' | N33°52'19"E     |
| C7          | 102.10' | 65.00'  | 090°00'00" | 65.00'  | 91.92'  | S01°07'06"W     |
| C8          | 369.22' | 445.00' | 047°32'19" | 195.98' | 358.72' | S67°39'03"E     |
| C9          | 39.95'  | 25.00'  | 091°33'44" | 25.69'  | 35.83'  | N42°47'55"E     |
| C10         | 6.08'   | 25.00'  | 013°55'50" | 3.05'   | 6.06'   | N09°56'52"W     |
| C11         | 269.92' | 80.00'  | 257°45'06" | 74.42'  | 93.42'  | S68°02'14"E     |
| C12         | 27.85'  | 25.00'  | 063°49'16" | 15.57'  | 26.43'  | S28°55'41"W     |
| C13         | 135.84' | 85.00'  | 091°33'44" | 87.35'  | 121.84' | S42°47'55"W     |
| C14         | 27.02'  | 150.00' | 010°19'11" | 13.55'  | 26.98'  | S06°34'48"E     |
| C15         | 42.49'  | 150.00' | 016°13'48" | 21.39'  | 42.35'  | S03°37'30"E     |
| C16         | 77.32'  | 934.91' | 004°44'19" | 38.68'  | 77.30'  | N83°37'33"W     |
| C17         | 96.99'  | 415.00' | 013°23'26" | 48.72'  | 96.77'  | S21°18'57"W     |
| C18         | 25.60'  | 25.00'  | 058°40'36" | 14.05'  | 24.50'  | S14°43'04"E     |
| C19         | 278.64' | 60.00'  | 266°05'10" | 64.25'  | 87.70'  | S88°59'12"W     |
| C20         | 12.25'  | 25.00'  | 028°04'21" | 6.25'   | 12.13'  | N27°59'37"E     |
| C21         | 64.91'  | 485.00' | 007°40'06" | 32.50'  | 64.86'  | N17°47'29"E     |

CERTIFICATE OF THE SURVEYOR  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, Nathan Paul Kerr, Registered Professional Land Surveyor No. 6834, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey and that the property markers and monuments were placed under my supervision on the ground.  
\_\_\_\_\_, R.P.L.S. No. 6834



CERTIFICATE OF OWNERSHIP AND DEDICATION  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, Joseph W. Johnson, President of Williams Creek Reserve, LLC, owner and developer of the land shown on this plat, and designated herein as the Williams Creek Reserve Subdivision, Block 1, Common Area B, and Private R.O.W., to the City of College Station, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.  
\_\_\_\_\_  
Joseph W. Johnson, President  
Williams Creek Reserve, LLC  
STATE OF TEXAS  
COUNTY OF BRAZOS  
Before me, the undersigned authority, on this day personally appeared Joseph W. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.  
Given under my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Notary Public, Brazos County, Texas  
CITY OF COLLEGE STATION  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, County Clerk, in and for said county, do hereby certify that this plat together with its certificates of authentication was filed for record in my office the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the Official Public Records of Brazos County, Texas, in Volume \_\_\_\_\_ Page \_\_\_\_\_.  
WITNESS my hand and official Seal, at my office in Bryan, Texas.

CERTIFICATE OF OWNERSHIP AND DEDICATION  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, Manu Patel, owner and developer of the land shown on this plat, and designated herein as the Williams Creek Reserve Subdivision, Block 1, Lot 6, to the City of College Station, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.  
\_\_\_\_\_  
Manu Patel  
STATE OF TEXAS  
COUNTY OF BRAZOS  
Before me, the undersigned authority, on this day personally appeared Manu Patel, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.  
Given under my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Notary Public, Brazos County, Texas  
CITY OF COLLEGE STATION  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, City Engineer of the City of College Station, Texas, hereby certify that this Subdivision Plat conforms to the requirements of the Subdivision Regulations of the City of College Station, Texas.  
\_\_\_\_\_  
City Engineer  
City of College Station, Texas

CERTIFICATE OF OWNERSHIP AND DEDICATION  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, Ramila Patel, owner and developer of the land shown on this plat, and designated herein as the Williams Creek Reserve Subdivision, Block 1, Lot 6, to the City of College Station, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.  
\_\_\_\_\_  
Ramila Patel  
STATE OF TEXAS  
COUNTY OF BRAZOS  
Before me, the undersigned authority, on this day personally appeared Ramila Patel, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.  
Given under my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Notary Public, Brazos County, Texas  
CITY OF COLLEGE STATION  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, Chairman of the Planning and Zoning Commission of the City of College Station, hereby certify that the attached plat was duly approved by the Commission on the day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Chairman

CERTIFICATE OF OWNERSHIP AND DEDICATION  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, Gregory M. Myatt, owner and developer of the land shown on this plat, and designated herein as the Williams Creek Reserve Subdivision, Block 1, Lot 7, to the City of College Station, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.  
\_\_\_\_\_  
Gregory M. Myatt  
STATE OF TEXAS  
COUNTY OF BRAZOS  
Before me, the undersigned authority, on this day personally appeared Gregory M. Myatt, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.  
Given under my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Notary Public, Brazos County, Texas  
CITY OF COLLEGE STATION  
COUNTY OF BRAZOS  
I, Cherry Ann Myatt, owner and developer of the land shown on this plat, and designated herein as the Williams Creek Reserve Subdivision, Block 1, Lot 7, to the City of College Station, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.  
\_\_\_\_\_  
Cherry Ann Myatt  
STATE OF TEXAS  
COUNTY OF BRAZOS  
Before me, the undersigned authority, on this day personally appeared Cherry Ann Myatt, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.  
Given under my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Notary Public, Brazos County, Texas

FINAL PLAT

WILLIAMS CREEK RESERVE

SUBDIVISION

16.697 ACRES

BLOCK 1, LOTS 6R & 7R

COMMON AREA BR (8.450 ACRES)

OPEN SPACE A (1.833 ACRES)

PRIVATE ROW (3.939 ACRES)

BEING A

REPLAT

OF

BLOCK 1, LOTS 6 & 7

COMMON AREA B (10.263 ACRES) & PRIVATE ROW (4.013 ACRES)

WILLIAMS CREEK RESERVE SUBDIVISION

VOLUME 17930, PAGE 249

SAMUEL W. ROBERTSON LEAGUE SURVEY, A-202

COLLEGE STATION, BRAZOS, TEXAS

OWNER LOT 6:

Manu Patel and Ramila Patel  
4930 Holden Circle  
College Station, TX 77845

OWNER LOT 7:

Gregory M. Myatt and Cherry Ann Myatt  
4113 Wild Creek Court  
College Station, TX 77845

SCALE 1" = 80'

SEPTEMBER, 2022

SURVEYOR:

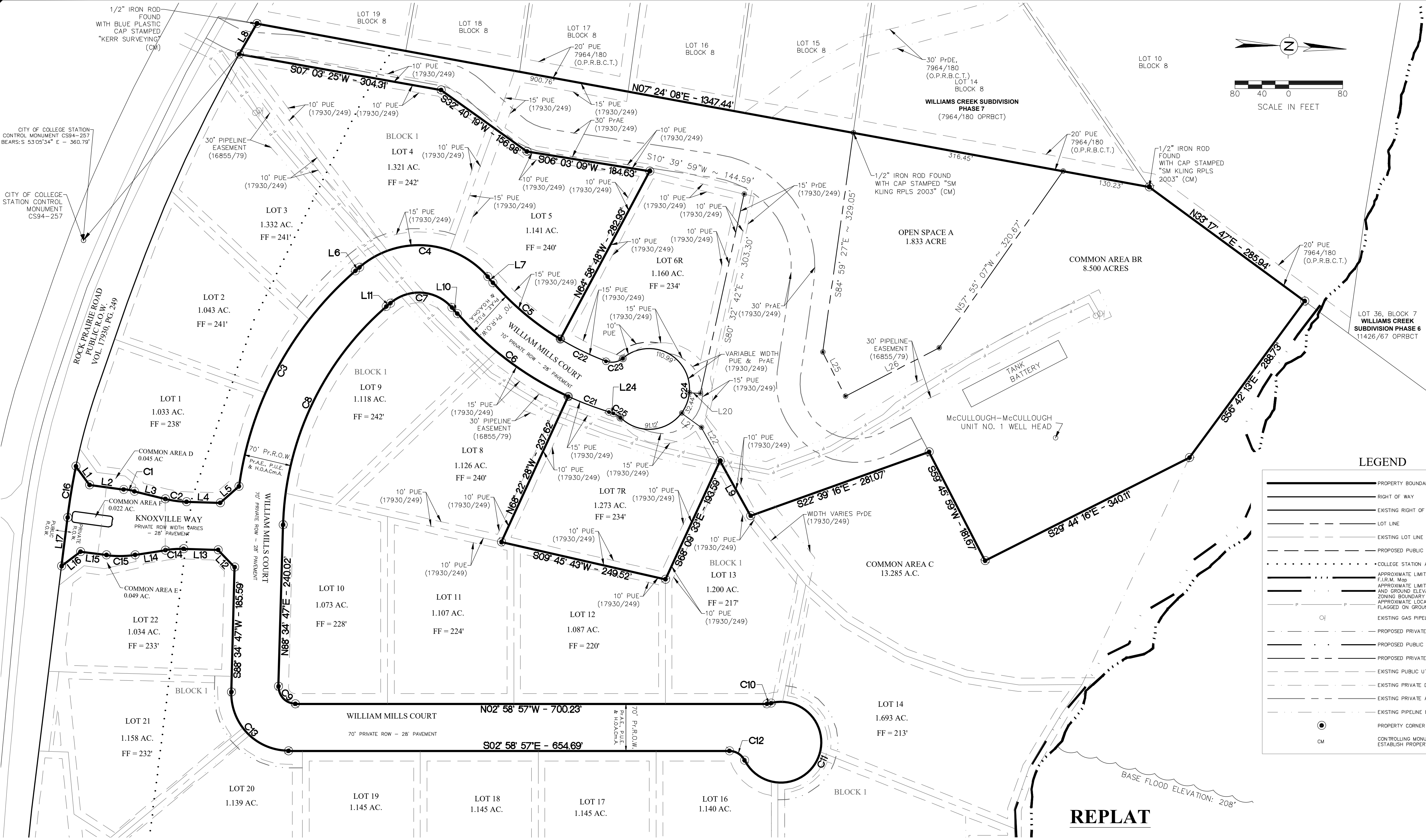
Nathan Paul Kerr, RPLS No. 6834  
Kerr Surveying, LLC  
409 N. Texas Ave.  
Bryan, TX 77803  
(979) 268-3195  
TBPELS FIRM # 10018500  
KERR JOB 22-632, 22-753

ENGINEER:

TSCHULTZ  
Engineering, LLC  
TBPE NO. 12327  
911 SOUTHWEST PKWY E.  
College Station, Texas 77840  
(879) 764-3900

Page 14 of 282





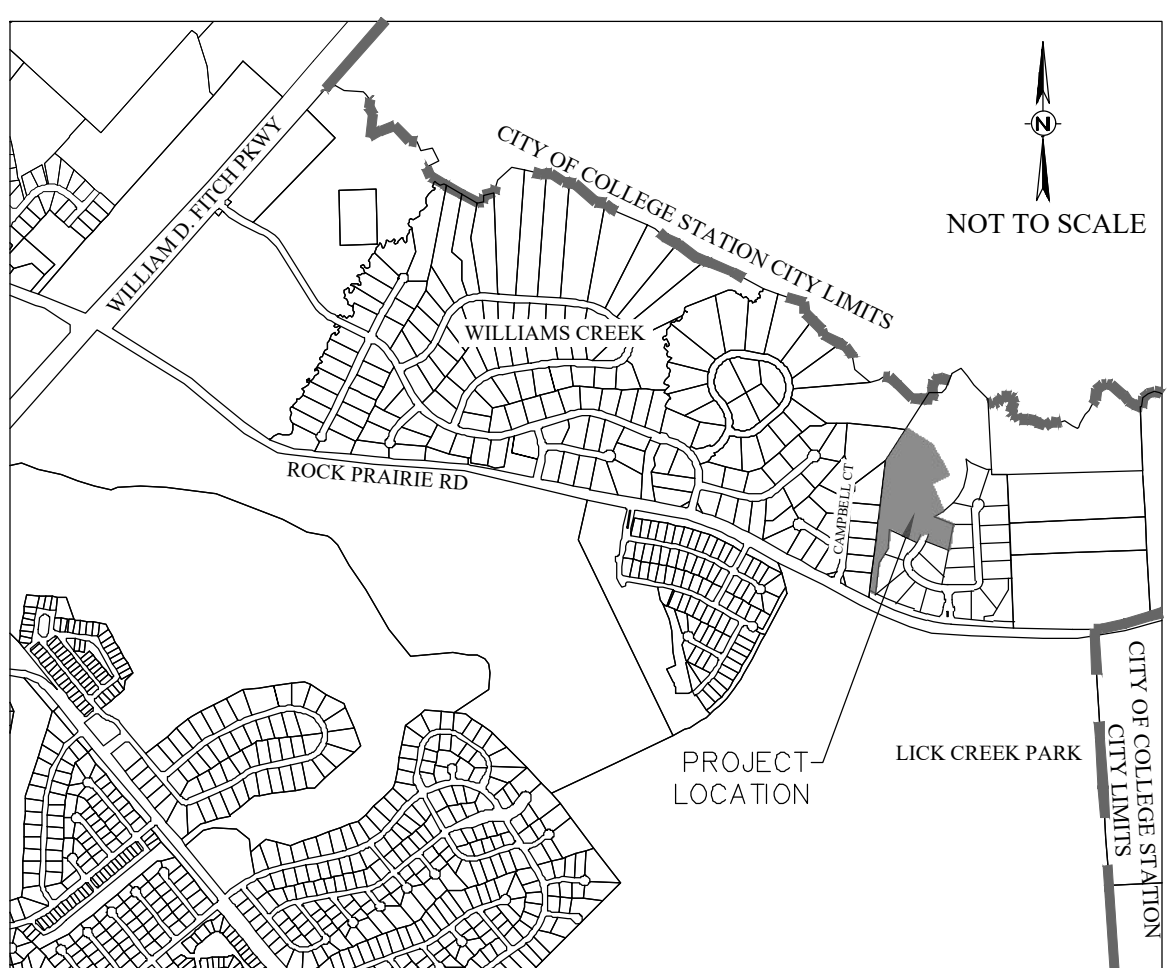
| LINE TABLE |         |               |
|------------|---------|---------------|
| LINE #     | LENGTH  | DIRECTION     |
| L1         | 34.26'  | N51° 14' 01"E |
| L2         | 50.80'  | N4° 29' 24"E  |
| L3         | 47.27'  | N10° 46' 17"E |
| L4         | 49.87'  | N1° 25' 13"W  |
| L5         | 36.79'  | N44° 02' 20"W |
| L6         | 7.84'   | N43° 52' 54"W |
| L7         | 11.79'  | N46° 07' 06"E |
| L8         | 52.61'  | N63° 10' 07"W |
| L9         | 93.32'  | S57° 50' 09"W |
| L10        | 11.79'  | S46° 07' 06"W |
| L11        | 7.84'   | S43° 52' 54"E |
| L12        | 35.36'  | S43° 34' 47"W |
| L13        | 51.45'  | S1° 25' 13"E  |
| L14        | 45.74'  | S11° 44' 24"E |
| L15        | 39.11'  | S4° 29' 24"W  |
| L16        | 35.21'  | S40° 45' 10"E |
| L17        | 72.70'  | N85° 59' 43"W |
| L20        | 16.44'  | S1° 51' 12"W  |
| L21        | 36.63'  | N33° 13' 21"E |
| L22        | 56.64'  | N57° 50' 09"E |
| L24        | 6.94'   | S13° 57' 26"W |
| L25        | 73.39'  | N59° 45' 59"E |
| L26        | 156.51' | N30° 11' 54"W |

| Curve Table |         |         |            |         |         |
|-------------|---------|---------|------------|---------|---------|
| CURVE #     | LENGTH  | RADIUS  | DELTA      | TANGENT | CHORD   |
| C1          | 16.44'  | 150.00' | 006°16'53" | 8.23'   | 16.44'  |
| C2          | 31.92'  | 150.00' | 012°11'30" | 16.02'  | 31.86'  |
| C3          | 371.99' | 515.00' | 041°23'06" | 194.53' | 363.95' |
| C4          | 212.06' | 135.00' | 090°00'00" | 135.00' | 190.92' |
| C5          | 131.15' | 415.00' | 018°06'26" | 66.13'  | 130.61' |
| C6          | 207.33' | 485.00' | 024°29'34" | 105.27' | 205.75' |
| C7          | 102.10' | 65.00'  | 090°00'00" | 65.00'  | 91.92'  |
| C8          | 369.22' | 445.00' | 047°32'19" | 195.98' | 358.72' |
| C9          | 39.95'  | 25.00'  | 091°33'44" | 25.69'  | 35.83'  |
| C10         | 6.08'   | 25.00'  | 013°55'50" | 3.05'   | 6.06'   |
| C11         | 269.82' | 60.00'  | 257°45'06" | 74.42'  | 93.42'  |
| C12         | 27.85'  | 25.00'  | 063°49'16" | 15.57'  | 26.43'  |
| C13         | 135.84' | 85.00'  | 091°33'44" | 87.35'  | 121.84' |
| C14         | 27.02'  | 150.00' | 010°19'11" | 13.55'  | 26.98'  |
| C15         | 42.49'  | 150.00' | 016°13'48" | 21.39'  | 42.35'  |
| C16         | 77.32'  | 934.91' | 004°44'19" | 38.68'  | 77.30'  |
| C17         | 96.99'  | 415.00' | 013°23'26" | 48.72'  | 96.77'  |
| C21         | 64.91'  | 485.00' | 007°40'06" | 32.50'  | 64.86'  |
| C22         | 75.51'  | 415.00' | 010°25'31" | 37.86'  | 75.41'  |
| C23         | 26.63'  | 25.00'  | 061°02'22" | 14.74'  | 25.39'  |
| C24         | 278.01' | 60.00'  | 265°29'01" | 64.93'  | 88.13'  |
| C25         | 12.25'  | 25.00'  | 028°04'21" | 6.25'   | 12.13'  |

LEGEND

- PROPERTY BOUNDARY
- RIGHT OF WAY
- EXISTING RIGHT OF WAY
- LOT LINE
- EXISTING LOT LINE
- PROPOSED PUBLIC UTILITY EASEMENT (P.U.E.)
- COLLEGE STATION ANNEXATION LINE
- APPROXIMATE LIMITS OF FLOODPLAIN PER F.I.R.M. Map
- APPROXIMATE LIMITS OF FLOODPLAIN PER BFE AND GROUND ELEVATION SURVEY DATA AND ZONING BOUNDARY
- APPROXIMATE LOCATION OF BURIED PIPELINE AS FLAGGED ON GROUND
- EXISTING GAS PIPELINE SIGN
- PROPOSED PRIVATE DRAINAGE EASEMENT (P.D.E.)
- PROPOSED PUBLIC ACCESS EASEMENT (P.A.E.)
- PROPOSED PRIVATE ACCESS EASEMENT (P.V.A.E.)
- EXISTING PUBLIC UTILITY EASEMENT (P.U.E.)
- EXISTING PRIVATE DRAINAGE EASEMENT (P.D.E.)
- EXISTING PRIVATE ACCESS EASEMENT (P.V.A.E.)
- EXISTING PIPELINE EASEMENT
- PROPERTY CORNER
- CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY LINES

VICINITY MAP



REPLAT

- NOTES:
- COORDINATES AND BEARING SYSTEM SHOWN HEREON ARE NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) BASED ON THE PUBLISHED COORDINATES OF THE CITY OF COLLEGE STATION CONTROL MONUMENT CS94-257 (Y:10194481.85, X:3593170.56) AND AS ESTABLISHED BY GPS OBSERVATION. DISTANCES SHOWN HEREON ARE GRID DISTANCES UNLESS OTHERWISE NOTED. AREAS SHOWN AS "MEASURED" HEREON ARE CALCULATED FROM GRID DISTANCES. TO OBTAIN SURFACE DISTANCES (NOT SURFACE AREAS) MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00009641738449 (CALCULATED USING GEOID12B).
  - DISTANCES SHOWN ALONG CURVES ARE CHORD LENGTHS.
  - 1/2 INCH IRON RODS SET WITH BLUE PLASTIC CAPS STAMPED "KERR SURVEYING" AT ALL PROPERTY CORNERS AND ANGLE POINTS UNLESS IN CREEK OR OTHERWISE NOTED.
  - NO PORTION OF THIS TRACT IS WITHIN THE 100 YEAR FLOODPLAIN ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR BRAZOS COUNTY AND INCORPORATED AREAS, MAP NO. 48041C0350C, EFFECTIVE DATE: MAY 16, 2012.
  - ZONING OF THIS TRACT IS ESTATE (E), AND NATURAL AREAS PROTECTED (NAP).
  - THE STREETS FOR THIS DEVELOPMENT WILL BE CONSTRUCTED TO THE RURAL STREET STANDARDS PER THE BCS UNIFIED DESIGN GUIDELINES.
  - SIDEWALKS ARE NOT REQUIRED ON RURAL RESIDENTIAL STREETS.
  - THE WATER SUPPLIER FOR THIS DEVELOPMENT IS THE WELLBORN SPECIAL UTILITY DISTRICT. THE WATERLINES WILL BE DESIGNED AND CONSTRUCTED TO CITY OF COLLEGE STATION SPECIFICATIONS AND STANDARDS AND WILL BE LOCATED IN UTILITY EASEMENTS AT THE FRONT OF THE RESIDENTIAL LOTS. THESE WATERLINES WILL PROVIDE THE REQUIRED FLOW TO FIRE HYDRANTS TO MEET FIRE PROTECTION REQUIREMENTS. ALTHOUGH A PORTION OF COLLEGE STATION CEN COVERS A PORTION OF THIS PROPERTY, THE CITY OF COLLEGE STATION WATER DEPARTMENT AND WELLBORN WATER HAVE COME TO AN AGREEMENT THAT ALL LOTS IN THIS SUBDIVISION WILL BE SERVED BY WELLBORN WATER. THE CEN AREA IS CURRENTLY BEING REVISED.
  - A WATER DESIGN REPORT FOR THIS SUBDIVISION WILL BE PROVIDED PER CITY STANDARDS.
  - ELECTRIC SERVICE AND STREET LIGHTING FOR THIS SUBDIVISION WILL BE PROVIDED BY BRYAN TEXAS UTILITIES (BTU) AND THE CITY OF COLLEGE STATION. LOTS 1 THROUGH 3 AND LOTS 21 AND 22, BLOCK 1 WILL HAVE ELECTRICAL SERVICE PROVIDED BY COLLEGE STATION UTILITIES OR BTU, DEPENDING ON THE LOCATION OF THE HOUSE ON THE LOT. THE REMAINING LOTS WILL BE SERVED BY BTU.
  - ALL PUBLIC DRAINAGE EASEMENTS WILL BE IMPROVED ACCORDING TO THE DRAINAGE POLICY AND DESIGN STANDARDS.
  - THERE SHALL BE A 20' PUE CENTERED ALONG ALL SIDE LOT LINES.
  - DRIVEWAY CULVERTS SHALL COMPLY WITH CITY OF COLLEGE STATION DETAILS AND SPECIFICATIONS.
  - RESIDENTIAL STRUCTURES CONSTRUCTED WITHIN ESTATE RESIDENTIAL SUBDIVISIONS SHALL:
    - NOT BE LOCATED MORE THAN 500' FROM THE PUBLIC OR PRIVATE STREET. IF THEY ARE LOCATED A DISTANCE
  - GREATER THAN 500' FROM THE PUBLIC OR PRIVATE STREET, THEN A 20' WIDE ALL-WEATHER SURFACE, MEETING CURRENT ENGINEERING STANDARDS SHALL BE PROVIDED TO THE STRUCTURE PRIOR TO BRINGING COMBUSTIBLES ON-SITE.
  - NOT BE LOCATED MORE THAN 2000' OFF A PUBLIC OR PRIVATE STREET UNLESS APPROVED BY THE FIRE MARSHAL. THIS SHALL BE ALLOWED ONLY IN THE CASE OF UNUSUAL TOPOGRAPHY. FURTHER, ANY BRIDGE OR CULVERT INSTALLED ON ROADWAYS OR ON AN INDIVIDUAL LOT, WHERE THE STRUCTURE IS LOCATED MORE THAN 500' FROM THE PUBLIC OR PRIVATE STREET, MUST BE DESIGNED TO HANDLE EMERGENCY TRAFFIC LOADING.
  - EACH LOT WILL PROVIDE A MINIMUM OF 2 TREES OF AT LEAST 2" IN CALIPER OR 1 TREE OF 4" CALIPER PER ORDINANCE NO. 3222.
  - THE PRIVATE DRAINAGE EASEMENTS WILL BE MAINTAINED BY THE HOA, HOMEOWNERS ASSOCIATION.
  - MAINTENANCE OF THE COMMON AREAS WILL BE BY THE HOMEOWNERS' ASSOCIATION (HOA).
  - IN LOCATIONS WITH CROSS LOT DRAINAGE OF STORMWATER RUNOFF, A DRAINAGE WAY AND A PRIVATE DRAINAGE EASEMENT SHALL BE PROVIDED THAT THE FLOW IS NOT IMPEDED BY FENCES, STRUCTURES OR OTHER FACILITIES.
  - THIS SUBDIVISION WILL BE GATED WITH PRIVATE STREETS. ALL PROPERTY OWNERS SHALL AGREE TO BECOME MEMBERS OF AN OPERATIVE OWNERS ASSOCIATION, WHICH WILL MEET THE FOLLOWING REQUIREMENTS:
    - A HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED WITH DIRECT RESPONSIBILITY TO, AND CONTROLLED BY, THE PROPERTY OWNERS INVOLVED TO PROVIDE FOR OPERATION, REPAIR AND MAINTENANCE OF ALL COMMON AREAS, FENCES, WALLS, GATE EQUIPMENT, LANDSCAPING, AND ALL OTHER COMMON FACILITIES, INCLUDING PRIVATE STREETS AND SIDEWALKS, WHICH ARE PART OF THE SUBDIVISION (THE "COMMON FACILITIES").
    - ALL PROPERTY OWNERS WITHIN AN EXISTING RESIDENTIAL AREA THAT IS PROPOSED TO BE GATED SHALL AGREE TO BECOME MEMBERS OF AN OPERATIVE HOMEOWNERS ASSOCIATION (HOA).
    - THE HOA SHALL PREPARE AND FILE FOR RECORD A LEGAL INSTRUMENT ESTABLISHING A PLAN FOR THE USE AND PERMANENT REPAIR AND MAINTENANCE OF THE COMMON FACILITIES AND DEMONSTRATING THAT THE ASSOCIATION IS SELF-PERPETUATING AND ADEQUATELY FUNDED TO ACCOMPLISH ITS PURPOSE.
    - THE BUDGET FOR THE HOA SHALL INCLUDE A FUND RESERVED FOR THE REPAIR AND MAINTENANCE OF COMMON FACILITIES IN THE AMOUNT APPROVED BY THE CITY STAFF.
    - THE LEGAL INSTRUMENT ESTABLISHING THE HOMEOWNERS ASSOCIATION, STREET MAINTENANCE AGREEMENT, THE APPROVAL OF THE RESERVE FUND BY THE CITY ENGINEER OR DIRECTOR OF PUBLIC WORKS, AND WRITTEN PERMISSION FOR THE CITY'S ACCESS TO THE SUBDIVISION WILL BE SUBMITTED FOR APPROVAL BY THE CITY ATTORNEY PRIOR TO THE SUBMISSION OF THE FINAL PLAT.
  - VEHICLE ACCESS SHALL BE PROVIDED ON PRIVATE ROADWAYS AT ALL TIMES FOR POLICE, FIRE, CITY INSPECTION, MAIL DELIVERY, GARBAGE PICKUP, DIAL-A-RIDES, UTILITY, SCHOOL BUSES, AND OTHER HEALTH AND SAFETY RELATED VEHICLES. ACCESS WILL NOT REQUIRE DRIVERS TO EXIT THEIR VEHICLES.
  - ALL GATE MECHANICAL OR MANUAL OPERATING FUNCTIONS SHALL MEET FIRE DEPARTMENT REQUIREMENTS AND PROVIDE PASSAGE WITH UNOBSTRUCTED VERTICAL CLEARANCE.
  - NO LOT SHALL HAVE ACCESS TO ROCK PRAIRIE ROAD.
  - ELECTRONIC KNOX GATE OPENER SHALL BE INSTALLED ON THE GATE TO ALLOW FOR FIRE ACCESS.
  - NO RESIDENTIAL LOTS WILL BE LOCATED WITHIN 300' OF THE WELLHEAD PER FIRE CODE REQUIREMENTS OR WITHIN THE ACCEPTABLE SEPARATION DISTANCE FOR THERMAL RADIATION FOR PEOPLE OF 483' FROM THE 72"x20" HEATER TREATER LOCATED AT THE WELLSITE. THE DISTANCE WAS CALCULATED USING THE ACCEPTABLE SEPARATION DISTANCE ASSESSMENT TOOL PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
  - THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE REPORT PREPARED BY SOUTH LAND TITLE, LLC, GF NO. BCPT2202143 EFFECTIVE DATE: 07-18-2022. ITEMS LISTED ARE ADDRESSED AS FOLLOWS:
    - EASEMENT FROM A.C. WILLIAMS ESTATE TO THE CITY OF BRYAN, DATED JUNE 8, 1938, RECORDED IN VOLUME 98, PAGE 83, DEED RECORDS OF BRAZOS COUNTY, TEXAS. (BLANKET) DOES APPLY TO THIS TRACT.
    - EASEMENT FROM JEAN M. STEPHEN, ET AL TO FERGUSON-BURLESON COUNTRY GATHERING SYSTEM, DATED MAY 8, 1992, RECORDED IN VOLUME 1723, PAGE 58, OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS. DOES APPLY TO THIS TRACT.
    - EASEMENT FROM JEAN M. STEPHEN, ET AL TO FERGUSON-BURLESON COUNTRY GATHERING SYSTEM, DATED MAY 8, 1992, RECORDED IN VOLUME 2394, PAGE 256, OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS. DOES APPLY TO THIS TRACT.
    - EASEMENT RESERVED IN DEED FROM JEAN STEPHEN FAMILY No. TWO, LP ET AL TO WILLIAMS CREEK RESERVE, LLC, DATED OCTOBER 15, 2020, RECORDED IN VOLUME 16453, PAGE 124, OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS. DOES APPLY TO THIS TRACT.
    - EASEMENT F (1723/58) & G (2394/256) WERE AMENDED IN VOLUME 16855, PAGE 79, TO REVISE THE EASEMENT LOCATION TO THE ACTUAL LOCATION OF THE PIPELINES.
  - NO PRIVATE SEWAGE FACILITY MAY BE INSTALLED ON ANY LOT IN THIS SUBDIVISION WITHOUT THE ISSUANCE OF A LICENSE BY THE BRAZOS COUNTY HEALTH UNIT UNDER THE PROVISIONS OF THE PRIVATE FACILITY REGULATIONS ADOPTED BY THE COMMISSIONER'S COURT OF BRAZOS COUNTY, PURSUANT TO THE PROVISIONS OF SECTION 21.084 OF THE TEXAS WATER CODE.
  - THE MINIMUM FINISH FLOOR ELEVATION SHOWN ARE FOR SEWER SERVICES. ASSOCIATED WITH THE SANITARY MASTER PLAN ADDENDUM #3, DATED APRIL 2021.
  - MAXIMUM IMPERVIOUS COVER TO BE 30%. THIS MAXIMUM PERCENTAGE IS IN ACCORDANCE WITH COLLEGE STATION UDO SECTION 5.2 RESIDENTIAL DESIGN STANDARDS.

# FINAL PLAT

## WILLIAMS CREEK RESERVE SUBDIVISION

16.697 ACRES

BLOCK 1, LOTS 6R & 7R

COMMON AREA BR (8.450 ACRES)

OPEN SPACE A (1.833 ACRES)

PRIVATE ROW (3.959 ACRES)

BEING A

# REPLAT

OF

BLOCK 1, LOTS 6 & 7

COMMON AREA B (10.263 ACRES) & PRIVATE ROW (4.013 ACRES)

WILLIAMS CREEK RESERVE SUBDIVISION

VOLUME 17930, PAGE 249

SAMUEL W. ROBERTSON LEAGUE SURVEY, A-202

COLLEGE STATION, BRAZOS, TEXAS

OWNER/DEVELOPER

COMMON AREA B & PRIVATE ROW:

Williams Creek Reserve, LLC

P.O. Box 800

Coleman, TX 76834

(979) 229-0310

OWNER LOT 6:

Manu Patel and Ramila Patel

4930 Holden Circle

College Station, TX 77845

OWNER LOT 7:

Gregory M. Myatt and Cherry Ann Myatt

4113 Wild Creek Court

College Station, TX 77845

SCALE 1" = 80'

SEPTEMBER, 2022

SURVEYOR:

KERR SURVEYING

Nathan Paul Kerr, RPLS No. 6834

Kerr Surveying, LLC

409 N. Texas Ave.

Bryan, TX 77803

(979) 268-3195

TBPE'S FIRM # 10018500

KERR JOB 22-632, 22-753

ENGINEER:

SCHULTZ ENGINEERING

TBPE NO. 12327

911 SOUTHWEST PKWY E.

College Station, Texas 77840

(979) 764-3900

THESE LOTS ARE BEING REPLATED TO CORRECT THE PLAT FOR THE FOLLOWING REASONS:

1. THE PLAT WAS PREPARED TO REFLECT THE TITLE REPORT PREPARED BY SOUTH LAND TITLE, LLC, GF NO. BCPT2202143 EFFECTIVE DATE: 07-18-2022. ITEMS LISTED ARE ADDRESSED AS FOLLOWS:

2. THE PLAT WAS PREPARED TO REFLECT THE TITLE REPORT PREPARED BY SOUTH LAND TITLE, LLC, GF NO. BCPT2202143 EFFECTIVE DATE: 07-18-2022. ITEMS LISTED ARE ADDRESSED AS FOLLOWS:

3. THE PLAT WAS PREPARED TO REFLECT THE TITLE REPORT PREPARED BY SOUTH LAND TITLE, LLC, GF NO. BCPT2202143 EFFECTIVE DATE: 07-18-2022. ITEMS LISTED ARE ADDRESSED AS FOLLOWS:

4. THE PLAT WAS PREPARED TO REFLECT THE TITLE REPORT PREPARED BY SOUTH LAND TITLE, LLC, GF NO. BCPT2202143 EFFECTIVE DATE: 07-18-2022. ITEMS LISTED ARE ADDRESSED AS FOLLOWS:

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28. THE PLAT WAS PREPARED TO REFLECT THE TITLE REPORT PREPARED BY SOUTH LAND TITLE, LLC, GF NO. BCPT2202143 EFFECTIVE DATE: 07-18-2022. ITEMS LISTED ARE ADDRESSED AS FOLLOWS:





**Preliminary Plan  
for  
Wyatt Place Subdivision  
PP2022-000002**

|                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Scale</b>                                                                                        | Five single family lots and 0.359 acres of common area on approximately 1.6 acres of land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Location</b>                                                                                     | Generally located between Victoria Avenue and Renee Lane at 14015 Renee Lane                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Applicant</b>                                                                                    | Gessner Engineering                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Project Manager</b>                                                                              | Jesse Dimeolo, Staff Planner<br>jdimeolo@cstx.gov                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Project Overview</b>                                                                             | This preliminary plan is for a single-family residential development between a local street and a major collector. The preliminary plan layout shows a 24' public alley entering the tract from the Renee Lane frontage. Since single-family residences are not permitted to take access off major collectors, all five lots will take access off the public alley. Due to the existing block length along Renee Lane and Victoria Avenue exceeding the maximum allowed, two waivers are requested to block length. A third waiver has been requested to the requirement that public alleys not have a dead-end. |
| <b>Parkland Dedication</b>                                                                          | Parkland dedication fees will be paid prior to the filing of the final plat at a rate of \$1,261 per lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Traffic Impact Analysis</b>                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Compliant with Comprehensive Plan (including Master Plans) and Unified Development Ordinance</b> | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Compliant with Subdivision Regulations</b>                                                       | Yes, with the exception of three waiver requests, the first two related to UDO Section 8.3.G Block Length requirements in Suburban Context Zones and the third related to UDO Section 8.3.E.3.a Street Projections.                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Staff Recommendation</b>                                                                         | Staff recommends approval of the waivers and the Preliminary Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**Supporting Materials**

1. Waiver Request
2. Renee Lane Supporting Information and Exhibit
3. Victoria Avenue Supporting Information and Exhibit
4. Public Alley Supporting Information and Exhibit
5. Vicinity Map, Aerial, and Small Area Map
6. Preliminary Plan

## SUBDIVISION WAIVER REQUESTS

The proposed Preliminary Plan is in compliance with the applicable Subdivision Regulations contained in the UDO except for the following waiver requests:

**UDO Section 8.3.G.2 'Blocks' (Block Length for Suburban)** - Per the requirements of this section, block length should be a maximum of 1,200 feet for areas designated as Suburban on the Thoroughfare Plan Functional Classification and Context Class Map. As shown in the supporting information, the first waiver request is for the block length along Renee Lane. This distance is approximately 1,750 feet, which exceeds the maximum block length by 550 feet. The second waiver request is for the block length along Victoria Avenue. This distance is approximately 2,123 feet, which exceeds the maximum block length by 923 feet. The applicant is requesting these waivers as their intention is to prevent cut through traffic that may be trying to avoid the stop light at the Victoria and Barron intersection. The applicant also states that this will help protect the families and children living in the area.

**UDO Section 8.3.F.4 'Alleys'** – Per the requirements of this section, dead-end alleys are not permitted when more than 100' in length. A possible cul-de-sac is shown as a red circle in the attached supporting information. Strict adherence to this requirement would result in a substantial amount of developable land being taken up by pavement. The applicant states the design option shown on the exhibit is not compatible with the site design of the subdivision and does not give enough space for required detention.

In accordance with the Subdivision Regulations, when considering a waiver, the Planning and Zoning Commission should make the following findings to approve the waiver:

- 1) **That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of his land;**

*The main special circumstance and condition affecting the land is the size of the tract. The applicant's preliminary plan shows the property to be just under 1.6 acres in size. Once drainage easements and public right-of-way are considered, there is very little developable land left for the owner. The final product will be affordable, single-family homes owned by Habitat for Humanity and sold to low-to-moderate income households. For the owner to make reasonable use of the land, as much of it as possible needs to be developable. Having a public street cut through the middle and connect both Renee Lane and Victoria Avenue makes it very difficult to subdivide the tract into several affordable lots.*

- 2) **That the waivers are necessary for the preservation and enjoyment of a substantial property right of the applicant;**

*The applicant has stated that granting the waivers are necessary for the preservation and enjoyment of property rights of the landowner. A substantial amount of the property would have to be used towards a new street connecting two existing streets, thus limiting the overall developable area and severely cutting into the affordability of the lots.*

- 3) The granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this chapter; and**

*The granting of these waivers would not be detrimental to the public health, safety, or welfare of other properties in the area as this development will comply with all other standards and requirements found in the Unified Development Ordinance.*

- 4) That the granting of the waivers will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.**

*These waivers will not have a negative effect on the orderly subdivision of land in the area. Traffic will remain as is on Victoria Avenue with no increase. No potential turning conflicts onto Victoria Avenue will be created by this subdivision as all driveways will be restricted to the public alley. Traffic impact on Renee Lane will be minimal as this is a small subdivision with only five lots. Also, a block break is not needed as northbound traffic can access Eagle Avenue via Latinne Lane. If a block break was created, southbound traffic on Victoria Avenue would use it as a bypass around the Victoria Avenue and Barron Road intersection.*



**Letter: UDO Subdivision Regulations Waiver Request – Renee Lane****August 19, 2022****To: City of College Station****Re: Bryan/College Station Habitat for Humanity – Wyatt Place Subdivision**

On behalf of Bryan/College Station Habitat for Humanity, I am requesting a waiver for the City of College Station block length regulation for the property development with the current address of 14015 Renee Lane. The area pertaining to this request is located along Renee Lane from Barron Road to Latinne Lane on the east side of the property. An exhibit is provided showing the block length and distances. The proposed alley design is 20' wide and will have enough clearance for emergency vehicles and waste management services. Due to no parking allowed on the alley, four visitor parking spots are in the proposed design in the common areas along the alley. The front elevation of the homes at the end of the alley will face Victoria Avenue. This subdivision will consist of 5 new, affordable, single-family homes and necessary infrastructure to be sold to low-to-moderate income households. B/CS Habitat plans to build safe, modest, and comparable single-family homes that fit in with the fabric of other nearby homes. The number of homeowners who will reside in the proposed subdivision will depend on the number of children and the demographics of each household. We estimate 3 to 5 people per household for a total of 15 to 25 people. The existing use of land in the vicinity is mainly residential. The land for this subdivision is currently an undeveloped green space, although it did have a single-family structure on the property previously. B/CS Habitat intends to utilize this waiver to create a family-friendly neighborhood with storm-water detention that will preserve the current flow of water from and to the adjacent properties and serve as a common area for families to enjoy. This subdivision will generate no additional traffic turning directly onto, or off, Victoria Avenue. All motor movements will maintain the status quo and be directed to Renee Lane and then disperse through a multitude of access points in the vicinity. We hope the Commission will conclude that authorizing this waiver will relieve undue hardship from requiring strict compliance. A couple of special circumstances or conditions affecting this land are the amount of water flowing through from adjacent property and the limited size of the property involved, such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of the land. This waiver is necessary for the preservation of a substantial property right that allows the property to be developed in the best way possible to serve local low-income families, keep vehicles from speeding through the property, and help develop the property in a way that improves the natural flow of water. The granting of this waiver will not be detrimental to public health, safety, or welfare, or injurious to other property in the area. It will assist the City by allowing a design that reduces the flow of water coming off the property during heavy rains to help adjacent properties downstream. It will also keep traffic from cutting through Renee Lane to bypass the Victoria Avenue & Barron Road stop light. Adjacent land in the area has already developed orderly subdivisions without this property being developed, and additional properties in the area are still undeveloped and can provide orderly subdivisions in accordance with the provisions of this UDO.

**Nathan Touchette****Director of Property Acquisition, Development, & Maintenance**



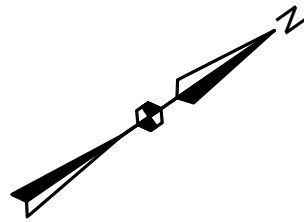
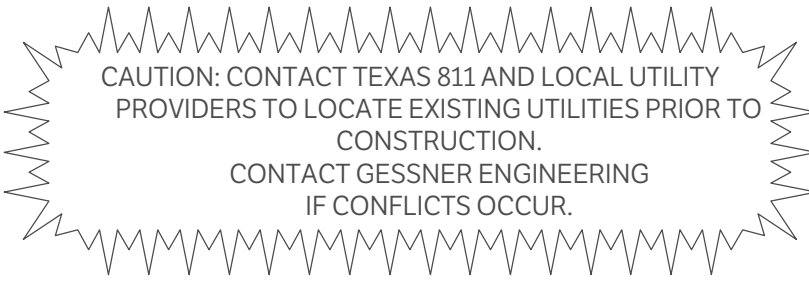
OWNER: BRYAN - COLLEGE STATION HABITAT FOR HUMANITY  
ADDRESS: NATHAN TOUCHETTE  
BCS HABITAT FOR HUMANITY  
119 LAKE STREET  
BRYAN, TEXAS 77801

BRYAN COLLEGE STATION HABITAT FOR HUMANITY  
BALD PRAIRIE, LOT 10 (SE 1/2 OF), ACRES 1.57

ZONING: GS  
GENERAL SUBDIVISION

CONTACT INFORMATION:

NATHAN TOUCHETTE  
DIRECTOR OF PROPERTY & CONSTRUCTION  
979-571-3771  
NTOUCHETTE@HABITATBCS.ORG

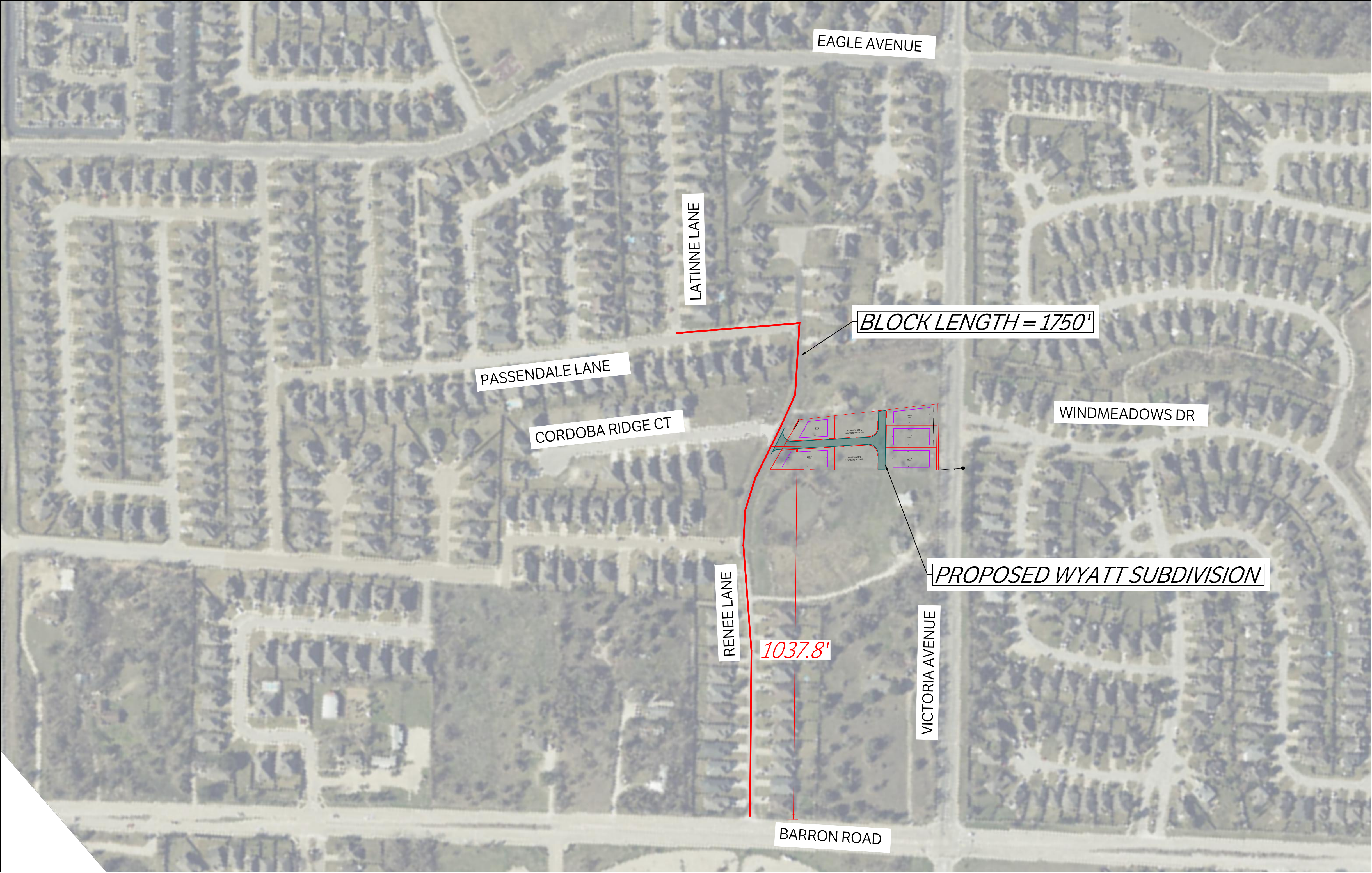


CIVIL | CMT | GEOTECHNICAL  
LAND SURVEYING | STRUCTURAL

CORPORATE OFFICE  
2501 ASHFORD DRIVE  
COLLEGE STATION, TEXAS 77840  
1-877-GESSNER (437-7637)  
www.gessnerengineering.com  
FIRM REGISTRATION NUMBERS:  
TBPE F-7451, TBPLS F-10193910

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PEDRO RICO, JR., P.E.  
133608  
  
IT IS NOT INTENDED FOR  
CONSTRUCTION, BIDDING, OR  
PERMIT PURPOSES

FOR BID & PERMIT



WYATT PLACE SUBDIVISION  
LOTS 1-5, BLOCK 1  
BEING A REPLAT OF THE REMAINDER OF LOT 10  
1.572 ACRES  
VOLUME 14159, PAGE 286  
OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS

RENEE LANE  
BLOCK LENGTH EXHIBIT  
SUBMITTAL DATE: 4/12/22  
DRAWN BY: PR  
CHECKED BY: PR  
PROJECT #: 20-0209

| REVISIONS |      |             |
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C100



August 19, 2022

**Letter: UDO Subdivision Regulations Waiver Request – Victoria Avenue**  
**To: City of College Station**  
**Re: Bryan/College Station Habitat for Humanity – Wyatt Place Subdivision**

On behalf of Bryan/College Station Habitat for Humanity, I am requesting a waiver for the City of College Station block length regulation for the property development with the current address of 14015 Renee Lane. The area pertaining to this request is located along Victoria Avenue from Barron Road to Eagle Avenue. An exhibit is provided showing the block length and distances. The proposed alley design is 20' wide and will have enough clearance for emergency vehicles and waste management services. Due to no parking allowed on the alley, four visitor parking spots are in the proposed design in the common areas along the alley. The front elevation of the homes at the end of the alley will face Victoria Avenue. This subdivision will consist of 5 new, affordable, single-family homes and necessary infrastructure to be sold to low-to-moderate income households. B/CS Habitat plans to build safe, modest, and comparable single-family homes that fit in with the fabric of other nearby homes. The number of homeowners who will reside in the proposed subdivision will depend on the number of children and the demographics of each household. We estimate 3 to 5 people per household for a total of 15 to 25 people. The existing use of land in the vicinity is mainly residential. The land for this subdivision is currently an undeveloped green space, although it did have a single-family structure on the property previously. B/CS Habitat intends to utilize this waiver to create a family-friendly neighborhood with storm-water detention that will preserve the current flow of water from and to the adjacent properties and serve as a common area for families to enjoy. This subdivision will generate no additional traffic turning directly onto, or off, Victoria Avenue. All motor movements will maintain the status quo and be directed to Renee Lane and then disperse through a multitude of access points in the vicinity. We hope the Commission will conclude that authorizing this waiver will relieve undue hardship from requiring strict compliance. A couple of special circumstances or conditions affecting this land are the amount of water flowing through from adjacent property and the limited size of the property involved, such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of the land. This waiver is necessary for the preservation of a substantial property right that allows the property to be developed in the best way possible to serve local low-income families, keep vehicles from speeding through the property, and help develop the property in a way that improves the natural flow of water. The granting of this waiver will not be detrimental to public health, safety, or welfare, or injurious to other property in the area. It will assist the City by allowing a design that reduces the flow of water coming off the property during heavy rains to help adjacent properties downstream. It will also keep traffic from cutting through Renee Lane to bypass the Victoria Avenue & Barron Road stop light. Adjacent land in the area has already developed orderly subdivisions without this property being developed, and additional properties in the area are still undeveloped and can provide orderly subdivisions in accordance with the provisions of this UDO.



Nathan Touchette  
Director of Property Acquisition, Development, & Maintenance



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ADDRESS: NATHAN TOUCHETTE  
BCS HABITAT FOR HUMANITY  
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BRYAN, TEXAS 77801

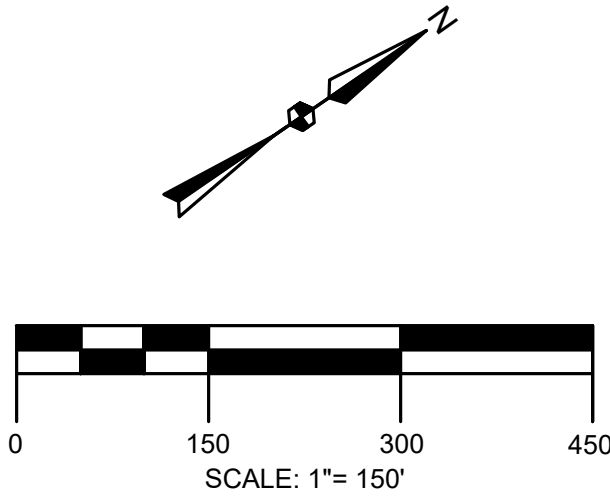
BRYAN COLLEGE STATION HABITAT FOR HUMANITY  
BALD PRAIRIE, LOT 10 (SE 1/2 OF), ACRES 1.57

ZONING: GS  
GENERAL SUBDIVISION

CONTACT INFORMATION:

NATHAN TOUCHETTE  
DIRECTOR OF PROPERTY & CONSTRUCTION  
979-571-3771  
NTOUCHETTE@HABITATBCS.ORG

CAUTION: CONTACT TEXAS 811 AND LOCAL UTILITY PROVIDERS TO LOCATE EXISTING UTILITIES PRIOR TO CONSTRUCTION.  
CONTACT GESSNER ENGINEERING IF CONFLICTS OCCUR.



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IT IS NOT INTENDED FOR CONSTRUCTION BIDDING OR PERMIT PURPOSES

FOR BID & PERMIT



WYATT PLACE SUBDIVISION  
LOTS 1-5, BLOCK 1  
BEING A REPLAT OF THE REMAINDER OF LOT 10  
1.572 ACRES  
VOLUME 14159, PAGE 286  
OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS

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C100



**Letter: UDO Section 8.3.F.4 Subdivision Regulation Waiver Request****August 19, 2022****To: City of College Station****Re: Bryan/College Station Habitat for Humanity – Wyatt Place Subdivision**

On behalf of Bryan/College Station Habitat for Humanity, I am requesting a waiver for the UDO Section 8.3.F.4 regulation for the property development with the current address of 14015 Renee Lane. This waiver is being requested since the proposed alley dead ends with a hammerhead turnaround design and does not meet the regulation. An exhibit is provided showcasing the difficulty of strict compliance. A cul-de-sac design would not give enough space for the required stormwater detention ponds and 5 lots meeting the required square footage. The proposed alley design is 20' wide and will have enough clearance for both emergency vehicles and waste management services. Due to no parking allowed on the alley, four visitor parking spots are in the proposed design in the common areas along the alley. The front elevation of the homes at the end of the alley will face Victoria Avenue. The proposed design for this subdivision consists of 5 new, affordable, single-family homes and the necessary infrastructure to be sold to low-to-moderate income households. B/CS Habitat intends to utilize this waiver to create a family-friendly neighborhood with storm-water detention that will preserve the current flow of water from and to the adjacent properties and serve as a common area for families to enjoy. We hope the Commission will conclude that authorizing this waiver will relieve undue hardship from requiring strict compliance.

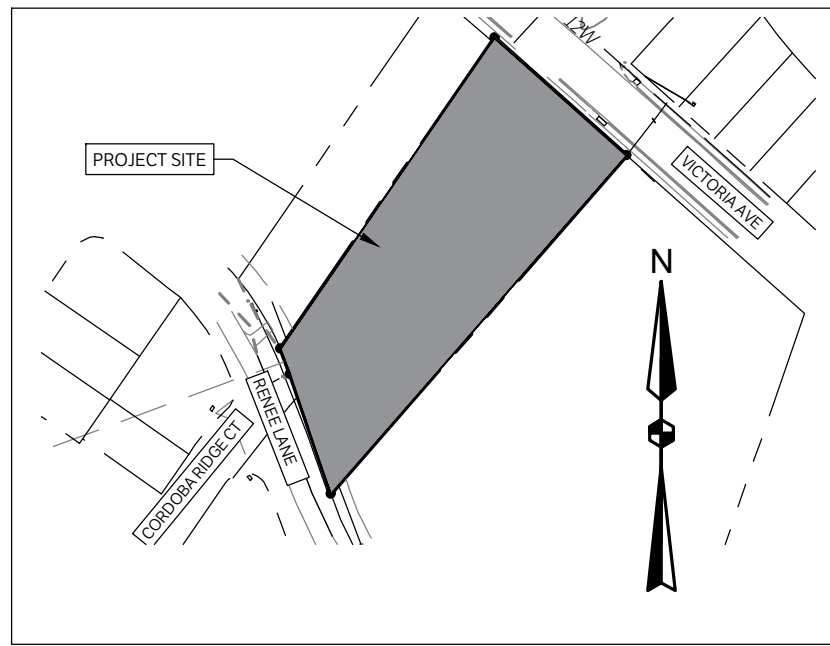
Thank you for your time and consideration of this request.



Nathan Touchette

Director of Property Acquisition, Development, & Maintenance





VICINITY MAP  
N.T.S.

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ADDRESS: NATHAN TOUCHETTE  
BCS HABITAT FOR HUMANITY  
119 LAKE STREET  
BRYAN, TEXAS 77801

BRYAN COLLEGE STATION HABITAT FOR HUMANITY  
BALD PRAIRIE, LOT 10 (SE 1/2 OF), ACRES 1.57

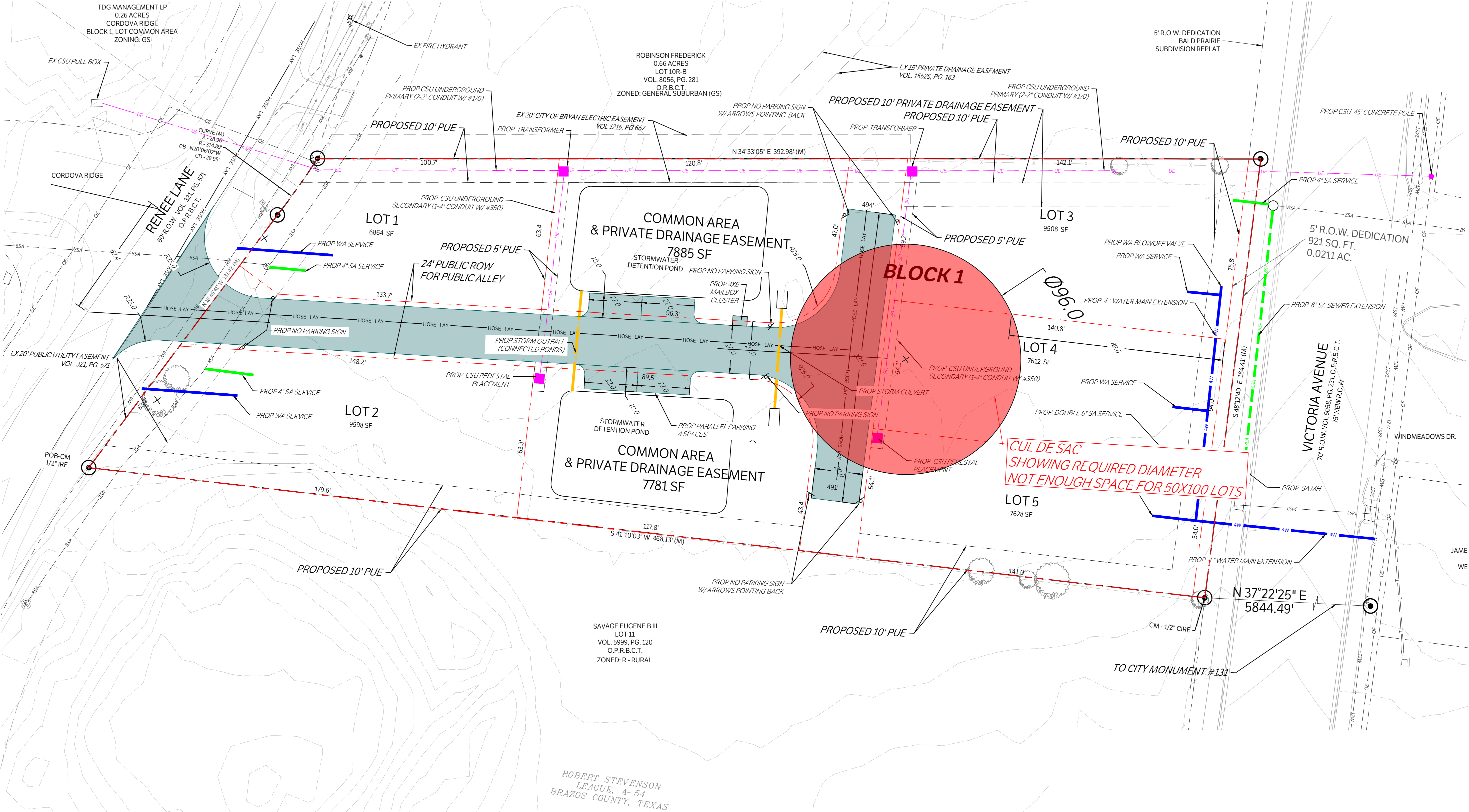
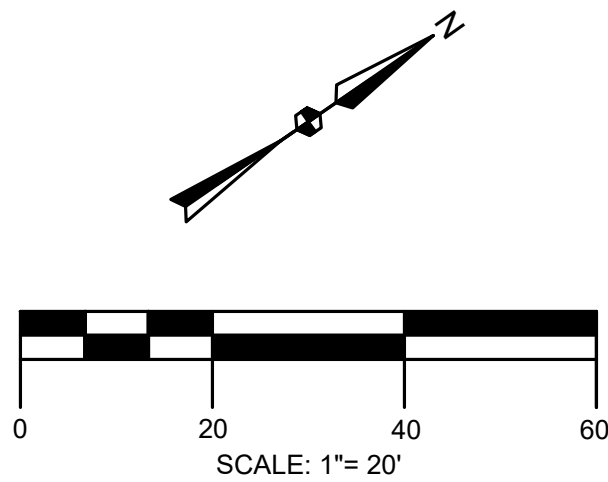
CONTACT INFORMATION:

NATHAN TOUCHETTE  
DIRECTOR OF PROPERTY & CONSTRUCTION  
979-571-3771  
NTOUCHETTE@HABITATBCS.ORG

- GENERAL NOTES:
1. THE ZONING FOR THIS TRACT IS GS GENERAL SUBURBAN.
  2. ALL LOTS WILL MEET SETBACK AND OTHER REQUIREMENTS AS SPECIFIED IN THE UNIFIED DEVELOPMENT ORDINANCE.
  3. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). HOA DOCUMENTS WILL BE PROVIDED WITH THE FINAL PLAT IN ACCORDANCE WITH UDO SECTION 8.3.U OWNERS ASSOCIATIONS FOR COMMON AREAS AND FACILITIES
  4. PROPOSED LAND USE: 5 RESIDENTIAL LOTS W/ COMMON SPACE (DETENTION)
  - 4.1 AVERAGE LOT AREA = 8,242 SF
  - 4.2 MINIMUM REQUIRED LOT SIZE = 5,000 SF
  - 4.3 LOT DENSITY = 3.18 UNITS /ACRE
  - 4.4 MAXIMUM ALLOWABLE DENSITY = 8.0 UNITS/ACRE
  - 4.5 ALL LOTS WILL PROVIDE A MINIMUM TWO 2" CALIPER TREES OR ONE 4" CALIPER TREE PER THE UDO
  5. PARKLAND DEDICATION FEES WILL NEED TO BE PAID BEFORE THE PLAT IS FILED
  6. FIRE ACCESS FOR LOTS 3, 4 & 5 WILL BE FROM THE PROPOSED ALLEY AND NOT FROM VICTORIA
  7. DRIVEWAY ACCESS FOR THE RESIDENTIAL LOTS WILL BE ONLY TO THE PUBLIC ALLEY
  8. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). HOA DOCUMENTS WILL BE PROVIDED WITH THE FINAL PLAT IN ACCORDANCE WITH UDO SECTION 8.3.U OWNERS ASSOCIATIONS FOR COMMON AREAS AND FACILITIES
  9. PRIVATE DRAINAGE EASEMENTS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA)
  10. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAPS FOR BRAZOS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBERS 48041C0325E EFFECTIVE MAY 16 2012, THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA
  11. BLANKET EASEMENT TO WELLBORN SUPPLY CORPORATION IN VOL. 254, PG 292, DEED RECORDS DOES APPLY TO THE SUBJECT

| LEGEND                |    |
|-----------------------|----|
| EX WATER              | W  |
| EX SANITARY           | SA |
| EX OVERHEAD ELECTRIC  | OE |
| EX STORM SEWER        | ST |
| EX EASEMENT           | T  |
| EX DATA               |    |
| PROP WATER            | W  |
| PROP SANITARY         | SA |
| PROP LOT LINE         |    |
| PROP EASEMENT         |    |
| PROP STORM            | ST |
| PROP UNDERGROUND ELEC | UE |
| PROP 6" CONC PAVEMENT |    |

CAUTION: CONTACT TEXAS 811 AND LOCAL UTILITY PROVIDERS TO LOCATE EXISTING UTILITIES PRIOR TO CONSTRUCTION.  
CONTACT GESSNER ENGINEERING IF CONFLICTS OCCUR.



CIVIL | CMT | GEOTECHNICAL  
LAND SURVEYING | STRUCTURAL

CORPORATE OFFICE  
2501 ASHFORD DRIVE  
COLLEGE STATION, TEXAS 77840  
1-877-GESSNER (437-7637)  
www.gessnerengineering.com  
FIRM REGISTRATION NUMBERS:  
TBPE F-7451, TBPLS F-10193910

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FOR BID & PERMIT

WYATT PLACE SUBDIVISION  
LOTS 1-5, BLOCK 1  
BEING A REPLAT OF THE REMAINDER OF LOT 10  
1.572 ACRES  
VOLUME 14159, PAGE 286  
OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS

ALLEY W/ CUL DE SAC  
NOT FOR RECORD

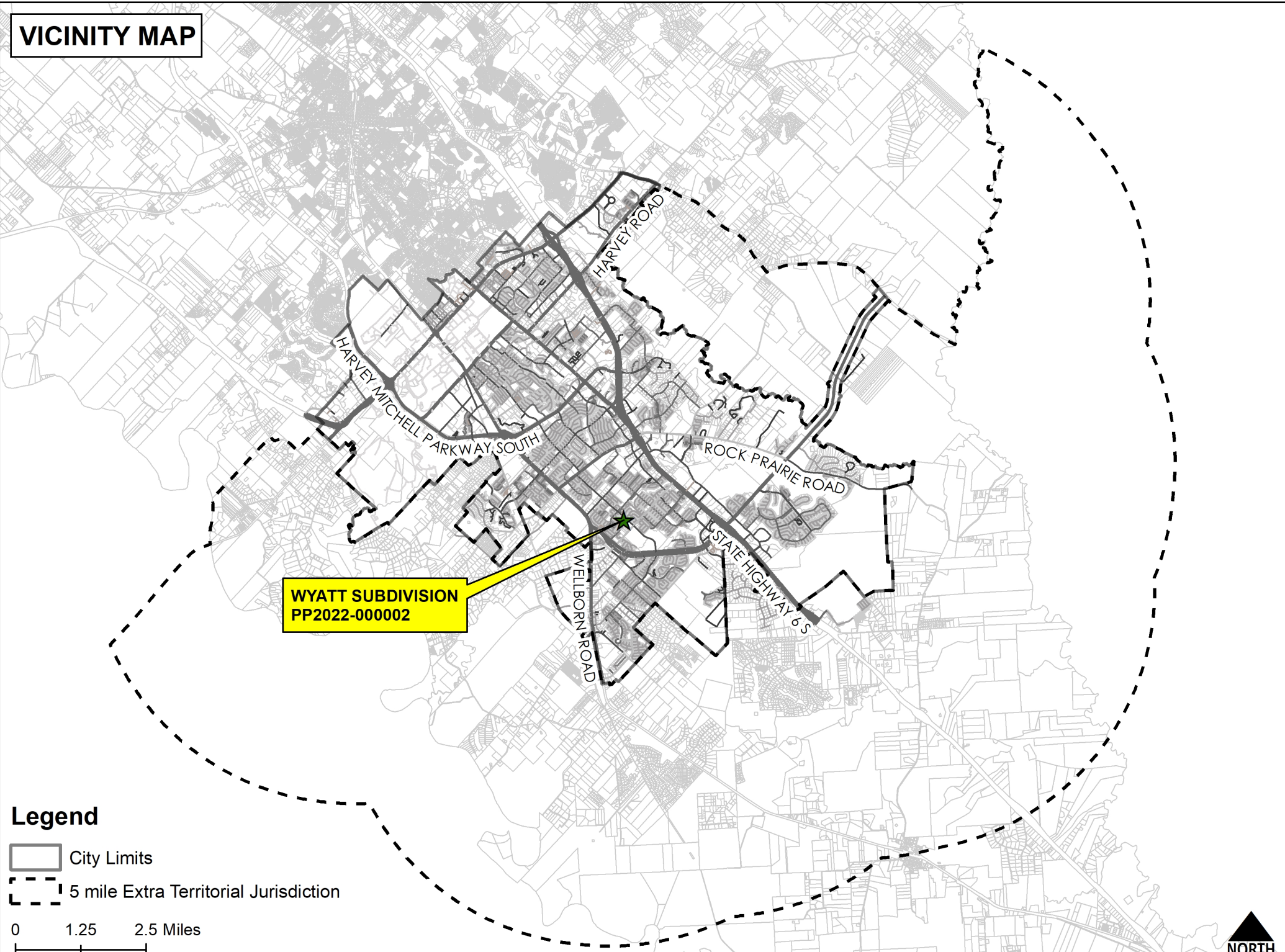
SUBMITTAL DATE: 9/06/22  
DRAWN BY: PR  
CHECKED BY: PR  
PROJECT #: 20-0209

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| REV.      | DATE DESCRIPTION |

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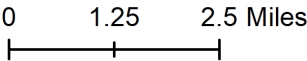
VICINITY MAP



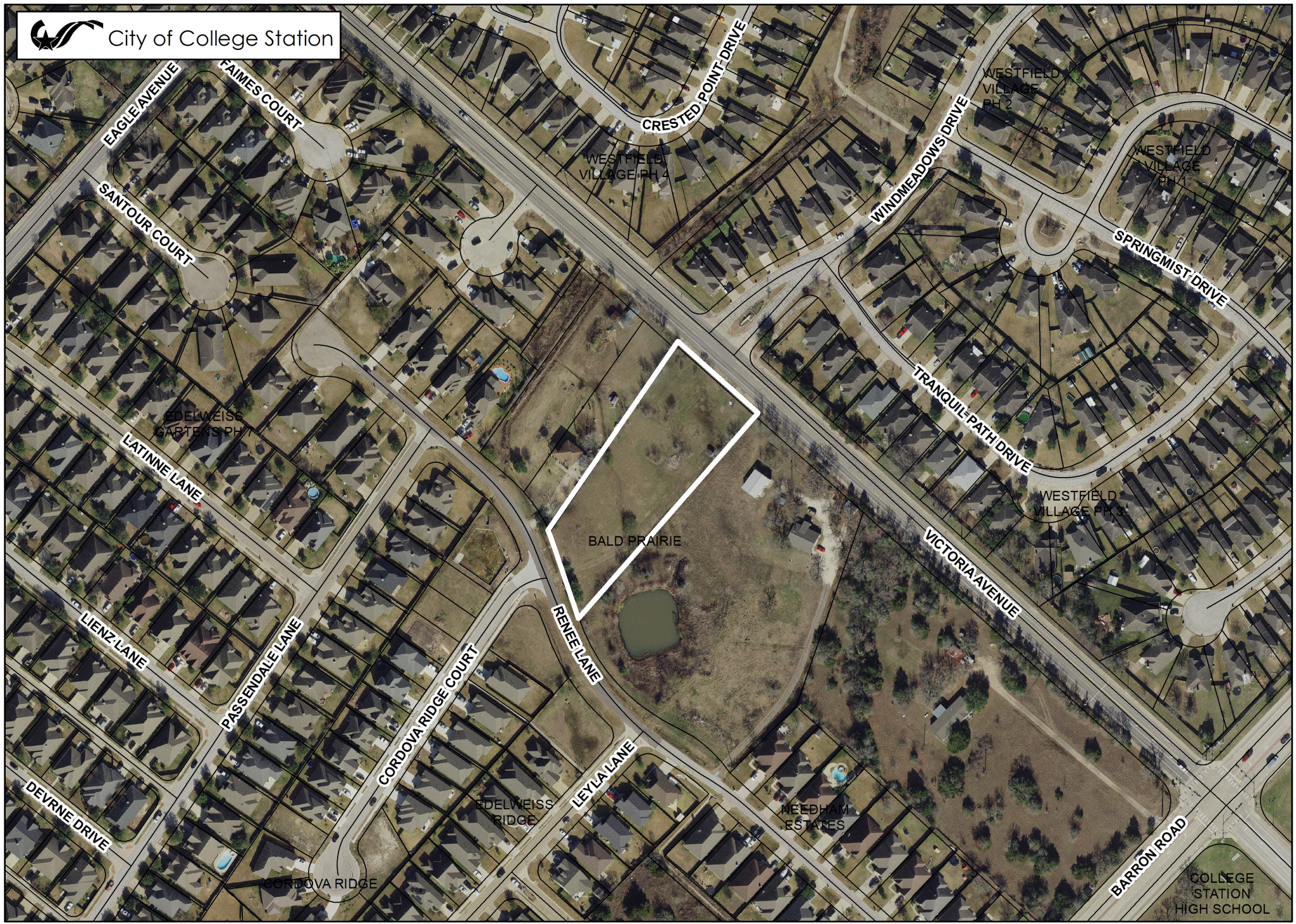
WYATT SUBDIVISION  
PP2022-000002

Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction







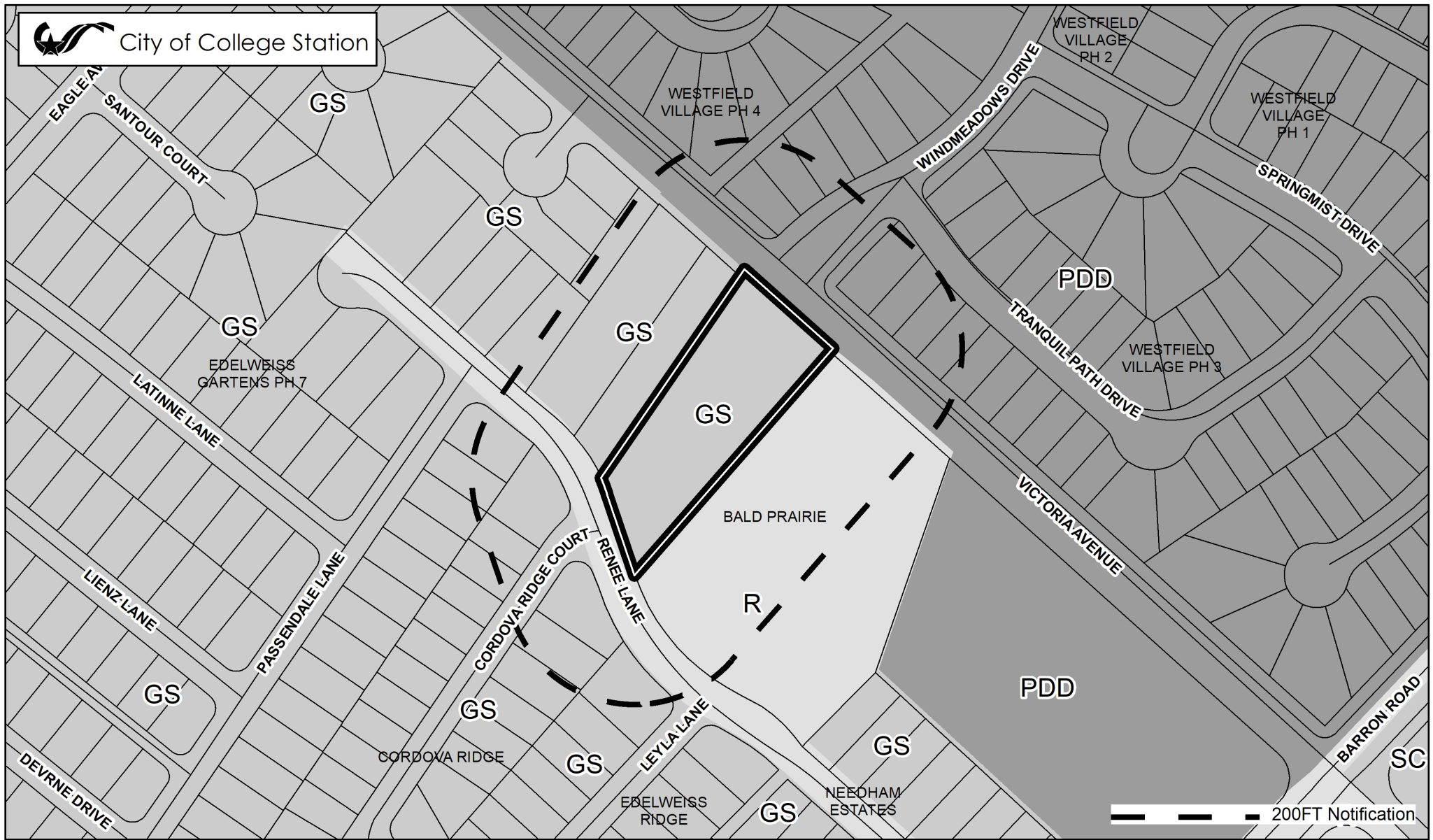
0 212.5 425 Feet

WYATT PLACE SUBDIVISION

Case:  
PP2022-000002

PRELIMINARY PLAN





**ZONING DISTRICTS (In Grayscale)**

| Residential |                              |                           |
|-------------|------------------------------|---------------------------|
| R           | Rural                        | MF Multi-Family           |
| WE          | Wellborn Estate              | MU Mixed-Use              |
| E           | Estate                       | MHP Manufactured Home Pk. |
| WRS         | Wellborn Restricted Suburban |                           |
| RS          | Restricted Suburban          |                           |
| GS          | General Suburban             |                           |
| D           | Duplex                       |                           |
| T           | Townhome                     |                           |

**Non-Residential**

|     |                          |
|-----|--------------------------|
| NAP | Natural Area Protected   |
| O   | Office                   |
| SC  | Suburban Commercial      |
| WC  | Wellborn Commercial      |
| GC  | General Commercial       |
| CI  | Commercial Industrial    |
| BP  | Business Park            |
| BPI | Business Park Industrial |
| C-U | College and University   |

**Planned Districts**

|       |                         |
|-------|-------------------------|
| P-MUD | Planned Mixed-Use Dist. |
| PDD   | Planned Develop. Dist.  |

**Design Districts**

|      |                          |
|------|--------------------------|
| WPC  | Wolf Pen Creek Dev. Cor. |
| NG-1 | Core Northgate           |
| NG-2 | Transitional Northgate   |
| NG-3 | Residential Northgate    |

**Overlay Districts**

|     |                            |
|-----|----------------------------|
| OV  | Corridor Ovr.              |
| RDD | Redevelopment District     |
| KO  | Krenek Tap Ovr.            |
| NPO | Nbrhd. Prevailing Ovr.     |
| NCO | Nbrhd. Conservation Ovr.   |
| HP  | Historic Preservation Ovr. |

**Retired Districts**

|      |                           |
|------|---------------------------|
| R-1B | Single Family Residential |
| R-4  | Multi-Family              |
| R-6  | High Density Multi-Family |
| C-3  | Light Commercial          |
| RD   | Research and Dev.         |
| M-1  | Light Industrial          |
| M-2  | Heavy Industrial          |



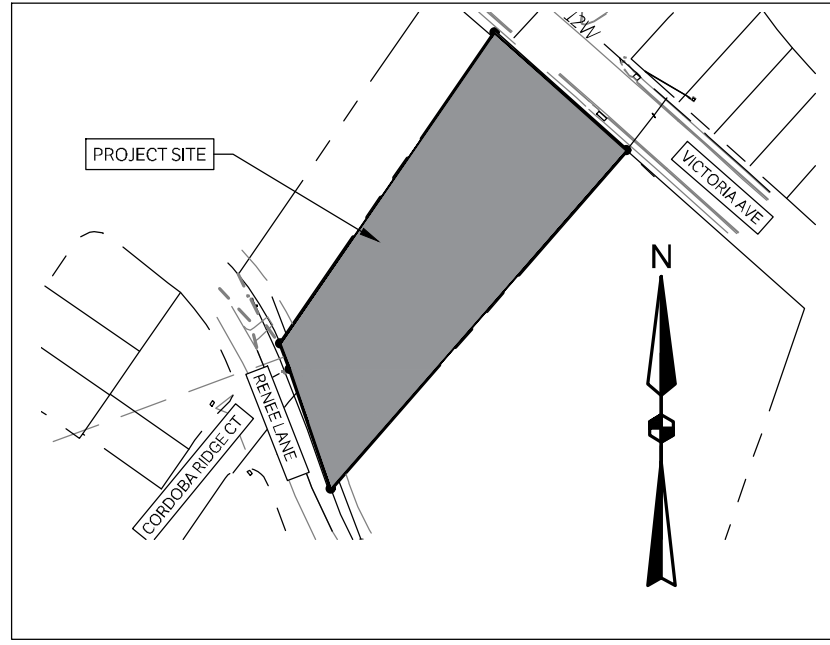
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**WYATT PLACE SUBDIVISION**

Case:  
PP2022-000002

**PRELIMINARY PLAN**





VICINITY MAP  
NTS

OWNER: BRYAN - COLLEGE STATION HABITAT FOR HUMANITY  
ADDRESS: NATHAN TOUCHETTE  
BCS HABITAT FOR HUMANITY  
119 LAKE STREET  
BRYAN, TEXAS 77801

BRYAN COLLEGE STATION HABITAT FOR HUMANITY  
BALD PRAIRIE, LOT 10 (SE 1/2 OF), ACRES 1.57

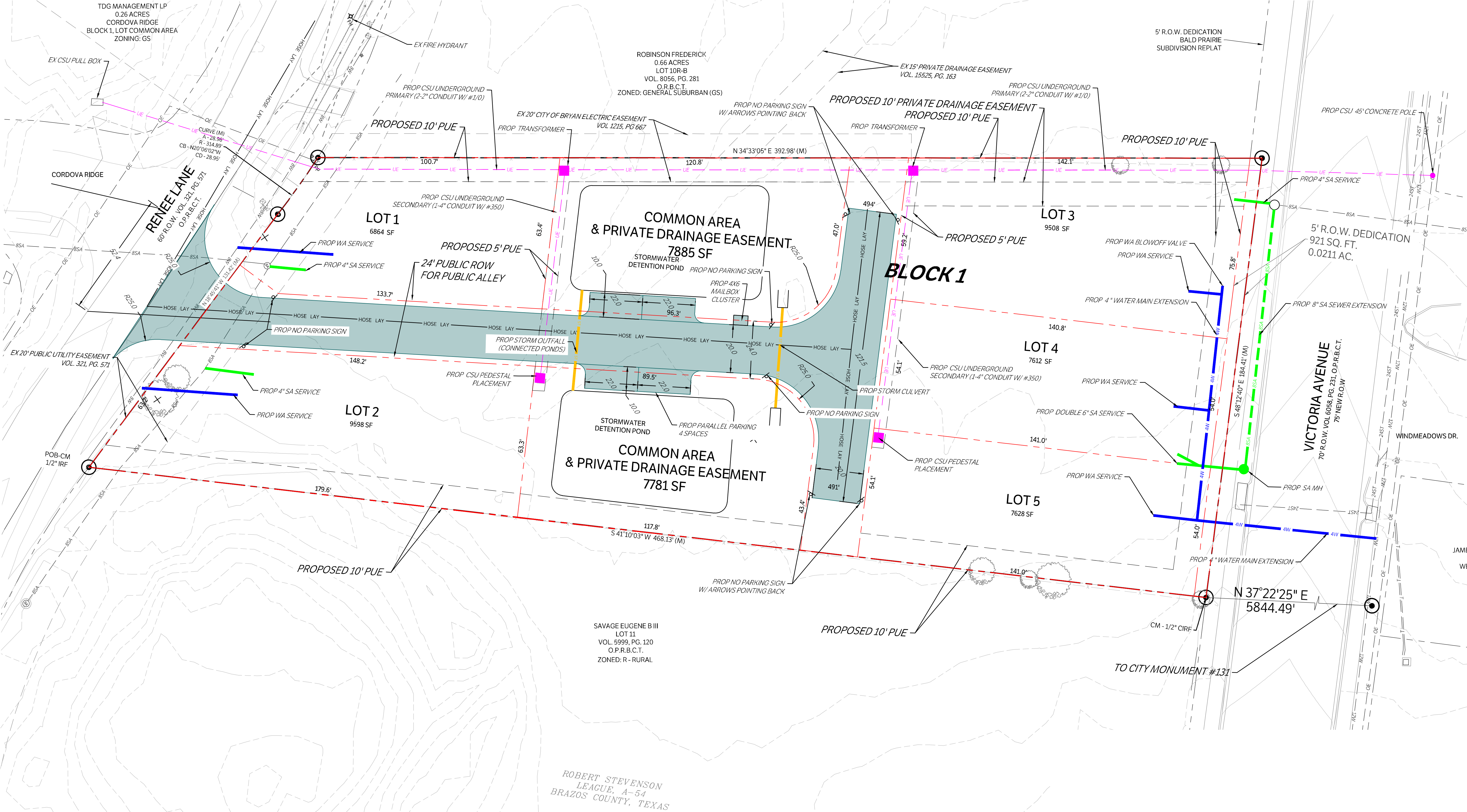
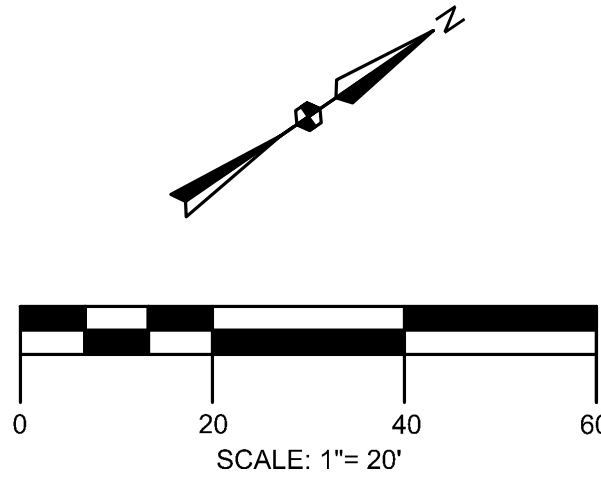
CONTACT INFORMATION:

NATHAN TOUCHETTE  
DIRECTOR OF PROPERTY & CONSTRUCTION  
979-571-3771  
NTOUCHETTE@HABITATBCS.ORG

- GENERAL NOTES:
1. THE ZONING FOR THIS TRACT IS GS GENERAL SUBURBAN.
  2. ALL LOTS WILL MEET SETBACK AND OTHER REQUIREMENTS AS SPECIFIED IN THE UNIFIED DEVELOPMENT ORDINANCE.
  3. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). HOA DOCUMENTS WILL BE PROVIDED WITH THE FINAL PLAT IN ACCORDANCE WITH UDO SECTION 8.3.U OWNERS ASSOCIATIONS FOR COMMON AREAS AND FACILITIES
  4. PROPOSED LAND USE: 5 RESIDENTIAL LOTS W/ COMMON SPACE (DETENTION)
  - 4.1 AVERAGE LOT AREA = 8,242 SF
  - 4.2 MINIMUM REQUIRED LOT SIZE = 5,000 SF
  - 4.3 LOT DENSITY = 3.18 UNITS /ACRE
  - 4.4 MAXIMUM ALLOWABLE DENSITY = 8.0 UNITS/ACRE
  - 4.5 ALL LOTS WILL PROVIDE A MINIMUM TWO 2" CALIPER TREES OR ONE 4" CALIPER TREE PER THE UDO
  5. PARKLAND DEDICATION FEES WILL NEED TO BE PAID BEFORE THE PLAT IS FILED
  6. FIRE ACCESS FOR LOTS 3, 4 & 5 WILL BE FROM THE PROPOSED ALLEY AND NOT FROM VICTORIA
  7. DRIVEWAY ACCESS FOR THE RESIDENTIAL LOTS WILL BE ONLY TO THE PUBLIC ALLEY
  8. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). HOA DOCUMENTS WILL BE PROVIDED WITH THE FINAL PLAT IN ACCORDANCE WITH UDO SECTION 8.3.U OWNERS ASSOCIATIONS FOR COMMON AREAS AND FACILITIES
  9. PRIVATE DRAINAGE EASEMENTS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA)
  10. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAPS FOR BRAZOS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBERS 48041C0325E EFFECTIVE MAY 16 2012, THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA
  11. BLANKET EASEMENT TO WELLBORN SUPPLY CORPORATION IN VOL. 254, PG 292, DEED RECORDS DOES APPLY TO THE SUBJECT

| LEGEND                |     |
|-----------------------|-----|
| EX WATER              | W   |
| EX SANITARY           | SA  |
| EX OVERHEAD ELECTRIC  | OE  |
| EX STORM SEWER        | ST  |
| EX EASEMENT           | E   |
| EX DATA               | T   |
| PROP WATER            | W   |
| PROP SANITARY         | SA  |
| PROP LOT LINE         | --- |
| PROP EASEMENT         | --- |
| PROP STORM            | ST  |
| PROP UNDERGROUND ELEC | UE  |
| PROP 6" CONC PAVEMENT |     |

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PRELIMINARY PLAN  
NOT FOR RECORD

SUBMITTAL DATE: 9/06/22  
DRAWN BY: PR  
CHECKED BY: PR  
PROJECT #: 20-0209

| REVISIONS |                  |
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## MEMORANDUM

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**October 6, 2022**

**TO:** Members of the Planning & Zoning Commission

**FROM:** Matthew Ellis, Staff Planner

**SUBJECT:** UDO amendment regarding the creation of a Middle Housing Zoning District

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**Item:** Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 1, "General Provisions," Section 1.10 "Transitional Provisions," Article 3, "Development Review Procedures," Section 3.4 "Plat Review," Section 3.12 "Building Permit," Article 4, "Zoning Districts," Section 4.1 "Establishment of Districts," Article 5, "District Purpose Statements and Supplemental Standards," Section 5.1 "Residential Zoning Districts," Section 5.2 "Residential Dimensional Standards," Article 6, "Use Regulations," Section 6.3 "Types of Use," Section 6.4 "Specific Use Standards," Article 7, "General Development Standards," Article 8, "Subdivision Design and Improvements," Section 8.3 "General Requirements and Minimum Standards of Design for Subdivisions within the City Limits," Section 8.8 "Requirements for Parkland Dedication," Article 11, "Definitions," Section 11.2 "Defined Terms," of the Code of Ordinances of the City of College Station, Texas, regarding the creation of the Middle Housing zoning district. Case# ORDA2022-000006. (Note: Final action on this item is scheduled for the October 27th City Council Meeting – subject to change.)

### Summary:

This ordinance amendment creates a middle housing zoning district that allows a variety of housing options between single-family and multi-family by right. Examples include duplexes, townhouses, small and medium multiplexes, and courtyard houses, as well as small lot single-family developments.

This item was presented at workshops with the Planning & Zoning Commission and City Council on August 4 and August 25 respectively, where direction was given on parking, buffering, and residential height protection.

Staff have discussed the proposal with interested parties throughout the community. We met with neighborhood groups at the June Seminar Supper, builders, developers, and engineers at the July Building and Development Breakfast, as well as directed stakeholder interviews and coordinated internally between all applicable City departments to ensure the proposal meets the needs of all departments and maintains excellent City services. Staff have made changes to the draft proposal based on feedback from all engagement efforts and the previous workshops.



**Supporting Materials:**

1. Section 1.10. Transitional Provisions redlines
2. Section 3.4. Plat Review redlines
3. Section 3.12. Building Permit redlines
4. Section 4.1. Establishment of Districts redlines
5. Section 5.1. and Section 5.2. redlines
6. Section 6.3. Types of Use redlines
7. Section 6.4. Specific Use Standards redlines
8. Article 7. General Development Standards redlines
9. Section 8.3. General Requirements of Subdivision Design redlines
10. Section 8.8. Requirements for Park Land Dedication redlines
11. Section 11.2. Defined Terms redlines



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## Sec. 1.10. Transitional Provisions.

### A. Pending Construction.

#### 1. Building Permits.

As provided by Chapter 245 of the Texas Local Government Code, nothing in this UDO shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this UDO, or any amendment to this UDO, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.

#### 2. Approved Site Plans.

Nothing in this UDO shall require a change in a site plan approved prior to the effective date of this UDO, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.

### B. Zoning Districts.

#### 1. Retained Districts.

The following zoning districts and district names in effect prior to the effective date of this UDO and represented on the official zoning map of the City of College Station shall remain in effect. Those districts are shown on the following table:

| District | Name                         | Effective Date |
|----------|------------------------------|----------------|
| WPC      | Wolf Pen Creek Dev. Corridor | June 13, 2003  |
| NG-1     | Core Northgate               | June 13, 2003  |
| NG-3     | Residential Northgate        | June 13, 2003  |
| CU       | College and University       | June 13, 2003  |
| PDD      | Planned Development          | June 13, 2003  |
| OV       | Corridor Overlay             | June 13, 2003  |

#### 2. Renamed Districts.

The following district, M-1, known as Planned Industrial prior to the adoption of this UDO, shall henceforth be renamed M-1, Light Industrial.

| District | New Name         | Effective Date |
|----------|------------------|----------------|
| M-1      | Light Industrial | June 13, 2003  |

The following district, R-6, known as Apartment High Density prior to the adoption of this UDO, shall hence forth be designated R-6, High Density Multi-Family.

| District | New Name                  | Effective Date |
|----------|---------------------------|----------------|
| R-6      | High Density Multi-Family | June 13, 2003  |

The following district, NG-2, known as NG-2, Commercial Northgate prior to this amendment of this UDO, shall henceforth be renamed NG-2, Transitional Northgate.

| District | New Name | Effective Date |
|----------|----------|----------------|
|----------|----------|----------------|



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|      |                        |               |
|------|------------------------|---------------|
| NG-2 | Transitional Northgate | April 2, 2006 |
|------|------------------------|---------------|

The following district, O, known as A-P Administrative Professional prior to this amendment of this UDO, shall henceforth be renamed O, Office.

| District | New Name | Effective Date  |
|----------|----------|-----------------|
| O        | Office   | October 7, 2012 |

The following district, GC, known as C-1 General Commercial prior to this amendment of this UDO, shall henceforth be renamed GC, General Commercial.

| District | New Name           | Effective Date  |
|----------|--------------------|-----------------|
| GC       | General Commercial | October 7, 2012 |

The following district, CI, known as C-2 Commercial Industrial prior to this amendment of this UDO, shall henceforth be renamed CI, Commercial Industrial.

| District | New Name              | Effective Date  |
|----------|-----------------------|-----------------|
| CI       | Commercial Industrial | October 7, 2012 |

The following district, R, known as A-O Agricultural Open prior to the amendment of this UDO, shall henceforth be renamed R, Rural.

| District | New Name | Effective Date     |
|----------|----------|--------------------|
| R        | Rural    | September 22, 2013 |

The following district, E, known as A-OR Rural Residential Subdivision prior to the amendment of this UDO, shall henceforth be designated E, Estate.

| District | New Name | Effective Date     |
|----------|----------|--------------------|
| E        | Estate   | September 22, 2013 |

The following district, GS, known as R-1 Single-Family Residential prior to this amendment of this UDO, shall henceforth be renamed GS, General Suburban.

| District | New Name         | Effective Date     |
|----------|------------------|--------------------|
| GS       | General Suburban | September 22, 2013 |

The following district, D, known as R-2 Duplex Residential prior to this amendment of this UDO, shall henceforth be renamed D, Duplex.

| District | New Name | Effective Date     |
|----------|----------|--------------------|
| D        | Duplex   | September 22, 2013 |

The following district, T, known as R-3 Townhouse prior to this amendment of this UDO, shall henceforth be renamed T, Townhouse.



| District | New Name  | Effective Date     |
|----------|-----------|--------------------|
| T        | Townhouse | September 22, 2013 |

The following district, MHP, known as R-7 Manufactured Home Park prior to this amendment of this UDO, shall henceforth be renamed MHP, Manufactured Home Park.

| District | New Name               | Effective Date     |
|----------|------------------------|--------------------|
| MHP      | Manufactured Home Park | September 22, 2013 |

### 3. Combined Districts.

The districts listed below are hereby combined into the single zoning district hereafter designated as R-4, Multi-Family.

| Combined Districts | Name                     | Effective Date |
|--------------------|--------------------------|----------------|
| R-4                | Apartment/Low Density    | June 13, 2003  |
| R-5                | Apartment/Medium Density |                |

The districts listed below are hereby combined into the single zoning district hereafter designated as GC, General Commercial.

| Combined Districts | Name                | Effective Date |
|--------------------|---------------------|----------------|
| C-B                | Business Commercial | June 13, 2003  |
| C-1                | General Commercial  |                |

The districts listed below are hereby combined into the single zoning district hereafter designated as C-3, Light Commercial.

| Combined Districts | Name                  | Effective Date |
|--------------------|-----------------------|----------------|
| C-3                | Planned Commercial    | June 13, 2003  |
| C-N                | Neighborhood Business |                |

### 4. Retired Districts.

The following districts are no longer eligible for Zoning Map Amendment requests. Properties with the following designations at the time of this amendment retain all uses, regulations, and requirements associated with these districts.

| Retired District | Name                      | Effective Date     |
|------------------|---------------------------|--------------------|
| R-1B             | Single-Family Residential | September 22, 2013 |
| Retired District | Name                      | Effective Date     |
| R-4              | Multi-Family              | December 28, 2014  |
| R-6              | High Density Multi-Family | December 28, 2014  |
| C-3              | Light Commercial          | October 7, 2012    |



|     |                                 |                 |
|-----|---------------------------------|-----------------|
| R&D | Research & Development          | October 7, 2012 |
| M-1 | Light Industrial                | October 7, 2012 |
| M-2 | Heavy Industrial                | October 7, 2012 |
| NPO | Neighborhood Prevailing Overlay | June 21, 2020   |

5. **New Districts.**

The following districts are hereby created and added to those in effect at the time of adoption of this UDO.

| New District | Name                              | Effective Date          |
|--------------|-----------------------------------|-------------------------|
| RDD          | Redevelopment District            | June 13, 2003           |
| P-MUD        | Planned Mixed Use Development     | June 13, 2003           |
| NCO          | Neighborhood Conservation Overlay | December 13, 2007       |
| NAP          | Natural Areas Protected           | October 7, 2012         |
| SC           | Suburban Commercial               | October 7, 2012         |
| BP           | Business Park                     | October 7, 2012         |
| BPI          | Business Park Industrial          | October 7, 2012         |
| RS           | Restricted Suburban               | September 22, 2013      |
| MF           | Multi-Family                      | December 28, 2014       |
| MU           | Mixed-Use                         | December 28, 2014       |
| WE           | Wellborn Estate                   | August 7, 2016          |
| WRS          | Wellborn Restricted Suburban      | August 7, 2016          |
| WC           | Wellborn Commercial               | August 7, 2016          |
| ROO          | Restricted Occupancy Overlay      | April 19, 2021          |
| <u>MH</u>    | <u>Middle Housing</u>             | <u>November 6, 2022</u> |

6. **Redesignated District.**

Henceforth all areas designated Existing Rural Residential (A-OX) shall be redesignated A-O Agricultural-Open.

| Previous District     | Name                       | Effective Date |
|-----------------------|----------------------------|----------------|
| A-OX                  | Existing Rural Residential | June 13, 2003  |
| Redesignated District | Name                       |                |
| A-O                   | Agricultural-Open          |                |

Henceforth all areas designated Planned Unit Development (PUD) shall be redesignated Planned Development Districts (PDD). The individual ordinances that created the PUDs shall remain in effect, along with all provisions and conditions listed therein. Any modification of a former PUD shall follow the provisions for PDDs listed herein.

| Previous District | Name                     | Effective Date |
|-------------------|--------------------------|----------------|
| PUD               | Planned Unit Development | June 13, 2003  |



---

| Redesignated District | Name                          |  |
|-----------------------|-------------------------------|--|
| PDD                   | Planned Development Districts |  |

Henceforth all areas designated R-1A shall be redesignated R-1, Single-Family Residential.

| Previous District     | Name                      | Effective Date |
|-----------------------|---------------------------|----------------|
| R-1A                  | Single-Family Residential | June 13, 2003  |
| Redesignated District | Name                      |                |
| R-1                   | Single-Family Residential |                |

**7. Deleted Districts.**

The following districts not existing on the official zoning map on the effective date of this UDO are hereby deleted:

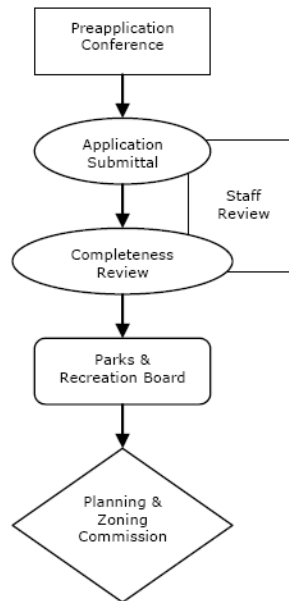
| Deleted District | Name                         | Effective Date |
|------------------|------------------------------|----------------|
| C-PUD            | Commercial Planned Unit Dev. | June 13, 2003  |
| C-NG             | Commercial Northgate         | June 13, 2003  |
| KO               | Krenek Tap Overlay           | April 22, 2018 |

(Ord. No. 2012-3450 , Pt. 1(Exh. A), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. A), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. A), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. A), 7-28-2016; Ord. No. 2018-4001 , Pt. 1(Exh. A), 4-12-2018; Ord. No. 2020-4187, Pt. 1(Exh. A), 6-11-2020 ; Ord. No. 2021-4259 , Pt. 1(Exh. A), 4-19-2021)



### Sec. 3.4. Plat Review.

#### A. Applicability.



This Section applies to the subdivision and development of property as set forth herein.

#### 1. Subdivision Plat Required.

- a. Subdivision of property within the City limits or extraterritorial jurisdiction (ETJ) of the City of College Station is required to be approved in accordance with applicable state law and as set forth herein when one (1) or more of the following occurs:
  - 1) The division of land (for any purpose) into two (2) or more parcels to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on to or adjacent to the streets, alleys, squares, parks or other parts;
  - 2) Development on a parcel not previously legally subdivided;
  - 3) Resubdivision of land that has previously been platted; or
  - 4) Amendment of any approved plat.

#### b. Types of Subdivision Filings.

##### 1) Preliminary Plans.

A Preliminary Plan is required for the subdivision of all tracts of land within the City limits or ETJ of the City of College Station, except as otherwise set forth in this UDO. A Preliminary Plan shall include the entire parent survey or tract of land under common ownership.

##### 2) Final Plats and Replats.



---

A Final Plat is required for the subdivision of all property within the City limits or ETJ of the City of College Station. A Final Plat shall include the entire Preliminary Plan area or less when the Final Plat adheres to the phasing identified on the approved Preliminary Plan. The Final Plat shall conform to the Preliminary Plan as approved by the Planning and Zoning Commission, provided it incorporates all changes, modifications, corrections, and conditions imposed by the Planning and Zoning Commission; and provided further, that it conforms to all requirements of these regulations and the City's Comprehensive Plan.

3) **Minor Plats and Amending Plats.**

A Preliminary Plan shall not be required prior to the application of a Minor Plat or Amending Plat. Pursuant to the Delegation of Approval Responsibility Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the Texas Local Government Code, the City Council of the City of College Station delegates the Administrator the ability to approve the following plats in accordance with the procedure set forth herein:

- (a) Amending Plats described in the Amending Plat Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the Texas Local Government Code;
- (b) Minor Plats or Replats involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities;
- (c) A Replat under Section 212.0145 Replatting Without Vacating Preceding Plat: Certain Subdivisions, Subchapter A, "Regulations of Subdivisions," Chapter 212 of the Texas Local Government Code, and that does not require the creation of any new street or the extension of municipal facilities.

4) **Vacating Plats.**

A Vacating Plat shall adhere to the requirements of Vacating Plat Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the Texas Local Government Code, as amended. Vacating plats be processed and reviewed in the same manner as a Final Plat.

c. **Exemptions from Subdivision Plat Requirement.**

The following subdivisions are exempt from Subdivision Plat requirements:

- 1) A division of land into parts greater than five (5) acres within the City limits and greater than ten (10) acres in the extraterritorial jurisdiction of the City of College Station, where each part has access and no public improvement is being dedicated;
- 2) Division of property that results from a governmental entity's land acquisition for public facilities such as expansion of street right-of-way;
- 3) Any lot or lots forming a part of a subdivision created and recorded prior to July 15, 1970, the effective date of the City of College Station Subdivision Regulations, or prior to the date in which the Subdivision Regulations applied to the property through extension of the City of College Station extraterritorial jurisdiction;
- 4) A division of land performed by a political subdivision of the state, as defined in Chapter 245 of the Texas Local Government Code. Such entities that choose to plat voluntarily shall comply with all of the applicable requirements; or
- 5) A division of land created by order of a court of competent jurisdiction.

2. **Development Plat Required.**

- 
- a. The City of College Station chooses to be covered by Subchapter B, "Regulation of Property Development," Chapter 212 of the Texas Local Government Code. Any person who proposes the development of a tract of land or lot of record not located within a recorded subdivision within the City limits or the extraterritorial jurisdiction (ETJ) of the City of College Station must have a Development Plat of the tract prepared in accordance with this Section. New development may not begin on the property until the Development Plat is filed with and approved by the City. For purposes of this Section, "Development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

- b. **Exemptions from Development Plat Requirement.**

The following developments are exempt from Development Plat requirements:

- 1) When an applicant is required to file a Preliminary Plan or Final Plat pursuant to other requirements of this Section, a Development Plat is not required in addition thereto.
- 2) The development of a tract of land within the City limits or the extraterritorial jurisdiction of the City of College Station that meets all of the following criteria is not required to file a Development Plat:
  - (a) The tract is at least five (5) acres;
  - (b) The tract has access; and
  - (c) The development is a single-family home for the use of the property owner or a member of the property owner's family, an accessory structure(s) of the home, and/or an accessory structure(s) for the benefit of agricultural uses.
- 3) Development by a political subdivision of the state, as defined in Chapter 245 of the Texas Local Government Code. Such entities that choose to plat voluntarily shall comply with all of the applicable requirements.
- 4) The Administrator may waive the requirement for a Development Plat within the City limits when no parkland, public infrastructure, or public dedication is required on the subject tract.

**B. Determination of Plat Applicability.**

Upon written application and in compliance with the Texas Local Government Code, Section 212.0115 as amended, the Administrator shall make the following determinations regarding the tract of land identified in the request:

1. Whether a plat is required under this UDO for the tract of land; and
2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the Planning and Zoning Commission or Administrator, as applicable.

The Administrator may require additional information and documents be provided by the applicant in order to make the requested determination.

**C. Application Requirements.**

1. **Preapplication Conference.**

Prior to the submission of a preliminary plan or a plat application required by this UDO, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes set forth elsewhere in this UDO for preapplication conferences.

2. A complete application for review shall be submitted to the Administrator including payment of a fee as set forth in this UDO. Upon request, all preliminary plans and all plats shall be submitted in an



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electronic form acceptable to the Administrator and compatible with the City's Geographic Information System (GIS). The signatures of all owners of land within the boundary of the preliminary plan or the plat shall be required on the application. A representative of an owner may sign the application provided a written letter of agency is provided to the City with the application. If the property owner is not an individual but an entity (e.g., business or trust), the application must be accompanied by proof of authority for the individual to sign on behalf of the entity.

3. When required to submit the following, the applications shall comply with and/or show the following information:

a. **Preliminary Plans.**

When submitting preliminary plans, the following information is required:

- 1) The preliminary plan shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Article 8 Subdivision Design and Improvements;
- 2) The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan;
- 3) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
- 4) The name and address of all property owners, developers and subdividers, engineers, and surveyors;
- 5) Description by metes and bounds of the subdivision which shall close within accepted land survey standards (labeled on boundary lines, not separate metes and bounds description). An accurate location of the subdivision or development shall be provided by reference to an established survey or league corner, City of College Station horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;
- 6) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 7) Indicate whether the contiguous property is platted and provide the name of all contiguous subdivisions or names of owners of contiguous, unplatted parcels;
- 8) The following existing features shall be shown:
  - (a) The location, dimension, name and description of all recorded streets, alleys, reservations, easements, or other public or private rights-of-way within the subdivision or development, intersecting or contiguous with its boundaries or forming such boundaries. In the case of pipelines carrying flammable gas or fuel, the approximate location, size of line, design pressure and product transported through the line shall be shown;
  - (b) The location, dimension, description and name of all existing or recorded lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision or development;

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- (c) The location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision, development or contiguous thereto;
    - (d) The location of the one hundred-year floodplain according to the most recent best available data;
  - 9) Date of preparation, scale in feet, and north arrow;
  - 10) Topographic information, including contours at two-foot intervals, flow line elevation of streams, and wooded areas;
  - 11) The location, approximate dimensions, description and name of all proposed streets, alleys, drainage structures, parks, or other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development. Proposed channel cross sections, if any. Existing and/or proposed well site locations;
  - 12) A number or letter to identify each lot and each block. Lots and blocks shown on a preliminary plan should be numbered sequentially;
  - 13) Location of current City limits line, and current zoning district boundaries;
  - 14) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
  - 15) Show number of residential lots and average lot size when applicable;
  - 16) Provide a note to identify a Cluster Subdivision when applicable;
  - 17) Provide any oversize participation requests that will be sought;
  - 18) Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc.;
  - 19) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this UDO;
  - 20) Provide a note on the Preliminary Plan to identify the Residential Parking Option chosen from the Single-Family Residential Parking Requirements for Platting when applicable; and
  - 21) As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analysis Section in Article 7 of this UDO.

**b. Final Plats and Other Plats to be Recorded.**

When submitting Final Plats, Replats, Minor Plats, Amending Plats, Vacating Plats, and Development Plats, the following shall be required:

- 1) The plat shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Article 8 Subdivision Design and Improvements unless expressly provided for otherwise;
- 2) Prior to filing a plat for record, provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;
- 3) Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc.;
- 4) Provide the plat on sheets twenty-four (24) inches by thirty-six (36) inches to a scale of one hundred (100) feet per inch or larger. Smaller scales may be allowed at the discretion of



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the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five hundred (500) feet per inch or larger;

- 5) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 6) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
- 7) Date of preparation, scale in feet, and north arrow;
- 8) The name and address of all property owners, developers, subdividers, engineers, and surveyors responsible for the plat;
- 9) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 10) For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;
- 11) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
- 12) The location of the one hundred-year floodplain and floodway according to the most recent best available data;
- 13) A number or letter to identify each lot and each block. Lots and blocks shown on a plat should be numbered sequentially;
- 14) Provide the number of lots and average lot size when applicable;
- 15) Provide a note to identify a Cluster Subdivision when applicable;
- 16) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this UDO;
- 17) The Plat shall also include the following, based on field survey and marked by monuments and markers:
  - (a) The exact location, dimensions, name, and legal description of all existing or recorded streets, alleys, easements, or other rights-of-way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, and length of all curves, where applicable;
  - (b) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, and length of curves, where applicable;
  - (c) Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of College Station horizontal control monuments;
  - (d) The following, when applicable, shall appear on the face of the plat: (See examples in, Article 8 Subdivision Design and Improvements.)

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- i. Certificate of Ownership and Dedication;
  - ii. Certificate of Surveyor and/or Engineer;
  - iii. Certificate of City Engineer;
  - iv. Certificate of Planning and Zoning Commission;
  - v. Certificate of the County Clerk;
  - vi. Certificate of City Planner; and
  - vii. Certificate of Approval.
- 18) The plat shall be accompanied by the construction documents and reports as prescribed below and bearing the seal and signature of a registered professional engineer. All shall be in accordance with the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and shall include the following:
- (a) Construction plans shall be provided on twenty-four-inch by thirty-six-inch sheets;
  - (b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detail cost estimates;
  - (c) Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;
  - (d) Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for preliminary plan submissions;
  - (e) Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detail drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate;
  - (f) Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and
  - (g) Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.
- 19) Eleven-inch by seventeen-inch copies of the plat (not necessarily to scale) will be requested by the Administrator when the plat has been reviewed and has the potential to be scheduled for a Planning and Zoning Commission meeting for consideration;
- 20) Provide a note on the Final Plat to identify the Residential Parking Option chosen from the Single-Family Residential Parking Requirements for Platting when applicable;
- 21) If the subject property is zoned MH Middle Housing, provide a note on the Final Plat to identify the list of proposed residential product type(s) to ensure the correct application of the Middle Housing Product Types and Dimensional Standards in Article 5, District Purpose Statements and Supplemental Standards.

**D. Filing of Plat.**

For the purposes of this Section, the date of filing shall be determined as the date on which a complete application, as determined by the Administrator, and a plat meeting all of the technical terms and conditions of this UDO, or has filed a waiver request to those Sections for which the plat does not comply, is submitted.



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Once a complete application has been filed with the City, it will be scheduled for action by the Administrator and/or the Planning and Zoning Commission, as applicable.

**E. Review Procedure.**

**1. Preliminary Plan Review.**

**a. Review and Approval by the Administrator.**

- 1) If a waiver or discretionary item is not included or required with the Preliminary Plan application, the Administrator may review and approve the application. The Administrator shall review the Preliminary Plan application for compliance with the following elements:
  - (a) City's Comprehensive Plan including but not limited to the Land Use Plan, Thoroughfare Plan, Utility Master Plans, Parks and Recreation Master Plan, Bicycle, Pedestrian and Greenways Master Plan, Sidewalk Master Plan;
  - (b) Existing zoning of the property, if applicable;
  - (c) Article 8, Subdivision Design and Improvements;
  - (d) Form and content as required in the Application Requirements Section of this UDO;
  - (e) If phased, the Preliminary Plan must demonstrate sufficiency and viability of public infrastructure for each phase such that an undue burden is not placed on any particular phase. In addition, the proposed phasing is not to create phases or potential remainders of a size, shape or location so as not to be developable in compliance with this UDO; and
  - (f) Other provisions of this UDO as applicable.
- 2) The Administrator shall approve or disapprove of the same based on compliance with the elements listed above.

**b. Review and Recommendation by Parks and Recreation Advisory Board.**

The Parks and Recreation Advisory Board shall review the Preliminary Plan application for compliance with the parkland dedication requirements of Article 8, Subdivision Design and improvements and recommend approval, approval with conditions, or disapproval of the same. This recommendation must be considered by the Administrator or the Planning and Zoning Commission in its review. Once the Board has determined compliance, the Preliminary Plan and subsequent plats may proceed directly to the Administrator or the Planning and Zoning Commission.

**c. Consideration by Planning and Zoning Commission.**

If a Preliminary Plan application includes one or more waiver requests or discretionary items, the Administrator shall forward the Preliminary Plan to the Planning and Zoning Commission for consideration when it meets all of the technical terms and conditions of this UDO. Proposed parkland dedication equal to or exceeding five (5) acres and dedications of floodplain or greenway not previously considered by the Planning & Zoning Commission shall be considered discretionary items. The Administrator shall provide a recommendation on the waiver request(s) or discretionary item(s) as appropriate. The Planning and Zoning Commission shall receive the recommendations of the Administrator and the Parks and Recreation Advisory Board and shall approve, disapprove, or conditionally approve the Preliminary Plan with modifications based on compliance with the same elements listed in the Review and Recommendation by Administrator.

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Conditions of approval must entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out.

d. **Effect of Approval.**

Approval of a Preliminary Plan shall mean the following:

- 1) Approval of a Preliminary Plan application by the Administrator or the Planning and Zoning Commission shall allow the applicant to continue the subdivision process by submitting a Development Permit application with construction plans and a Final Plat application.
- 2) Approval of a Preliminary Plan shall not constitute approval of a Final Plat. Application for approval of a Final Plat will be considered only after the requirements for Preliminary Plan approval as specified herein have been fulfilled and after all other specified conditions have been met.
- 3) If a Final Plat is not filed with the City within twenty-four (24) months of the date of approval or conditional approval of a Preliminary Plan, the Planning and Zoning Commission may, upon written application of the applicant, extend the approval for a one-time additional twelve-month period. The request for consideration of an extension shall be submitted to the Administrator at least thirty (30) days before the Preliminary Plan approval expires.
- 4) Each Final Plat which is a phase of an approved Preliminary Plan shall extend the expiration date of the Preliminary Plan an additional two (2) years from the date the Final Plat was approved by the Commission.
- 5) If a Preliminary Plan is phased, Final Plats shall only be permitted to proceed to the Planning and Zoning Commission in the numerical order set forth on the Preliminary Plan.

2. **Amendments to an Approved Preliminary Plan.**

a. **Minor Amendments.**

Minor amendments of an approved Preliminary Plan may be in an application for approval of a Final Plat without the necessity of filing a new application for approval of a Preliminary Plan. Minor amendments may include adjustment in street or alley alignments and lengths, phasing, adjustment in lot lines that do not result in creation of additional developable lots, or adjustments to utility or access easements. Minor amendments shall comply with the standards of this UDO, shall not alter a subdivision standard that is discretionary to the Commission, or shall not increase the extent of an approved waiver to a subdivision standard.

b. **Major Amendments.**

All other proposed amendments of an approved Preliminary Plan not constituting a minor amendment shall be considered a major amendment and require the approval of a new Preliminary Plan application by the Administrator or the Commission, as appropriate. Major amendments include but are not limited to an increase in the number of developable lots, rerouting of streets, addition or deletion of alleys, change to thoroughfare street layout, or modification to parkland.

c. **Amendment Determination.**

The applicant shall provide a written description of proposed amendments to an approved Preliminary Plan. The Administrator shall make the determination of whether the proposed amendments are deemed minor or major amendments. At the discretion of the Administrator, a new Preliminary Plan application that proposes major amendments may be processed simultaneously with a Final Plat application.



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d. **Retaining Previous Approval.**

If the proposed major amendments are not approved or if the applicant is unwilling to accept the terms and conditions required by the Administrator or the Commission, the applicant may withdraw the proposed amendments by written request and retain the previously approved Preliminary Plan.

3. **Final Plat, Replat, Vacating Plat, and Development Plat Review.**

a. **Review and Recommendation by Administrator.**

- 1) The Administrator shall review the plat application for compliance with the elements:
  - (a) The approved Preliminary Plan, if applicable;
  - (b) City's Comprehensive Plan including but not limited to the Land Use Plan, Thoroughfare Plan, Utility Master Plans, Parks and Recreation Master Plan, Bicycle, Pedestrian and Greenways Master Plan, Sidewalk Master Plan;
  - (c) Existing zoning of the property, if applicable;
  - (d) Article 8, Subdivision Design and Improvements;
  - (e) Form and content as required in the Application Requirements Section of this UDO; and
  - (f) Other provisions of this UDO as applicable.
- 2) If public infrastructure is required for the plat, the following is required in order for the plat application to be complete to be scheduled for Planning and Zoning Commission consideration:
  - (a) The construction documents must be approved by the City Engineer;
  - (b) Any necessary off-site easements are reviewed and acceptable by the City in recordable form; and
  - (c) Either the public infrastructure is constructed by the applicant and accepted by the City, or a guarantee provided to the City Engineer in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure Section in Article 8 of this UDO.
- 3) The applicant will be advised of the date set for Planning and Zoning Commission consideration.
- 4) The Administrator shall recommend approval or disapproval of the same.

b. **Review and Recommendation by Parks and Recreation Advisory Board.**

If not already determined through an approved Preliminary Plan, the Parks and Recreation Advisory Board shall review the plat application for compliance with the parkland dedication requirements of Article 8, Subdivision Design and Improvements, and recommend approval, approval with conditions, or disapproval of the same. This recommendation must be considered by the Planning and Zoning Commission in its plat review.

c. **Criteria for Approval by Planning and Zoning Commission.**

Within thirty (30) days after the plat is filed, the Planning and Zoning Commission shall receive the recommendation of the Administrator and the Parks and Recreation Advisory Board and shall approve or disapprove such plat. The Commission's action shall be based on compliance with the review elements listed in Final Plat, Replat, Vacating Plat, and Development Plat Review and the

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City Engineer's approval of all required infrastructure as proposed in the construction documents and which has been constructed and accepted or guaranteed in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure Section in Article 8, Subdivision Design and Improvements, of this UDO. Conditions of approval must entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out

d. **Recordation.**

If the Planning and Zoning Commission has approved the plat, the plat shall be recorded in the Office of the County Clerk of the county in which the plat is located when all requirements and conditions have been met.

4. **Minor Plat and Amending Plat Review.**

a. **Review and Action by Administrator.**

The plat shall be reviewed by the Administrator for compliance to all applicable requirements of this UDO including those elements identified in the Preliminary Plan Review and the following procedures:

- 1) Consideration of the approval, approval with conditions, or recommended denial of the plat by the Administrator usually within fifteen (15) days of filing a Minor Plat or Amending Plat;
- 2) The Administrator shall approve, approve with conditions, or recommend denial and forward the plat to the Planning and Zoning Commission at the next available meeting. The Administrator may also elect to forward the plat to the Commission for any reason. Conditions of approval must entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out;
- 3) If forwarded to the Planning and Zoning Commission, the Commission shall approve, disapprove, or conditionally approve the plat. Conditions of approval must entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out;
- 4) Upon approval of the Commission meeting minutes, the Administrator shall make them available to the applicant;
- 5) A report shall be made to the Commission at each meeting notifying the Commission of any Amending Plats or Minor Plats that were approved by the Administrator since the last Commission meeting.

b. **Recordation.**

If favorable final action has been taken by the Administrator or the Planning and Zoning Commission, the Minor Plat or Amending Plat shall be recorded in the Office of the County Clerk of the county in which the plat is located when all requirements and conditions have been met.

F. **Waivers.**

The Planning and Zoning Commission, where authorized by this UDO, may approve, approve with conditions, or disapprove waivers of the standards in Article 8, Subdivision Design and Improvements.

G. **Platting in Planned Development Districts (PDD and P-MUD).**

If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the City Council may approve a Concept Plan that provides for general modifications to the site



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development and subdivision standards. The general modifications shall be indicated on the approved Concept Plan or within the rezoning ordinance.

**H. Platting in the Extraterritorial Jurisdiction.**

The City of College Station has entered into one (1) or more written agreements with counties in which it has extraterritorial jurisdiction. Such agreements identify the authority authorized to regulate plats within the extraterritorial jurisdiction of the City, and the provisions of this Section are subject to the terms and conditions of such valid agreements. In the event such an agreement creates a direct conflict between the regulations herein and those of the particular County, the stricter standard shall apply.

**I. Failure to Obtain Plat Approval.**

1. If plat approval is required for the subdivision of property or development of property and same is not properly secured:

- a. **Prohibition of Recordation.**

- It shall be unlawful to offer and cause to be recorded any plat or replat of land within the City limits or ETJ of the City of College Station at the Office of the County Clerk unless the same bears the endorsement and approval of the Planning and Zoning Commission, the Administrator, or bears a valid certificate of No Action Taken as provided for in this UDO.

- b. **Prohibition of Making Improvements.**

- It shall be unlawful to make any improvements, alterations or changes of any kind to such property;

- c. **No Issuance of Permits.**

- The City shall not issue any building, repair, plumbing, electrical or other permit relating to such property until such approval occurs;

- d. **No Provision or Maintenance of Infrastructure.**

- The City shall not repair, maintain, install or provide any streets, public utilities or public infrastructure of any kind to such property;

- e. **No Provision of Public Utilities.**

- The City shall not sell or supply water, gas, electricity, or sewerage to such property.

2. **Council Action.**

- a. If any subdivision or development exists for which a plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council may pass a resolution reciting the fact of such noncompliance or failure to secure plat approval, and reciting the fact that the provisions of this Section apply.
  - b. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be recorded in the Deed Records of the County.
  - c. If such compliance and plat approval are secured after the recording of such resolution, the City Secretary shall forthwith record an instrument in the Deed Records of the County stating that the property is no longer in violation.

Per Ordinance No. 2011-3308 (January 13, 2011)

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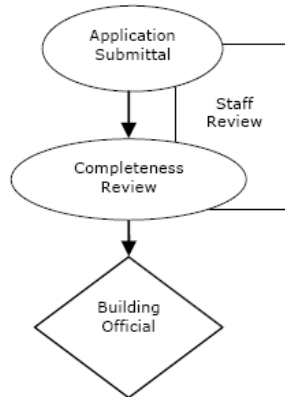
(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. B), 9-12-2013; Ord. No. 2013-3522 , Pt. 1(Exhs. A, B), 9-12-2013; Ord. No. 2013-3542 , Pt. 1(Exh. A), 12-12-2013; Ord. No. 2016-3796 , Pt. 1(Exh. A), 8-11-2016; Ord. No. 2017-3967 , Pt. 1(Exhs. E, F), 12-14-2017)



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### Sec. 3.12. Building Permit.

#### A. Building Permit Required.



No building or other structure shall hereafter be erected, moved, added to, structurally altered, repaired, demolished, or occupancy changed without a permit issued by the Building Official except in conformity with the provisions of this Section and the International Building Code as adopted and amended by the City, unless otherwise provided for in the City of College Station Code of Ordinances. No Building Permit issued under the provisions of this Article for land use or construction in the City shall be considered valid unless signed by the Building Official.

#### B. Application for Building Permit.

1. Applications for Building Permits for single-family, duplex, ~~or~~ townhouse, or Courtyard House structures shall be accompanied by one (1) set of complete plans, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration, easements, and required setbacks.

Applications for multi-family (including Multiplex) and commercial structures shall be accompanied by three (3) sets of complete plans, drawn to scale, including the approved site plan as required in the Site Plan Review Section in Article 3 of this UDO.

Additional sets of plans shall be supplied to the Building Official upon request.

2. The application shall include such other information as lawfully may be required by the Building Official or the Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this UDO.
3. One (1) copy of the plans shall be returned to the applicant by the Building Official after it is marked as either approved, approved with conditions, or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, and the associated site plan shall be retained by the Building Official.
4. Where applicable, applicants shall submit information and materials required in the Landscaping and Tree Protection Section in Article 7 of this UDO.

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5. Where applicable, applicants shall submit information and materials required in the Non-Residential Architectural Standards Section in Article 7 of this UDO.

6. If the subject property is zoned MH Middle Housing, applicants shall specify the proposed residential product type that is being proposed. See the Middle Housing Product Types and Dimensional Standards Table in Article 5. District Purpose Statements and Supplemental Standards for a list of allowed product types.

**C. Review and Recommendation.**

The Building Official shall review all building permit applications to determine if intended uses, buildings, or structures comply with all applicable regulations and standards, including this UDO, and approve or disapprove the same.

**D. Review and Action by Building Official.**

1. The Building Official shall make a final determination of whether the intended uses, buildings, or structures comply with all applicable regulations, standards, and the Building Code. The Building Official shall not issue a building permit unless the plans, specifications, and intended use of such building or structures or parts thereof conform in all respects to the provisions of this UDO and the Building Code.
2. If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the City Council may approve a Concept Plan that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved Concept Plan. The Administrator shall determine the specific standards that comply with the general modifications of the site development requirements at the time of building permit. The applicant or the Administrator may have the City Council determine the specific standards that comply with the approved Concept Plan.

(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2018-4034 , Pt. 1(Exh. A), 8-23-2018)



## Sec. 4.1. Establishment of Districts.

| Residential Zoning Districts     |                                     |                        |
|----------------------------------|-------------------------------------|------------------------|
| R                                | Rural                               |                        |
| WE                               | Wellborn Estate                     |                        |
| E                                | Estate                              |                        |
| WRS                              | Wellborn Restricted Suburban        |                        |
| RS                               | Restricted Suburban                 |                        |
| GS                               | General Suburban                    |                        |
| D                                | Duplex                              |                        |
| T                                | Townhouse                           |                        |
| MH                               | Middle Housing                      |                        |
| MF                               | Multi-Family                        |                        |
| MU                               | Mixed-Use                           |                        |
| MHP                              | Manufactured Home Park              |                        |
| Non-Residential Zoning Districts |                                     |                        |
| NAP                              | Natural Areas Protected             |                        |
| O                                | Office                              |                        |
| SC                               | Suburban Commercial                 |                        |
| WC                               | Wellborn Commercial                 |                        |
| GC                               | General Commercial                  |                        |
| CI                               | Commercial Industrial               |                        |
| BP                               | Business Park                       |                        |
| BPI                              | Business Park Industrial            |                        |
| CU                               | College and University              |                        |
| Planned Districts                |                                     |                        |
| P-MUD                            | Planned Mixed-Use District          |                        |
| PDD                              | Planned Development District        |                        |
| Design Districts                 |                                     |                        |
| WPC                              | Wolf Pen Creek Development Corridor |                        |
| Northgate                        | NG-1                                | Core Northgate         |
|                                  | NG-2                                | Transitional Northgate |
|                                  | NG-3                                | Residential Northgate  |
| Overlay Districts                |                                     |                        |
| OV                               | Corridor Overlay                    |                        |
| RDD                              | Redevelopment District              |                        |
| ROO                              | Restricted Occupancy Overlay        |                        |
| NCO                              | Neighborhood Conservation Overlay   |                        |
| HP                               | Historic Preservation Overlay       |                        |
| Retired Districts                |                                     |                        |
| R-1B                             | Single-Family Residential           |                        |
| R-4                              | Multi-Family                        |                        |
| R-6                              | High Density Multi-Family           |                        |
| C-3                              | Light Commercial                    |                        |

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|-----|---------------------------------|
| R&D | Research & Development          |
| M-1 | Light Industrial                |
| M-2 | Heavy Industrial                |
| NPO | Neighborhood Prevailing Overlay |

For the purpose of this UDO, portions of the City, as specified on the Official Zoning Map of the City, are hereby divided into the zoning, design, and overlay districts enumerated below. The intensity regulations applicable for such zoning districts are designated in Article 5 and the use regulations are designated in Article 6 of this UDO.

(Ord. No. 2012-3450 , Pt. 1(Exh. B), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. C), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. B), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. B), 7-28-2016; Ord. No. 2018-4001 , Pt. 1(Exh. C), 4-12-2018; Ord. No. 2020-4161 , § 2(Exh. B), 3-9-2020; Ord. No. 2020-4187, Pt. 1(Exh. A), 6-11-2020 ; Ord. No. 2021-4259 , Pt. 1(Exh. C), 4-19-2021)



## Sec. 5.1. Residential Zoning Districts.

Occupancy of any dwelling in the following districts shall be limited to "family" as defined by this UDO.

A. **Rural (R).**

This district includes lands that, due to public service limitations, inadequate public infrastructure, or a prevailing rural or agricultural character, are planned for very limited development activities. This district is designed to provide land for a mix of large acreages and large-lot residential developments. Open space is a dominant feature of these areas. This district may also serve as a reserved area in which the future growth of the City can occur.

B. **Wellborn Estate (WE).**

This district includes land that, due to public service limitations or a prevailing rural character, should have limited development activities. These areas tend to consist of low-density single-family residential lots of two acres or more but may be one acre if clustered around undeveloped open space. This zoning district is only permitted in areas designated as Wellborn Estate or Wellborn Estate-Open on the Comprehensive Plan Future Land Use and Character Map. The cluster option may be used only in the area designated Wellborn Estate-Open on the Comprehensive Plan Land Use and Character Map.

C. **Estate (E).**

This district is designed to provide land for low-density single-family lots. These areas shall consist of residential lots averaging twenty thousand (20,000) square feet when clustered around open space or large lots with a minimum of one (1) acre. Subdivisions within this district may contain rural infrastructure.

D. **Wellborn Restricted Suburban (WRS).**

This district is designed to provide land for detached medium-density, single-family residential development. These areas shall consist of residential lots minimum eight thousand (8,000) square feet when clustered around open space or larger lots with a minimum of twenty thousand (20,000) square feet. This zoning district is only permitted in areas designated as Wellborn Restricted Suburban on the Comprehensive Plan Land Use and Character Map.

E. **Restricted Suburban (RS).**

This district is designed to provide land for detached medium-density, single-family residential development. These areas shall consist of residential lots averaging eight thousand (8,000) square feet when clustered around open space or larger lots with a minimum of ten thousand (10,000) square feet.

F. **General Suburban (GS).**

This district includes lands planned for single-family residential purposes and accessory uses. This district is designed to accommodate sufficient, suitable residential neighborhoods, protected and/or buffered from incompatible uses, and provided with necessary and adequate facilities and services.

G. **Duplex (D).**

This district contains land that has been planned for duplex residential purposes and associated uses. Characterized by moderate density, it may be utilized as a transitional zone.

The following supplemental standards shall apply to this district:

1. Single-family dwellings shall conform to GS General Suburban Standards.

- 
2. Where parking is provided in the front yard of a duplex, an eight-foot setback shall be required between the property line and the nearest side of the parking pad. This eight-foot setback area must contain a three-foot screen consisting of a continuous berm, hedge, or wall. In addition, an eight-foot setback shall be required between the dwelling unit and the nearest side of the parking pad.

**H. Townhouse (T).**

This district contains land, which is to be used for a unique type of dwelling, typically designed for individual ownership, or ownership in-groups of single-family attached residences constructed on individually-platted lots.

The following supplemental standard shall apply to this district:

Single-family dwellings shall conform to GS General Suburban standards.

**I. Middle Housing (MH).**

This district is designed to be flexible and provide a variety of housing options by-right. It allows for detached single-family residences, duplexes, townhouses, Courtyard Houses, Live-Work Units, and Small and Medium Multiplexes. The MH District is intended to accommodate a walkable pattern of small lots, small blocks, and a well-connected street pattern adjacent to commercial and neighborhood centers. Middle Housing developments are ideal on the edge of more intense urban and multi-family areas to serve as a transition to single-family zoning districts. Structures in the MH district are individually platted, distinguishing them from the MF Multi-Family district.

**J. Multi-Family (MF).**

The MF district is designed for areas having intense development. MF is flexible and allows for attached and detached single-unit dwellings, two-unit dwellings, multi-family buildings and optional mixed-use development.

1. **Supplemental Standards for MF:** Non-residential uses are permitted up to a maximum of 50 percent of the total floor area if incorporated into the residential structure.

**K. Mixed-Use (MU).**

The MU is designed for areas having the most intense level of development. MU areas consist of residential, commercial and office uses in mixed-use structures.

1. **Supplemental Standards for MU:**

- a. Non-residential uses with a minimum depth of 30-feet are required on the ground floor if adjacent to Texas Avenue, Harvey Road, University Drive or Earl Rudder Freeway.
- b. A minimum of 30 percent of the total floor area of each development shall be devoted to residential uses. Hotels may be considered a residential use to meet this requirement.
- c. The Floor Area Ratio (FAR) in this district shall be a minimum of 1:1. Structured parking, public plazas, outdoor dining areas, and covered areas attached to the structure may be included in the FAR calculation. Surface parking, even if covered, will not count toward the required FAR.
- d. The ground floor of structures shall be a minimum of 25 percent of the lot area.

**L. Manufactured Home Park (MHP).**

This district contains land that is located, designed and operated as a site for residential uses consisting of manufactured homes in accordance with the permitted uses. The following supplemental standards shall apply to this district:



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1. The construction, reconstruction, alteration, or enlargement of a manufactured home park must be pursuant to an approved site plan.
  2. Minimum manufactured home park area is two (2) contiguous acres.
  3. Maximum gross density shall be ten (10) dwelling units per acre.
  4. Minimum setback for a manufactured home from a public street shall be fifteen (15) feet.
  5. Minimum setback for a manufactured home from a lot line shall be fifteen (15) feet.
  6. Minimum setback for a manufactured home from a private street, parking, or other common area shall be fifteen (15) feet.
  7. Minimum setback between two (2) manufactured homes shall be fifteen (15) feet; except that private accessory storage structures located on an individual manufactured home lot need not maintain a separation from the manufactured home that occupies the same lot.
  8. Parking areas may be located within common parking areas or on individual manufactured home lots, provided that the parking required for each manufactured home is located within two hundred (200) feet of each lot.
  9. Each manufactured home park lot shall have access to public utilities, and it shall have vehicular access to/from either a public right-of-way or private drive.

(Ord. No. 2013-3521 , Pt. 1(Exh. D), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. C), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. C), 7-28-2016)

Sec. 5.2. Residential Dimensional Standards.

**A. Residential Dimensional Standards Table**

The following table establishes dimensional standards that shall be applied within the Residential Zoning Districts, unless otherwise identified in this UDO.

[Click here to access a PDF version of the Residential Zoning Districts table.](#)

| Residential Zoning Districts                      |                 |           |              |           |                   |                          |              |                          |      |         |           |                                         |
|---------------------------------------------------|-----------------|-----------|--------------|-----------|-------------------|--------------------------|--------------|--------------------------|------|---------|-----------|-----------------------------------------|
|                                                   | R               | WE        | E(N)(P)      | WRS       | RS(J)             | GS(J)(P)                 | T            | D                        | MHP  | MF      | MU        | Accessories                             |
| <b>Non-Clustered Residential Zoning Districts</b> |                 |           |              |           |                   |                          |              |                          |      |         |           |                                         |
| Min. Average Lot Area per Dwelling Unit (DU)      | 3 acres Average | 2 acres   | 1 Acre       | 20,000 SF | 10,000 SF Average | 5,000 SF                 | 2,000 SF     | 3,500 SF                 | >(L) | None    | None      | Refer to Section 6.5, Accessory Uses(L) |
| Absolute Min. Lot Area per Dwelling Unit (DU)     | 2 Acres         | 2 acres   | 1 Acre       | 20,000 SF | 6,500 SF          | 5,000 SF                 | 2,000 SF     | 3,500 SF                 |      | None    | None      |                                         |
| Min. Lot Width                                    | None            | 100 (M)   | 100'(M)      | 70'       | 70'               | 50'                      | None         | 35'/DU(E)                |      | None    | None      |                                         |
| Min. Lot Depth                                    | None            | None      | None         | None      | None              | 100'                     | None         | 100'                     |      | None    | None      |                                         |
| Min. Front Setback (H)                            | 50'             | 30'       | 30'          | 25'       | 25'               | 25'(D)                   | 25'(D)       | 25'(D)                   |      | 15'     | None      |                                         |
| Max. Front Setback                                | N/A             | N/A       | N/A          | N/A       | N/A               | N/A                      | N/A          | N/A                      |      | N/A     | 15'(O)    |                                         |
| Min. Side Setback                                 | 20'             | 10'       | 10'          | 7.5' (Q)  | 7.5' (Q)          | 7.5' (Q)                 | (A)          | 7.5'(C)                  |      | (A) (B) | None      |                                         |
| Min. Side Street Setback                          | 15'             | 15'       | 15'          | 15'       | 15'               | 15'                      | 15'          | 15'                      |      | 15'     | None      |                                         |
| Max. Side Street Setback                          | N/A             | N/A       | N/A          | N/A       | N/A               | N/A                      | N/A          | N/A                      |      | N/A     | 15'(O)    |                                         |
| Min. Side Setback between Structures(B)           | N/A             | 15'       | 15'          | 15'       | 15'               | 15'                      | 7.5'         | 15'                      |      | 7.5'    | None      |                                         |
| Min. Rear Setback (L)                             | 50'             | 20'       | 20'          | 20'       | 20'               | 20'                      | 20'          | 20'(F)                   |      | 20'     | 20'       |                                         |
| Max. Impervious Cover(R)                          | 30%             | 30%       | 30%          | 40%       | 50%               | 55%                      | 75%          | 65%                      |      | (S)     | (S)       |                                         |
| Max. Height                                       | 35'(G)(K)(L)    | 35'(G)(K) | 35'(G)(K)(L) | 35'(G)(K) | 35'(G)(K)(L)      | 2.5 Stories/35'(G)(K)(L) | 35'(G)(K)(L) | 2.5 Stories/35'(G)(K)(L) |      | (G) (L) | (G) (L)   |                                         |
| Minimum Number of Stories                         | N/A             | N/A       | N/A          | N/A       | N/A               | N/A                      | N/A          | N/A                      |      | N/A     | 2 Stories |                                         |
| Max. Dwelling                                     | 0.33            | 0.5       | 1.0          | 2.0       | 4.00              | 8.0                      | 14.0         | 12.0                     | 10.0 | 30.0    | N/A       | N/A                                     |

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|-----------------------------------------------------------|-----|-------------------------------------------------------------------------------|-------------------------|---------------|------------------------|-------------------------------------|-----|-----|-----|-----|-----|-----|
| Units/Acre<br>(Subdivision<br>Gross)                      |     |                                                                               |                         |               |                        |                                     |     |     |     |     |     |     |
| Min.<br>Dwelling<br>Units/Acre                            | N/A | N/A                                                                           | N/A                     | N/A           | N/A                    | N/A                                 | N/A | N/A | N/A | 12  | N/A |     |
| <b>Clustered Residential Zoning Districts</b>             |     |                                                                               |                         |               |                        |                                     |     |     |     |     |     |     |
| Min.<br>Average Lot<br>Area per<br>Dwelling<br>Unit (DU)  | N/A | 1<br>Acre                                                                     | 20,000<br>SF<br>Average | 8,000<br>SF   | 8,000<br>SF<br>Average | 3,750<br>SF (P)                     | N/A | N/A | N/A | N/A | N/A | N/A |
| Absolute<br>Min. Lot<br>Area per<br>Dwelling<br>Unit (DU) |     | 1<br>Acre                                                                     | 10,000<br>SF            | 8,000<br>SF   | 6,500<br>SF            | 3,750<br>SF                         |     |     |     |     |     |     |
| Min. Lot<br>Width                                         |     | 100'<br>(M)                                                                   | 100'(M)                 | None          | None                   | None                                |     |     |     |     |     |     |
| Min. Lot<br>Depth                                         |     | None                                                                          | None                    | None          | None                   | None                                |     |     |     |     |     |     |
| Min. Front<br>Setback (H)                                 |     | Refer to Section 8.3.H.4, Cluster Development,<br>Specific District Standards |                         |               |                        |                                     |     |     |     |     |     |     |
| Min. Side<br>Setback                                      |     |                                                                               |                         |               |                        |                                     |     |     |     |     |     |     |
| Min. Street<br>Side Setback                               |     |                                                                               |                         |               |                        |                                     |     |     |     |     |     |     |
| Min. Side<br>Setback<br>between<br>Structures(B)          |     |                                                                               |                         |               |                        |                                     |     |     |     |     |     |     |
| Min. Rear<br>Setback (L)                                  |     |                                                                               |                         |               |                        |                                     |     |     |     |     |     |     |
| Max.<br>Impervious<br>Cover(R)                            |     | 30%                                                                           | 30%                     | 40%           | 50%                    | 55%                                 |     |     |     |     |     |     |
| Max. Height                                               |     | 35'(G)<br>(K)                                                                 | 35'(G)<br>(K)           | 35'(G)<br>(K) | 35'(G)<br>(K)          | 2.5<br>Stories/<br>35'(G)<br>(K)(L) |     |     |     |     |     |     |
| Max.<br>Dwelling<br>Units/Acre<br>(Subdivision<br>Gross)  |     | 0.5                                                                           | 1.0                     | 2.0           | 4.00                   | 8.0                                 |     |     |     |     |     |     |

**Notes:**

- (A) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.

- 
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within fifteen (15) feet of another primary structure. See Article 8, Subdivision Design and Improvements, for more information.
  - (D) Minimum front setback may be reduced to fifteen (15) feet when approved rear access is provided, or when side yard or rear yard parking is provided.
  - (E) The minimum lot width for a duplex dwelling may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
  - (F) Minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
  - (G) Shall abide by Section 7.2 H., Height.
  - (H) Reference Section 7.2 D.1.e for lots created by plat prior to July 15, 1970 and designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
  - (I) Reference Section 7.2 D.1.b for lots with approved rear access.
  - (J) For areas within a Single-Family Overlay District, reference the Neighborhood Prevailing Standards Overlay Districts Section in Article 5 or the Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.
  - (K) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.
  - (L) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.
  - (M) In subdivisions built to rural street standards, lots shall be a minimum of one hundred (100) feet in width. There is no minimum lot width in cluster subdivisions built to urban street standards.
  - (N) Estate lots that are part of a subdivision existing on or before September 12, 2013 are not permitted to use Cluster Development Standards without rezoning approval, which incorporates the entire subdivision.
  - (O) For MU zoned properties, maximum side street and front setbacks may be measured from the edge of a public easement when it is in excess of the maximum setback. Maximum setbacks may be increased to up to eighty-five (85) feet to accommodate a parking lot between the structure and the street. Maximum setback requirements may be fulfilled through the use of plazas, outdoor dining, and bicycle parking.
  - (P) Reference Section 8.3 H.4.e when using the cluster option in the Wellborn Community Plan area.
  - (Q) Minimum side setback may be reduced to five (5) feet where property on both sides of a lot line is owned and/or developed simultaneously by a single party. Development under reduced side setbacks requires prior approval by the Zoning Official, and must be established by plat. In no case shall a single-family residence be built within fifteen (15) feet of another primary structure. When reduced side setbacks are approved, sills, belt courses, cornices, buttresses, chimneys, flues, eaves, and other architectural features are prohibited from extending into the required side yard setback
  - (R) Maximum impervious cover is to be defined by the applicable zoning district designation unless otherwise mitigated by an on-site or regional drainage facility and associated drainage study as approved by the City Engineer or his/her designee.



Work being performed by the homeowner and/or resident that does not require a building permit, that is less than 120 square feet, and that does not cause the lot to exceed the applicable maximum impervious cover, does not require an Impervious Coverage Permit.

- (S) Maximum impervious cover for MF and MU zoning districts shall be determined by an engineered drainage analysis performed in conjunction with the BCS Unified Stormwater Design Guidelines and as approved by the City Engineer or his/her designee.

#### **B. Middle Housing Product Types and Dimensional Standards Table**

The following table establishes dimensional standards that shall be applied within the MH Middle Housing Zoning District, unless otherwise identified in this UDO.

| <b>Middle Housing Product Types and Dimensional Standards</b> |                         |                         |                                             |                             |                                |                                |                      |                               |                                |
|---------------------------------------------------------------|-------------------------|-------------------------|---------------------------------------------|-----------------------------|--------------------------------|--------------------------------|----------------------|-------------------------------|--------------------------------|
| <b><u>Housing type</u></b>                                    | <b><u>Live-Work</u></b> | <b><u>Townhouse</u></b> | <b><u>Reduced Setback Single-Family</u></b> | <b><u>Single-Family</u></b> | <b><u>Courtyard Houses</u></b> | <b><u>Split-Lot Duplex</u></b> | <b><u>Duplex</u></b> | <b><u>Small Multiplex</u></b> | <b><u>Medium Multiplex</u></b> |
| <b><u>Min. Lot Area per Dwelling Unit (DU)</u></b>            | <u>2,250 sq ft</u>      | <u>2,250 sq ft</u>      | <u>2,250 sq ft</u>                          | <u>3,200 sq ft</u>          | <u>4,000 sq ft</u>             | <u>2,250 sq ft</u>             | <u>2,250 sq ft</u>   | <u>1,500 sq ft</u>            | <u>800 sq ft</u>               |
| <b><u>Min. Lot Width</u></b>                                  | <u>25'</u>              | <u>25'</u>              | <u>25'</u>                                  | <u>40'</u>                  | <u>40'</u>                     | <u>25'</u>                     | <u>50'</u>           | <u>60' (A)</u>                | <u>80'</u>                     |
| <b><u>Min. Lot Depth</u></b>                                  | <u>90'</u>              | <u>90'</u>              | <u>90'</u>                                  | <u>80'</u>                  | <u>80'</u>                     | <u>90'</u>                     | <u>90'</u>           | <u>100'</u>                   | <u>100'</u>                    |
| <b><u>Max. Number of Attached Units</u></b>                   | <u>N/A</u>              | <u>6</u>                | <u>N/A</u>                                  | <u>N/A</u>                  | <u>N/A</u>                     | <u>2</u>                       | <u>2</u>             | <u>4</u>                      | <u>12</u>                      |
| <b><u>Min. Front Setback</u></b>                              | <u>15' (B)</u>          | <u>15' (B)</u>          | <u>15' (B)</u>                              | <u>15' (B)</u>              | <u>5'</u>                      | <u>15' (B)</u>                 | <u>15' (B)</u>       | <u>15' (B)</u>                | <u>15' (B)</u>                 |
| <b><u>Max. Front Setback</u></b>                              | <u>25'</u>              | <u>25'</u>              | <u>25'</u>                                  | <u>25'</u>                  | <u>15'</u>                     | <u>25'</u>                     | <u>25'</u>           | <u>25'</u>                    | <u>25'</u>                     |
| <b><u>Min. Side Setback</u></b>                               | <u>5'</u>               | <u>5'</u>               | <u>5' (C)</u>                               | <u>5'</u>                   | <u>5'</u>                      | <u>5'</u>                      | <u>5'</u>            | <u>10'</u>                    | <u>10'</u>                     |
| <b><u>Min. Side Street Setback</u></b>                        | <u>5'</u>               | <u>5'</u>               | <u>5'</u>                                   | <u>5'</u>                   | <u>15' (B)</u>                 | <u>5'</u>                      | <u>5'</u>            | <u>5'</u>                     | <u>5'</u>                      |
| <b><u>Min. Setback between Structures</u></b>                 | <u>10'</u>              | <u>10'</u>              | <u>10'</u>                                  | <u>10'</u>                  | <u>10'</u>                     | <u>10'</u>                     | <u>10'</u>           | <u>10'</u>                    | <u>20'</u>                     |
| <b><u>Min. Rear Setback (D) (E)</u></b>                       | <u>40'</u>              | <u>40'</u>              | <u>40'</u>                                  | <u>40'</u>                  | <u>20'</u>                     | <u>40'</u>                     | <u>40'</u>           | <u>40'</u>                    | <u>40'</u>                     |
| <b><u>Max. Impervious Cover</u></b>                           | <u>55% (G)</u>          | <u>55% (G)</u>          | <u>55% (G)</u>                              | <u>55% (G)</u>              | <u>55% (G)</u>                 | <u>55% (G)</u>                 | <u>55% (G)</u>       | <u>(F)</u>                    | <u>(F)</u>                     |
| <b><u>Max. Height (H) (I) (J)</u></b>                         | <u>35'</u>              | <u>35'</u>              | <u>35'</u>                                  | <u>35'</u>                  | <u>35'</u>                     | <u>35'</u>                     | <u>35'</u>           | <u>35'</u>                    | <u>35'</u>                     |
| <b><u>Min. Number of Stories</u></b>                          | <u>2</u>                | <u>N/A</u>              | <u>N/A</u>                                  | <u>N/A</u>                  | <u>N/A</u>                     | <u>N/A</u>                     | <u>N/A</u>           | <u>N/A</u>                    | <u>2</u>                       |

|                                                     |                       |                       |                       |                            |             |             |             |             |             |
|-----------------------------------------------------|-----------------------|-----------------------|-----------------------|----------------------------|-------------|-------------|-------------|-------------|-------------|
| <u>Max. Dwelling Units/Acre (Subdivision Gross)</u> | <u>16</u>             | <u>16</u>             | <u>16</u>             | <u>12</u>                  | <u>16</u>   | <u>20</u>   | <u>20</u>   | <u>24</u>   | <u>24</u>   |
| <u>Parking</u>                                      | <u>Front/Rear (K)</u> | <u>Front/Rear (K)</u> | <u>Front/Rear (K)</u> | <u>Front/Rear/Side (K)</u> | <u>Rear</u> | <u>Rear</u> | <u>Rear</u> | <u>Rear</u> | <u>Rear</u> |

- (A) For Small Multiplex products, lot width may be reduced to 30 feet if building is two stories or taller.
- (B) The Administrator may decrease the minimum setback less than 15 feet, but not less than 5 feet, with an Administrative Adjustment if there are no utility or right-of-way constraints.
- (C) For Zero Lot Line development, follow section 8.3.H.3.
- (D) The rear setback shall be increased by the width of the required landscaping buffer when abutting Suburban Residential, Estate Residential, or Rural uses, as depicted in the Comprehensive Plan Future Land Use and Character Map.
- (E) The rear setback can be reduced to 20 feet if abutting an alley or if front or side parking is provided.
- (F) Maximum impervious cover shall be determined by an engineered drainage analysis performed in conjunction with the BCS Unified Stormwater Design Guidelines and approved by the City Engineer or their designee.
- (G) Additional impervious cover may be allowed as determined by an engineered drainage analysis performed in conjunction with the BCS Unified Stormwater Design Guidelines and approved by the City Engineer or their designee.
- (H) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in this district.
- (I) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (J) Shall abide by Section 7.2 H., Height
- (K) Front parking shall be allowed only when three or fewer parking spaces are required on the lot.

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### Sec. 6.3. Types of Use.

- A. Uses of land or structures which are not expressly listed in the Use Table as permitted uses (P), permitted uses subject to specific use standards (P\*), or conditional uses (C) in a zoning district or planned development are prohibited uses and shall not be established in that district or planned development.
- B. The Administrator shall determine whether or not an unlisted use, that is otherwise prohibited, as stated above should be processed. In doing so, the Administrator shall utilize purpose statements adopted herein in conjunction with the applicable zoning district, and consideration of the following criteria:
  - 1. The actual or anticipated characteristics of the activity in relationship to known characteristics of similar projects in standard planning practice;
  - 2. The relative amount of site area, floor space, and equipment;
  - 3. Relative volumes of sales from each activity;
  - 4. The customer type for each activity;
  - 5. The relative number of employees in each activity;
  - 6. Hours of operation;
  - 7. Building and site arrangement;
  - 8. Vehicles used with the activity and the relative number of vehicle trips generated by the use; and
  - 9. How the use advertises itself.

- C. **Use Table.**

Except where otherwise specifically provided herein, regulations governing the use of land and structures with the various zoning districts and classifications of planned developments are hereby established as shown in the following Use Table.

- 1. **Permitted Uses.**

- A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

- 2. **Permitted Uses Subject to Specific Standards.**

- A "P\*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.4, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

- 3. **Conditional Uses.**

- A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 6.4, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

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| USE TABLE                                                                                                                                                                                                                                                                                    | Residential Districts |    |    |     |    |    |     |     |       |      |      |       |         | Non-Residential Districts |    |    |    |    |    |     |    | Retired Districts |      |       |       |       |     | Design Districts |       |       |                |        |        |   |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----|----|-----|----|----|-----|-----|-------|------|------|-------|---------|---------------------------|----|----|----|----|----|-----|----|-------------------|------|-------|-------|-------|-----|------------------|-------|-------|----------------|--------|--------|---|--|--|--|
| Specific Uses                                                                                                                                                                                                                                                                                | R                     | WE | E  | WRS | RS | GS | T** | D** | MH*** | MF** | MU** | MHP** | P-MUD** | O                         | SC | WC | GC | CI | BP | BPI | CU | NAP               | R-1B | R-4** | R-6** | C-3** | M-1 | M-2              | R&D** | WPC** | NG-1**         | NG-2** | NG-3** |   |  |  |  |
| <b>KEY: P = Permitted by Right; P* = Permitted Subject to Specific Use Standards</b><br><b>C = Conditional Use; ** = District with Supplemental Standards (refer to Article 5)</b><br><b>***Commercial, Office, and Retail Uses in MH Middle Housing are allowed in Live-Work Units only</b> |                       |    |    |     |    |    |     |     |       |      |      |       |         |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |
| RESIDENTIAL                                                                                                                                                                                                                                                                                  |                       |    |    |     |    |    |     |     |       |      |      |       |         |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |
| Assisted Living/Residential Care Facility                                                                                                                                                                                                                                                    |                       |    |    |     |    |    |     |     |       |      |      |       |         | P                         | P  |    | P  |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |
| Boarding and Rooming House                                                                                                                                                                                                                                                                   |                       |    |    |     |    |    |     |     |       | P    |      |       | P       |                           |    |    |    |    |    |     |    |                   |      | P     | P     |       |     |                  |       |       |                |        |        | P |  |  |  |
| Extended Care Facility/Convalescent/Nursing Home                                                                                                                                                                                                                                             |                       |    |    |     |    |    |     |     |       | P    |      |       | P       |                           | P  |    | P  | P  |    |     |    |                   |      | P     | P     |       |     |                  |       |       | P              |        |        |   |  |  |  |
| Courtyard Houses                                                                                                                                                                                                                                                                             |                       |    |    |     |    |    |     |     | P     |      |      |       |         |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |
| Dormitory                                                                                                                                                                                                                                                                                    |                       |    |    |     |    |    |     |     |       | P    | P    |       | P       |                           |    |    |    |    |    |     |    |                   |      | P     | P     |       |     |                  |       |       |                | P      | P      | P |  |  |  |
| Duplex                                                                                                                                                                                                                                                                                       |                       |    |    |     |    |    |     | P   | P     |      |      |       | P       |                           |    |    |    |    |    |     |    |                   |      | P     | P     |       |     |                  |       |       |                |        |        |   |  |  |  |
| Extended Care Facility/Convalescent/Nursing Home                                                                                                                                                                                                                                             |                       |    |    |     |    |    |     |     |       | P    |      |       | P       |                           | P  |    | P  | P  |    |     |    |                   |      | P     | P     |       |     |                  |       |       | P              |        |        |   |  |  |  |
| Fraternity/Sorority                                                                                                                                                                                                                                                                          |                       |    |    |     |    |    |     |     |       | P    |      |       |         |                           |    |    |    |    |    |     |    |                   |      | P     | P     |       |     |                  |       |       |                | P      | P      | P |  |  |  |
| Manufactured Home                                                                                                                                                                                                                                                                            | P*                    |    | P* |     |    |    |     |     |       |      |      | P*    |         |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |
| Mixed-Use Structure                                                                                                                                                                                                                                                                          |                       |    |    |     |    |    |     |     |       | P    | P    |       | P       |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       | P              | P      | P      | P |  |  |  |
| Multi-Family                                                                                                                                                                                                                                                                                 |                       |    |    |     |    |    |     |     |       | P    | P    |       | P       |                           |    |    |    |    |    |     |    |                   |      | P     | P     |       |     |                  |       |       | C <sub>1</sub> | P      | P      | P |  |  |  |
| Multi-Family built prior to January 2002                                                                                                                                                                                                                                                     |                       |    |    |     |    |    |     |     |       | P    | P    |       |         |                           |    |    |    |    |    |     |    |                   |      | P     | P     |       |     |                  |       |       | P              | P      | P      | P |  |  |  |
| Multiplex, Medium                                                                                                                                                                                                                                                                            |                       |    |    |     |    |    |     |     | P     | P    |      |       |         |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |
| Multiplex, Small                                                                                                                                                                                                                                                                             |                       |    |    |     |    |    |     |     | P     | P    |      |       |         |                           |    |    |    |    |    |     |    |                   |      |       |       |       |     |                  |       |       |                |        |        |   |  |  |  |

|                                              |   |   |   |   |   |   |   |          |                                  |   |   |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
|----------------------------------------------|---|---|---|---|---|---|---|----------|----------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|--|--|---|---|---|---|---|---|---|---|---|---|
| Shared Housing                               |   |   |   |   |   |   |   |          |                                  | P | P |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   | P | P | P |   |
| Single-Family Detached                       | P | P | P | P | P | P | P | P        | <u>P</u>                         |   |   |   | P |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| Single-Unit Dwelling                         |   |   |   |   |   |   |   |          |                                  | P |   |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| <u>Split-Lot Duplexes</u>                    |   |   |   |   |   |   |   | <u>P</u> | <u>P</u>                         |   |   |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| Townhouse                                    |   |   |   |   |   |   | P |          | <u>P</u>                         | P |   |   | P |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   | P |   |
| Two-Unit Dwelling                            |   |   |   |   |   |   |   |          |                                  | P |   |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| Live-Work Unit                               |   |   |   |   |   |   |   |          | <u>P</u><br><u>*</u><br><u>-</u> |   |   |   |   |   | P | * |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| PUBLIC, CIVIC AND INSTITUTIONAL              |   |   |   |   |   |   |   |          |                                  |   |   |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| Educational Facility, College and University |   |   |   |   |   |   |   |          |                                  |   |   |   |   |   |   |   |   |   |   |   | P |  |  |   |   |   |   |   |   |   |   |   |   |
| Educational Facility, Indoor Instruction     |   |   |   |   |   |   |   |          | <u>P</u>                         | P | P |   | P | P | P | P | P | P |   |   |   |  |  |   |   |   |   |   |   | P | P | P |   |
| Educational Facility, Outdoor Instruction    | P | C | C |   |   |   |   |          |                                  |   |   |   | P |   |   |   | P | P | P |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| Educational Facility, Primary and Secondary  | P | P | P | P | P | P | P | P        | <u>P</u>                         | P | P | P | P | P | P | P | P | P | P | P | P |  |  | P | P | P | P | P | P | P | P | P |   |
| Educational Facility, Tutoring               |   |   |   |   |   |   |   |          | <u>P</u>                         | P | P |   | P | P | P | P | P | P |   |   |   |  |  |   |   |   |   |   |   |   | P | P |   |
| Educational Facility, Vocational/Trade       |   |   |   |   |   |   |   |          |                                  |   |   |   | P | P |   |   | P | P | P | P |   |  |  |   |   |   |   |   | P | P |   |   |   |
| Governmental Facilities                      | P | P | P | P | P | P | P | P        | <u>P</u><br><u>*</u><br><u>-</u> | P | P | P | P | P | P | P | P | P | P | P | P |  |  | P | * | P | * | P | * | P | P | P | * |
| Health Care, Hospitals                       |   |   |   |   |   |   |   |          |                                  |   |   |   |   |   |   |   |   | P | P |   |   |  |  |   |   |   |   |   |   |   |   |   |   |
| Health Care, Medical Clinics                 |   |   |   |   |   |   |   |          |                                  |   | P | P |   |   | P | P | P | P | P |   |   |  |  |   |   |   |   |   |   |   | P | P |   |
| Parks                                        | P | P | P | P | P | P | P | P        | <u>P</u>                         | P | P | P | P | P | P | P | P | P | P | P | P |  |  | P | P | P | P | P | P | P | P | P |   |
| Places of Worship                            | P | P | P | P | P | P | P | P        | <u>P</u><br><u>*</u><br><u>-</u> | P | P | P | P | P | P | P | P | P | P | P | P |  |  | P | * | P | * | P | * | P | P | P | P |
| COMMERCIAL, OFFICE AND RETAIL                |   |   |   |   |   |   |   |          |                                  |   |   |   |   |   |   |   |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |

[illegible]



|                                             |                |     |     |     |     |     |     |     |  |                |                |     |                |     |   |     |                |     |     |     |     |     |     |     |     |     |     |     |                |                |                |     |     |     |   |
|---------------------------------------------|----------------|-----|-----|-----|-----|-----|-----|-----|--|----------------|----------------|-----|----------------|-----|---|-----|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------------|----------------|----------------|-----|-----|-----|---|
| Health Club/Sports Facility, Indoor         |                |     |     |     |     |     |     |     |  | P              | P              |     | P              |     | P | P   | P              | P   |     |     |     |     |     |     |     |     |     | P   |                |                |                | P   | P   | P   | P |
| Health Club/Sports Facility, Outdoor        |                |     |     |     |     |     |     |     |  | P              | P *            |     | P              |     |   |     | P              | P   |     |     |     |     |     |     |     |     |     |     |                | P              | P *            | P   |     |     |   |
| Hotels                                      | C <sub>2</sub> |     |     |     |     |     |     |     |  | P              | P              |     | P              |     | P |     | P              |     |     |     |     |     |     |     |     |     |     |     | P              | P              | P              |     |     |     |   |
| Mobile Food Court                           |                |     |     |     |     |     |     |     |  | C <sub>4</sub> | C <sub>4</sub> |     | C <sub>4</sub> |     |   |     | C <sub>4</sub> |     |     |     |     |     |     |     |     |     |     |     | C <sub>4</sub> | C <sub>4</sub> | C <sub>4</sub> |     |     |     |   |
| Night Club, Bar or Tavern                   |                |     |     |     |     |     |     |     |  | C              | C              |     | C              |     |   |     | C              |     |     |     |     |     |     |     |     |     |     |     | C              | P              | P              |     |     |     |   |
| Offices                                     |                |     |     |     |     |     |     |     |  | <u>P</u>       | P              | P   |                | P   | P | P   | P              | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P              | P              | P              | P   | P   |     |   |
| Parking as a Primary Use                    |                |     |     |     |     |     |     |     |  |                |                | P   |                | C   |   |     | P              | P   |     |     |     |     |     |     |     |     |     |     | P              |                |                | P * |     |     |   |
| Personal Service Shop                       |                |     |     |     |     |     |     |     |  | <u>P</u>       | P              | P   |                | P   | P | P   | P              | P   |     |     |     |     |     |     |     |     | P   |     |                | P              | P              | P   | P   |     |   |
| Printing/Copy Shop                          |                |     |     |     |     |     |     |     |  |                | P              | P   |                | P   | P | P   | P              | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   |     | P              |                |                | P   | P   | P   |   |
| Radio/TV Station/Studios                    |                |     |     |     |     |     |     |     |  |                | P              | P   |                | P   | P |     | P              | P   | P   | P   |     |     |     |     |     |     |     | P   | P              | P              |                |     | P * |     |   |
| Recreational Vehicle (RV) Park              | C <sub>3</sub> |     |     |     |     |     |     |     |  |                |                |     |                |     |   |     | C <sub>3</sub> |     |     |     |     |     |     |     |     |     |     |     |                |                |                |     |     |     |   |
| Restaurants                                 |                |     |     |     |     |     |     |     |  |                | P              | P   |                | P   |   | P * | P *            | P   |     |     |     |     |     |     |     |     |     | P * |                |                | P              | P   | P   | P * |   |
| Retail Sales - Single Tenant over 50,000 SF |                |     |     |     |     |     |     |     |  |                |                | P   |                |     |   |     | P              |     |     |     |     |     |     |     |     |     |     |     |                |                |                | P   |     |     |   |
| Retail Sales and Service                    |                |     |     |     |     |     |     |     |  | <u>P</u>       | P              | P   |                | P   |   | P * | P *            | P * | P * |     |     |     |     |     |     |     | P   |     |                |                | P              | P   | P   | P   |   |
| Retail Sales and Service - Alcohol          |                |     |     |     |     |     |     |     |  |                |                | C   |                | P   |   |     |                | P * | P * |     |     |     |     |     |     |     | P   |     |                |                | C              | P   | P   |     |   |
| Sexually Oriented Business (SOB)            | P *            | P * | P * | P * | P * | P * | P * | P * |  | P *            | P *            | P * | P *            | P * |   |     | P *            | P * | P * | P * | P * | P * | P * | P * | P * | P * | P * | P * | P *            | P *            | P *            | P * | P * |     |   |
| Shooting Range, Indoor                      |                |     |     |     |     |     |     |     |  |                |                |     | P              |     |   |     | P              | P   |     | P   |     |     |     |     |     |     |     |     |                | P              |                |     |     |     |   |
| Theater                                     |                |     |     |     |     |     |     |     |  | P              | P              |     | P              |     |   |     | P              |     |     |     |     |     |     |     |     |     |     |     |                | P              | P              | P   | P   |     |   |
| Retail Sales, Manufactured Homes            |                |     |     |     |     |     |     |     |  |                |                |     |                |     |   |     |                |     | P   |     |     |     |     |     |     |     |     |     |                |                | P *            |     |     |     |   |

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| Wireless Telecommunica-<br>tion Facilities-Major       | C |   |   |   |   |   |   |   |   |          | P<br>* |   |   |   | C |   |   | C | C | C | P |  |  | C |   |   |   |   | C | C | P<br>* | C |  |   |   |   |
| Wireless Telecommunica-<br>tion Facilities-Unregulated | P | P | P | P | P | P | P | P | P | <u>P</u> | P      | P | P | P | P | P | P | P | P | P | P |  |  | P | P | P | P | P | P | P | P      |   |  | P | P | P |

\*\* District with Supplemental Standards (Refer to Article 5).

<sup>1</sup> Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

<sup>2</sup> Hotels only allowed when accessory to a Country Club development and are limited to a maximum of fifteen (15) rooms.

<sup>3</sup> Refer to Section 6.4.Z "Recreational Vehicles Park Standards (RV Parks)" for Specific Use Standards.

<sup>4</sup> Refer to Section 6.4. AC "Mobile Food Courts" for Specific Use Standards.

Per Ordinance No. 3243 (April 22, 2010) Per Ordinance No. 3271 (August 26, 2010) Per Ordinance No. 3280 (September 9, 2010) Per Ordinance No. 2011-3312 (January 27, 2011)

(Ord. No. 2012-3449 , Pt. 1(Exh. G), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. D), 9-27-2012; Ord. No. 2013-3510 , Pt. 1(Exh. A), 7-25-2013; Ord. No. 2013-3521 , Pt. 1(Exh. H), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. G), 12-18-2014; Ord. No. 2015-3655 , Pt. 1(Exh. A), 4-23-2015; Ord. No. 2015-3708 , Pt. 1(Exh. B), 10-8-2015; Ord. No. 2016-3792 , Pt. 1(Exh. D), 7-28-2016; Ord. No. 2017-3931 , Pt. 1(Exh. A), 9-11-2017; Ord. No. 2018-3999 , Pt. 1(Exh. C), 4-12-2018)



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## Sec. 6.4. Specific Use Standards.

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 6.3, Types of Use, with a "P\*." A site plan review, as required by Section 3.6, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 7.7, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

### A. Animal Care Facilities.

Any animal care facilities with defined outdoor uses and/or facilities shall be located a minimum of five hundred (500) feet from existing or developing residential areas; and facilities with outdoor facilities for large animals shall be permitted in R Rural, only.

### B. Car Wash.

Vacuums shall be located a minimum of one hundred (100) feet from any adjacent residential use.

### C. Commercial Amusements.

All outdoor activity must be located a minimum of three hundred (300) feet from an existing residential use.

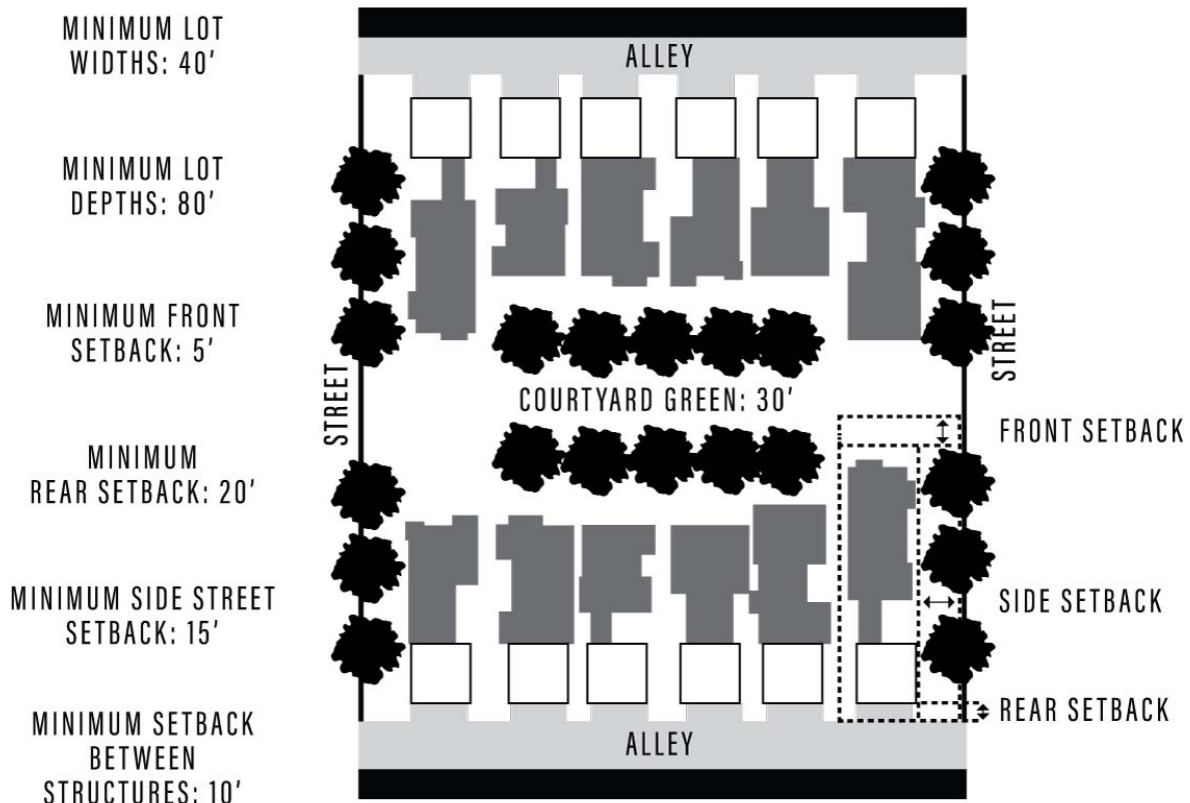
### D. Commercial Garden/Greenhouse/Landscape Maintenance.

1. Outdoor storage and display of unpackaged or bulk materials, including but not limited to topsoil, manure, and aggregate materials, shall be screened and located at least fifty (50) feet from all property lines and not closer than one hundred fifty (150) feet from an existing residential use.
2. No processes and business activities associated with Commercial Gardens may be conducted outside of buildings except in BP Business Park.

### E. Courtyard House.

Courtyard House developments are also subject to the following requirements:

1. A Courtyard House development shall not have more than 12 units around one courtyard.
2. The width of the courtyard green, independent of the individual lots, shall be no less than 30 feet. The courtyard shall include a walkway of at least five feet in width providing a direct path of pedestrian access to each residential lot along the courtyard. The design of the courtyard should be open and welcoming to the street, with any fencing and landscaping no higher than 36 inches along the courtyard.
3. All courtyard houses must be served by rear or side alleys, with at least one side of the development having frontage to a public street as shown in the diagram below:



**FF. Drive-in/Thru Window.**

1. In all Northgate Zoning Districts, all site designs and elevations for drive-in/thru windows shall be reviewed by the Design Review Board as part of the site plan review process. All outside activities and appurtenances related to drive-in/thru service shall be located wholly underneath a habitable structure, screened from view from the University Drive right-of-way, and designed to be sensitive to the pedestrian environment.
2. In SC Suburban Commercial, drive-in/thru windows and message boards may not be located on the side of the building adjacent to single-family land use and zoning.
3. In SC Suburban Commercial, restaurants with a drive-in/thru window must be located a minimum of 150 feet from any single-family use or zoning district. Additionally, associated drive-in and drive-thru facilities (speaker box, message board, and pick-up window) may not be located between the restaurant and any single-family use or zoning district; except when the single-family use or zoning district is located across a public street.

**FG. Dry Cleaners/Laundry.**

All activity must be wholly contained within a building not to exceed three thousand (3,000) square feet in size.

**GH. Fuel Sales.**

1. Any vehicle repair uses must comply with Section 6.4.P, Vehicular Sales, Rental, Repair and Service.
2. All activities except those associated with fuel pumping must be conducted within an enclosed building.
3. Ice and vending machines must be enclosed in a building.
4. No signage, in addition to the signage allowed in Section 7.5, Signs, may be allowed within view of the right-of-way.
5. No outside storage or display of vehicles for any purpose.
6. A Drive-Thru car wash designed to accommodate one (1) vehicle shall be permitted as an accessory use.
7. In C-3, Light Commercial fuels sales shall be limited to facilities designed to accommodate a maximum of four (4) vehicles obtaining fuel simultaneously.
8. Minimum setback requirements shall be as follows:

|            | Front   | Side    | Rear    | Side Street |
|------------|---------|---------|---------|-------------|
| Fuel pumps | 50 feet | 25 feet | 25 feet | 25 feet     |
| Canopies   | 40 feet | 15 feet | 15 feet | 15 feet     |

9. Storage tanks must be located below grade.
10. In WC Wellborn Commercial, Fuel Sales will be considered a permitted land use on properties with existing Fuel Sales as of April 14, 2011.

#### **HJ. Golf Course or Driving Range.**

1. All driving ranges shall be a minimum of ten (10) acres and have a minimum field size of two hundred seventy-five (275) yards.
2. Driving ranges are classified as commercial enterprises and must comply with Section 7.7, Buffer Requirements.
3. For driving ranges, all balls must remain on the property through proper orientation of the tee boxes, adequate buffering or screening, and barrier nets.
4. No building, structure, or outdoor activity of a driving range shall be located within one hundred (100) feet of residentially-zoned property.
5. All ground-level lighting of a driving range's landing area shall be directed away from adjacent properties and screening shall be provided with plantings, berms, or other means to limit nuisances associated with lighting and resulting glare.

#### **JJ. Government Facilities and Utilities.**

Activities not wholly contained within a building shall not be located within one hundred (100) feet of a single-family residential use unless buffered by a twenty-five-foot buffer yard and a six-foot privacy fence, in accordance with Section 7.7, Buffer Requirements.

#### **JK. Health Club/Sports Facility (Outdoor).**

In Mixed-Use and all Northgate Zoning Districts, outdoor health clubs/sports facilities shall only be allowed on roof tops.

#### **LK. Manufactured Homes.**



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1. The placement of an individual manufactured home where permitted or the replacement of an existing manufactured home shall be subject to obtaining a Location Permit issued by the Building Official and Administrator. The application for such a permit shall be accompanied by a location plan including the following information:
    - a. Location plan showing the dimension of the site, required setback lines, the placement of the manufactured home, the designated parking, and any existing structures on the same or adjoining lots;
    - b. A signed and dated application, requesting permission to locate the structure on the lot; and
    - c. A legal description of the location of the property within the City.
  2. All manufactured homes shall be skirted with brick, vinyl, or other solid skirting materials within four (4) months of occupancy of the lot.
  3. All trailer hitches and other devices designed to aid in the transport of the manufactured homes must be removed within four (4) months of occupancy of the lot.

**ML. Mobile Home.**

A mobile home, after the effective date of this UDO, may not be located within the corporate limits of College Station for residential dwelling. A mobile home legally located within the corporate limits of College Station may continue to be used as a residential dwelling, but shall not be relocated or enlarged. A mobile home may be replaced by a manufactured home.

**MN. Parking as a Primary Use.**

In all Northgate Zoning Districts, parking as a primary use shall be permitted when all of the parking is located within a multi-level garage.

**NO. Radio/TV Station/Studios.**

In all Northgate Zoning Districts, outdoor transmission facilities shall be completely screened from view from any right-of-way.

**PO. Recycling Facilities.**

1. Any facility located within five hundred (500) feet of property zoned or developed for residential use shall not be in operation between 7:00 p.m. and 7:00 a.m.
2. Light processing, including compacting, baling, and shredding, must be directly related to efficient temporary storage and shipment of materials. No facility as described in this subsection shall abut property zoned or developed for single-family residential use.
3. A minimum of six (6) parking spaces shall be provided, plus one (1) space per employee and for each vehicle of the facility.
4. Each container shall be clearly marked to specify materials that are accepted. The name and telephone number of the operator and the hours of operations shall be conspicuously displayed. All sign regulations of the district in which the facility is located shall apply.
5. Each facility shall be screened from the public right-of-way by operating in an enclosed building with no outside storage or by operating within an area enclosed by an opaque fence at least eight (8) feet in height.

**PQ. Retail Sales/Manufactured Homes.**

Manufactured homes undergoing repair and remaining on site in excess of forty-eight (48) hours shall be screened from public view in an enclosed area.

**QR. Restaurant.**

1. In C-3 Light Commercial, and Wellborn Commercial, drive-ins and drive-thrus are prohibited.
2. In SC Suburban Commercial restaurants with a drive-ins/thru must be located a minimum of 150 feet from any single-family use or zoning district. Drive-in and drive-thru facilities (speaker box, message board, and pick-up window) may not be located between the building and any single-family use or zoning district, except when the single-family use or zoning district is located across a public street.
3. In C-3 Light Commercial, the maximum size shall be two thousand five hundred (2,500) square feet.
4. In WC Wellborn Commercial, restaurants (including waiting and outdoor dining areas) may not exceed eight thousand (8,000) square feet and are permitted at the following maximum sizes based on adjacent thoroughfare and access:
  - a. Freeway/Expressway and Four- or Six-Lane Major Arterial: Eight thousand (8,000) square feet;
  - b. Four-Lane Minor Arterial and Four-Lane Major Collector: Seven thousand (7,000) square feet; or
  - c. Two-Lane Major Collector and smaller: Five thousand (5,000) square feet.
5. In SC Suburban Commercial and WC Wellborn Commercial, restaurants shall not locate outdoor seating or playgrounds between the structure and a single-family land use and zoning.

**RS. Sales and Service (Retail and Wholesale).**

The following Sales Matrix shall be used to determine the most appropriate zoning district for sales and service uses.

|                                |                       |                           |
|--------------------------------|-----------------------|---------------------------|
| Retail.....SALES.....Wholesale | GC General Commercial | CI Commercial -Industrial |
|                                | GC General Commercial | CI Commercial-Industrial  |
| Minor .....STORAGE.....Major   |                       |                           |

1. Storage is allowed in GC General Commercial, if the square feet of storage is less than fifty (50) percent of the total gross building area, exclusive of office areas.
2. Storage is allowed in WC Wellborn Commercial, if the square feet of storage is less than fifty (50) percent of total gross building area.
3. Sales are allowed in CI Commercial Industrial if the square feet of sales is less than fifty (50) percent of the total gross building area, exclusive of office area.

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4. Each sales use in a shopping center must meet the storage square-foot criteria above to be permitted in that zoning district.
  5. In SC Suburban Commercial, Gross Floor Area of a single structure shall not exceed fifteen thousand (15,000) square feet.
  6. In WC Wellborn Commercial, Gross Floor Area of a single structure shall not exceed ten thousand (10,000) square feet.

**ST. Salvage Yard.**

1. Salvage or junkyards shall be visually screened on front, rear, and all sides by means of a solid eight-foot high wooden privacy fence.
2. Material that is not salvageable shall not be permitted to accumulate. In no case shall material that is not salvageable be buried or used as fill.
3. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half (1½) cubic feet or more, from which the door has not been removed.

**TU. Sexually-Oriented Business.**

**1. General.**

These requirements apply to all sexually-oriented businesses as defined in this UDO.

A business is not exempt from regulation under this UDO because it holds a license or permit under the Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages or because it contains one (1) or more coin-operated machines that are subject to regulation or taxation, or both under State law.

Regulations contained within this UDO pertaining to sexually-oriented businesses are based on evidence concerning the adverse secondary effects of adult uses on the communities presented in findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986) and in studies set out below:

- a. Detroit, Michigan;
- b. Amarillo, Texas
- c. Los Angeles, California;
- d. Indianapolis, Indiana;
- e. Phoenix, Arizona;
- f. St. Paul, Minnesota;
- g. Beaumont, Texas
- h. Seattle, Washington;
- i. Austin, Texas.

**2. Permitted Locations.**

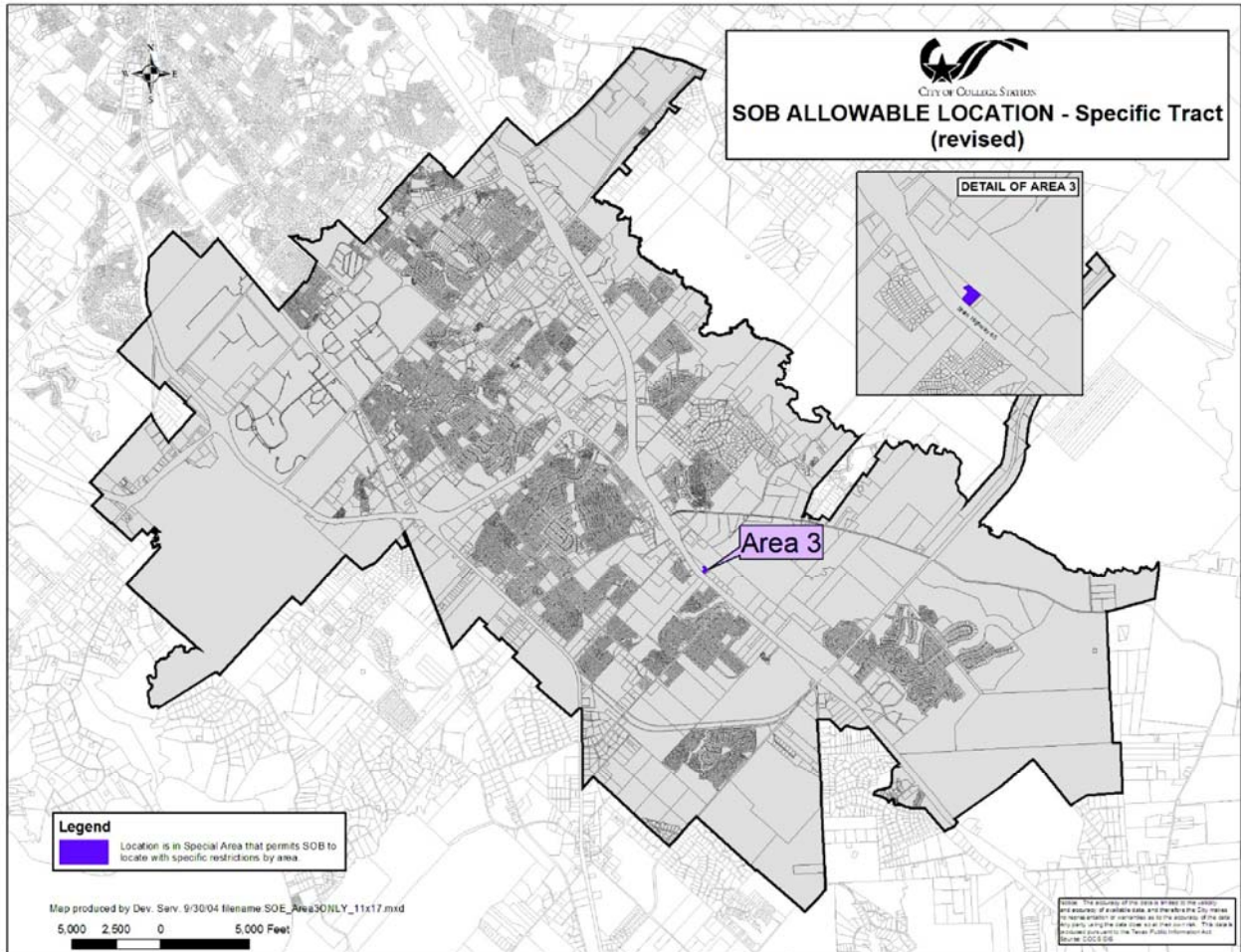
A sexually-oriented business is a permitted use at the following location only and is subject to the specific standards located in this Section and is subject to other applicable regulations of this UDO.

Area 3: State Highway 6 Commercial Tract



All that certain tract or parcel of land lying and being situated in the R. Stevenson Survey, Abstract No. 54, Tract 61, being all of that 2.116 acre tract conveyed to the Blue Dolphin Club, Inc. by deed recorded in volume 2079, page 133 in the Official Records of Brazos County, Texas.

**Map of the Potential Location:**



**3. Single Adult Use Per Location.**

There shall only be one (1) sexually-oriented business permitted per area.

**4. Measurement.**

**a. Stock in Trade.**

Stock in trade shall be the number of items in stock in the sales and display area at the time of a site inspection. The number of sexually-oriented items shall be calculated as a percentage of total items.

**b. Sales and Display Area.**

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1. The sales and display area shall be the entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually-oriented materials shall be calculated as a percentage of total sales and display area.
  2. Where sexually-oriented materials are physically separated from other materials by an eight-foot wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.
  3. Where floor area includes a mixture of sexually-oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include one-half (½) of the area of any aisles adjacent to the display or sales of sexually-oriented materials.

5. **Specific Standards.**

a. **Adult Cabaret or Adult Retail Store.**

Any performance area shall be elevated at least twenty-four (24) inches above the level of the patron seating areas and shall be separated by a distance of at least six (6) feet from all areas of the premises to which patrons have access. A continuous railing at least three (3) feet in height, securely attached to the floor, and located at least six (6) feet from all points of the live performance area shall separate performance areas and patron areas.

b. **Adult Arcade, Adult Movie Theater.**

1. All aisles shall have theater runway and aisle lighting which illuminates the entire floor surface of the aisle at a level of not less than 0.2 foot-candles.
2. All theater viewing areas, projection rooms, and viewing booths or rooms shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination so that any patron may be observed from a manager's or employee's station.
3. The interior of an adult arcade, and/or adult viewing booth or room, shall be configured in such a way that there is an unobstructed view from a manager's or employee's station of every interior area of the adult arcade and/or viewing booth or room.
4. All ventilation devices in or between adult viewing booths, viewing stations and rooms must be covered by a permanently affixed ventilation cover or grill. Ventilation holes, portals or airways may only be located one (1) foot from the top of the station, room or booth walls or one (1) foot from the bottom of the station, room or booth walls. There may not be any other holes or openings in the station, room or booth walls or between stations, rooms or booths.

c. **Limited Adult Retail Store.**

The store shall separate all sexually-oriented material from other sales and display areas using an opaque wall at least eight (8) feet in height. Such an area shall incorporate a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter.

6. **Lighting.**

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Any sexually-oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access so that any patron may be observed from a manager's or employee's station.

7. **Amortization.**

A sexually-oriented business in operation prior to the effective date of this UDO which does not conform to the regulations listed above shall be considered to be nonconforming. The nonconforming sexually-oriented business shall be permitted to continue for one (1) year after the effective date of this ordinance unless voluntarily discontinued for a period of thirty (30) days or more. One (1) year after the effective date of this UDO the nonconforming sexually-oriented business shall be illegal and shall terminate, except as provided herein.

a. **Additional Time for Amortization.**

In the event an owner of a nonconforming sexually-oriented business is unable to recoup his investment in his sexually-oriented business by the date for the termination of such uses, the owner may request additional time by making application with the Administrator no later than the date for termination of the use.

b. **Application for Additional Time.**

The owner shall file, with his request for additional time, all data he wishes considered in support of the request. The owner shall also supply all materials requested by the Administrator, City Attorney, or City Council to determine if the investment has been recouped.

c. **Determination by the City Council.**

Upon application by the owner, the City Council may, at its discretion, allow additional time to amortize the investment in a sexually-oriented business if it makes the following findings:

1. The owner has made every effort to recoup his investment in the sexually-oriented business;
2. The owner will be unable to recoup his investment in a sexually-oriented business by the end of the amortization period; and
3. That all applicable provisions of this UDO will be observed.

If the City Council grants additional time, the grant shall be for a period not to exceed one (1) year.

d. **Exemption from Amortization Requirements.**

Any owner of a sexually-oriented business wishing to claim an exemption from the amortization requirements of this UDO may apply for an exemption. The City must receive such application no less than sixty (60) days prior to the expiration of the amortization period.

The City Council may grant an exemption if it makes the following findings:

1. That the location of the sexually-oriented business will not have a detrimental effect on nearby properties or be contrary to the public health, safety or welfare;
2. That the granting of the exemption will not violate the spirit and intent of this UDO;



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3. That the location of the sexually-oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
  4. That the location of the sexually-oriented business will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
  5. That all other applicable provisions of this UDO will be observed.

If an exemption is granted, such exemption shall be valid for a period of one (1) year from the date of the City Council action. Upon expiration of an exemption, a sexually-oriented business shall be in violation of this UDO, shall be illegal, and shall terminate, unless the owner receives another exemption. Additional applications for exemptions shall be submitted at least sixty (60) days prior to the expiration of the exemption period.

The granting of an exemption does not alleviate the owner of a sexually-oriented business from adhering to all other applicable provisions of this UDO.

#### **UV. Storage (Self-Service).**

1. Accessory uses are prohibited.
2. In SC Suburban Commercial, Self-Service Storage and outdoor storage must be located a minimum of 150 feet from any single-family uses or zoning district; except when the single-family use or district is located across a public street. Additionally, the 150-foot separation is not applicable when only interior access (climate-controlled storage) is provided, subject to other provisions of this UDO.
3. In WC Wellborn Commercial, Self-Service Storage will be considered a permitted land use on properties with existing Self-Service Storage as of April 14, 2011.

#### **VW. Utilities.**

Activities not wholly contained within a building that abuts single-family residential uses shall construct a twenty-foot buffer yard with a six-foot privacy fence, in accordance with Section 7.7, Buffer Requirements.

#### **WX. Vehicular Sales, Rental, Repair and Service.**

1. Vehicles undergoing repair, painting, or body work which will remain on site in excess of forty-eight (48) hours shall be screened from public view or stored indoors.
2. Inoperable vehicles shall not be allowed to remain on site for more than thirty (30) days.
3. All parts, including automobile body parts, shall be stored within an area which is completely screened from public view.

#### **XY. Wireless Telecommunication Facility (WTF).**

##### **1. Purpose.**

The purpose of this section is to establish regulations pertaining to wireless telecommunications facilities (WTF) that are consistent with federal and state law. The City Council of the City of College Station finds that:

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- a. It is in the public interest to promote competition in high quality telecommunications services and the availability of broadband transmission services to all residences and businesses;
  - b. It is in the public interest for the City to protect the public safety and welfare, safeguard community land values, promote orderly planning and development and preserve historic sites, structures and areas. Wireless telecommunications facilities should not be allowed to detract aesthetically from the visual quality of surrounding properties or the City; and
  - c. The proliferation of wireless telecommunications facilities negatively impacts the appearance, character, and property values of the community. Therefore the City should endeavor to minimize the size, number and obtrusiveness of antennas and towers. Collocation and stealth technologies are strongly encouraged to mitigate negative visual impacts and reduce the total number of towers within the City.

2. **WTF Categories.**

In order to expedite the siting and review process, WTFs have been divided into use categories. The review process is more thorough as the intensity of the use increases.

a. **Unregulated Facilities.**

The WTFs listed below are not regulated by this ordinance and do not require review or approval. This does not exempt these facilities from other applicable city codes, ordinances, and permits.

- 1. Over-the-air reception devices exempted from local ordinances by the Federal Communications Commission (FCC).
- 2. Parabolic antenna less than two (2) meters in diameter.
- 3. Omni-directional antenna (whip antenna) six (6) inches or less in diameter and not extending more than twelve (12) feet above support structure.
- 4. Directional antenna one (1) meter or less measured across the longest dimension and not extending over twelve (12) feet above support structure.
- 5. Public safety tower or antenna.

b. **Intermediate Facilities.**

- 1. New transmission tower less than thirty-five (35) feet (ten and one-half (10.5) meters) in height.
- 2. New transmission tower that does not extend more than thirty-five (35) feet (ten and one-half (10.5) meters) in height above a support structure and that meets the definition of a stealth facility.
- 3. Parabolic antenna over two (2) meters in diameter.
- 4. Omni-directional antenna (whip antenna greater than six (6) inches in diameter and/or extending twelve (12) feet above the support structure.
- 5. Directional antenna more than one (1) meter measured across the longest dimension and extending over twelve (12) feet above support structure.
- 6. Attached WTFs.
- 7. Antenna collocating on an existing tower.

c. **Major Facilities.**

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New transmission tower greater than thirty-five (35) feet (ten and one-half (10.5) meters) in height.

**3. Permitted Locations.**

- a. All Intermediate WTFs are permitted by right in the following zoning districts:

R Rural  
M-1 Light Industrial  
M-2 Heavy Industrial  
GC General Commercial  
CI Commercial Industrial  
C-3 Light Commercial  
NG Northgate  
City-owned premises  
O Office  
R&D Research & Development  
WPC Wolf Pen Creek  
PDD Planned Development District (except PDD-H)  
BP Business Park  
BPI Business Park Industrial.

- b. Major WTFs are allowed in the following zoning districts with a Conditional Use Permit:

R Rural  
M-1 Light Industrial  
M-2 Heavy Industrial  
BP Business Park  
BPI Business Park Industrial  
GC General Commercial  
CI Commercial Industrial  
C-3 Light Commercial  
O Office  
R&D Research & Development  
City-owned premises.

- c. WTFs may locate on City-owned premises without a conditional use permit with approval of the City Council and subject to the requirements of this UDO.

**4. Requirements for Attached WTFs.**

- a. WTFs may attach to the exterior of any non-residential building within any zoning district provided the antenna and antenna support structure or equipment are mounted flush with the vertical exterior of the building or project no more than twenty-four (24) inches from the surface of the building to which it is attached and does not raise the height of the building more than ten (10) feet and does not violate the maximum height restriction of that zoning district.
- b. Any antenna meeting the stealth antenna definition of this ordinance and locating on an alternative mounting structure may attach to the exterior of any non-residential building within any zoning district with approval of the Administrator.
- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical



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to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. **Application Procedures.**

1. An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
2. A site plan drawn to scale clearly indicating the location, height, and design of the proposed facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
3. A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east, and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
4. Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
5. All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

5. **Requirements for Collocation.**

- a. Intermediate facilities shall not exceed thirty-five (35) feet.
- b. If the existing tower has been determined to be stealth, the antenna must be integrated into the tower design as to retain the stealth designation. The Administrator will determine if the antenna is stealth.
- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive as possible.

d. **Application Procedures.**

1. If not completely locating within an existing, fenced mechanical area, a site plan drawn to scale is required, clearly indicating the location, height, and design of

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the existing facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscape areas.

2. Plans for the antenna shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
3. All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

**6. Requirements for New Transmission Towers.**

**a. Setbacks.**

The standard setbacks for each zoning district will apply to WTFs with additional setbacks or separation being required in the sections below. To protect citizens in their homes, transmission towers shall be placed a distance equal to the height of the tower away from any residential structure. And, non-stealth towers shall be set back a distance equal to the height of the tower away from any GS, R-1B, or D zone boundary.

**b. Proximity to Major Thoroughfares.**

To preserve and protect the appearance of the City's major thoroughfares and entrances to the City, additional setbacks are placed on WTFs proposed to be placed near these areas. The setback for these areas is determined by measuring from the centerline of the right-of-way of the thoroughfare. Applicable thoroughfares include freeways and expressways, major arterials and minor arterials, as shown on the Thoroughfare Plan.

1. Intermediate WTFs must be one hundred fifty (150) feet from applicable thoroughfares.
2. Major WTFs must setback from applicable thoroughfares by the height of the tower x three (3).

**c. Separation Between Towers.**

In order to prevent tower proliferation and protect the City's natural beauty and skyline, the number of transmission towers per square mile has been limited. New transmission towers must be placed a minimum distance from existing towers as described here:

1. New transmission towers thirty-five (35) feet or less in height shall be separated from existing towers by a minimum distance of one thousand five hundred (1,500) feet.
2. New transmission towers more than thirty-five (35) feet and less than seventy-five (75) feet in height shall be separated from existing towers by a minimum distance of two thousand five hundred (2,500) feet.
3. New transmission towers seventy-five (75) feet or more in height shall be separated from existing towers by a minimum distance of three thousand five hundred (3,500) feet.

**d. Height Limitations.**

1. Intermediate WTFs are subject to the normal height restrictions for each zoning district where permitted by right. In any zoning district where a tower is a

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conditional use, the requested height may be reduced through the review of the visual impact analysis.

2. In no case shall a proposed transmission tower exceed one hundred fifty (150) feet within the city limits, except where a height variance is granted by the Zoning Board of Adjustments to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating a tower or antenna exceeding such height on a proposed site within the city limits.

e. **Stealth Towers.**

Any tower determined to meet the Stealth Tower definition of this ordinance by the approving authority may be located in any zoning district with a Conditional Use Permit. Approved Stealth Towers do not have to meet the tower separation or thoroughfare setback requirements of this section.

f. **Landscaping, Screening, and Aesthetic Standards.**

The following requirements shall govern any transmission tower or any parabolic antenna larger than two (2) meters.

1. Landscaping: Refer to Section 7.6, Landscaping and Tree Protection. Plant materials and/or fencing that effectively screen the WTF site from view of the public right-of-way will be required.
2. New transmission towers shall maintain a flat (not shiny, reflective, or glossy) finish or be painted in accordance with any applicable standards of the FAA (unfinished galvanized steel is not acceptable).
3. WTFs shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties.
4. Towers may not be used to exhibit any signage or other advertising.

g. **Application Procedures.**

An application for administrative approval or a Conditional Use Permit for a WTF shall include the following items (in addition to the site plan and other information required for a standard CUP application):

1. An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.



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2. Site plan drawn to scale clearly indicating the location, height, and design of the proposed tower, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
  3. The linear separation distance from other transmission towers within a one-mile radius of the proposed tower site. The linear separation distance from all residentially-zoned properties, residential structures and applicable thoroughfares as outlined in Section 6.4.X.6.b, Proximity to Major Thoroughfares, within five hundred (500) feet of the proposed tower.
  4. A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
  5. Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
  6. All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.
  7. Grid plan (propagation map) of the service area for existing and future structures for a period of not less than two (2) years. The submission should include a map showing the "search ring" that was required for siting the proposed facility.
  8. No new tower shall be built, constructed, or erected in the City unless the tower is capable of supporting additional wireless telecommunication facilities. The applicant must submit a letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow additional service providers to locate on the new tower.
  9. No new communications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving authority that no existing tower, building, structure, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology that can accommodate the applicant's proposed antenna. The Administrator or approving authority may request information necessary to demonstrate that reasonable alternatives do not exist. The applicant must submit:
    - a. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including City-owned property.
    - b. A sworn affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility

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on existing towers or antenna support structures located within one-half (½) mile radius of the proposed tower site. The affidavit shall spell out the efforts taken by the applicant.

- c. A description of the design plan proposed by the applicant to the City. The applicant must demonstrate the need for towers and why technological design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

#### **7. Conditional Use Permits.**

Major WTFs must apply for a conditional use permit (CUP) as outlined in Section 6.4.X.3, Permit table Locations, under the procedures set forth in Section 3.16, Conditional Use Permit. In addition to the standard guidelines, the following additional factors shall be considered by the Planning and Zoning Commission when determining whether to grant a CUP for WTFs:

- a. Height of the proposed tower, surrounding topography and surrounding tree coverage and foliage as they relate to:
  1. Skyline impact, examining whether the proportions of the structure appears to dominate or blend in with the surrounding environment.
  2. Shadow impact, whether or not the proposed tower will cast shadows that would prevent the reasonable use or enjoyment of surrounding properties.
- b. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- c. Proximity of the tower to residential structures and residential district boundaries.
- d. Economic impact on adjacent and nearby properties.
- e. Proposed ingress and egress.
- f. Availability of suitable alternatives and/or existing support structures.
- g. All the information submitted as part of the site plan.

#### **8. Abandonment.**

Any WTF that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove same within sixty (60) days of receipt of notice from the City notifying owner of such abandonment. If such facility is not removed within said sixty (60) days, the City may remove such facility at the property owner's expense. If there are two (2) or more users of a single WTF, then this provision shall not become effective until all users cease operations on the tower.

#### **YZ. Places of Worship.**

1. Where the parking lot abuts residential development, a ten-foot buffer yard with buffer plantings and a minimum six-foot privacy fence is required pursuant to Section 7.7, Buffer Requirements.
2. When outdoor accessory uses including, but not limited to, playgrounds, recreational areas, and special event areas abut residential uses, a minimum fifteen-foot buffer yard with buffer plantings and a six-foot privacy fence is required pursuant to Section 7.7, Buffer Requirements.

#### **ZAA. Recreational Vehicle Park Standards (RV Parks).**

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1. RV Parks shall allow for the temporary occupancy of vehicles that are built on a single chassis that are designed to be self-propelled or permanently towable by a light duty truck and are primarily for use as temporary living quarters for recreational, travel, or seasonal use.
  2. RV Parks shall be considered a non-residential use and shall meet the buffer requirements as found in Article 7 as a commercial use, regardless of zoning.
  3. No person shall operate an RV Park unless they hold valid permits and licenses as required by the State of Texas and the Brazos County Health Department.
  4. Development of any RV Park shall comply with the general site plan requirements of Article 3, Site Plan Review, and shall meet the following supplemental criteria:
    - a. The minimum area of an RV Park shall be ten (10) acres and shall consist of two (2) or more recreational vehicle pad sites that are intended for temporary occupancy by recreational vehicles for the purposes of recreation or vacation.
    - b. All RV Parks shall have direct access to a public road and shall include sufficient entrances and exits to facilitate the safe movement of recreational vehicles in and out of the site. Internal drives shall have a minimum paved width of twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic. All internal drives shall be built to City pavement standards and shall be privately maintained.
    - c. All RV Parks shall designate specific pad site locations for recreational vehicles.
      1. Each pad site location shall have a minimum area of one thousand five hundred (1,500) square feet with provisions for wastewater disposal, public water hook-up and electrical supply.
      2. All pad sites shall be sequentially numbered. Reflective site numbers shall be a minimum of four (4) inches in height and placed on a separate post on the site. A map of the site layout with site numbers shall be placed at the entrance to the park in such a manner as to be clearly visible to entrants.
    - d. Recreational vehicle pad sites shall be separated from each other by a minimum of ten (10) feet.
    - e. Recreational vehicle pad sites shall be separated from the recreation area in the park by a minimum of fifteen (15) feet.
    - f. All recreational vehicle pad sites shall be setback a minimum of fifty (50) feet from the right-of-way line of all adjacent public roads and any RV Park boundaries.
    - g. All recreational vehicle pad sites shall be setback a minimum of ten (10) feet from any internal drives in the park.
    - h. A minimum of two (2) parking spaces shall be provided per recreational vehicle pad site. One (1) space shall be located on the RV site, the remainder may be located in an approved parking area. Size and paving of all parking spaces shall conform to the requirements in Article 7 regarding Off-Street Parking Standards.
    - i. In all RV Parks, a recreation area shall be provided that shall be centrally located, free of traffic hazards, and easily accessible to all park residents. Recreation areas shall constitute a minimum of fifteen (15) percent of the gross RV Park site area and shall contain open space for recreational uses. Recreational areas shall also contain benches and landscaping. The area shall be adequately lighted to ensure safety of users.



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- j. RV Parks shall permit only seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in an RV Park for more than one hundred twenty (120) days in any twelve-month period.

Per Ordinance No. 3271 (August 26, 2010)

**AAAB. Micro-Industrial Uses.**

1. All production activities must be conducted within an enclosed building. No outside storage is allowed.
2. All Micro-Industrial uses are limited in size to no more than five thousand (5,000) gross square feet.
3. Accessory uses are permitted, provided that they are subordinate and incidental to the primary use.
4. In the CI Commercial-Industrial and BPI Business Park Industrial zoning districts an accessory restaurant, nightclub, bar or tavern is not permitted.

Per Ordinance No. 2011-3312 (January 27, 2011)

**ABAC. Live-Work Unit.**

1. The square footage of the Live-Work Unit may not be greater than as set forth in the City's adopted International Building Code (IBC), as same may from time to time be amended. Currently said maximum size is 3,000 square feet. Further, the non-residential use may not be more than fifty percent (50%) of each Live-Work Unit.
2. Each Live-Work Unit shall not contain more than one (1) dwelling unit. The residential unit must be attached to the non-residential use and may be accessible separately from the non-residential use.
3. In a two-story building, the residential unit must be located on the second floor.
4. If a residential garage is provided, it must be attached and not visible from the public right-of-way.

**ACAD. Mobile Food Court.**

Mobile food court shall mean a land use approved through a Conditional Use Permit (see Unified Development Ordinance) and developed in conformity with an approved site plan (see Unified Development Ordinance), where two or more mobile food vendors congregate to offer edible goods for sale to the public and amenities are provided for all vendors' customers.

**1. Mobile Food Court Categories.**

**a. Short-Term.**

- 1) A short-term food court is temporary in nature, intended to be an interim use on previously developed land where long-term utilization of the property or redevelopment is being investigated and/or pursued. A Conditional Use Permit for a short-term mobile food court may be granted for a period of up to two (2) years.
- 2) A short-term mobile food court may allow for:
  - a) The establishment of a site that provides for the gathering of two (2) to five (5) mobile food vendors.

- 
- b) The mobile food vendors within the mobile food court to remain on their pad sites overnight. Note: Mobile food vendors are required to leave the mobile food court at least once a year to retain mobile food vendor status.
  - c) Tables, chairs, and canopies for court customers.
  - d) Signage for the mobile food court, in accordance with the Signs section of this Unified Development Ordinance.
  - e) Small-scale entertainment and accessory uses for mobile food court customers, such as music (live acoustic or recorded) that is played or broadcast at a reasonable volume inside the court's property boundaries and small playground area as not to disturb other surrounding property owners.
- 3) A short-term mobile food court shall:
- a) Be located a minimum of 100 feet from a single family, duplex, or townhouse zoning district.
  - b) Have a site manager that will remain on property during the hours of operation.
  - c) Have all valid permits and licenses as required by the Brazos County Health Department.
  - d) Allow only mobile food vendors that hold valid permits and licenses as required by the City of College Station and the Brazos County Health Department to operate within the mobile food court.
  - e) At a minimum, not operate between the hours of 3 a.m. and 5 a.m.
  - f) Provide only portable or temporary improvements to a site. Long-term or permanent improvements to a site are not allowed.
  - g) Provide adequately maintained trash receptacles for customer use.
  - h) Comply with general site plan requirements described in the Site Plan Review section of Article 3, Development Review Procedures, the applicable requirements of Article 7 General Development Standards, and the specific use standards below.

**b. Long-Term.**

- 1) Long-term mobile food courts are intended to have more permanency than short-term mobile food courts and shall be held to the same development standards as restaurant developments, with the exceptions identified in the specific use standards below.
- 2) A long-term mobile food court may allow for:
  - a) The establishment of a site that provides for the gathering of two (2) or more mobile food vendors.
  - b) The mobile food vendors within the mobile food court to remain on their pad sites overnight. Note: Mobile food vendors are required to leave the mobile food court or move within the court at least once a year to retain mobile food vendor status.

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- c) Mobile food vendors to access potable water and sewage disposal facilities onsite. If these utilities are made available, they shall be located in a manner to necessitate the movement of each mobile food vendor to access the utilities.
  - d) Tables, chairs, and canopies or enclosed seating areas for court customers.
  - e) Signage for the mobile food court, in accordance with the Signs section of this Unified Development Ordinance.
  - f) Small-scale entertainment and accessory uses for mobile food court customers, such as music (live acoustic or recorded) that is played or broadcast at a reasonable volume inside the court's property boundaries and small playground area as not to disturb surrounding property owners.
  - g) Larger-scale entertainment and accessory uses for court customers, such as a volleyball court and bar, at a scale as not to disturb surrounding property owners.
  - h) Accessory structures.
  - i) Alcohol sales with approved permits and licenses from the Texas Alcoholic Beverage Commission.
- 3) A long-term mobile food court shall:
- a) Be located a minimum of 100 feet from a single family, duplex, or townhouse zoning district.
  - b) Have a site manager that will remain on property during the hours of operation.
  - c) Have all valid permits and licenses as required by the Brazos County Health Department.
  - d) Allow only mobile food vendors that hold valid permits and licenses as required by the City of College Station and the Brazos County Health Department to operate within the mobile food court.
  - e) At a minimum, not operate between the hours of 3 a.m. and 5 a.m.
  - f) Comply with general site plan requirements described in the Site Plan Review section of Article 3, Development Review Procedures, the applicable requirements of Article 7 General Development Standards, and the specific use standards below.
- c. Restroom and Hand Washing Facilities for Short-Term and Long-Term Mobile Food Courts.
- 1) Mobile food courts will provide at least two (2) handicapped accessible porta potties with one (1) mobile handwashing station for every ten (10) mobile food vendors.
  - 2) Mobile food courts that are within one hundred (100) feet of a public restroom facility may be exempted from the requirement for porta potties.
  - 3) Mobile food vendors shall comply with the Brazos County Health Department's requirements for hand washing facilities.

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2. **Specific Use Standards for Mobile Food Courts.**

The following shall apply to all short-term and long-term mobile food courts, unless otherwise noted:

- a. Mobile food courts shall designate pad site locations for mobile food vendors.
- b. Mobile food vendor pad sites and dining areas shall be setback a minimum of one hundred (100) feet from rights-of-way and public ways.
- c. All mobile food vendor pad sites shall be separated from other pad sites, dining areas, and structures by a minimum of ten (10) feet.
- d. Pad sites and dining areas shall not be located within fire lanes, easements, setbacks, buffers, or visibility triangles.
- e. All mobile food vendors located in a mobile food court shall be on an improved, permanent surface as described in the Off-Street Parking Standards of this Unified Development Ordinance.
- f. A minimum of two (2) Off-Street Parking spaces shall be provided per mobile food vendor pad site.
- g. A minimum of a twenty-foot (20') fire apparatus access route is required around a mobile food court.
- h. Mobile food vendors, portable restroom trailers, and other temporary structures shall not be subject to the Non-Residential Architectural Standards section of this UDO.
- i. Electrical connections shall be provided for all mobile food vendors on site. Use of generators shall not be allowed in a mobile food court.
- j. Short-term mobile food courts only.
  - 1) Short-term mobile food courts shall not impede vehicular circulation or block fire lanes or sanitation routes through the existing sites upon which they are located,
  - 2) Short-term mobile food courts shall not be subject to the requirements of the Landscaping and Tree Protection section of this Unified Development Ordinance.
  - 3) Short-term mobile food courts shall utilize existing solid waste collection sites on the properties on which they are located, and provide proof of permission to do so.

k. **Long-term mobile food courts only.**

If water and wastewater facilities are provided to mobile food vendors in a long-term mobile food court, the site shall be designed to require all mobile food vendors to remain mobile to access these amenities. Additional tanks or portable tanks for wastewater are prohibited.

(Ord. No. 2012-3449 , Pt. 1(Exh. G), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. D), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. I), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. H), 12-18-2014; Ord. No. 2015-3708 , Pt. 1(Exh. C), 10-8-2015; Ord. No. 2016-3792 , Pt. 1(Exh. D), 7-28-2016; Ord. No. 2018-3999 , Pt. 1(Exh. D), 4-12-2018)



## ***Article 7. General Development Standards***

The following general development standards shall apply to all zoning districts, except where expressly stated to apply to, or exclude, specific districts.

### **Sec. 7.1. Applicability.**

The following general development standards shall apply to all zoning districts, except where expressly stated to apply to, or exclude, specific districts. The provisions of this article shall not apply to property zoned BioCorridor Planned Development District.

(Ord. No. 2012-3449 , Pt. 1(Exh. J), 9-27-2012)

### **Sec. 7.2. General Provisions.**

#### **A. Health and Environmental Safeguards.**

No machine, process, or procedure shall be employed on any property in the City, in which:

1. Emission of smoke, dust, or noxious, toxic or lethal gases are detectable beyond the perimeter of the property;
2. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, contain oil or grease, wood, cellulose fibers, hair, feathers, or plastic, or have a pH factor greater than ten (10) or less than five (5);
3. Vibration is discernible beyond the property line; or
4. Noise above the ambient noise level is discernible beyond the property line.

#### **B. Minimum Requirements.**

1. No building plot shall have lower or less stringent standards or dimensions than those prescribed for respective zones in this UDO.
2. No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this UDO except as provided for in Article 9, Nonconformities.
3. In the absence of public water or public sewer, no building permit shall be issued until the lot meets all applicable requirements of this UDO and the Texas Department of Health and Environmental Control. A septic system that has been approved by the Brazos County Health Department may be permitted if an exception to sewer service has been granted under Section 11-2 of the City of College Station Code of Ordinances, as amended.
4. Utilities using land or an unoccupied building covering less than one thousand (1,000) square feet of site area shall be exempt from minimum lot area standards.

#### **C. Visibility at Intersections in all Districts.**

Within a departure sight triangle as defined by the latest edition of the American Association of State Highway & Transportation Officials' (AASHTO) "A Policy on Geometric Design of Highways and Streets", nothing shall be erected, placed, planted, or allowed to grow in such a manner that would obstruct the

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drivers' view at intersections. Sight triangles shall apply to street intersections, commercial driveways, and multifamily driveways. Obstacles prohibited include but are not limited to: fences, walls, entry signage, structures, buildings, hedges, etc. However, fences, walls, and/or hedges that do not impair vision from three (3) feet to nine (9) feet above the curb may be permitted with the approval of the City Engineer. Required public use facilities such as fire hydrants, traffic signage, utility structures, etc. are exempted.

**D. Required Yards (Setbacks).**

**1. Purpose and Intent.**

- a. Setbacks are measured from the property line;
- b. On lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley;
- c. No structure that is taller than eight (8) feet in height and that has a roof structure that completely or partially blocks the view to the sky shall be located within the required setback area unless specifically allowed herein;
- d. No part of a yard or other open space required in connection with any building, building plot, or use for the purpose of complying with this UDO, shall be included for any other building, building plot, or use as part of a yard or open space; and
- e. Where an existing lot was created by an approved plat prior to July 15, 1970 and the property is designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map a new (infill) single-family dwelling unit shall use the adjacent lots to determine the appropriate front yard setback. The new dwelling unit shall be set no closer to the street or farther back from the street than the nearest neighboring units. Areas zoned NPO, Neighborhood Prevailing Overlay District are exempt from this requirement. Setbacks for areas zoned NCO, Neighborhood Conservation Overlay are stated in the specific rezoning ordinance for the area.

**2. Reduction for Public Purpose.**

- a. When an existing setback is reduced because of a recent or pending conveyance to a federal, state, or local government for a public purpose and the remaining setback is at least fifty (50) percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this UDO.
- b. For the purposes of this subsection, such conveyance shall have occurred within one (1) year immediately proceeding submittal for site plan approval, or be anticipated to occur within one (1) year of site plan approval.

**3. Features Allowed Within Required Yards.**

The following features may be located within a required yard but may be subject to additional regulations applied herein:

- a. Trees, shrubbery, or other landscape features, excluding gazebos or other similar structures that require a building permit;
- b. Fences and walls;
- c. Driveways;
- d. Sidewalks;
- e. Utility lines, wires, and associated structures, such as power poles;
- f. Mechanical equipment such as air conditioning units, pool pumps, and similar equipment;

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- g. Uncovered Porches, uncovered steps to building entrances, and uncovered patio decks;
  - h. Covered Porches that are open on three (3) sides, may extend up to six (6) feet, including eaves, into any required front or side street setback;
  - i. Openwork fire balconies and fire escapes may extend up to six (6) feet into any required rear setback;
  - j. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves, and other architectural features may extend up to eighteen (18) inches into any required yard;
  - k. Balconies or decks located more than eight (8) feet from the ground may project up to six (6) feet into the required front yard;
  - l. Accessory structures that do not require building permits;
  - m. Bus stops that offer shelter from the elements. Such shelters may be located within a front or side street yard. Shelters may be located within a public right-of-way if a Private Improvement in Public right-of-way permit has been duly issued; and
  - n. Swimming pools and hot tubs without shelter.

**E. More Than One (1) Principal Structure on a Lot or Parcel.**

- 1. In any single-family, duplex, townhouse, or MH Middle Housing district, no more than one (1) structure housing a permitted principal use may be erected on a single lot or building plot.
- 2. In all other districts, more than one (1) structure housing a permitted principal use may be erected on a building plot. Yard and other requirements herein shall apply to the building plot.

**F. Fences/Walls.**

Fences of wood, chain-link, or similar material, and less than eight (8) feet in height, and walls of brick, stone, concrete, or similar material, and less than six (6) feet in height, shall not be construed to be structures, nor shall they require a building permit.

**G. Building Plot.**

- 1. Building plot refers to all of the land within an area defined by the Administrator that consists of one (1) or more platted lots for a single development. Such determination shall be made at the platting stage or at the time of site plan.
- 2. In the event that two (2) or more lots are under single ownership and the existing structure does not meet the required yard setback, both lots shall be construed as the building plot.
- 3. The Administrator shall determine the building plot using the following criteria:
  - a. Contiguous properties that consist of less than two (2) acres and have one (1) or fewer frontages on a street classified as a collector or higher on the current Thoroughfare Plan will be consolidated and defined as one (1) building plot for the purposes of signage;
  - b. Contiguous properties that develop according to a common plan or design for similar or compatible uses, which singularly or in phases, is treated as such for site plan review purposes including signage; or
  - c. Contiguous properties that as determined by the Administrator need to be consolidated for ease of access, reduction of the proliferation of signage along the public right-of-way, or other public health, safety, or general welfare reasons.

**H. Low-Density Residential Height Protection.**

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**1. Purpose.**

The purpose of low-density residential height protection is to help mitigate negative visual impacts of higher-density residential and non-residential uses on adjacent, low-density residential uses and districts. This is accomplished by regulating the height of such higher-density residential or any non-residential uses when adjacent to low-density residential uses and districts.

**2. Applicability.**

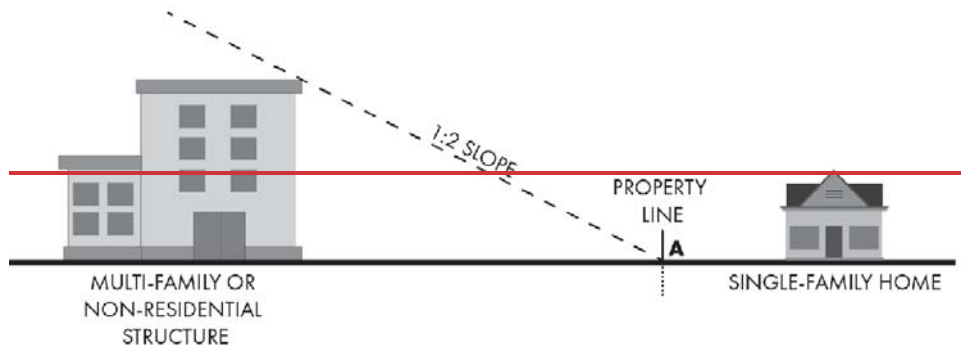
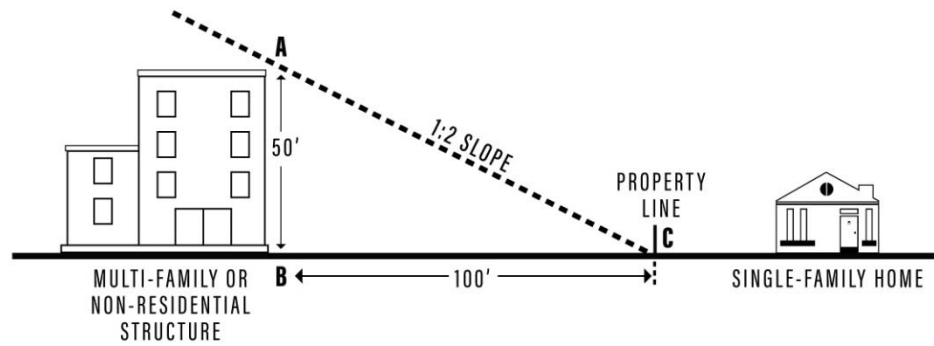
- a. This subsection shall apply to all multifamily structures, structures with Shared Housing uses, and nonresidential structures to be constructed or reconstructed in any way that would increase the building height as defined in Section 11.2 Defined Terms of this UDO, on property adjacent to a detached single-family, manufactured home park, or townhouse use or district.
- b. Unless otherwise stated in this UDO, the regulations herein shall not apply to any of the following:
  1. Structures located in NG, RDD, and P-MUD zoning districts;
  2. Utility structures such as elevated water storage tanks and electrical transmission lines;
  3. Individual architectural structures such as flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, bulkheads, elevators, or chimney flues; or any other similar structure extending above the roof of any building where such structure does not occupy more than thirty-three (33) percent of the surface area of the roof;
  4. Residential radio/television receiving antennas;
  5. When the detached single family, manufactured home park or townhome use on the adjacent tract is nonconforming;
  6. When the use on the adjacent tract is agricultural;~~or~~
  7. Developments designed to be mixed-use or that are within areas where it has been identified that redevelopment is appropriate, as shown on the Comprehensive Plan Future Land Use and Character Map ~~of the City's Comprehensive Plan~~. Such developments at the periphery of the mixed-use area or area identified as appropriate for redevelopment shall meet the terms of Low-Density Residential Height Protection, when applicable; or
  8. When the developing property and all abutting properties are designated Mixed Residential on the Comprehensive Plan Future Land Use and Character Map, regardless of existing use or zoning. Unless otherwise excepted, the regulations herein shall apply to properties at the periphery of the Mixed Residential land use designation.

**3. Slope Requirement.**

- a. Multi-family ~~and Multiplex~~ structures, structures with Shared Housing uses, and non-residential structures shall remain under an imaginary line formed by a 1:2 slope as illustrated by the inclined plane in the graphic below, where 'A' is located at the property line shared with a detached single-family, manufactured home park or townhouse use or district.

When the adjacent lot is one dedicated by plat for detention or open area and is not buildable for a detached single-family house, townhouse, or manufactured home or residential amenity, the measurement shall be taken from the closest property line shared with a buildable detached single-family, townhouse, or manufactured home lot.





- b. In addition to the height limitations set forth above in this subsection, the following additional height limitations apply in WC Wellborn Commercial zoning:
  1. No building may exceed two (2) stories;
  2. Maximum eave height shall be twenty-four (24) feet;
  3. Maximum overall height to peak of roof shall be thirty-five (35) feet;
  4. Any structure with an eave height over fifteen (15) feet will be constructed to resemble a two-story facade;
  5. Buildings located closest to detached single-family, manufactured home park or townhouse use or district and that are within fifty (50) feet of the property line are limited to one-story in height with an eave maximum of twelve (12) feet; and
  6. An eave maximum of fourteen (14) feet in height is permitted when mechanical equipment is housed within a mezzanine.

I. **Public Address Systems.**

Public Address Systems shall not be audible to an adjacent residential use.

J. **Bicycle Facilities.**

1. **Number Required.**

- a. For sites subject to the Non-Residential Architectural Standards of this UDO except for Mini-Warehouse/Self-Storage, Industrial and Manufacturing land uses, and property located in the Rural Zoning District. The number of bicycle parking spaces shall be as set forth in the chart below (Figure 1) and in any event no less than two (2) bicycle parking spaces must be provided.

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- b. Bicycle Parking Requirements: The number of bicycle parking spaces shall be based on the required automobile parking spaces and shall be provided in accordance with the following.

Fig. 1: Bicycle Parking Standard Chart

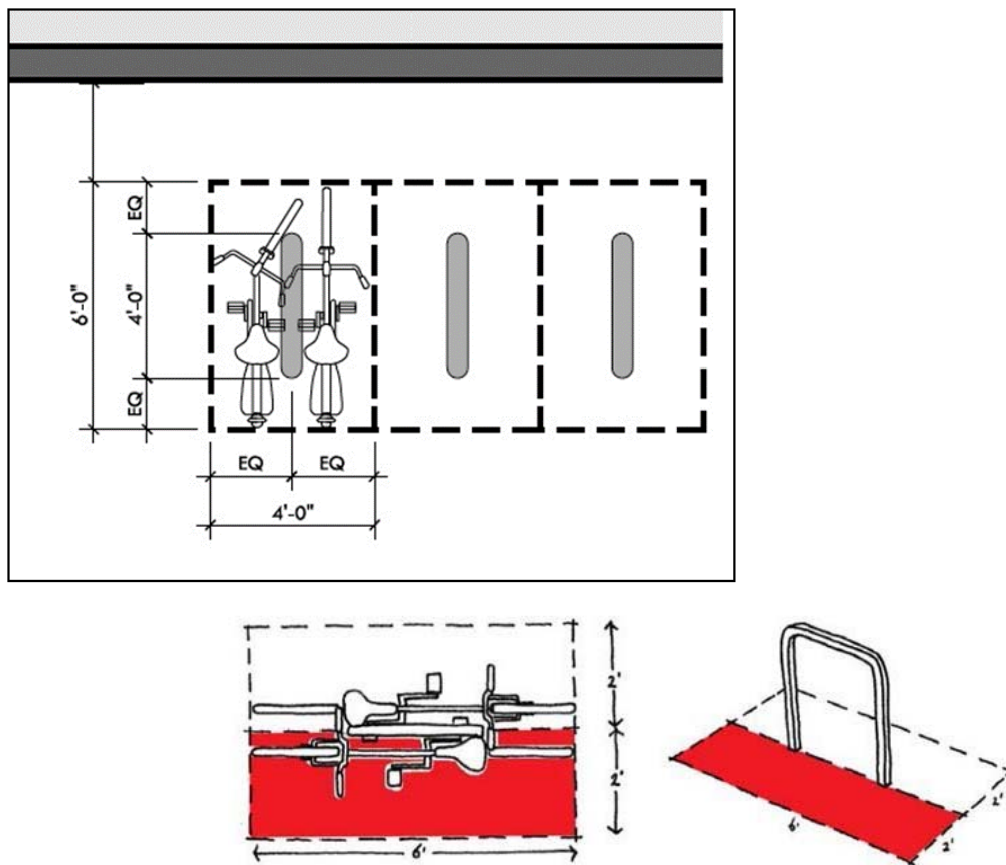
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| <b><u>Non-Residential</u></b> | <u>0-40 required auto spaces = 2 short-term bicycle parking spaces minimum</u><br><u>41-80 required auto spaces = 4 short-term bicycle parking spaces minimum</u><br><u>81-120 required auto spaces = 6 short-term bicycle parking spaces minimum</u><br><u>121+ required auto spaces = 8 short-term bicycle parking spaces minimum</u> |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- c. Notwithstanding the above, in multi-tenant buildings in excess of twenty thousand (20,000) gross square feet, one (1) or more facilities capable of storing eight (8) bicycles shall be provided at a minimum.
- d. In MU Mixed-Use districts, bicycle storage facilities shall be provided at a rate [of] one (1) bicycle for every 15,000 square feet of non-residential uses, and one (1) bicycle for every two (2) dwelling units.
- e. Refer to the Alternative Parking Plan Section for the potential to substitute additional bicycle facilities for vehicular parking.
2. **Placement and Design.**
- a. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be sufficiently separated from building or other walls, landscaping, or other features to allow for ease and encouragement of use. This separation shall be a minimum of three (3) feet.
- b. Bicycle Corrals: In areas with limited sidewalk space and frequent bicycle activity, bicycle parking may be provided in "bike corrals" located in the vehicular parking area adjacent to a curb. Design will be considered as context dictates as approved by the Administrator. Bicycle corrals shall be designed to distinguish and define the parking stall they inhabit for visibility and safety purposes. The corral should be well defined, such as generally surrounded by a painted white box on the pavement with flexible vertical delineators and a wheel stop where vehicles in adjacent parking spots might back into the corral. See example image below:



- c. Where bicycle facilities are provided for two (2) bicycles, a standard footprint which is at least four feet wide by six feet long shall be used.

**Fig. 2: Examples of Bicycle Parking Footprint and Dimensions**



- d. Facilities shall be placed in clearly designated, safe, and convenient locations and such that no primary building entrance is further than one hundred fifty (150) feet from a bicycle facility.
- e. Bicycles may be permitted on sidewalks or other paved surfaces provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.

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- f. Bicycle facilities shall be constructed so as to enable the user to secure a bicycle by locking the frame and one (1) wheel of each bicycle parked therein. Facilities must be easily usable with both U-locks and cable locks and support the bicycle frame at two (2) points. Facilities shall be anchored securely to the ground.

**K. Pedestrian Facilities.**

1. In SC Suburban Commercial and WC Wellborn Commercial districts, pedestrian connections adjacent to residential areas shall be provided as determined by the Administrator so as to enhance pedestrian, bicycle mobility, and connectivity.
2. In MU Mixed-Use districts, minimum eight (8) foot wide sidewalks shall be provided along all public rights-of-way, streets, and public ways adjacent to and within the development.
3. For sites subject to the Non-Residential Architectural Standards of this UDO except for MU Mixed-Use districts:
  - a. Public entry façades of retail buildings that exceed 200 feet in horizontal length shall place a minimum ten (10) foot sidewalk along the full frontage of its public entry façade. Tree wells and planter boxes may be placed along this walkway and in a manner that does not obstruct pedestrian movement. Bike parking facilities are allowed in this area. Vehicular parking or cart storage is prohibited. Outside display is allowed but only if it does not occupy more than thirty (30) percent of this area and meets the requirements of Outside Storage and Display Section.
  - b. A site or sites part of a building plot in excess of ten (10) acres shall provide designated connections among primary buildings and pad sites for pedestrian and bicycle traffic. Locations for sidewalks and bicycle parking facilities shall be provided and shown on the site plan. Pedestrian walkways may be incorporated into the landscape strips separating parking areas only if the strip is ten (10) feet in width. Pedestrian walkways shall be a minimum of five (5) feet wide and shall connect public street sidewalks, transit stops, parking areas and other buildings in a design that ensures safe pedestrian use.
  - c. A site or sites part of a building plot in excess of ten (10) acres shall provide one plaza developed as an integral part of the development and not less than five hundred (500) square feet in area. This area shall not count toward required parking islands or area requirements of a parking concept as described in the Large Parking Lots Section. This area shall incorporate a minimum of three (3) of the following:
    1. Seating components
    2. Structural or vegetative shading\*
    3. Water features\*
    4. Decorative landscape planters\*
    5. Public Art\*
    6. Outdoor eating accommodations
    7. Hardscape elements at entrances and within the parking area such as decorative pavers, low masonry walls, clock towers, etc.

\* These public areas may be located within the parking landscape areas.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2012-3458 , Pt. 1(Exh. B), 11-8-2012; Ord. No. 2014-3624 , Pt. 1(Exh. I), 12-18-2014; Ord. No. 2015-3663 , Pt. 1(Exh. D), 5-28-2015; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2016-3802 , Pt. 1(Exh. A), 8-25-2016; Ord. No. 2018-



### **Sec. 7.3. Off-Street Parking Standards.**

#### **A. Purpose.**

The purpose of this Section is to establish the guidelines for off-street parking areas consistent with the proposed land use to:

1. Reduce the occurrence of non-resident on-street parking in adjoining neighborhoods;
2. Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking areas;
3. Expedite the movement of traffic on public thoroughfares in a safe manner, thus increasing the carrying capacity of the streets and reducing the amount of land required for streets, thereby lowering the cost to both the property owner and the City; and
4. Provide flexibility and parking alternatives for developing and redeveloping properties to increase their viability.

#### **B. Off-Street Parking Spaces Required.**

1. In all districts, for all uses, at the time any building or structure is erected, enlarged, or increased in capacity, or at any time any other use is established, there shall be off-street parking spaces provided for motor vehicles in accordance with the requirements specified herein, except as noted below.

##### **Exception:**

- a. In all single-family residential and townhouse uses, at the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed there shall be off-street parking spaces provided for motor vehicles in accordance with the requirements specified herein.
2. Where off-street parking facilities are provided in excess of the minimum amounts specified by this Section, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space as specified in this Section.
3. It shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use, or structure without establishing alternative off-street parking facilities that meet these requirements.

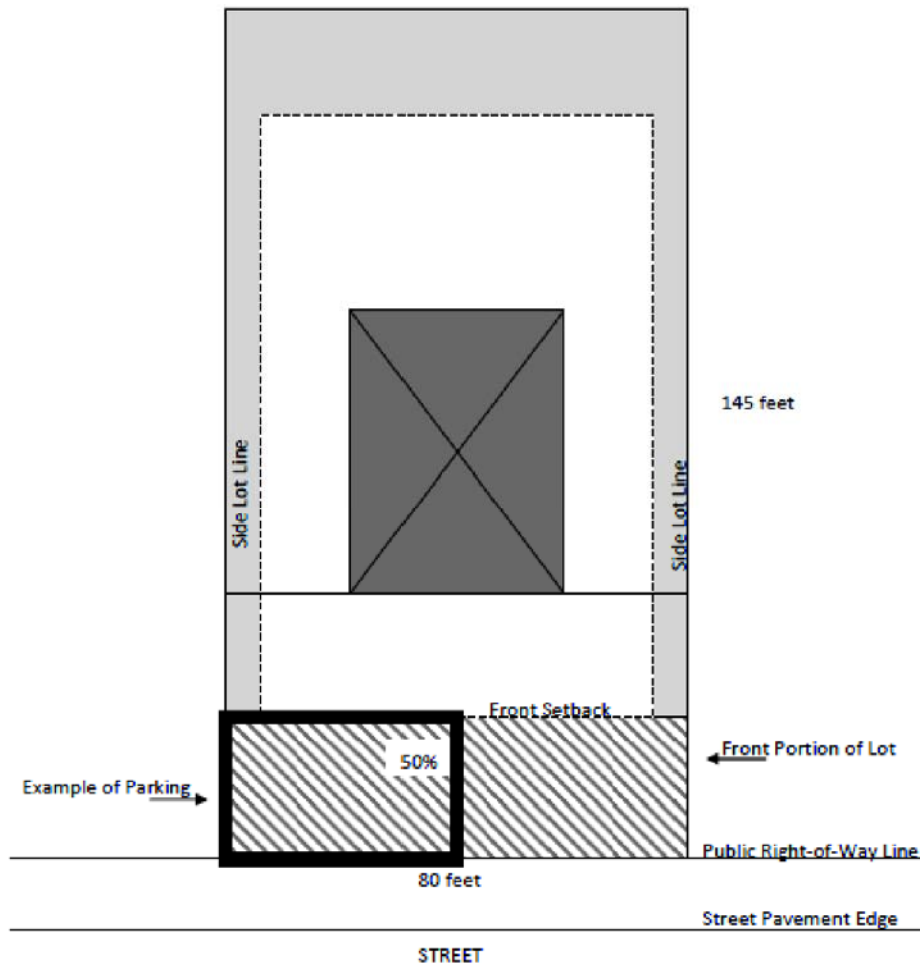
#### **C. Dimensions, Access, and Location.**

This Section applies to any development or redevelopment of uses other than single-family residential, duplexes, or townhouses unless otherwise noted.

1. Each off-street parking space for automobiles shall have an area of not less than nine (9) feet by twenty (20) feet and each stall shall be striped. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, and townhouses. Single-family residential and townhouses are not required to stripe parking spaces.
2. For properties located within the area described as "Area V" in the Southside Area Neighborhood Plan, an amendment of the City's Comprehensive Plan (Ordinance No. 2012-3442), a new single-family structure may locate its parking, including both required and additional parking in the areas described below:
  - a. Anywhere on the lot behind the structure with no limit on the size of the area;

- b. Anywhere in the side yards of the lot with no limit on the size of the area; and,
- c. An area located in front of the structure not to exceed a size equivalent to fifty (50) percent of the front portion of the property. The front portion of the property is the area of the lot within the side lot lines, the front setback, and the public right-of-way line (see graphic below). The square footage of parking allowed by this calculation may be located within or outside the boundary of the area used for calculations (see graphic below). The portion of the driveway located between the front property line and the structure shall be included in the maximum parking area square footage.

#### AREA V - ALLOWABLE LOCATION FOR PARKING

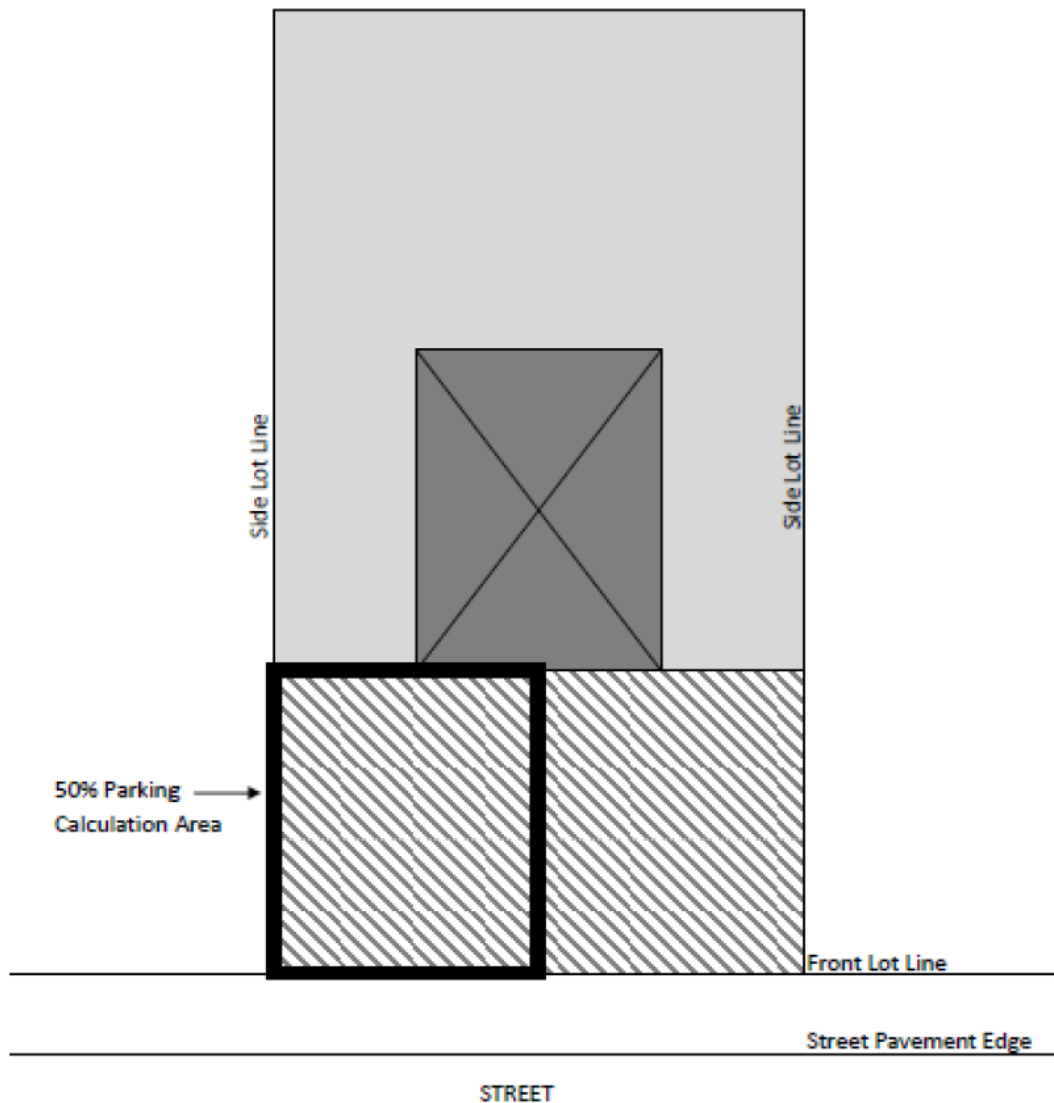


- 3. For all detached single-family uses other than as set forth in subsection 2 above, at the time of construction, reconstruction, or addition to the number of existing bedrooms, parking shall be located in the areas described below:
  - a. Anywhere on the lot behind the structure with no limit on the size of the area. Parking located behind the structure shall be screened by a solid hedge wall, fence, or wall, at least six (6) feet in

height. All solid hedge walls shall be one-hundred (100) percent opaque. All shrubs planted for a hedge wall shall be a minimum of 15 gallons each and evergreen;

- b. Anywhere in the side yards of the lot with no limit on the size of the area; and,
- c. Any area located in front of the primary structure not to exceed a size equivalent to fifty (50) percent of the front area. The front area is defined as the area of the lot within the side lot lines, the front plane of the primary structure and the public right-of-way (see graphic below). The driveway area shall be included in this calculation.

#### DETACHED SINGLE-FAMILY USES - ALLOWABLE LOCATION FOR PARKING



- 4. When existing detached single-family parking is expanded in front of the structure, it shall not exceed a size equivalent to fifty (50) percent of the front area as described above.

5. In the MH Middle Housing zoning district, single-family, townhouses, and Live-Work Units may locate parking in front of the structure as long as three or fewer parking spaces are required and the parking area does not exceed a size equivalent of fifty (50) percent of the front area as described above.

6. In the MH Middle Housing zoning district, Courtyard Houses, duplexes, and Multiplexes shall locate parking between the rear plane of the primary structure and the rear property line.

75. An eighteen-foot paved space (ninety-degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen-foot space may also be used when adjacent to a sidewalk provided that the minimum width of the sidewalk is six (6) feet. This standard shall also apply to off-street parking for single-family residential, duplexes, and townhouses.

86. The width of an alley may be assumed to be a portion of the maneuvering space requirement for off-street parking facilities located adjacent to a public alley. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, ~~and~~ townhouses, and Small and Medium Multiplexes.

97. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABA) administered by the Texas Department of License and Regulation.

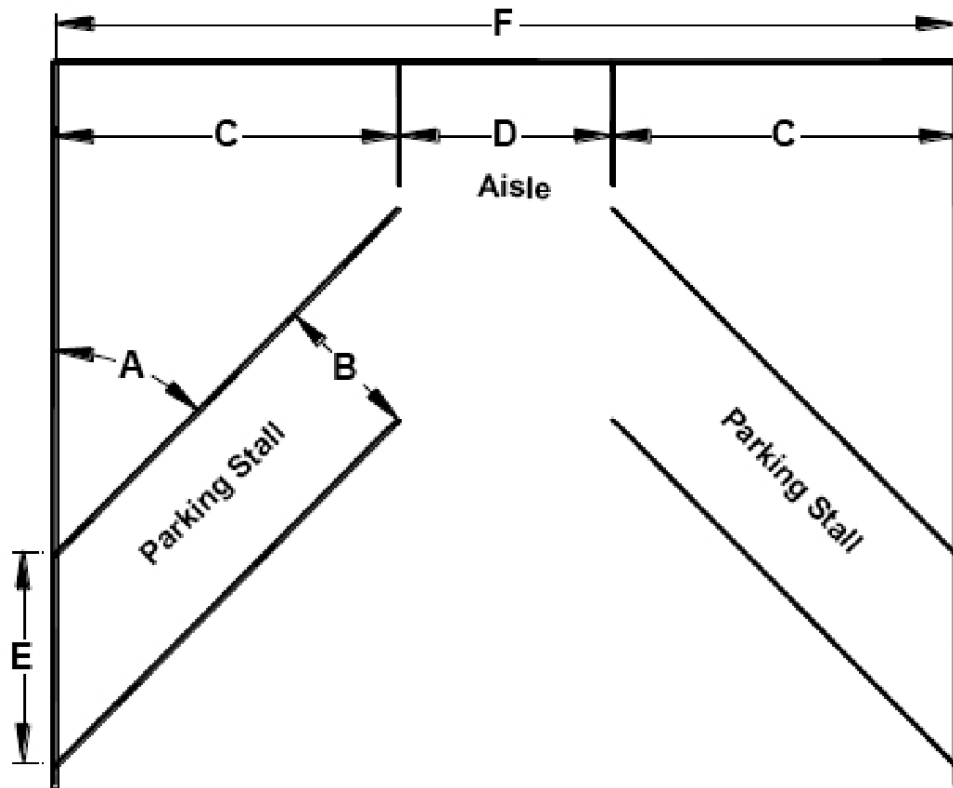
810. Each parking space and the maneuvering area thereto shall be located entirely within the boundaries of the building plot except where shared parking is approved by the City.

911. All parking spaces, aisles, and modules shall meet the minimum requirements, as shown in the following table. All dimensions are measured from wall to wall.

PARKING SPACE AND AISLE DIMENSIONS

| A                  | B                 | C                                    | D              |              | E                                         | F            |              |
|--------------------|-------------------|--------------------------------------|----------------|--------------|-------------------------------------------|--------------|--------------|
| Angle<br>(degrees) | Width<br>of stall | Depth<br>of stall<br>90°<br>to aisle | Width of aisle |              | Width<br>of stall<br>parallel<br>to aisle | Module width |              |
|                    |                   |                                      | One<br>way     | Two<br>way   |                                           | One<br>way   | Two<br>way   |
| 0                  | 22 feet           | 10 feet                              | 12.0<br>feet   | 20.0<br>feet | 22.0<br>feet                              | 22.0<br>feet | 40.0<br>feet |
| 45                 | 9 feet            | 21.1<br>feet                         | 12.0<br>feet   | 20.0<br>feet | 12.7<br>feet                              | 54.2<br>feet | 62.2<br>feet |
| 60                 | 9 feet            | 22.3<br>feet                         | 15.0<br>feet   | 22.0<br>feet | 10.4<br>feet                              | 59.6<br>feet | 66.3<br>feet |
| 90                 | 9 feet            | 20.0<br>feet                         | 23.0<br>feet   | 23.0<br>feet | 9.0 feet                                  | 63.0<br>feet | 63.0<br>feet |





**1012.** Parking lots located within fifteen (15) feet of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen- by twenty-foot landscaped island.

**1311.** All parking lots and drive aisles shall be setback a minimum of six (6) feet from any public right-of-way or public way. In sites subject to the Non-Residential Architectural Standards of this UDO, where parking or drive aisles are located between the building and the public right-of-way or public way, there shall be a minimum setback of ten (10) feet from the public right-of-way or public way to the parking area or drive aisle.

**1214.** In SC Suburban Commercial and WC Wellborn Commercial districts, parking shall not be located between the structure and an adjacent single-family use or zoning district. Drive aisles and service aisles shall be permitted between the structures and an adjacent single-family use or zoning district.

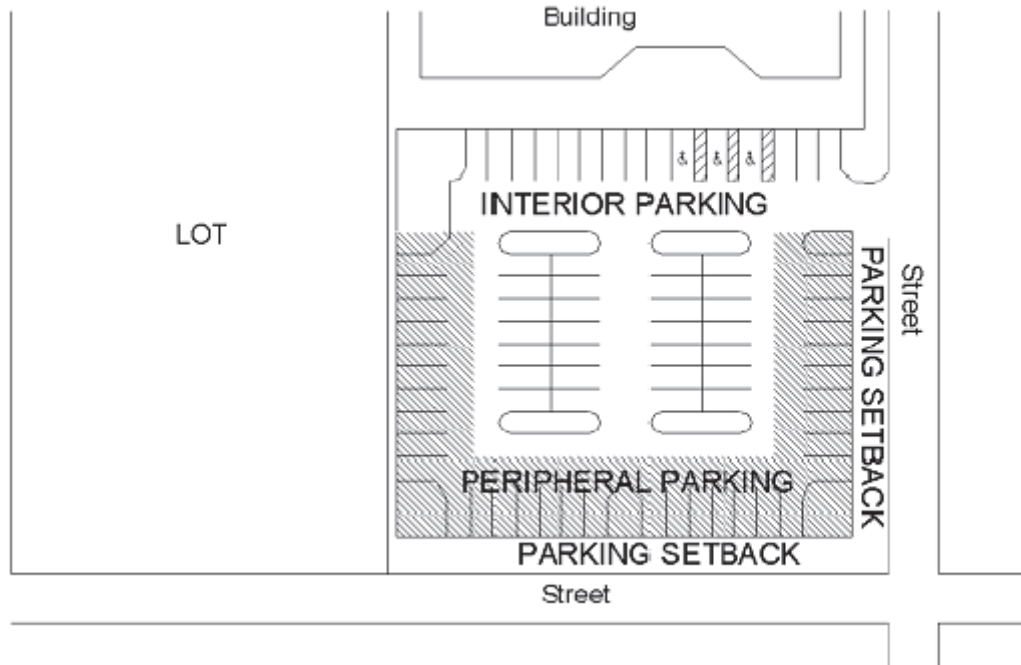
**153.** Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.

**146.** The Design Review Board may waive parking lot dimension requirements in the Northgate and Wolf Pen Creek districts if the development meets the goals of the master plan for the respective district.

#### D. Landscape Islands.

##### 1. End Islands.

- A raised island, encompassing not less than one hundred eighty (180) square feet in area, shall be located at both ends of every interior and peripheral parking row, regardless of the length of the row. End islands may have sidewalks through them. Examples of interior and peripheral parking are shown in the figure below.



- b. All end islands must be raised at least six (6) inches and curbed, with the majority of the area of each island planted or treated with enhanced paving. The soil within the planted area shall not be compacted or stabilized and shall be contiguous with the soil at the natural grade.

## 2. Interior Islands.

- a. All interior islands shall be evenly distributed throughout the interior of the parking area.
- b. For every fifteen (15) interior parking spaces, one hundred eighty (180) square feet of landscaping must be provided somewhere in the interior rows of the parking lot. Interior island areas may be grouped and configured as desired provided that circulation aisles remain clear and the minimum island area is not less than one hundred eighty (180) square feet. Interior islands may have sidewalks through them.
- c. In the MH Middle Housing zoning district, for every five (5) parking spaces located off alleys or in shared parking areas, ninety (90) square feet of landscaping must be provided somewhere along the parking row in a raised interior island. Islands should be spaced evenly along the property, or properties, that have a shared parking agreement. Interior islands may have sidewalks through them. These sidewalks shall count as part of the landscaping.
- d. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.
- e. All interior islands must be raised at least six (6) inches and curbed, with the majority of the area of each island planted or treated with enhanced paving. The soil within the planted area shall not be compacted or stabilized and shall be contiguous with the soil at the natural grade.

## E. Requirements Apply to All Parking Areas.

Every parcel of land hereafter used as a public parking area, including commercial parking lots, visitor parking areas for single-family and townhouse uses, and parcels used for open-air sales lots, shall be developed and maintained in accordance with the requirements in this Section and as described in the City of College

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Station Site Design Standards. The requirements in this Section do not apply to overflow parking for churches, nor to temporary overflow parking for City events and temporary parking for special events.

**F. Surfacing.**

**1. General.**

All surfacing of off-street parking areas shall be constructed of either asphalt or concrete as described in the City of College Station Site Design Standards. Alternatives to the standards may be approved by the Administrator if it is demonstrated that the materials and design are equal or superior to the requirements in the Standards. All off-street parking areas shall be graded to drain and be maintained so as to dispose of surface water accumulated within the area. Parking spaces shall be arranged and marked so as to provide for orderly and safe parking of vehicles.

**2. Non-Public, All-Weather Drive Surfaces.**

Temporary or permanent drive surfaces required for emergency access or turnaround for emergency vehicles must be constructed to function under all weather conditions. To accommodate a project during construction, phasing, or permanent installation, drive surfaces that do not meet the requirements for permanent pavement surfaces may be allowed at the discretion of the Administrator for the specific conditions stated below:

**a. Temporary All-Weather Surface (During Construction).**

A structure under construction must be accessible by an all-weather drive surface as specified in the City of College Station Site Design Standards. This temporary all-weather surface must be reworked or replaced to meet the permanent pavement standard as described in the City of College Station Site Design Standards prior to issuance of a Certificate of Occupancy;

**b. Semi-Permanent All-Weather Surface (During Phasing).**

In cases during phasing of a large project, emergency access and turnarounds often must be added as a temporary measure until additional phases are constructed. These emergency access areas may consist of permanent pavement surfaces as specified in the City of College Station Site Design Standards. When the additional phase is constructed, these areas must be removed or reworked to meet the permanent pavement standards as described in the City of College Station Site Design Standards;

**c. Permanent Surfaces.**

**1) All-Weather Surface (Permanent).**

In some development scenarios, an emergency access or turnaround must be constructed to meet emergency access purposes and is not required for public traffic, service vehicles or sanitation vehicles. In these cases, the area required for emergency access only may meet the permanent pavement standards as specified in the City of College Station Site Design Standards.

**2) Permeable Surface.**

- (a) The use of porous materials (such as permeable concrete and pavers) to mitigate storm water sheeting and pooling of water may be used in off-street parking areas if the material meets vehicular loading standards and is approved by the Administrator.
- (b) Fire lanes may be constructed of porous materials such as permeable concrete and pavers to mitigate storm water sheeting and pooling of water, so long as it is demonstrated that the permeable surface can obtain sufficient land and

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compaction ratings for its application as approved by the City of College Station Fire and Sanitation Departments.

- (c) Single-family and townhouse visitor parking areas, as required in Single-Family Residential Parking Requirements for Platting, may also be constructed of porous materials such as permeable concrete and pavers to mitigate storm water sheeting and pooling of water.
- (d) Permeable surfaces approved as provided above shall be maintained in accordance with industry standards and to achieve mitigation of storm water sheeting and pooling of water. Failure to maintain permeable surfaces as required herein, shall constitute a violation of this Section of the UDO for which penalty provisions may be involved.

**G. Curbing Required.**

**1. General.**

The perimeter of all paved surfaces shall be curbed as described in the City of College Station Site Design Standards. Unless otherwise required pursuant of this Section, curbs may be omitted where drive aisles or parking spaces are located adjacent to a building if bollards or other protective devices are installed to protect pedestrian areas. Alternatives to the standards may be approved by the Administrator if it is demonstrated that the materials and design are equal or superior to the requirements in the Standards.

**2. Temporary Curbing.**

A temporary curb may be permitted in lieu of the minimum standard stated in the City of College Station Site Design Standards, at the discretion of the Administrator, when a project is phased in such a way that a permanent, monolithic curb may preclude development of future phases or limit access to a recorded private or public access easement adjoining properties. Wheel stops shall not be permitted as a temporary curbing. Temporary curbing must have the appearance of permanent curbing and shall be temporarily attached to the pavement surfacing below and meet the minimum standards for dowelled-in curbs as described in the City of College Station Site Design Standards.

**H. Number of Off-Street Parking Spaces Required.**

In computing the number of parking spaces required, the following rules shall govern:

- 1. Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces;
- 2. Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number. At least one (1) parking space must be provided unless otherwise specified in this UDO;
- 3. The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the Administrator;
- 4. Whenever a building or use constructed or established after the effective date of this UDO is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this UDO is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;
- 5. At the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed, all single-family and townhouse uses shall come into compliance with the minimum off-



street parking requirements. Garages that meet minimum dimensional standards may be counted towards parking requirements;

6. Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the Building Official;
7. Where a manufacturing/industrial use has more than one (1) working shift of employees, parking shall be provided to accommodate overlap requirements during transition periods; and
8. The Design Review Board may waive parking space requirements in the Northgate and Wolf Pen Creek districts if the development meets the goals of the master plan for the respective district.

#### MINIMUM OFF-STREET PARKING REQUIREMENTS

| Use                                       | Unit                                    | Spaces/Unit                                               | Plus Spaces For:         |
|-------------------------------------------|-----------------------------------------|-----------------------------------------------------------|--------------------------|
| Assisted Living/Residential Care Facility | As determined by the Administrator***** |                                                           |                          |
| Airport                                   | As determined by the Administrator***** |                                                           |                          |
| Banks                                     | 250 s.f.                                | Floor area over 500 s.f.: 1.0                             |                          |
| Bowling Alley                             | As Determined by the Administrator***** |                                                           |                          |
| Bus Depot                                 | As Determined by the Administrator***** |                                                           |                          |
| Car Wash (Self-Serve)                     | Wash Bay                                | 1.0                                                       | 1.0 space per vacuum bay |
| <u>Courtyard House</u>                    | <u>BR</u>                               | <u>1.0</u><br><u>Minimum of 2,</u><br><u>Maximum of 4</u> |                          |
| Church                                    | Seat                                    | 0.33*                                                     |                          |
| Convalescent Home/Hospital                | Bed                                     | 0.5                                                       |                          |
| <u>Duplex / Split-Lot Duplex</u>          | <u>BR</u>                               | <u>1.0</u>                                                |                          |
| <del>—1 &amp; 2 Bedroom</del>             | <del>DU</del>                           | <del>2.0</del>                                            |                          |
| <del>—3+ Bedroom</del>                    | <del>BR</del>                           | <del>1.0</del>                                            |                          |
| Dormitory                                 | Bed                                     | 0.75                                                      |                          |
| Day Care Center                           | 250 s.f.                                | Floor area over 500 s.f.: 1.0                             |                          |
| Fraternal Lodge                           | 75 s.f.                                 | Floor area over 150 s.f.: 1.0                             |                          |
| Fraternity/Sorority House                 | Person                                  | 1.0                                                       | 1/30 s.f. meeting room   |
| Freight Station                           | As Determined by the Administrator***** |                                                           |                          |

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(Supp. No. 6, Update 5)

|                                  |                                                               |                                  |                                                         |
|----------------------------------|---------------------------------------------------------------|----------------------------------|---------------------------------------------------------|
| Funeral Parlor                   | Seat                                                          | 0.33                             |                                                         |
| Furniture Sales,<br>Freestanding | 350 s.f.                                                      | Floor area over 700<br>s.f.: 1.0 |                                                         |
| Golf Driving Range               | Tee Station                                                   | 1.0                              |                                                         |
| Health Club/Sports<br>Facility   | As Determined by the Administrator*****                       |                                  |                                                         |
| Gasoline and Fuel<br>Service     | 300 s.f.                                                      | 1.0                              |                                                         |
| Group Housing                    | BR                                                            | 2.0                              | As Determined by<br>the Administrator                   |
| Health Studio                    | 150 s.f.                                                      | Floor area over 300<br>s.f.: 1.0 |                                                         |
| Hospital                         | As Determined by the Administrator*****                       |                                  |                                                         |
| Hotel/Motel                      | DU                                                            | 1.0                              | 1/200 s.f. meeting<br>room                              |
| HUD-Code Manu.<br>Home           | DU                                                            | 2.0                              |                                                         |
| Laundry                          | 150 s.f.                                                      | Floor area over 300<br>s.f.: 1.0 |                                                         |
| Live-Work Unit                   | 250 s.f. of<br>non-<br>residential<br>portion of<br>structure | Floor area over 250<br>s.f.: 1.0 | 1/BR, Residential<br>DU                                 |
| Motor Vehicle<br>Sales/Service:  |                                                               |                                  |                                                         |
| Office/Sales Area                | 250 s.f.                                                      | 1.0                              |                                                         |
| Service Area                     | 200 s.f.                                                      | 1.0                              |                                                         |
| Medical or Dental<br>Clinic      |                                                               |                                  |                                                         |
| < 20,000 s.f.                    | 200 s.f.                                                      | Floor area over 400<br>s.f.: 1.0 |                                                         |
| Mixed-Use<br>Structure*****      | 250 s.f. of<br>non-<br>residential<br>portion of<br>structure | Floor area over 500<br>s.f.: 1.0 | 1/BR, including<br>residential DU and<br>hotel/motel DU |

|                                |                                                                                                                                       |                               |  |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|
| Multi-Family Dwelling:         |                                                                                                                                       |                               |  |
| 1 Bedroom                      | BR                                                                                                                                    | 1.5                           |  |
| 2+ Bedroom                     | BR                                                                                                                                    | 1.0                           |  |
| <u>Multiplex</u>               | <u>BR</u>                                                                                                                             | <u>1.0</u>                    |  |
| Night Club                     | 50 s.f.                                                                                                                               | 1.0                           |  |
| Office Building                | 250 s.f.                                                                                                                              | Floor area over 500 s.f.: 1.0 |  |
| Personal Service Shop          | 250 s.f.                                                                                                                              | Floor area over 500 s.f.: 1.0 |  |
| Priv. School or Comm. Studio   | 100 s.f.                                                                                                                              | Floor area over 200 s.f.: 1.0 |  |
| Retail Sales & Service:        |                                                                                                                                       |                               |  |
| GC, SC, WC, C-3                | 250 s.f.                                                                                                                              | Floor area over 500 s.f.: 1.0 |  |
| CI                             | 350 s.f.                                                                                                                              | Floor area over 700 s.f.: 1.0 |  |
| Restaurant (w/o drive-through) | 65 s.f.                                                                                                                               | Floor area over 130 s.f.: 1.0 |  |
| Restaurant (w/drive-through)   | 100 s.f.                                                                                                                              | Floor area over 200 s.f.: 1.0 |  |
| Rooming/Boarding House         | Person                                                                                                                                | 1.0                           |  |
| Sales Display                  | 250 s.f.                                                                                                                              | Floor area over 500 s.f.: 1.0 |  |
| Shared Housing                 | Rooms at least 70 s.f. in area, excluding a kitchen, a living room, and a laundry room. The Administrator may also exclude additional | 1.0                           |  |

|                                       |                                                     |                                                     |                              |
|---------------------------------------|-----------------------------------------------------|-----------------------------------------------------|------------------------------|
|                                       | rooms, but not below the number of BRs.             |                                                     |                              |
| Single-Family Dwelling <sup>***</sup> | BR                                                  | 1.0 <sup>***</sup><br>Minimum of 2,<br>Maximum of 4 | 1.0/Accessory Living Quarter |
| Single-Unit Dwelling                  | BR                                                  | 1.0                                                 |                              |
| Shopping Center <sup>**</sup> :       |                                                     |                                                     |                              |
| GC, SC, WC, C-3                       | 250 s.f.                                            | 1.0                                                 |                              |
| CI                                    | 350 s.f.                                            | 1.0                                                 |                              |
| Townhouse <sup>***</sup>              | BR                                                  | 1.0 <sup>***</sup><br>Minimum of 2,<br>Maximum of 4 |                              |
| Theater                               | Seat                                                | 0.25                                                |                              |
| Truck Terminal                        | As Determined by the Administrator <sup>*****</sup> |                                                     |                              |
| Two-Dwelling Unit                     | BR                                                  | 1.0                                                 |                              |
| Veterinary Clinic                     | 300 s.f.                                            | Floor area over 600 s.f.: 1.0                       |                              |
| Warehouse                             | 1,000 s.f.                                          | 1.0                                                 |                              |

"s.f." = square footage. "DU" = Dwelling Unit. "BR" = Bedroom.

\* Overflow parking above required parking spaces may be grassed rather than paved. All unpaved spaces shall be shown on site plan and organized for efficient traffic circulation using wheel stops and other appropriate measures as required by the Administrator.

\*\* The minimum number of parking spaces for a shopping center shall be calculated at a rate of 1:250 in GC SC, or WC, and 1:350 in CI regardless of the composing uses unless otherwise determined by the Administrator that such composing uses require a modification to the applicable requirements.

\*\*\* For areas designated Neighborhood Conservation on the Comprehensive Plan's Future Land Use and Character Map there shall be no maximum number of parking spaces.

\*\*\*\* Mixed-Use structures in the MU Mixed-Use and MF Multi-Family districts.

\*\*\*\*\* When determining the required off-street parking requirements for the uses noted above, the Administrator shall consider the anticipated traffic demand, traffic circulation, and surrounding conditions. The Administrator may also consider information provided by the applicant that demonstrates the proposed number of off-street parking spaces is adequate for the proposed use and has been successfully employed in other locations.

#### I. Drive-Through Facility Queuing Requirements.

##### 1. Minimum Number of Spaces.

Drive-through queuing spaces shall be provided as indicated in the following table:



| <b>Minimum Off-Street Queuing Requirements</b> |                                    |                             |
|------------------------------------------------|------------------------------------|-----------------------------|
| <b>Activity Type</b>                           | <b>Minimum Spaces</b>              | <b>Measure From</b>         |
| Automated Teller Machine                       | 3                                  | Teller                      |
| Bank Teller Lane                               | 4                                  | Teller or Window            |
| Car Wash Stall, Automatic                      | 4                                  | Service Position            |
| Car Wash Stall, Self-Service                   | 3                                  | Service Position            |
| Dry cleaning or Laundry                        | 2                                  | Window                      |
| Oil-Change Station                             | 3                                  | Service Position            |
| Photo Lab                                      | 4                                  | Pick-Up Window              |
| Restaurant Drive-Through                       | 4                                  | Order Box                   |
| Restaurant Drive-Through                       | 3                                  | Order Box to Pick-Up Window |
| Other                                          | As determined by the Administrator |                             |

**2. Design and Layout.**

Queuing spaces or queuing areas shall be designed in accordance with the following criteria:

- a. Queue spaces or queuing areas may not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveway access;
- b. Each queue space shall consist of a rectangular area not less than ten (10) feet wide and eighteen and one-half (18.5) feet long with a vertical clearance as specified in the building code;
- c. Queue spaces are not interchangeable with parking spaces except for the following uses where the space providing services may count toward the parking requirement: bank teller, car wash, and oil-change station;
- d. A twelve-foot by-pass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-through activity and exit the site;
- e. Queue areas and drive-through facilities shall be clearly identified with the appropriate signing and marking; and
- f. Spaces within a car-wash facility or drive-through oil-change station may be counted toward the queuing requirement.

**J. Alternative Parking Plans.**

**1. Scope.**

An "Alternative Parking Plan" represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in Section 7.3.I, Number of Off-Street Parking Spaces Required.

**2. Applicability.**

Applicants who wish to provide fewer or more off-street parking spaces than allowed above shall be required to secure approval of an Alternative Parking Plan, in accordance with the standards of this Section. The Administrator may require that an Alternative Parking Plan be submitted in cases where

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the Administrator deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.'

3. **Contents.**

Alternative Parking Plans shall be submitted in a form established by the Administrator and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal.

4. **Review and Approval Procedure.**

The Administrator shall be authorized to approve Alternative Parking Plans. Appeals of the Administrator's decision may be made to the Planning and Zoning Commission.

5. **Recording.**

An attested copy of an approved Alternative Parking Plan shall be submitted to the County Clerk's office for recordation on forms made available in the Department of Development Services. Proof of recordation of the agreement shall be presented to the Administrator prior to issuance of a Building Permit. An approved Alternative Parking Plan may be amended by the Administrator.

6. **Eligible Alternatives.**

A number of specific parking and access alternatives are described below. The Administrator shall, however, be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, City-wide traffic circulation, and urban design than would strict compliance with otherwise applicable off-street parking standards.

a. **Demand-Based Parking.**

When the developer of a non-residential or multi-family development can demonstrate that such development will require fewer parking spaces than required by the standards of this Section, the Administrator may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified by the applicant through the development of a parking study prepared by a professional engineer or transportation planner and submitted to the Administrator. Duplex, townhomes and single family developments are not eligible for the demand-based parking option.

b. **Shared Parking.**

The Administrator may authorize a reduction in the number of required off-street parking spaces for multiple-use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:

1) **Location.**

Shared off-street parking spaces shall be located no farther than five hundred (500) feet from the building site. The Administrator may waive this distance limitation, if adequate assurances are offered regarding the usability of the shared lot and the principle use (such as the operation of a van or shuttle service, etc.).

2) **Zoning Classification.**

Shared-parking areas shall be considered accessory uses of principal uses that the parking spaces are intended to serve. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area;

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3) **Required Study and Analysis.**

The applicant shall submit a shared parking analysis to the Administrator that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Administrator and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that shall be sharing off-street parking spaces. The Administrator shall have the authority to require a revised study and analysis should conditions change that may result in a change in site parking conditions;

4) **Shared Parking Agreement.**

A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the County Clerk's office for recordation on forms made available in the Department of Development Services. Proof of recordation of the agreement shall be presented to the Administrator prior to issuance of a Building Permit. If a shared parking agreement is revoked by the parties to the agreement, either off-street parking must be provided pursuant to this Section or an Alternative Parking Plan must be approved by the Administrator; and

5) **Revocation.**

Failure to comply with the shared parking provisions of this Section shall constitute a violation of this UDO and shall specifically be cause for revocation of a Certificate of Occupancy or Building Permit.

c. **Off-Site Parking.**

The Administrator may permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this Section.

1) **Location.**

No off-site parking space shall be located more than five hundred (500) feet from the building site. The Administrator may waive this distance limitation if adequate assurances are offered regarding the usability of the off-site lot and the principle use (such as the operation of a van or shuttle service, etc.).

2) **Zoning Classification.**

Off-site parking areas shall be considered accessory uses of principal uses that the parking spaces are intended to serve. Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served;

3) **Off-Site Parking Agreement.**

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to the County Clerk's Office for recordation on forms made available in the office of the Administrator. Proof of recordation of the agreement shall be presented to the Administrator prior to issuance of a Building Permit. If an off-site parking agreement is revoked by the parties to the agreement, either off-street parking must be provided on-site pursuant to this Section or an Alternative Parking Plan must be approved by the Administrator.

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d. **Bicycle Parking.**

The Administrator may authorize reducing the number of required off-street parking spaces by up to five (5) percent for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, dressing areas for employees, or the provision of bicycle parking spaces above the minimum requirements provided that adequate accessibility by motor vehicle and bicycle to the subject site is maintained. For developments that provide bicycle parking spaces above the minimum requirements, the reduction in automobile parking spaces shall be calculated at a one-to-one ratio.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2012-3458 , Pt. 1(Exh. B), 11-8-2012; Ord. No. 2013-3522 , Pt. 1(Exh. C), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. J), 12-18-2014; Ord. No. 2015-3663 , Pt. 1(Exh. E, F), 5-28-2015; Ord. No. 2016-3741 , Pt. 1(Exh. A), 1-28-2016; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2017-3923 , Pt. 1(Exh. A), 8-24-2017; Ord. No. 2018-3990 , Pt. 1(Exh. B), 2-22-2018; Ord. No. 2018-3999 , Pt. 1(Exh. F), 4-12-2018; Ord. No. 2018-4034 , Pt. 1(Exh. A), 8-23-2018; Ord. No. 2018-4040 , Pt. 1(Exh. A), 9-13-2018; Ord. No. 2018-4059 , Pt. 1(Exh. B), 11-19-2018)

## **Sec. 7.4. Access Management and Circulation.**

### **A. Location of Existing and Planned Multi-Modal Routes.**

Any proposed development shall take into account the location of existing and planned multi-modal routes (i.e., bikeways, pedestrian ways, and transit routes) and provide pedestrian and/or vehicular connections to the route(s) within or adjacent to the development.

### **B. Easements.**

#### **1. Street Access.**

No use shall be permitted to take direct access to a street except as allowed in this Section.

##### **a. Local Streets.**

All residential uses and associated visitor parking areas may take direct access to local streets. Residential visitor parking areas may take direct access to local streets via a driveway, however no backing maneuvers onto local streets shall be allowed. Nonresidential uses shall not take direct access to local streets, provided that any lot located within a nonresidential subdivision or any parcel adjacent to a street within a nonresidential subdivision may take direct access to the local street internal to the subdivision, and provided that any corner lot abutting a local street and an arterial or collector street or freeway may take access to the local street if such access is required by the highway governmental authority having jurisdiction.

##### **b. Minor Collector Streets.**

No single-family dwelling, ~~townhouse, or duplex~~duplex, or townhouse shall take direct access to minor collector streets except when permitted by the Subdivision Regulations. Residential visitor parking areas may take direct access to minor collector streets via a driveway, however no backing maneuvers onto local streets shall be allowed.

##### **c. Major Collector Streets.**

No single-family dwelling, ~~townhouse, or duplex~~duplex, townhouse, or Multiplex shall take direct access to major collector streets. Residential visitor parking areas may take direct access to major collector streets via a driveway, however no backing maneuvers onto local streets shall be allowed.



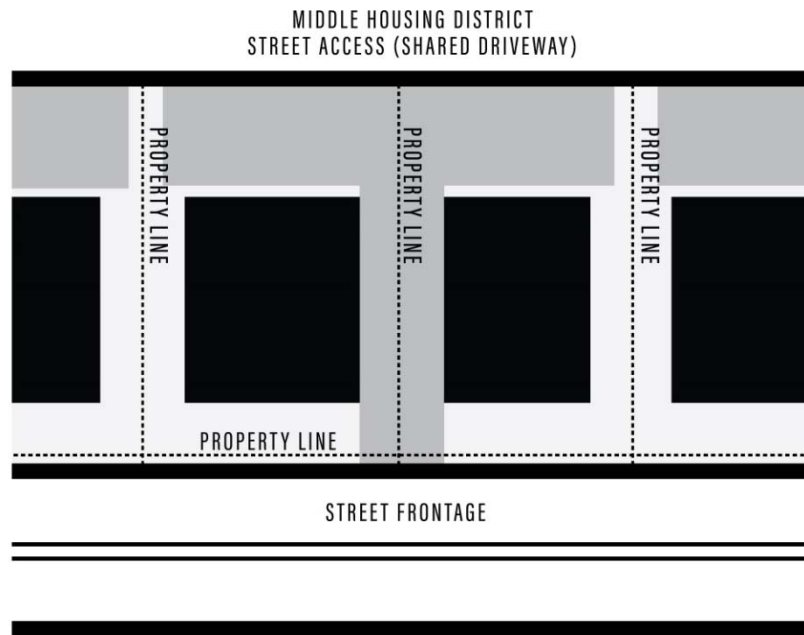
d. **Arterial Streets.**

No single-family dwelling, ~~townhouse, or duplex~~duplex, townhouse, or Multiplex shall take direct access to arterial streets.

e. **Shared Driveways.**

The Development Engineer may require a shared driveway at the time of platting, development, or redevelopment of the affected lots.

When MH Middle Housing lots take access from a public street, one driveway shall be allowed for every two lots, unless a rear alley is provided. The Administrator may approve up to three lots to take access from a single driveway if a shared access easement is provided. See example diagram below:



2. **Cross-Access Easements.**

- a. If a parcel is to be developed for any nonresidential land use, a cross-access easement shall be provided by the property owner to adjoining properties that front on the same street and that are, or may be, developed as nonresidential land uses.
- b. Cross-access easements shall be situated parallel to the street right-of-way line abutting both parcels. The property owner shall maintain access easements.
- c. The property owner shall provide appropriate documentation of a good faith effort to extend the access easement through all immediately abutting properties. If such an effort fails, the portion of the easement on the subject site shall be developed and designed to ensure future connection to the neighboring properties.
- d. Where a cross-access easement is granted, no permanent structures or parking that would interfere with the proposed access shall be permitted in the easement. Some improvements such as medians and parking islands may be constructed within an access easement if it has been

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demonstrated that adequate circulation and cross access has been accomplished, and that all applicable standards of this UDO have been met.

- e. The Development Engineer may waive the requirement for an easement of access required above in those cases where unusual topography or site conditions would render such an easement of no useable benefit to adjoining properties.
- f. The Development Engineer may approve the vacation of an easement of access in those cases where adjoining parcels are subsequently developed with a residential use.

**C. Driveway Access Location and Design.**

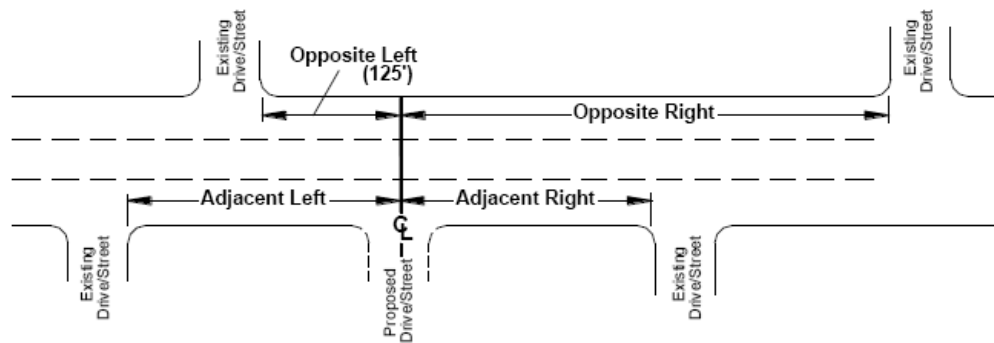
**1. General.**

- a. It shall be unlawful for any person to cut, break, or remove any curb or install a driveway along a street except as herein authorized. Openings in the curb may be approved by the Development Engineer for the purposes of drainage.
- b. It shall be unlawful for any person to construct, alter, extend, permit, or cause to be constructed, altered, or extended any driveway approach which can be used only as a parking space or area between the curb and private property.
- c. This Section shall be deemed to be supplemental to other Sections regulating the use of public property, and in case of conflict, this Section shall govern.
- d. Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. This determination shall be made by the Development Engineer.
- e. The specifications and guidelines set forth in this UDO are to be applied to driveways providing access to commercial and multi-family developments and visitor parking areas for single-family and townhouse uses. Single-family and duplex residential driveways are excluded from this policy unless otherwise indicated.
- f. As determined by the Development Engineer, engineering judgment shall override the required dimensions set forth in this Section if warranted by specific traffic conditions.

**2. Location of Driveway Access.**

- a. In making a determination as to the location of driveway access, the Development Engineer shall consider:
  - 1) The characteristics of the proposed use;
  - 2) The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;
  - 3) The location of the property;
  - 4) The size of the property;
  - 5) The orientation of structures on the site;
  - 6) The number of driveways needed to accommodate anticipated traffic;
  - 7) The number and location of driveways on existing adjacent and opposite properties;
  - 8) The location and carrying capacity of intersections;
  - 9) The proper geometric design of driveways;
  - 10) The spacing between opposite and adjacent driveways;

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- 11) The internal circulation between driveways; and
  - 12) The speed of the adjacent roadway.
- b. Driveway access to arterials shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. Driveway access to collector streets for commercial or multi-family developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.
  - c. One (1) curb cut shall be allowed for access to single-family and duplex residential tracts. Alternative access configurations, including circle driveways, may be allowed upon approval by the Development Engineer.
  - d. For corner residential lots, if a backing maneuver would be required, the side access driveway connection to the street shall be subject to rear building setback requirements with a maximum of 20 feet.
  - e. No cuts through a left-turn reservoir of a median shall be permitted in order to provide for left-turn movements to driveway approaches.
  - f. Driveways in right-turn lane transition areas shall not be permitted. The right-turn lane transition area is defined as the taper and deceleration/acceleration length.
  - g. When a commercial or multi-family development abuts more than one (1) public street, access to each abutting street may be allowed only if the following criteria are met:
    - 1) It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The Development Engineer may require the submittal of a traffic study that demonstrates that such access is required.
    - 2) The minimum requirements for corner clearance for commercial or multi-family driveways are met.
3. **Spacing of Driveway Access.**
- a. Application of the driveway access location and design standards requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. The City of College Station streets are classified as follows and defined in Article 11, Definitions:
    - 1) Major Arterial;
    - 2) Minor Arterial;
    - 3) Collector; and
    - 4) Local Street.
  - b. Major arterial, minor arterial, and collector streets in the City of College Station are indicated on the Thoroughfare and Transportation Improvement Plan. The functional classification of any street in the City not indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by the most recent edition of the AASHTO, A Policy on Geometric Design of Highways and Streets.
  - c. Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in the illustration below.



- d. A minimum of one hundred twenty-five (125) feet shall be required for opposite left driveways for all street classifications.
- e. If the centerline of an opposite drive is less than fifteen (15) feet from the centerline of the proposed drive, the drives form an intersection and the minimum spacing requirements shall apply for the closest drive.
- f. **Spacing of Adjacent Driveways.**
  - 1) Adjacent drives shall be located no closer than the spacing requirement in the table below. The Development Engineer or his/her designee may allow adjacent driveway spacing less than the spacing requirement below if it is determined that favorable conditions exist under peak traffic conditions.
  - 2) On divided streets with raised or depressed medians, it is the City's policy to align other streets, alleys, private roads, and driveways on either side of the median openings. Therefore, when locating such an intersection, it shall be assumed that this type of intersection will exist at median openings and other intersections between median openings should be spaced accordingly. The Development Engineer may waive this requirement if an existing condition precludes access at a median opening.
  - 3) Residential alleys may be allowed on major collectors, minor collectors, and local streets at spacings less than those shown in the table below with the approval of the Development Engineer.

| Adjacent Driveways                |                |
|-----------------------------------|----------------|
| Street Classification             | Spacing (feet) |
| Major Arterial                    | 350            |
| Minor Arterial                    | 300            |
| Major Collector                   | 235            |
| Minor Collector and Local Street* | 175            |

\* This standard does not apply to single-family residential, duplexes, or townhomes.

- g. **Spacing of Opposite Right Driveways.**
  - 1) Opposite right driveways shall be located no closer than the standard requirements of the table below. The Development Engineer may allow opposite right spacing below the



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standard spacing requirement if it is determined that favorable conditions exist under peak traffic conditions.

- 2) Additional opposite right spacing over and above that set forth in the table below may be required if it is determined by the Development Engineer that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.
- 3) On roadways that include raised or depressed medians prohibiting left-turning movements, this standard shall not apply.
- 4) Residential alleys may be allowed on major collectors, minor collectors, and local streets at spacings less than those shown in the table below with the approval of the Development Engineer.

| Opposite Right Driveways          |                |
|-----------------------------------|----------------|
| Street Classification             | Spacing (feet) |
| Major Arterial                    | 400            |
| Minor Arterial                    | 350            |
| Major Collector                   | 300            |
| Minor Collector and Local Street* | 175            |

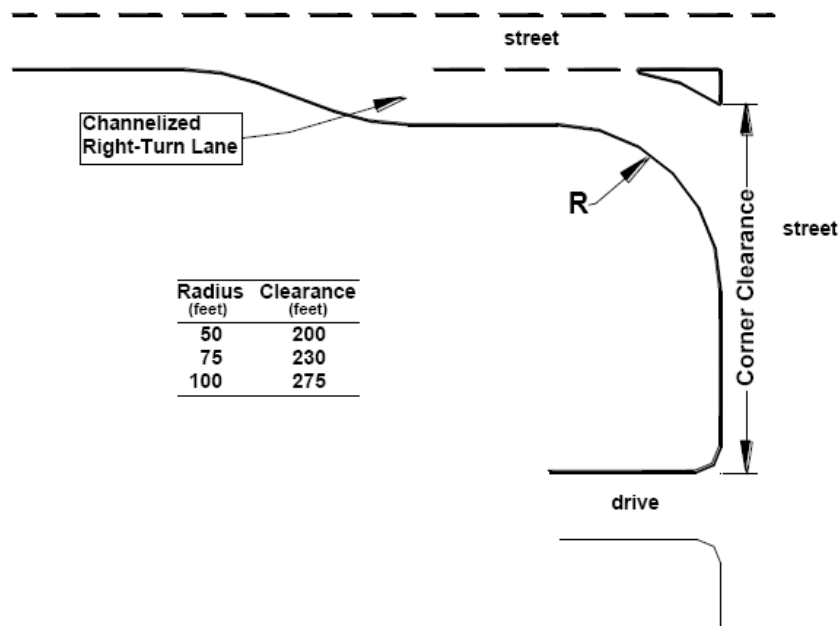
\* This standard does not apply to single-family residential, duplexes, or townhomes.

4. **Freeway Frontage Road Access and Location Requirements.**

- a. Driveways shall be located in accordance with the most recent version of the Access Management Manual, as administered by the Texas Department of Transportation (TXDOT).
- b. These guidelines apply to existing and planned interchanges.
- c. In addition to ramp spacing, driveways on frontage roads under the jurisdiction of the Texas Department of Transportation shall also meet the other requirements of this Section as major arterial streets.

5. **Corner Clearance.**

- a. No residential driveway approach shall be constructed within the site distance triangle detailed in Section 7.2.C, Visibility at Intersections in all zoning districts.
- b. At intersections of arterials with channelized right turn lanes with yield control, a corner clearance distance in accordance with those set forth in the illustration below shall be required for the first downstream driveway when adjacent spacing requirements cannot be met due to lack of frontage and all means to acquire shared-access drives or cross-access easements have been exhausted. This distance shall be measured from the channelized median to the nearest edge of the proposed driveway as indicated in the illustration.



- c. When the requirements of the previous two (2) tables cannot be met due to lack of frontage and all means to acquire shared-access driveways or cross-access easements have been exhausted, no commercial driveway approach may be located closer to the corner than seventy-five (75) feet on collector streets, one hundred (100) feet on minor arterials, and one hundred twenty (120) feet for major arterials. This measurement shall be taken from the intersection of property lines at the corner. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

#### 6. Shared Access.

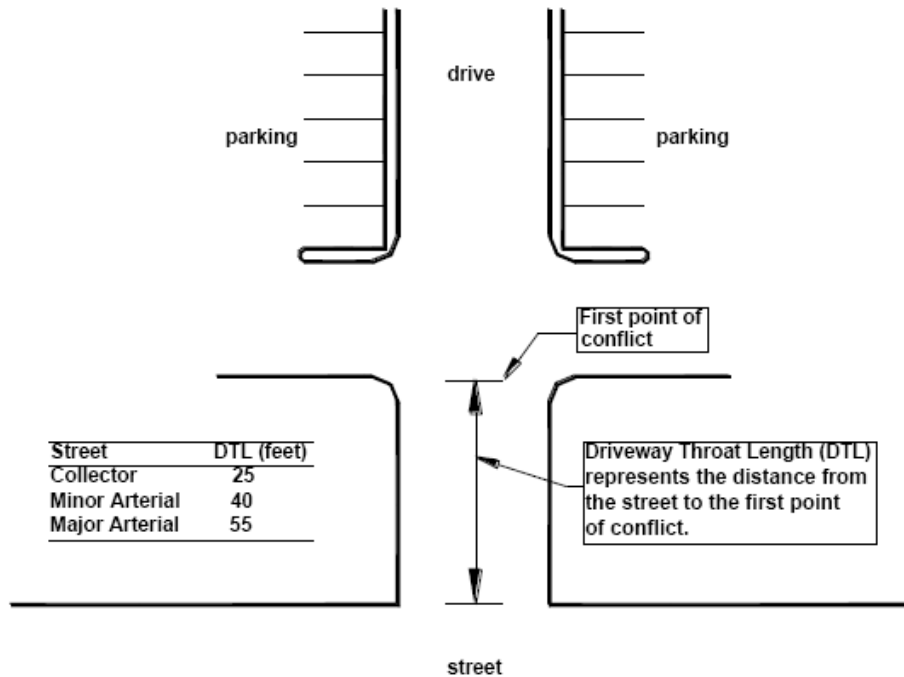
- a. A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the Development Engineer.
- b. A private cross-access easement may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the Development Engineer.

c. A joint private access easement is required between adjacent lots that share driveways in the MH Middle Housing zoning district.

#### 7. Geometric Design of Driveway Access.

- a. All driveways shall meet the City of College Station's Standard Specifications for Street Construction.
- b. Curb cuts for driveways shall not be permitted in the curb return of an intersection.
- c. The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:

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- 1) Curb return radii for residential (single-family, townhouse, duplex, and Multiplex) driveways shall be between three (3) feet and ten (10) feet. Flare type residential driveways must also adhere to these dimensional criteria.
  - 2) Curb return radii for commercial and multi-family driveways shall vary between twenty-five (25) feet and thirty (30) feet. When special traffic conditions exist, the Administrator may require larger curb return radii up to fifty (50) feet.
  - 3) Curb return radii for driveway types not included in 1) or 2) above shall be determined by the Administrator.
- d. The maximum width of residential driveway approach, measured at the property line, shall not exceed twenty-five (25) feet in width, while the minimum width shall not be less than twelve (12) feet.
  - e. The maximum width of commercial, Multiplex, and multi-family driveway approaches for two-way operation shall not exceed thirty-six (36) feet, except that the Administrator may issue permits for driveway approaches greater than thirty-six (36) feet in width on major streets to handle special traffic conditions. The minimum width of commercial and multi-family driveway approaches for two-way operation shall be not less than twenty-four (24) feet.
  - f. The combination of two (2) driveways for residential circular drives shall not exceed twenty-five (25) feet.
  - g. The angle of driveway approach shall be approximately ninety (90) degrees for two-way drives and between forty-five (45) degrees and ninety (90) degrees for one-way drives.
  - h. A minimum driveway throat length shall be required to allow traffic entering the site to be stored on site, avoiding a queue of traffic onto the adjacent roadway causing delays to the through traffic stream. The driveway throat length shall be defined as the distance from the street to the first point of conflict in the driveway. Minimum driveway throat depths are provided in the figure below. For more intense uses (i.e., retail shopping center) a minimum throat depth of one hundred thirty (130) feet will be required.



- i. Gated residential communities shall use the City of College Station Subdivision Regulations Section 8.3.V.3, Geometric Design Guidelines as a guideline for throat depth and entry designs.
- j. For the benefit of traffic safety and flow on collector and arterial streets, access points may be required to be designed to prohibit certain types of turning movements. Driveways not meeting the standard opposite and adjacent spacing guidelines may be designed for limited access by the addition of a median to the driveway.
- k. For the benefit of traffic safety and flow on collector and arterial streets, auxiliary lanes may be required at driveways where high turning volumes are expected.
- l. A right-turn deceleration lane with storage length plus taper may be required for any access with a projected peak hour right-turn ingress turning volume greater than fifty (50) vehicles per hour (vph). If the posted speed is greater than forty (40) mph, a right-turn deceleration lane and taper may be required for any access with a projected peak hour ingress turning volume greater than twenty-five (25) vph.
- m. Driveways shall be constructed as to avoid altering the drainage patterns of the street and adjoining property.
- n. Driveways shall be constructed to provide a crossing path within the right-of-way that meets the minimum Texas Accessibility Standards.
- o. A right-turn acceleration lane with taper may be required for any access with a projected peak hour right-turning volume greater than fifty (50) vph when the posted speed on the roadway is greater than forty (40) mph. Design of right-turn deceleration lanes shall be in accordance with the AASHTO Green Book on auxiliary lanes.
- p. The spacing requirements for driveways not meeting the specifications in Section 7.4.C.3, Spacing of Driveways, may be lessened or waived if auxiliary lanes are used.



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- q. Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way dedication, design, hardware, or construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria set forth in the City's Traffic Signal Policy.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2013-3522 , Pt. 1(Exh. D), 9-12-2013)

## **Sec. 7.5. Signs.**

### **A. Purpose.**

The purpose of this Section is to establish clear and unambiguous regulations pertaining to signs in the City of College Station and to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information.

### **B. Applicability.**

The City Council recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The Council herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs. This Section will insure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the City's Comprehensive Plan.

1. The City Council finds that the rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The City Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.
2. The City Council finds that instances may occur in the application of this Section where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this UDO for good cause. The City Council finds that it is imperative that enforcement officials apply this Section as it is written, in the interest of equality and fair and impartial application to all persons, and that the procedures to appeal a denial of a sign permit to the ZBA shall remain the sole administrative means to obtain any exception to the terms hereof.
3. The regulations of this Section shall apply for developments within the zoning districts listed in Section 12-7.5.C Summary of Permitted Signs. These regulations only apply to special districts within the City of College Station so far as is stated in the following Sections of this UDO:
  - a. Wolf Pen Creek District (WPC), Section 12-5.8.A;
  - b. Northgate Districts (NG-1, NG-2, NG-3), Section 12-5.8.B; and
  - c. Corridor Overlay District (OV), Section 12-5.10.A.

### **C. Summary of Permitted Signs.**

The following signs are permitted in the relevant zoning districts of the City:

Click here to access a PDF version of the Summary of Permitted Signs table.

|                                                                                                | R | WE | E | WRS | R-1B | GS | D | T | M/H | MF | MU               | R-4 | R-6 | MHP | O | SC | WC | GC | CI | C-3 | BP | BPI | R&D | M-1 | M-2 |
|------------------------------------------------------------------------------------------------|---|----|---|-----|------|----|---|---|-----|----|------------------|-----|-----|-----|---|----|----|----|----|-----|----|-----|-----|-----|-----|
| Apartme<br>nt/Condo<br>minium/<br>Manufact<br>ured<br>Home<br>Park<br>Identifica<br>tion Signs |   |    |   |     |      |    |   |   |     | X  | *<br>*<br>*<br>* | X   | X   | X   |   |    |    |    |    |     |    |     |     |     |     |
| Area<br>Identifica<br>tion/Subd<br>ivision<br>Signs                                            | X | X  | X | X   | X    | X  | X | X | X   | X  | X                | X   | X   | X   | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Attached<br>Signs***                                                                           |   |    |   |     |      |    |   |   |     | X  | X                | X   | X   | X   | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Campus<br>Wayfindi<br>ng Signs                                                                 |   |    |   |     |      |    |   |   |     | X  | X                |     |     |     | X | X  | X  | X  | X  |     | X  | X   | X   |     |     |
| Commerc<br>ial<br>Banners*<br>**                                                               |   |    |   |     |      |    |   |   |     | X  | X                | X   | X   |     | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Develop<br>ment<br>Signs                                                                       | X | X  | X | X   | X    | X  | X | X | X   | X  | X                | X   | X   | X   | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Direction<br>al Traffic<br>Control<br>Signs                                                    |   |    |   |     |      |    |   |   |     |    | X                |     |     |     | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Freestand<br>ing<br>Signs***                                                                   |   |    |   |     |      |    |   |   |     |    |                  |     |     |     | * | *  |    | X  | X  |     |    |     |     | X   | X   |
| Hanging<br>Signs                                                                               |   |    |   |     |      |    |   |   |     |    | X                |     |     |     |   |    |    |    |    |     |    |     |     |     |     |
| Home<br>Occupati<br>on Signs                                                                   | X | X  | X | X   | X    | X  | X | X | X   | X  | X                | X   | X   | X   |   |    |    |    |    |     |    |     |     |     |     |
| Low<br>Profile<br>Signs***                                                                     |   |    |   |     |      |    |   |   |     | X  |                  |     |     |     | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Non-<br>Commerc<br>ial Signs                                                                   | X | X  | X | X   | X    | X  | X | X | X   | X  | X                | X   | X   | X   | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |
| Projectio<br>n Signs                                                                           |   |    |   |     |      |    |   |   |     | X  | X                |     |     |     |   |    |    |    |    |     |    |     |     |     |     |
| Real<br>Estate,<br>Finance,<br>and                                                             | X | X  | X | X   | X    | X  | X | X | X   | X  | X                | X   | X   | X   | X | X  | X  | X  | X  | X   | X  | X   | X   | X   | X   |

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(Supp. No. 6, Update 5)



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1. Signs that are not easily identified from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way, as determined by the Administrator. Such signs are not exempt from the safety regulations contained herein and in City Building and Electrical Codes;
  2. Official notices posted by government officials in the performance of their duties: government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger. Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this UDO;
  3. Signs related to a Primary & Secondary Educational Facility, except that such signs shall adhere to the limitations of Section 7.5.D Prohibited Signs;
  4. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or other hazard to the public;
  5. Non-commercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety, except as stated in Section 7.5.S, Non-Commercial and Political Signs;
  6. Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, or religious celebration;
  7. Temporary or permanent signs erected by public utilities or construction companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way;
  8. Non-Commercial Signs carried by a person and not set or affixed to the ground, that in no way identify or advertise a product or business, or by their location and placement impede traffic safety;
  9. Commercial Signs carried by a person and not set on or affixed to the ground, provided that the sign is temporary, on-premises, and not used by the person on the premises for more than three (3) consecutive days, more than four (4) times per calendar year;
  10. Outdoor advertising display signs for sponsors of charitable events held on public properties. These signs may be displayed for the duration of the event or not more than three (3) days with approval of the City Manager;
  11. Flags used as political symbols; and
  12. Special District Identification Signs, as defined by Section 11.2 Defined Terms, that in no way advertise a product or a business, or by their location and placement impede traffic safety. Special District Identification Signs must be approved by the appropriate Board or Committee.
  13. On-premises and/or off-premises signs where there has been a resolution adopted by the City of College Station or an executed contract with the City of College Station and the display of the signs are for designated locations, a specified time period, and;
    - a. Promotes a positive image of the City of College Station for the attraction of business or tourism;
    - b. Depict an accomplishment of an individual or group; or
    - c. Creates a positive community spirit.
  14. Temporary signs erected for a neighborhood event sponsored by a neighborhood group that is registered with the City of College Station, provided that the signage is:
    - a. Located within the perimeter of the neighborhood;
    - b. Provides the name of the association sponsoring the event on the sign;

- c. In good repair;
  - d. Allowed up to fourteen (14) days prior to the event; and
  - e. Removed within twenty-four (24) hours of the event.
15. Home Tour Event signs, as defined by Section 11.2 Defined Terms, with a limit of two (2) events per calendar year. Such signage shall:
- a. Be in good repair;
  - b. Display the name of the group sponsoring the event (if applicable);
  - c. Be allowed up to ten (10) consecutive days per event;
  - d. Be removed within twenty-four (24) hours of the end of the event;
  - e. Comply with the following if located within a right-of-way:
    - 1. Located outside the visibility triangle of intersections as defined in Section 7.2.C Visibility at Intersections in all Districts.
    - 2. Permitted by the State Department of Highways and Public Transportation if located on any state highway or roadway.
    - 3. Be constructed of durable material and no sign shall be greater in size than three (3) feet by three (3) feet.

Per Ordinance No. 3280 (September 9, 2010)

**F. Sign Standards.**

The following table summarizes the sign standards for the City of College Station:

| Sign Type                                                         | Maximum Area (s.f.)**           | Maximum Height (ft.)                                                                     | Setback From ROW (ft.) | Number Allowed                                                                  |
|-------------------------------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------|
| Apartment/Condominium/Manufactured Home Park Identification Signs | 100                             | 10                                                                                       | 10                     | 1/frontage                                                                      |
| Area Identification Signs                                         | 16                              | 4                                                                                        | 10                     | 1/10-50 acre subdivision or phase                                               |
| Attached Signs                                                    | Varies, see Section 7.5.I below | Not to exceed one (1) foot from top of wall, marquee, or parapet to which it is attached | —                      | Any number allowed if within the total allowed square footage of attached signs |
| Campus Wayfinding signs                                           | 30                              | 6                                                                                        | —                      | See Section 7.5 BB below                                                        |

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(Supp. No. 6, Update 5)



|                                                            |                         |                                                                                          |    |                                                       |
|------------------------------------------------------------|-------------------------|------------------------------------------------------------------------------------------|----|-------------------------------------------------------|
| Commercial Banners                                         | 36                      | No to exceed the top of structure to which it is attached                                | 10 | 1/premises                                            |
| Development Signs                                          |                         | 15                                                                                       | 10 | 1/premises                                            |
| Residential/Collector Street                               | 35                      |                                                                                          |    |                                                       |
| Arterial Street                                            | 65                      |                                                                                          |    |                                                       |
| Freeway (As designated on Thoroughfare Plan)               | 200                     |                                                                                          |    |                                                       |
| Directional Traffic Control Signs                          | 3                       | 4                                                                                        | 4  | 1/curb cut                                            |
| Freestanding Signs                                         | Varies, see 7.5.N below |                                                                                          |    | 1/building plot where lot exceeds 75 feet of frontage |
| Hanging Signs                                              | 4                       | --                                                                                       | -- | 1/building entrance                                   |
| Home Occupation Signs                                      | 2                       | Not to exceed top of wall to which it is attached                                        | -- | 1/dwelling unit                                       |
| Low Profile Signs                                          | 60                      | 4                                                                                        | 10 | See 7.5 R "Low Profile Signs" below/***               |
| Low Profile Signs (In lieu of permitted Freestanding Sign) | 60                      | 4                                                                                        | 10 | 1/150 feet of frontage *                              |
| Projection Signs                                           | Varies, see 7.5.U below | Not to exceed one (1) foot from top of wall, marquee, or parapet to which it is attached | -- | 1/frontage                                            |
| Real Estate, Finance, and Construction Signs               |                         |                                                                                          |    | 1/frontage(Real Estate)                               |
| Up to 150-foot frontage                                    | 16                      | 8                                                                                        | 10 | 1/property (Finance)                                  |

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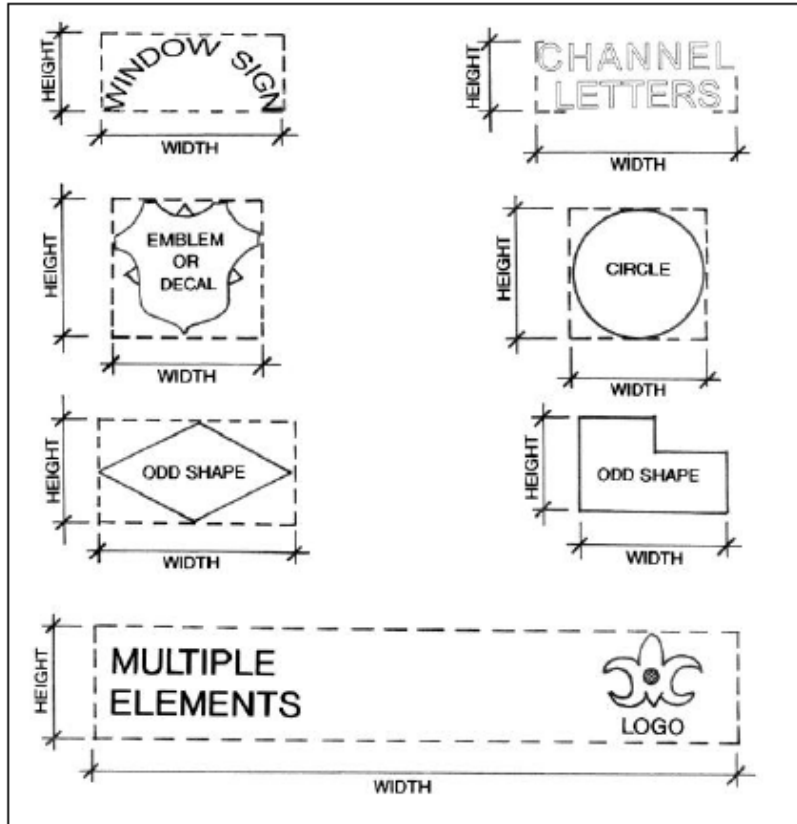
|                                |                                                                           |                                        |    |                                                                    |
|--------------------------------|---------------------------------------------------------------------------|----------------------------------------|----|--------------------------------------------------------------------|
| Greater than 150-foot frontage | 32                                                                        | 8                                      | 10 | 3/property<br>(Construction)                                       |
| Roof Signs                     | Determined<br>by frontage.<br>Same as<br>freestanding<br>Max. 100<br>s.f. | 10 feet<br>above<br>structural<br>roof | -- | 1/building plot<br>in place of a<br>freestanding<br>sign           |
| Subdivision Signs              | 150                                                                       | 15                                     | 10 | 1/primary<br>subdivision<br>entrance. Not<br>to exceed 2<br>signs. |

\* Except as provided for in Section 7.5.N.10, Freestanding Commercial Signs.

\*\* The area of a sign is the area enclosed by the minimum imaginary rectangle or vertical and horizontal lines that fully contains all extremities (as shown in the illustration below), exclusive of supports.

\*\*\* In SC Suburban Commercial, WC Wellborn Commercial, BP Business Park, and BPI Business Park Industrial, one (1) low-profile sign per structure is permitted.

Per Ordinance No. 2011-3348 (May 26, 2011), Ordinance No. 2014-3624 , Pt. 1(Exh. K) (Dec. 18, 2014, and Ordinance No. 2016-3792 , Pt. 1(Exh. E), (July 28, 2016))



**G. Area Identification and Subdivision Signs.**

1. Area Identification Signs shall be permitted upon private property in any zone to identify multiple-lot subdivisions of ten (10) to fifty (50) acres in size and subject to the requirements set forth in Section 7.5.F, Sign Standards above. Area Identification Signs may also be used within a large subdivision to identify distinct areas within that subdivision, subject to the requirements in Section 7.5.F, Sign Standards above.
2. Subdivision Signs shall be permitted upon private property in any zone to identify subdivisions of greater than fifty (50) acres, subject to the requirements set forth in Section 7.5.F, Sign Standards above.
3. Both Area Identification and Subdivision Signs must be located on the premises as identified by a preliminary or master preliminary plat of the subdivision. Subdivision Signs will be permitted only at major intersections on the perimeter of the subdivision (intersection of two (2) collector or larger streets). At each intersection either one (1) or two (2) Subdivision Signs may be permitted so long as the total area of the signs does not exceed one hundred fifty (150) square feet. Flags may be utilized in place of a Subdivision Identification Sign, but the overall height shall not exceed twenty (20) feet and twenty-five (25) square feet in area in a residential zone and thirty-five (35) feet in height and one hundred (100) square feet in area in industrial or commercial districts.
4. Subdivision markers of no more than one (1) square foot in area and used in conjunction with a subdivision or area identification sign are permitted attached to architectural elements within the subdivision.

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5. Indirect lighting is permissible but no optical effects, moving parts, or alternating, erratic, or flashing lights shall be permitted. Landscaping valued at two hundred fifty (250) points shall be installed around each Subdivision Sign. Adequate arrangements for permanent maintenance of all signs and any landscaping in conjunction with such signs shall be made, which may be through an owners association if one (1) exists or is created for this purpose.
  6. All signs shall be setback as shown in Section 7.5.F, Sign Standards above except in areas where a Private Improvement in Public Right-of-Way permit has been issued.

**H. Apartment/Condominium/Manufactured Home Park Identification Signs.**

1. One (1) Apartment/Condominium/Manufactured Home Park Identification Sign may be located at a primary entrance on each frontage to a public road.
2. The maximum area allowed for each frontage may be divided among two (2) signs if those signs are single sided and mounted at a single entrance.
3. An Apartment/Condominium/Manufactured Home Park Identification Sign may be either an attached sign or a freestanding monument sign. It shall be placed upon the private property of a particular multi-family project in the appropriate zone as established in Section 7.5.C, Summary of Permitted Signs subject to the requirements set forth in Section 7.5.F, Sign Standards above.
4. The Apartment/Condominium/Manufactured Home Park Identification Sign shall list the name and may list the facilities available and have leasing or sales information incorporated as a part of the sign.
5. An apartment or condominium project must have a minimum of twenty-four (24) dwelling units to qualify for an identification sign.
6. Indirect lighting is permissible, but no optical effects, moving parts, or alternating, erratic, or flashing lights or devices shall be permitted.
7. Any manufactured home parks existing at the time of this UDO that are nonconforming may still utilize an identification sign meeting the provisions of this Section and Section 7.5.F, Sign Standards above.

**I. Attached Signs.**

1. Attached Signs are commercial signs under this Section.
2. Attached Signs on any commercial building or tenant lease space shall not exceed a total of two and one-half (2.5) square feet per linear foot of all public entry façades, with a maximum of five hundred (500) square feet of attached signage allowed for any one (1) tenant. Multi-story businesses will be allowed one hundred (100) square feet of additional attached signage.
3. The division of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station.
4. Signs attached to features such as gasoline pumps, automatic teller machines, mail/package drop boxes, or similar on-site features, if identifiable from the right-of-way, as determined by the Administrator, shall count as part of the allowable sign area of the attached signs for the site. Information contained on such features pertaining to federal and state requirements, and operation/safety instructions are not counted. All other signage on such features shall count towards the allowable attached sign area.
5. Architectural elements, which are not part of the sign or logo and in no way identify the specific business tenant, shall not be considered attached signage.
6. An attached sign:

- 
- a. Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
    - b. Shall be parallel to the face of the building;
    - c. Shall not be cantilevered away from the structure;
    - d. Shall not extend more than one (1) foot from any exterior building face, mansard, awning, or canopy;
    - e. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
    - f. Shall not be attached to any tree or public utility pole.
  7. Attached Signs may be mounted to site lighting poles located on private property and may be constructed of cloth, canvas, or other flexible material provided such signage is maintained in good condition and complies with the following restrictions:
    - a. No part of any sign attached to a light pole will be allowed to overhang or encroach into any portion of the public right-of-way
    - b. Light pole signs shall not exceed twelve (12) square feet in area and shall have a minimum of eight (8) feet of clearance from the grade below;
    - c. Light pole signs shall only be attached to one (1) side of a light pole;
    - d. Light pole signs shall not project more than three (3) feet from the edge of the light pole; and
    - e. Light pole signs constructed of cloth, canvas, or other flexible material shall be secured on a minimum of two (2) opposing sides to prevent wind-driven movement.

**J. Commercial Banners.**

1. A Commercial Banner:
  - a. Shall be in good repair;
  - b. Shall have the permit number conspicuously posted in the lower right hand corner of the banner;
  - c. Shall be allowed in addition to the signage provided for in Section 7.5.I, Attached Signage;
  - d. Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
  - e. Shall be mounted parallel to the face of a building or permanent structure;
  - f. Shall not be located within public road right-of-way of the State of Texas or the City of College Station;
  - g. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
  - h. Except for J.2. below, shall be allowed for a maximum fourteen-day period per permit.
2. An annual banner permit may be allowed for places of worship meeting in public spaces on a temporary basis. Banners allowed by this Section shall only be displayed on the day of the worship service.
3. The applicant shall pay an application fee of two hundred dollars (\$200.00) upon submission of a banner permit application to the City. The application fee is waived for a non-profit association or



organization. This fee shall not apply to banners associated with special events as provided for in Section 7.5.V, Special Event Signs.

**K. Development Sign.**

1. A Development Sign may be placed only on private property subject to the requirements in Section 7.5.F, Sign Standards above.
2. A Development Sign for a building project shall be removed if the project has not received a Building Permit at the end of twelve (12) months. The Administrator may renew the sign permit for one (1) additional twelve-month period upon request. Once a Building Permit for the project is received, the sign may stay in place until seventy-five (75) percent of the project is leased or a permanent sign is installed, whichever comes first.
3. A Development Sign for a proposed subdivision shall be removed if a Preliminary or Final Plat has not been approved by the end of twelve (12) months. The Administrator may renew the Sign Permit for one (1) additional twelve-month period upon request. Once a plat has been approved, the Sign Permit is valid as long as a Preliminary Plat is in effect, or in the absence of a valid Preliminary Plat, for twenty-four (24) months from the date of approval of a Final Plat.

**L. Directional Traffic Control Sign.**

1. Directional Traffic Control Signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in Section 7.5.F, Sign Standards above.
2. For multiple lots sharing an access easement to public right-of-way, there shall be only one (1) directional sign located at the curb cut.
3. Logo or copy shall be less than fifty (50) percent of the sign area.
4. No Directional Traffic Control Sign shall be permitted within or upon the right-of-way of any public street unless its construction, design, and location have been approved by the City Traffic Engineer.

**M. Flags.**

1. One (1) freestanding corporate flag per premise, not to exceed thirty-five (35) feet in height or one hundred (100) square feet in area, is allowed in multi-family, commercial, and industrial districts.
2. Flags used solely for decoration and not containing any copy or logo and located only in multi-family, commercial, and industrial districts or developments are allowed without a permit. In multi-family developments, such flags will be restricted to sixteen (16) square feet in area. In all permitted zoning districts such flags will be restricted to thirty (30) feet in height, and the number shall be restricted to no more than six (6) flags per building plot.
3. Flags containing commercial copy or logo, excluding the flags of any country, state, city, school, or church are prohibited in residential zones and on any residentially developed property (except when flags are used as Subdivision Signs).

**N. Freestanding Commercial Signs.**

1. Any development with over seventy-five (75) linear feet of frontage will be allowed one (1) Freestanding Commercial Sign. All Freestanding Commercial Signs shall meet the following standards:

**a. Allowable Area.**

| Allowable Area For Freestanding Signs |                     |
|---------------------------------------|---------------------|
| Frontage (Feet)                       | Maximum Area (s.f.) |
| 0—75                                  | Low Profile only    |
| 76—100                                | 50                  |

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(Supp. No. 6, Update 5)

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|----------|-----|
| 101—150  | 75  |
| 151—200  | 100 |
| 201—250  | 125 |
| 251—300  | 150 |
| 301—350  | 175 |
| 351—400  | 200 |
| 401—450  | 225 |
| 451—500  | 250 |
| 501—550  | 275 |
| 551—600+ | 300 |

b. **Area.**

For the purposes of this Section, area shall be considered the area in square feet of a single-face sign, or one (1) side of a double-face sign, or half the sides of a multi-face sign.

c. **Frontage.**

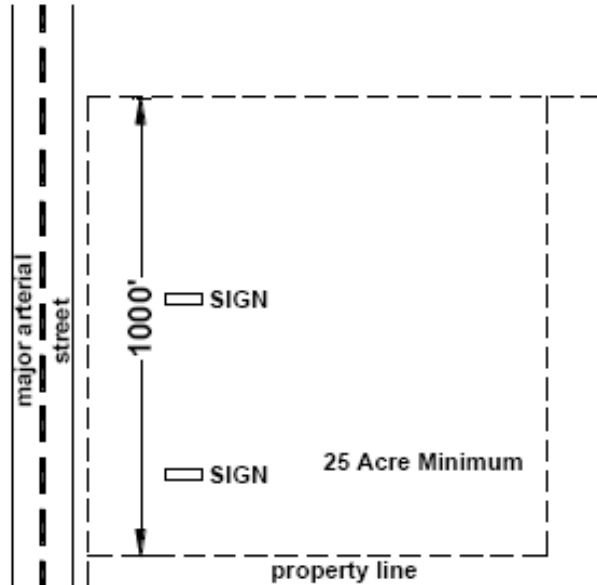
1. For the purposes of this Section, frontage shall be considered the number of feet fronting on a public street to which a sign is oriented; and
2. On corner lots, the frontage street shall be the greater street as classified on the thoroughfare plan. Where the two (2) streets are classified the same, the applicant may choose the frontage street.

d. **Allowable Height.**

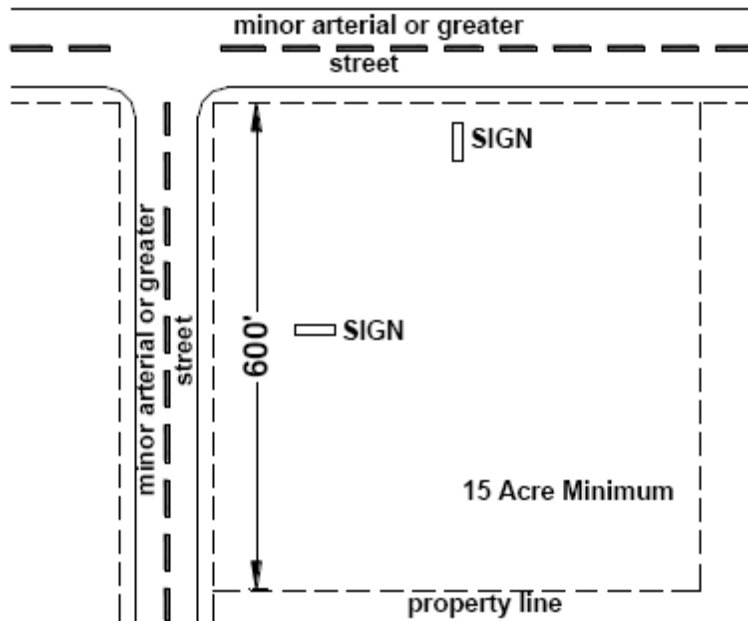
1. The allowable height of a Freestanding Commercial Sign is determined by measuring the distance from the closest point of the sign to the curb or pavement edge and dividing this distance by two (2). No Freestanding Commercial Sign shall exceed thirty-five (35) feet in height;
  2. For the purposes of this Section, height of a sign shall be measured from the elevation of the curb or pavement edge;
  3. For the purposes of this Section, the distance from curb shall be measured in feet from the back of curb or pavement edge to the nearest part of the sign; and
  4. For properties with Freeway frontage in SC Suburban Commercial districts, the maximum height of the sign may not exceed the eave height of the structure to which it most closely relates. Sign must be adjacent to and orient to the Freeway.
2. Freestanding Commercial Signs are allowed only on developed commercial property established in the appropriate zones as set forth in Section 7.5.C, Summary of Permitted Signs. One (1) freestanding sign shall be allowed in the O zone only when the premises has a minimum of two (2) acres, subject to the requirements set forth in Section 7.5.F, Sign Standards. One (1) Low Profile Sign shall be allowed in the O zone when the premises has less than two (2) acres subject to the requirements set forth in Section 7.5.F, Sign Standards, above.
  3. A premises with more than one hundred fifty (150) feet of frontage shall be allowed to use one (1) Freestanding Commercial Sign or any number of Low Profile Signs as long as there is a minimum separation between signs of one hundred fifty (150) feet.

In lieu of one (1) Low Profile Sign every one hundred fifty (150) feet, hospital uses may have one (1) low profile sign located at each driveway.

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4. Premises with less than seventy-five (75) feet of frontage may be combined in order to utilize signage corresponding to the resulting frontage as described in the preceding two (2) paragraphs.
  5. No more than one (1) Freestanding Commercial Sign shall be allowed on any premises except when the site meets one (1) of the following sets of criteria:
    - a. The building plot, as recognized on an approved Plat or Site Plan, must be twenty-five (25) acres or more in area with at least one thousand (1,000) feet of continuous unsubdivided frontage on any major arterial street or higher (as classified on the Thoroughfare Plan) toward which one (1) additional Freestanding Commercial Sign may be displayed (see diagram below); or



- b. The Building plot, as recognized on an approved Plat or Site Plan, must be fifteen (15) acres or more in area with at least six hundred (600) feet of continuous unsubdivided frontage on any major arterial street or higher (as classified on the Thoroughfare Plan) and the site must have additional frontage on a street classified as a minor arterial or greater on the Thoroughfare Plan, toward which the additional Freestanding Commercial Sign may be displayed.



6. Any sign where two (2) or more panels have separate supports extending to them shall be considered to be more than one (1) Freestanding Commercial Sign, even where only one (1) main support extends to the ground.
7. Sites with limited or no street frontage, due to a proliferation of pad sites, that are not contained within the building plot, as defined by the Administrator, and are fronting along a street classified as a collector or greater on the Thoroughfare Plan, will be allowed the area of the sign to be less than or equal to the square of one-sixth of the distance from the closest portion of the sign to the curb or pavement edge, with the maximum area not to exceed two hundred (200) square feet.
8. Any site defined as a single building plot, and containing one (1) or more pad sites, shall be permitted to erect a Freestanding Commercial Sign in accordance with Section 7.5.N, Freestanding Commercial Signs, and to the standards of Section 7.5.N.1.a, Allowable Area, with the maximum area not to exceed two hundred (200) square feet. In addition, each pad site will be permitted one (1) Low Profile Sign per pad site according to the restrictions of 7.5.F, Sign Standards.

**O. Fuel Price Signs.**

Facilities with fuel sales will be allowed one (1) additional sign for the purposes of fuel pricing, either freestanding or attached, per premises.

1. The area of the fuel price sign shall not exceed twenty-four (24) square feet.
2. Fuel pricing may be incorporated into the allowable square footage of a Freestanding Commercial Sign or Attached Sign.
3. This sign shall follow the setback requirements for a Freestanding Commercial Sign and shall not be located within the right-of-way.

**P. Grand Opening Signs.**

1. Flags, commercial banners, and balloons, which advertise a business's grand opening, may be displayed for one (1) consecutive fourteen-day period, selected by the business owner, within sixty (60) days of

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the granting of the initial Certificate of Occupancy, a change in the use, or of a change in the name of the business. A permit is required.

2. **A Commercial Banner:**

- a. Shall advertise only the name of, uses of, or goods or services available within the building, or tenant lease space, to which the sign is attached;
- b. Shall be parallel to the face of the building;
- c. Shall not be cantilevered away from the structure;
- d. Shall not extend more than one (1) foot from any exterior building face, mansard, awning, or canopy;
- e. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
- f. Shall not be attached to any tree, fence, or public utility pole.

**Q. Hanging Signs.**

- a) Hanging signs shall be suspended from canopies or awnings and located in front of building entrances, perpendicular to the façade.
- b) A maximum of one (1) hanging sign per building entrance is allowed.
- c) The hanging sign shall not exceed four (4) square feet in size and shall have a minimum of eight (8) feet of clearance from the walkway grade, four (4) inches of clearance from the building face, and eight (8) inches of clearance from the edge of the canopy/awning.
- d) Hanging signs located in or over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.

**R. Home Occupation Sign.**

1. A person having a legal home occupation may have one (1) sign on the building or porch of a residence.
2. The sign may contain only the name and occupation of the resident.
3. It shall be attached directly to the face of the building or porch.
4. It shall not exceed two (2) square feet in area, shall not be illuminated in any way, and shall not project more than twelve (12) inches beyond the building.
5. No display of merchandise or other forms of commercial communication shall be allowed within a residential area, unless same are in existence prior to the adoption of the UDO in connection with a use that is presently a lawful nonconforming use within the district.
6. Such a nonconforming sign may be maintained until the nonconforming use of the building ceases, subject to the requirements for maintenance herein. Discontinuance of the use of such a sign for more than three (3) months shall prevent future use, even if the nonconforming use of the premises is continuous.

**S. Low Profile Signs.**

In addition to meeting the other requirements of this Section, Low Profile Signs are subject to the following:

1. A premises with less than seventy-five (75) feet of street frontage shall be allowed to use one (1) Low Profile Sign in lieu of a Freestanding Commercial Sign;



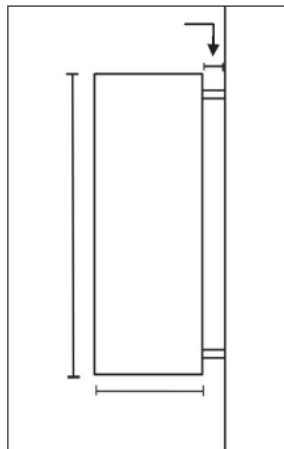
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2. Each single building plot containing one (1) or more pad sites, shall be permitted one (1) Low Profile Sign per pad site according to the restrictions of 7.5.F, Sign Standards; and
  3. In SC Suburban Commercial, WC Wellborn Commercial, BP Business Park, and BPI Business Park Industrial, one (1) Low Profile Sign per structure is permitted.

**T. Non-Commercial and Political Signs.**

This Section does not regulate the size, content, or location of non-commercial signs except as follows:

1. No commercial message shall be shown on any non-commercial sign.
2. No non-commercial sign:
  - a. May be greater than fifty (50) square feet in size;
  - b. May be located within public road right-of-way of the State of Texas or the City of College Station;
  - c. May be located off the premises of the property owner who is displaying the sign; and
  - d. May be located within any sight distance triangle as defined in Section 7.2.C, Visibility at Intersections in All Districts, or where determined by the Administrator as a location that would hinder intersection visibility. This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs. No regulatory alternative exists to accomplish this police power obligation.
3. In the event that any non-commercial sign is located in a public right-of-way of the State or City, the City shall remove it.
4. All non-commercial signs addressing a particular event are allowed up to ninety (90) days prior to the event and shall be removed within ten (10) days after.

**U. Projection Signs.**



City of College Station, Texas

Projection signs will be allowed in the MU Mixed-Use District with the following restrictions:

- 1) One (1) projection sign per frontage along a public right-of-way will be allowed except where otherwise stated in this Section.

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- 2) The total square footage of all projection signs used will be applied toward the total allowable area for attached signage.
  - 3) The division and placement of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station.
  - 4) Projection signs shall be mounted perpendicular to buildings.
  - 5) Internally lit plastic signs will not be permitted.
  - 6) Projection signs may utilize fabric or other flexible material provided that they remain in good condition at all times.
  - 7) Projection signs shall have a minimum of eight (8) feet of clearance from the walkway grade and four (4) inches of clearance from the building face. Excluding the four-inch minimum clearance requirement, no part of a projection sign shall project more than three (3) feet from the building face.
  - 8) Projection signs shall not extend above the façade of the building to which it is attached.
  - 9) Buildings with one (1) story may have a sign that shall not exceed eighteen (18) square feet in size. For each additional building story, an additional eight (8) square feet of signage is allowed, up to a maximum of fifty (50) square feet per sign.
  - 10) Projection signs located in over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.

**V. Real Estate/Finance/Construction Signs.**

1. One (1) Real Estate Sign not exceeding sixteen (16) square feet in total area (exclusive of stakes and posts) may be erected at any time while a property is offered for sale or lease to the public. Properties with a minimum of one hundred fifty (150) feet of frontage shall be allowed one (1) Real Estate Sign not exceeding thirty-two (32) square feet in total area. Properties with a minimum of two (2) acres and frontage on two (2) streets shall be allowed one (1) real estate sign on each frontage street with the area of the sign to be determined by the amount of frontage as stated above.
2. One (1) Finance Sign and three (3) Construction Signs (for a total of four (4) signs), not exceeding sixteen (16) square feet in total area each (exclusive of stakes and posts) may be erected once a building permit has been issued on a property. Properties with a minimum of ten (10) acres and one thousand (1,000) feet of frontage shall be allowed one (1) Finance Sign and three (3) Construction Signs not exceeding thirty-two (32) square feet in total area each.
3. Real Estate, Finance, and Construction Signs may be either attached or freestanding and only those visible from the street are limited in number.
4. All such signs shall be maintained by the persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken, or incapable of remaining erect.
5. Such signs must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of Construction Signs) has been completed. In all cases, Financing and Construction Signs shall be removed prior to issuance of a Certificate of Occupancy.

**W. Roof Signs.**

1. Signs mounted to the structural roof shall be regulated as Freestanding Commercial Signs.
2. Painted or applied roof signs are prohibited.

**X. Special Event Signs.**

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1. Signs, including commercial banners and balloons, advertising or announcing a Special Event, as defined in Section 4-4.B of the Code of Ordinances, are permitted as a part of the Special Event License and shall be limited to the property holding the event.
  2. The Special Event Signage is allowed up to fourteen (14) days prior to the event and must be removed within twenty-four (24) hours of the end of the event.

**Y. Vehicle Signs.**

1. Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, excluding all banners, that are located on moving vans, delivery trucks, trailers or other commercial vehicles are permitted; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building away from public traffic areas.
2. Signs or advertisements permanently attached to non-commercial vehicles, excluding all banners, are permitted.

**Z. Signs for Conditional Uses.**

1. Signs for Conditional Uses shall comply with the regulations for the zoning district in which the Conditional Use is permitted.
2. Signs for Conditional Uses in residential or rural zoning districts shall comply with Section 7.5.F, Sign Standards, "Low Profile Signs."

**AA. Signs for Permitted Non-residential Uses in Residential or Rural Districts.**

1. Signs for permitted non-residential uses in residential or rural zoning districts shall comply with Section 7.5.F, Sign Standards, "Low Profile Signs."
2. Signs for Places of Worship with frontage on a street classified as Freeway/Expressway on the Thoroughfare Plan are allowed one (1) "Freestanding Sign" in accordance with Section 7.5.N, "Freestanding Commercial Signs" or "Low Profile Signs" in accordance with Section 7.5.F, Sign Standards, "Low Profile Signs." The "Freestanding Sign" must be adjacent to and orient to the Freeway/Expressway.
3. Signs for Places of Worship and Government Facilities in residential or rural zoning districts may utilize signage in accordance with Section 7.5.I, Sign Standards, "Attached Signs" and Section 7.5.J, "Commercial Banners."

**BB. Abandoned, Damaged, or Unsafe Signs.**

1. The provisions of this Section shall apply when in conflict with the provisions of the Building Code; but where the provisions of both ordinances are consistent, the enforcement of either shall be permissible and remedies or penalties cumulative.
2. Nonconforming signs that have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) percent of its replacement value exclusive of foundations, will be required to be removed or brought into full compliance with the current sign regulations.
3. All abandoned signs and their supports shall be removed within sixty (60) days from the date of abandonment. All damaged signs shall be repaired or removed within sixty (60) days. The Administrator shall have authority to grant a thirty-day time extension where he determines there is a reasonable necessity for same.

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4. Discontinuance of use or removal of any nonconforming sign or any sign in connection with a nonconforming use shall create a presumption of intent to abandon said sign. A nonconforming sign that is damaged and not repaired within sixty (60) days shall be presumed to be abandoned.
  5. When a building is demolished, the associated signs and sign structures shall also be removed.

**CC. Signs in the Extraterritorial Jurisdiction.**

All off-premise and portable signs shall be prohibited within the Extraterritorial Jurisdiction of the City of College Station.

**DD. Campus Wayfinding Signs.**

1. A campus wayfinding sign:
  - a. May be utilized as part of a Planned Development District (PDD) or unified development that is at least twenty (20) acres in size, contains multiple buildings and that may include multiple building plots;
  - b. A maximum of one (1) campus wayfinding sign shall be allowed per intersection of two (2) primary circulation drive aisles, when parking is not provided along the drive aisle; or intersection of a primary circulation drive aisle and public way, when parking is not provided along the drive aisle and public way;
  - c. All signs shall be internal to the development and shall not be located along a public right-of-way or at the intersection of a primary circulation aisle or public way and right-of-way.
  - d. Shall be limited in height to no greater than six (6) feet, measured from the elevation of the curb or pavement edge, with a maximum total sign area of thirty (30) square feet;
  - e. Shall not be located within a site visibility triangle.
  - f. All campus wayfinding signs shall be submitted as part of a sign package for the development; and,
  - g. Shall utilize a common design or theme throughout the development and contain no commercial logo or graphics.

Per Ordinance No. 2011-3348 (May 26, 2011)

**EE. Electronic Reader Boards.**

In addition to meeting the other requirements of this Section, Electronic Reader Boards (ERB) are subject to the following requirements:

1. The sign display (message) change shall be instantaneous; scrolling, fading, or animation between messages is prohibited;
2. No electronic reader board shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a light meter capable of measuring in foot candles at a distance based upon sign area, measured as follows:  
$$\text{Measurement distance} = \sqrt{\text{sign display area of ERB} \times 100}$$
3. The sign shall be equipped with automatic brightness control keyed to ambient light levels;
4. In the event of a malfunction, the sign display must go dark; and,
5. Electronic Reader Board size is limited to thirty (30) percent of the allowable sign area.

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(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. J), 9-12-2013; Ord. No. 2014-3547 , Pt. 1(Exh. A), 1-9-2014; Ord. No. 2014-3588 , Pt. 1(Exh. A), 7-24-2014; Ord. No. 2014-3624 , Pt. 1(Exh. K), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2018-4001 , Pt. 1(Exh. E), 4-12-2018)

## **Sec. 7.6. Landscaping and Tree Protection.**

### **A. Purpose and Intent.**

The purpose and intent of this Section is to regulate the manner in which land in the City is used and developed, to minimize adverse effects on surrounding property owners or the general public, and ensure that high quality development is maintained throughout the community.

For the purpose of landscaping, College Station, Texas falls within Zone 8 of the United States Department of Agriculture (USDA) Hardiness Zone Map. Also, dwarf plants will not be allowed in required screening or buffer areas.

### **B. Application of Section.**

The landscaping requirements of this Section apply to all land located in the City of College Station proposed for site development with the exception of those zoned NG-1, NG-2, and NG-3. The requirements also do not apply to single-family, duplex, townhouse, Multiplex, or mixed-use developments in the MU district, except as follows:

1. The requirements of this Section have limited application to properties developed for duplexes, as follows:
  - a. A minimum of two hundred (200) points of landscaping as calculated in this Section shall be provided for each new duplex;
  - b. Where parking is provided in the front yard, an eight-foot landscaped setback shall be required between the property line and the nearest side of the parking pad. This eight-foot setback area must be landscaped and contain a three-foot high screen consisting of a continuous berm, hedge, or wall. In addition, an eight-foot landscaped setback shall be required between the dwelling unit and the nearest side of the parking pad; and
  - c. The maintenance and completion requirements of this Section also apply to duplex uses. Every development must employ an irrigation system. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.
2. The requirements of this Section have limited application to properties developed for single-family, and townhouse, and Courtyard House developments, as follows:
  - a. A minimum of two (2) trees of at least two (2) inches in caliper or one (1) tree of four-inch caliper shall be planted on each lot with every new single-family home.
  - b. A minimum of one (1) tree of four-inch caliper shall be planted on each lot with every new Courtyard House.
  - ~~b.c.~~ For townhouse and Courtyard House developments, the Administrator may allow the required trees to be dispersed throughout the development, including common areas.
  - ~~c.d.~~ The landscaping requirements of this Section shall apply to manufactured home parks, but not to individual manufactured homes on separate lots.



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3. The requirements of this Section apply to properties developed for Multiplexes, as follows:

- a. A minimum of two hundred (200) points of landscaping as calculated in this Section shall be provided for each new Multiplex unit with a maximum of one thousand (1,000) points;
- b. Within fifty (50) feet of the property line along the street, and located between the structure and the public right-of-way, street, or public way, one (1) canopy tree for every twenty-five (25) linear feet of frontage shall be installed. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree;
- c. Canopy trees must be selected from the College Station Streetscape Plant List and may be grouped as desired so long as the canopy trees are reasonable dispersed across each public right-of-way, street, or public way frontage;
- d. Two (2) non-canopy trees may be substituted for one (1) canopy tree;
- e. Parking areas adjacent to a right-of-way shall be screened from the right-of-way. Screening is required along one hundred (100) percent of the street frontage (such as ten (10) shrubs for every thirty (30) linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation. Walls and planting strips shall be located at least two (2) feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty (50) percent of all shrubs used for screening shall be evergreen;
- f. One hundred (100) percent coverage of groundcover, decorative paving, decorative rock, or a perennial grass is required in parking lot islands, swales and drainage areas, and the parking lot setback unless otherwise landscaped or existing plants are preserved. One hundred (100) percent coverage of groundcover or perennial grass is also required in all unpaved portions of street or highway right-of-way or on adjacent property that has been disturbed during construction. If grass is to be used for groundcover, one hundred (100) percent live grass groundcover is required whether by solid sod overlay or pre-planting and successful takeover of grasses. No point value shall be awarded for ground cover; and
- g. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.

4. The requirements of this Section have limited application to properties developed in the MU Mixed-Use district, as follows:

- a. Within fifty (50) feet of the property line along the street, and located between the structure and the public right-of-way, street, or public way, one (1) canopy tree for every twenty-five (25) linear feet of frontage shall be installed. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree.
- b. Canopy trees must be selected from the College Station Streetscape Plant List and may be grouped as desired so long as the canopy trees are reasonable dispersed across each public right-of-way, street, or public way frontage.
- c. Parking areas adjacent to a right-of-way shall be screened from the right-of-way. Screening is required along one hundred (100) percent of the street frontage (such as ten (10) shrubs for every thirty (30) linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

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Walls and planting strips shall be located at least two (2) feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty (50) percent of all shrubs used for screening shall be evergreen.

- d. One hundred (100) percent coverage of groundcover, decorative paving, decorative rock, or a perennial grass is required in parking lot islands, swales and drainage areas, and the parking lot setback unless otherwise landscaped or existing plants are preserved. One hundred (100) percent coverage of groundcover or perennial grass is also required in all unpaved portions of street or highway right-of-way or on adjacent property that has been disturbed during construction. If grass is to be used for groundcover, one hundred (100) percent live grass groundcover is required whether by solid sod overlay or pre-planting and successful takeover of grasses. No point value shall be awarded for ground cover.
- e. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.

5. All landscaping/streetscaping requirements under this Section shall run with the land once the development has begun and shall apply against any owner or subsequent owner.

6. The landscaping requirements of this Section apply to all unsubdivided property, improved subdivided lots and to other improved lands where buildings or structures are being added or replaced within the City.

7. Each phase of a multi-phase project shall comply with this Section.

8. All plantings must be in accordance with the College Station Plant List, or as deemed appropriate by the USDA for Zone 8 in their Hardiness Zone Map. The plant list is approved and amended as needed by the Administrator.

**C. Landscaping Point Requirements.**

1. The landscaping point requirements for a site is determined by the combined point total of Site Area and Streetscape subtotals.

**2. Site Area Points.**

- a. Minimum thirty (30) landscape points per one thousand (1,000) square feet of site area.
- b. The minimum total number of points for any development is eight hundred (800) points;
- c. Undeveloped floodplains may be removed from site size calculations; in such case, existing trees within that floodplain shall not be claimed for points; and
- d. Projects may be phased with the phase lines being drawn twenty (20) feet beyond any new site amenity. The portion left for subsequent phases shall be of developable size and quality.

**3. Streetscape Points.**

- a. Six (6) additional landscape points shall be required for every one (1) linear foot of frontage on a right-of-way or public way; and
- b. Driveway openings, visibility triangles, and other traffic control areas may be subtracted from total streetscape frontage.

**4. Point Credits.**

The following point credits will apply to the total landscaping point requirement so long as the total reduction does not cause the development to have a point total lower than the minimum eight hundred (800) point requirement:

- a. A twenty (20) percent point credit will be awarded where the irrigation system employed is a recognized water-conserving system as defined in the Site Design Standards, or utilizes a commercial soil moisture meter.
- b. A ten (10) percent point credit will be awarded if twenty-five (25) percent or more of parking area consists of enhanced paving.
- c. A ten (10) percent point credit will be awarded for every one (1) percent of site area devoted to special facilities including water features, public art, or other public features determined by the Administrator.
- d. A ten (10) percent point credit will be awarded for landscape plans that are prepared by a landscape architect registered in Texas, an International Society of Arboriculture (ISA) certified arborist or other professional as deemed appropriate by the Administrator.
- e. A ten (10) percent point credit will be awarded where berms are utilized for parking screening.

**5. Point Values.**

- a. Point values will be awarded for any type of canopy tree, non-canopy tree, or shrub, except for those listed on the Non-Point Tree List as prepared by the Administrator. No point value shall be awarded for ground cover. For the purpose of this Section, Texas Native, as referenced in the College Station Site Design Standards, shall be considered those notated as both native to Texas and recommended by the Texas Forest Service for Brazos County.
- b. All caliper measurements shall be twelve (12) inches above grade. The minimum caliper for non-canopy trees are measured on a single cane of a multi-trunk tree.
- c. Landscaping points are accrued as follows:

| <b>Plant Material Point Values</b>                      |                                   |                                        |
|---------------------------------------------------------|-----------------------------------|----------------------------------------|
| <b>Plant Material</b>                                   | <b>Points Accrued (per Plant)</b> | <b>Installed Size Caliper (Inches)</b> |
| <b>New Plantings</b>                                    |                                   |                                        |
| Canopy Tree                                             | 75                                | 1.5 to 2                               |
|                                                         | 150                               | 2.1 to 3.4                             |
|                                                         | 300                               | 3.5 and larger                         |
| Texas Native Canopy Tree                                | 110                               | 1.5 to 2                               |
|                                                         | 225                               | 2.1 to 3.4                             |
|                                                         | 450                               | 3.5 and larger                         |
| Non-Canopy Tree                                         | 40                                | 1.25 and larger                        |
| Shrubs                                                  | 10                                | Min. 5 gallon                          |
| Shrubs, not for screening                               | 1                                 | Min. 1 gallon                          |
| <b>Existing Trees with no Barricade Protection Area</b> |                                   |                                        |
| Canopy Tree                                             | 40                                | 4 to 14.5                              |
| Non-Canopy Tree                                         | 35                                | 2 and larger                           |
| <b>Existing Trees Within Barricade Protection Area</b>  |                                   |                                        |
| Canopy Tree                                             | 800                               | Between 4 and 8                        |
|                                                         | 1,000                             | 8 and larger                           |
| Non-Canopy Tree                                         | 300                               | Between 2 and 4                        |
|                                                         | 400                               | 4 and larger                           |

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- d. To receive landscape points for existing trees, all existing trees must be in good form and condition and reasonably free of damage by insects and/or disease.
  - e. To receive additional points for barricaded trees, such trees must be barricaded to the dripline of the tree. A barricade detail must be provided on the landscape plan. Barricades must be in place prior to any activity on the property including, but not limited to, grading. If the required barricades are not in place prior to any activity and maintained during construction, barricaded points will be forfeited.
  - f. No points shall be awarded for existing Post Oak trees.

**D. Planting and Screening Requirements.**

**1. General Requirements.**

- a. Every project must expend a minimum of fifty (50) percent of its point total on canopy trees.
- b. Landscaping must be reasonably dispersed throughout all visible areas of the site.
- c. One hundred (100) percent coverage of groundcover, decorative paving, decorative rock, or a perennial grass is required in parking lot islands, swales and drainage areas, and the parking lot setback unless otherwise landscaped or existing plants are preserved. When decorative rock is used, it shall be designed such that it will not migrate into sidewalks or other paved areas. One hundred (100) percent coverage of groundcover or perennial grass is also required in all unpaved portions of street or highway right-of-way or on adjacent property that has been disturbed during construction. If grass is to be used for groundcover, one hundred (100) percent live grass groundcover is required whether by solid sod overlay or pre-planting and successful takeover of grasses.
- d. All landscape materials shall be installed in accordance with the current planting procedures established by the most recent addition of The American Standard for Nursery Stock, as published by the American Association of Nurserymen.
- e. For existing plantings, the Administrator may require a health appraisal if the applicant wishes to receive point credits.
- f. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.

**2. Streetscape.**

- a. Within fifty (50) feet of the property line along all major arterials, freeways, and expressways as designated on the Thoroughfare Plan, one (1) canopy tree for every twenty-five (25) linear feet of frontage shall be installed;
- b. Within fifty (50) feet of the property line along all other roadways including public ways, one (1) canopy tree for every thirty-two (32) feet of frontage shall be installed;
- c. Fractional amounts shall be increased to the nearest whole number;
- d. Two (2) non-canopy trees may be substituted for one (1) canopy tree;
- e. Trees used to meet the requirement along one (1) streetscape frontage shall not be counted toward another frontage;

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- f. Canopy and non-canopy trees must be selected from the Administrator's Streetscape Plant List and may be grouped as desired so long as the trees are reasonably dispersed across each frontage; and
  - g. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the Administrator.
3. **Additional Landscaping along Large Building Façades.**
- This subsection applies to sites subject to the Non-Residential Architectural Standards of this UDO:
- a. Sites with building façades that face a public right-of-way or public way and that exceed two hundred (200) feet in length shall place landscaping between the façade and roadway;
  - b. One (1) canopy tree is required for every forty (40) feet of façade length. Fractional amounts shall be increased to the nearest whole number;
  - c. The trees shall be placed within fifty (50) feet of the building facade;
  - d. Two (2) non-canopy trees may be substituted for one (1) canopy tree; and
  - e. Trees counting toward Streetscape planting requirements may also count toward the Additional Landscaping along Large Building Façades requirement.
4. **Parking Screening.**
- a. Parking areas adjacent to a right-of-way or public way shall be screened from the right-of- way or public way.
  - b. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof as described below, and must be a minimum of three (3) feet above the parking lot pavement elevation.
  - c. Walls and planting strips shall be located at least two (2) feet from any parking area.
  - d. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening.
  - e. A minimum fifty (50) percent of all shrubs used for screening shall be evergreen.
  - f. The following options are allowed as parking lot screening methods:
    - i. A solid hedgerow (such as ten (10) shrubs for every thirty (30) linear feet of frontage) to screen the parking to a height of three (3) feet. The screening must be a minimum of twenty-four (24) inches at planting and reach thirty-six (36) inches within one (1) calendar year of planting, and such method is certified to meet these requirements by a registered Landscape Architect, landscape designer, or landscape contractor;
    - ii. Berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum slope of 1:3. Berms may be designed around trees that are barricaded for tree preservation. Where there will be gaps in berm screening for the preservation of existing trees, other screening methods shall be used to meet the minimum three-foot screening requirement; or
    - iii. Half-berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum allowable slope of 1:3. Retaining walls shall be designed to face the parking lot and sidewalks located between the retaining wall and right-of-way or public way may not be closer than three (3) feet to the top of a retaining wall.



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- g. For redeveloping sites maintaining existing parking lot perimeters, the Administrator may authorize the use of masonry walls, or lower the minimum berm height to a height that may be safely maintained in the existing parking setback when additional parking lot screening is provided. The cumulative height of plant material and berm shall be a minimum of three (3) feet.
  - h. Variations to the requirements of this section may be approved if the landscape/streetscape plan is sealed by a registered Landscape Architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements, as set forth in this section were used as a guide.

5. **Detention Ponds.**

Detention ponds shall be integrated into the overall landscaping theme and design of the site as described in Section 7.9.B. Detention Pond Aesthetic Design.

E. **Landscape/Streetscape Plan Requirements.**

When a Landscape/Streetscape Plan is required, the landscape/streetscape plan shall contain the following:

- 1. The location of existing property lines and dimensions of the tract;
- 2. A north arrow and scale;
- 3. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
- 4. Location and dimensions of existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, and other features as determined necessary by the Administrator;
- 5. Location, size, spread, type, and quantity of all proposed landscaping and screening materials, along with common and botanical names;
- 6. The location of existing and proposed utilities and all easements on or adjacent to the lot;
- 7. An indication of adjacent land uses, existing development and roadways;
- 8. An irrigation system plan or a general note indicating that an irrigation system to service all new plantings will be installed by a certified installer before a certificate of occupancy will be issued; and
- 9. **Landscape Information.**
  - a. Landscape points required for site and calculations shown in the landscape legend.
  - b. A legend showing the size, type (canopy, non-canopy, shrub) and points claimed for proposed landscaping.
  - c. Location of landscape plants on plan identified by a symbol defined in a landscape legend (see sample legend below).

| City of College Station<br>SAMPLE LEGEND<br>LANDSCAPING POINT CALCULATIONS                                                                                                                                                                                                                                                                                   |                                          |                                                                |             |                |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------|-------------|----------------|-------|
| SYMBOL                                                                                                                                                                                                                                                                                                                                                       | SIZE                                     | NAME<br>& TYPE                                                 | QUANTITY    | POINT<br>VALUE | POINT |
|                                                                                                                                                                                                                                                                             | 8" AND LARGER<br>EXISTING<br>W/BARRICADE | LIVE OAK TREE<br>(Quercus Virginiana)<br>Canopy tree           | 2           | 300            | 600   |
|                                                                                                                                                                                                                                                                             | 4" TO 8"<br>EXISTING<br>W/BARRICADE      | LIVE OAK TREE<br>(Quercus Virginiana)<br>Canopy tree           | 13          | 200            | 2600  |
|                                                                                                                                                                                                                                                                             | 2" TO 14.5"<br>EXISTING<br>W/O BARRICADE | LIVE OAK TREE<br>(Quercus Virginiana)<br>Canopy tree           | 8           | 35             | 280   |
|                                                                                                                                                                                                                                                                             | 1.25" CALIPER<br>AND LARGER              | TREE CREPE MYRTLE<br>(Lagerstroemia Indica)<br>Non-canopy tree | 6<br>(NEW)  | 40             | 240   |
|                                                                                                                                                                                                                                                                             | 5 GAL                                    | WAX LEAF LIGUSTRUM<br>(Ligustrum texanum)<br>Shrub             | 46<br>(NEW) | 10             | 460   |
| NOTE: Symbols are for reference. Any symbols used must be descriptive at any scale.                                                                                                                                                                                                                                                                          |                                          |                                                                |             |                |       |
| BARRICADE FOR INDICATED TREES TO BE CONSTRUCTED WITH 48" HIGH ORANGE PLASTIC CONSTRUCTION NETTING AND SECURED TO STEEL T-POSTS. BARRICADE TO BE PLACED IN A CIRCLE AROUND INDICATED TREES A RADIAL DISTANCE OF 1' FOR EVERY 1" CALIPER OF TREE. BARRICADE MUST BE IN PLACE PRIOR TO ANY DEVELOPMENT ACTIVITY AS WELL AS THROUGHOUT THE CONSTRUCTION PROCESS. |                                          |                                                                |             |                |       |
| <b>STREETSCAPE:</b><br>136.57-LINEAR FEET X 6 = 819.42 = 820 PTS.<br>136.57-LINEAR FEET / 25 = 5.46 = 6 CANOPY TREES<br><b>POINTS PER PROJECT AREA:</b><br>28,418.3 SQUARE FEET OF SITE AREA<br>28,418.3 / 1,000 = 28.42<br>28.42 x 30 = 792.6 = 793 POINTS<br><b>TOTAL POINTS REQUIRED: 1,613</b>                                                           |                                          |                                                                |             |                |       |

10. **Streetscape Information.**

- Streetscape points required for site and calculations shown.
- A table showing the scientific and common plant names, size, type (canopy, non-canopy, and shrub), and points claimed for proposed streetscaping.
- Location of streetscape plants on plan identified by a symbol defined in a landscape legend (see sample legend above).

11. The location and diameter of protected existing trees claimed for either landscape or streetscape requirements, and an indication of how the applicant plans to barricade the existing trees from damage during construction. Barricading shall be subject to the following requirements:

- Prior to land development or redevelopment, or any construction thereof, the developer shall clearly mark all qualifying and significant trees to be preserved;

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- b. The developer shall erect a fence around each tree or group of trees to prohibit the placement of debris or fill, or the parking of vehicles within the drip line of any qualifying or significant tree;
  - c. During construction, the developer shall prohibit the cleaning of equipment or materials within the drip line of any tree or group of trees that are protected and required to remain. The developer shall not allow to dispose of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other harmful liquids or materials within the drip line of any tree or groups of trees that are required to remain;
  - d. No attachments or wires of any kind shall be attached to any tree, except those used to stabilize or protect such tree;
  - e. With grade changes in excess of six (6) inches, a retaining wall or tree well of rock or brick shall be constructed around the tree not closer than one-half (½) the distance between the trunk and the drip line. The mid-point of the retaining wall shall be constructed at the new grade. Grade changes greater than one (1) inch may not be made without the prior approval of the Administrator; and,
  - f. All vegetation must be planted in accordance with the visibility triangle referenced in Section 7.2.C, Visibility at Intersections in all Districts.

**F. Maintenance and Changes.**

- 1. Landscaping/Streetscaping shall be maintained and preserved in accordance with the approved Landscape/Streetscape Plan. Replacement of landscaping/streetscaping must occur within forty- five (45) days of notification by the Administrator. Replacement material must be of similar character and the same or higher point total as the dead or removed landscaping. Failure to replace dead or removed landscaping, as required by the Administrator, shall constitute a violation of this Section of the UDO for which the penalty provision may be invoked.
- 2. **Landscaping/Streetscaping Changes to Existing Sites.**
  - a. If changes constituting twenty-five (25) percent or more of the number of canopy and non-canopy trees are proposed, a revised Landscape/Streetscape Plan must be submitted for approval and is required to comply with this Section. Planting must occur pursuant to this approved landscape/streetscape plan within forty-five (45) days.
  - b. Revised Landscape/Streetscape Plans shall meet the requirements of the ordinance in effect at the time of the revised Landscape/Streetscape Plan submittal.
  - c. The replacement of existing canopy and non-canopy trees must be replaced caliper for caliper, or as determined by the Administrator.

**G. Completion and Extension.**

The Administrator shall review all landscaping for completion in compliance with this Section and the approved Landscape/Streetscape Plan. Landscaping/streetscaping shall be completed in compliance with the approved plan before a Certificate of Occupancy will be issued. However, the applicant may receive an extension of four (4) months from the date of the Certificate of Occupancy upon the approval of an application for extension with a bond or letter of credit in the amount of one hundred fifty (150) percent of the landscape/streetscape bid, as well as the irrigation required for the project. Failure to complete the landscaping/streetscaping according to the approved Landscape/Streetscape Plan at the expiration of the bond or letter of credit shall constitute forfeiting the bond or cashing of the letter of credit. Also, failure to complete the approved landscaping/streetscaping shall constitute a violation of this UDO.

**H. Review and Approval.**

Landscape/Streetscape Plans shall be reviewed and approved by the Administrator.

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I. **Parking, Storage, or Display.**

No parking, storage, or display of vehicles or merchandise shall be allowed in the required landscape/streetscape areas or on required parking islands.

J. **Alternative Compliance Permitted.**

Variations to the requirements of this Section may be approved if the landscape/streetscape plan is sealed by a registered landscape architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements as set forth in this Section were used as a guide.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2014-3624 , Pt. 1(Exh. L), 12-18-2014; Ord. No. 2015-3633, Pt. 1(Exh. G), 5-28-2015; Ord. No. 2017-3906 , Pt. 1(Exhs. A, B), 7-27-2017; Ord. No. 2018-4018 , Pt. 1(Exh. A), 6-14-2018)

## **Sec. 7.7. Buffer Requirements.**

A. **Purpose.**

The purpose of buffer requirements, which generally include a buffer yard, plantings, and a fence or wall, is to provide a visual barrier between different zoning districts and to help mitigate any negative impacts of adjacent land uses on developed or developing properties. A buffer should visibly separate one (1) use from another and shield or block noise, glares, or other nuisances.

B. **Applicability.**

1. Perimeter buffers shall be provided on building plots abutting developed or developing sites in accordance with the standards of this Section, as outlined in Section 7.7.F, Minimum Buffer Standards. The following shall provide buffers:
  - a. Vacant sites that develop;
  - b. Existing sites when additions, expansions, and/or redevelopments equal or are greater than twenty-five (25) percent of the existing improvements;
  - c. Existing sites when cumulative additions, expansions, and/or redevelopments total twenty- five (25) percent or more of the existing improvements;
  - d. Existing sites when a change of use intensifies the development in terms of elements such as traffic, processes, noise, water or air pollution, etc.;
  - e. Existing sites with lawfully established nonconforming uses when the use is expanded; and
  - f. Sexually-oriented businesses.
2. Exceptions to the terms of this Section will be made when:
  - a. The adjacent developed use is nonconforming;
  - b. The adjacent developed use is agricultural;
  - c. The Comprehensive Plan Future Land Use and Character Map Land Use Plan designates the area as a Redevelopment Area;
  - d. The property is zoned P-MUD or PDD and the buffer requirement was determined through the rezoning process;
  - e. The developing use is a Primary or Secondary Educational Facility containing a building with a Group "E" occupancy as defined in the International Building Code; or

- f. Properties in NG and RDD districts.

Per Ordinance No. 3280 (September 9, 2010)

- g. The required buffer yard is adjacent to FEMA designated 100-year floodplain or residential common area, with approval by the Administrator-

h. The developing property and all abutting properties are designated Mixed Residential or a more intense land use on the Comprehensive Plan Future Land Use and Character Map, regardless of existing use or zoning. Unless otherwise excepted, the regulations herein shall apply to properties at the periphery of the Mixed Residential land use designation.

**C. Relationship to Other Landscaping Standards.**

All buffer requirements shall be included on a development's Landscaping Plan. Landscaping provided to meet the buffer landscaping standards of this Section may not be counted towards meeting a project's landscape point requirements. The area of a site dedicated to a perimeter buffer shall not be included in calculating a site's minimum landscaping point requirements.

**D. Location.**

The buffer shall abut property boundaries shared with less intense uses or zoning districts as shown in Section 7.7.F, Minimum Buffer Standards. In the event that a property abuts a less intense use and a less intense zoning district, the ~~more-less~~ stringent buffer shall be required along the shared boundary.

**E. Permitted Uses.**

1. A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:
  - a. No plant material is eliminated;
  - b. The total width of the buffer yard is maintained; and
  - c. All other regulations of this Section are met.
2. No active recreation area, storage of materials, parking, driveways, or structures, except for approved pedestrian, bike or equestrian trails and necessary utility boxes and equipment, shall be located within the buffer yard.
3. Pedestrian access through a perimeter fence or wall and buffer yard may be provided at the abutting resident's, homeowners association's, or the Administrator's option to provide convenient pedestrian access to nonresidential uses such as commercial areas or schools.

**F. Minimum Buffer Standards.**

The buffer requirements are designed to permit and encourage flexibility in the widths of buffer yards, the number of plants required in the buffer yard, and opaque screens. Standard buffer requirements are depicted in the table below. The numbers shown are the required buffer widths.

| DEVELOPING USE<br>(Classification) | ABUTTING PARCEL*<br>(Use least restrictive of the zoning<br>or the developed use.) |                                 |                       |
|------------------------------------|------------------------------------------------------------------------------------|---------------------------------|-----------------------|
|                                    | Single-Family<br>Residential (ii)                                                  | Multi-Family<br>Residential (i) | Non-Residential (iii) |
| Single-family (ii)                 | N/A                                                                                | N/A                             | N/A                   |
| <u>Middle Housing (ii)</u>         | <u>2.5-ft for every 5-ft<br/>of building height (1)</u>                            | <u>N/A</u>                      | <u>N/A</u>            |



| <u>Structures with a Shared Housing use</u> | <u>2.5-ft for every 5-ft of building height (1)</u> | <u>N/A</u> | <u>N/A</u> |
|---------------------------------------------|-----------------------------------------------------|------------|------------|
| Multi-Family (iii)                          | 10' (1)                                             | N/A        | N/A        |
| Office                                      | 10' (1)                                             | N/A        | N/A        |
| Commercial ***                              | 15' (2)                                             | 10' (1)    | N/A        |
| Industrial                                  | 25' (2)                                             | 15' (2)    | 5'         |
| Business Park                               | 50' (2)                                             | 15' (2)    | 5'         |
| Business Park - Industrial                  | 50' (2)                                             | 30' (2)    | 10' **     |
| SOB                                         | 50' (2)                                             | 50' (2)    | 50' (2)    |

~~(i) Includes structures with Shared Housing uses.~~

(ii) Includes manufactured homes, mobile homes, manufactured home parks, duplexes in the D Duplex zoning district, and townhouses in the T townhouse zoning district.

(ii) Includes developments in the MH Middle Housing zoning district.

(iii) Includes commercial and other non-residential uses developed in the MF Multi-Family district.

\* When an abutting parcel is vacant and zoned R Rural, the Administrator shall use the land use classification of the property as designated on the Comprehensive Plan Future Land Use and Character Map in lieu of the zoning category in determining the buffer requirement.

\*\* When an abutting parcel is zoned BP Business Park or BPI Business Park Industrial, the buffer width shall be reduced to five feet (5').

\*\*\* When a developing parcel is zoned WC Wellborn Commercial and adjacent to single-family, the buffer width shall be twenty (20) feet with a fence.

(1) Fence

(2) Wall

#### 1. **Buffer Yards.**

- a. Buffer yards shall be measured from the common property line and may be located within established building setbacks.
- b. Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional five (5) feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The Administrator has the discretion to allow a required fence or wall within the easement.
- c. In WC Wellborn Commercial:
  1. Buffer required plantings shall be doubled along property lines adjacent to single-family residential zoning or land use. In lieu of a fence, plantings may be tripled.
  2. When adjacent to single-family use, zoning, or future Land Use and Character designation, a buffer wall is required for the length of any adjacent parking, loading areas, or dumpster uses (including required maneuvering space).
- d. In BP Business Park, required buffer plantings shall be doubled along property lines adjacent to single-family residential zoning or development.

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- e. In BPI Business Park Industrial, required buffer plantings shall be doubled along property lines adjacent to any zoning district or use other than BP Business Park or BPI Business Park Industrial.
  - f. In MF Multi-Family and MU Mixed-Use, buffer yards shall only be required along the perimeter of the development, unless otherwise exempted in this Section. No buffer yards are required between uses contained within the development.

## 2. Plantings.

- a. If a fence or wall is not required per the table above, the following plantings shall be installed in the buffer yard:
  - 1. A minimum of one (1) five-gallon shrub at a minimum of three (3) feet in height per three (3) linear feet of landscaping buffer; and
  - 2. A minimum of one (1) two-inch caliper canopy tree per twenty-five (25) linear feet of landscape buffer.
- b. If a fence or wall is required per the table above, the following plantings shall be installed in the buffer yard, unless expressly provided for otherwise in this UDO:
  - 1. A minimum of one (1) 1.25-inch caliper non-canopy tree per fifteen (15) linear feet of landscaping buffer. The Administrator may allow the substitution of a minimum of one (1) five-gallon shrub at a minimum of three (3) feet in height per three (3) linear feet of landscaping buffer for the non-canopy tree requirement, or may require the substitution to mitigate potential negative impacts of a development; and
  - 2. A minimum of one (1) two-inch caliper canopy tree per twenty-five (25) linear feet of landscape buffer.
- c. All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 7.6.C.3, Landscaping and Tree Protection.
- d. Fifty (50) percent of all required shrubs within the buffer yard shall be evergreen.
- e. Plant materials shall show a variety of texture, color, shape, and other characteristics. Recommended buffer materials can be found in the College Station Plant List or in those listed as appropriate for Zone 8 on the USDA Hardiness Zone Map.
- f. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect.
- g. Irrigation is required for all new plantings.
- h. Existing vegetation may count toward the planting requirement if:
  - 1. The vegetation is in good health and the ~~landscaping-landscape/streetscape~~ plan verifies that it will meet the plantings criteria listed above (non-point trees may count towards a natural buffer); and
  - 2. The vegetation is protected in accordance with Section 7.6.C.2.c, Landscaping and Tree Protection, of this UDO.
- i. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in Section 7.2.C, Visibility at all Intersections in All Districts.

## 3. Fences and Walls.

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- a. Fences may be solid wood or solid wood accented by masonry, stone, EIFS (Exterior Insulation and Finish System), or concrete columns. Walls may be masonry, stone, EIFS, concrete, or a combination of these materials, and shall be finished on both sides (framing not visible). Walls and masonry columns for fences must meet the footing standards prescribed by the Building Code for such structures.
  - b. Fences and walls shall be a minimum of six (6) feet in height and a maximum of eight (8) feet. Walls over six (6) feet must obtain a building permit. When the adjacent property and the buffer yard are at different elevations, the Administrator may require a greater fence or wall height to ensure adequate buffering.
  - c. Fences and walls shall be placed within one (1) foot of the common boundary line when physically possible. In the event that there is a physical constraint that will not allow the construction of a fence on the common boundary line (including, but not limited to, the existence of a creek, access easement, or existing vegetation), the Administrator may authorize an alternative fence location.
  - d. Fences or walls will not be allowed to encroach into a required visibility triangle for a public or private right-of-way.

**4. Substitutions.**

- a. Existing natural vegetation may be used in lieu of plantings and a fence or wall under the following circumstances:
  - 1. The existing vegetation consists of canopy and non-canopy trees which are shown through a tree survey to meet the minimum buffer planting requirements (non-point trees may be considered) and is of sufficient density to provide one hundred (100) percent opacity to a height of six (6) feet; and
  - 2. The vegetation is protected in accordance with Section 7.6.C.2.c, Landscaping and Tree Protection, of this UDO.
- b. Fences and walls may be substituted with a solid plant or hedge wall that is greater than six (6) feet in height with approximately one hundred (100) percent opacity. All shrubs planted for a hedge wall must be a minimum of fifteen (15) gallons each. The solid plant or hedge wall must be evergreen and may not be counted towards meeting the buffer planting requirement.
- c. Fences and walls may be substituted with a landscaped earthen berm if the combination of berm and landscaping is not less than six (6) feet in height from the elevation at the property line with approximately one hundred (100) percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement. Berms must be a minimum of four (4) feet in height with a maximum slope of 3:1. Berms in excess of six (6) feet in height shall have a maximum slope of 4:1 as measured from the exterior property line.
- d. The required height of fences or walls may be reduced if used in combination with an earthen berm or a landscaped earthen berm if the height of the screening is six (6) feet from the elevation at the property line with approximately one hundred (100) percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement.
- e. Walls may be substituted with fences if the required buffer yard area and plantings are doubled.
- f. Walls and fences may be omitted if the required buffer yard area and plantings are tripled.
- g. Walls and fences may be omitted if two (2) rows of evergreen plantings (minimum six (6) feet in height at time of planting) are provided to create a solid screen along the common property line.

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- h. Buffer plantings may be reduced by half if providing a wall where a fence is required.

**G. Maintenance and Replacement.**

1. Upon installation or protection of required landscape materials, appropriate measures shall be taken to ensure their continued health and maintenance. Required landscape areas and buffers shall be free of garbage and trash, weeds, pests, and disease. Required plant materials that do not remain healthy shall be replaced consistently with these provisions.
2. All landscaping materials and/or fences, walls, or berms shall be maintained by the owner(s) of the property that was required to install such landscaping materials and/or fences, walls, or berms under this Section.
3. Any canopy tree removed or otherwise destroyed by the willful act or negligence of the property owner, tenant, or contractor shall be replaced by a tree of the same or larger caliper.

**H. Appeals.**

1. Appeals of the terms of this Section, with the exception of Section G, Maintenance and Replacement, shall be to the Design Review Board (DRB).
2. An appeal shall be made within thirty (30) days of the date of the notification of the decision by filing with the Administrator a notice of appeal specifying the grounds thereof.
3. The DRB may authorize on appeal alternative buffer standards for a specific property or a waiver to the Buffer Requirements of this Section when such standards or variance will not be contrary to the public interest where, owing to unique and special conditions not normally found in like areas, a strict enforcement of the provisions of the ordinance by the Administrator would result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. K), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. M), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2018-3999 , Pt. 1(Exh. G), 4-12-2018; Ord. No. 2018-4018 , Pt. 1(Exh. B), 6-14-2018)

## **Sec. 7.8. Solid Waste.**

**A. Purpose.**

It is the purpose of this Section to establish the guidelines for the provision of solid waste collection in all developments within the City of College Station where curb service will not take place, in order to:

1. Provide for the safe and efficient collection and removal of waste from commercial and residential developments; and
2. Reduce nuisances associated with waste collection containers.

**B. Responsibility.**

The City shall make the final determination as to the appropriate collection system; however, it is the responsibility of the developer to ascertain the appropriateness of the proposed collection system. Staff will endeavor to accommodate applicants to the extent equipment, efficiency, and policy allow.

**C. Guidelines.**

The following minimum standards shall be met:

1. ~~All dumpsters shall be screened. Screening shall be at least as tall as the dumpster(s) and may be achieved through the use of buildings, fences, or walls. Plant materials may be used to supplement required screening.~~

Dumpster screens should be located outside of utility and drainage easements. Property owners with dumpster screens located within utility easements are hereby warned that they will be responsible for the replacement of the screens if it becomes necessary to remove them for utility construction and/or maintenance.

2. Multi-family developments and Multiplexes in the MH Middle Housing district shall provide the required pad and screening for one (1) eight-yard dumpster per ~~forty-thirty-two~~ (4032) bedrooms;
3. Townhomes with five (5) or more attached units not served by approved, accessible alleys, shall provide the required pad and screening for one (1) eight-yard dumpster per ~~sixteen-thirty-two~~ (1632) dwelling units bedrooms;
4. The interior clearance (inside the screen) dimensions for a single three hundred-gallon container enclosure shall be ten (10) feet deep by ten (10) feet wide;
5. The interior clearance (inside the screen) dimensions for a single (one (1) eight-yard) dumpster enclosure shall be twelve (12) feet deep by twelve (12) feet wide;
6. The interior clearance (inside the screen) dimensions for a double (two (2) eight-yard) dumpster enclosure shall be twelve (12) feet deep by twenty-four (24) feet wide;
7. Bollards and other such devices are highly recommended, but shall not be set within the minimum width dimensions noted above;
8. All required containers and dumpsters pads shall be constructed of six (6) inches of steel-reinforced concrete;
9. All required containers and dumpsters shall be screened by means of an approved six-foot high opaque device on a minimum of three (3) sides. Depending on visibility to pedestrian and vehicular traffic, a gate may be required for all enclosures except three hundred-gallon side-loading automated containers. Gates shall have a minimum width of twelve (12) feet when open, shall swing one hundred eighty (180) degrees from the closed position, and shall utilize a positive-locking mechanism while in the open position. Three hundred-gallon side-loading automated container enclosures shall be open on the side, facing the collection point. The open side cannot be facing the public right-of-way. Plant materials may be used to supplement required screening. Materials may be dictated by the terms of a Conditional Use Permit (CUP) or the Design Review Board (DRB); and
10. The ingress, egress, and approach to all dumpster pads shall conform to the fire lane requirements.
11. In SC Suburban Commercial and WC Wellborn Commercial, consolidated sanitation-solid waste service is required and shall be located furthest from single-family use or zoning. Notwithstanding the foregoing, it may be located adjacent to single-family if a buffer wall is used.
12. In BP Business Park, consolidated sanitation-solid waste service is required and shall be located furthest from single-family use or zoning.

(Ord. No. 2012-3431 , Pt. 1(Exh. A), 7-12-2012; Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2014-3624 , Pt. 1(Exh. N), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016)

## **Sec. 7.9. Flood Hazard Protection.**

A. Any reference to this Section shall also apply to Chapter 105 of the Code of Ordinances, Flood Hazard Protection.

B. **Detention Pond Aesthetic Design.**



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Detention ponds should be treated as aesthetic site amenities, adding quality and depth to the visual environment of the site. Therefore, the detention pond area shall be integrated into the overall landscaping design of the site by reasonably dispersing the required landscaping points.

1. Unless the landscape plan is sealed by a landscape architect and approved by the Administrator, only plantings found in the College Station Plant List for Detention Pond Areas may be used in a detention area.
2. Variations to the requirements of this Section may be approved if the development project is employing Leadership in Energy and Environmental Design (LEED) development standards, using stormwater management to acquire LEED points. The project must be LEED certifiable (it does not have to be registered as a LEED project but must be eligible for certification), be sealed by a Landscape Architect, and show reasonable evidence that the requirements as set forth in this Section were used as a guide.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2017-3906 , Pt. 1(Exh. C), 7-27-2017)

## **Sec. 7.10. Non-Residential Architectural Standards.**

### **A. Purpose.**

The intent of the design standards provided in and related to this section are to:

1. Protect and enhance the character and quality of non-residential buildings and associated site elements in the interest of the general welfare of the City;
2. Establish minimum design parameters for the appearance of non-residential buildings including heightened standards for more visible and prominent areas of the community;
3. Not limit architectural creativity or prescribe a specific architectural style; and
4. Provide a balance between the community's economic and aesthetic concerns.

### **B. Applicability**

Except as expressly set forth otherwise herein, the design standards of this Section shall apply to development, redevelopment, and façade changes to all non-residential buildings including single tenant buildings, multiple tenant buildings, and any grouping of attached or stand-alone buildings and associated pad sites.

The portions of structures containing non-residential uses located in the MF Multi-Family zoning district shall comply with the Non-Residential design standards of this Section.

The following are exempt from this Section of the UDO as defined below:

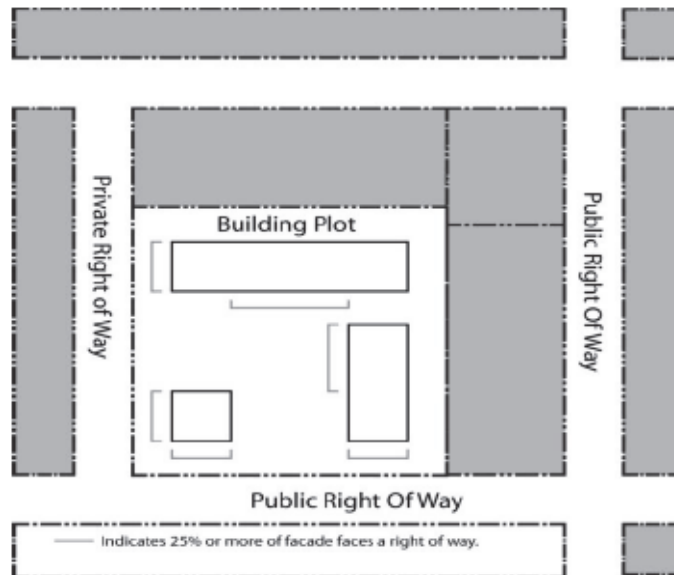
1. BP Business Park. Any building located within BP Business Park districts is required to comply with this Section if it is along the periphery of the zoning district. All other interior buildings located within BP Business Park districts are exempt from this Section.
2. Districts. Uses located within the following districts are exempt from this Section: BPI Business Park Industrial, M-1 Light Industrial, M-2 Heavy Industrial, R&D Research & Development, NG-1 Core Northgate, NG-2 Transitional Northgate, and NG-3 Residential Northgate.
3. Uses. The following uses are exempt from this Section: Churches; Primary & Secondary Educational Facilities; Municipal Industrial facilities; and private utility buildings that are screened from public or private rights-of-way and adjacent properties.

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4. Types of Structures. The following structures are exempt from the provisions of this Section: Freestanding structures such as pavilions, canopies, gazebos, ATM machines, etc. that are unenclosed buildings and do not have walls. Unenclosed structures that are attached or functionally appear part of an enclosed building are to be integrated with and meet the requirements associated with the building.

C. **Standards for Non-Residential Structures.**

1. **Façade Terms.**

- a. **Primary Façade.** A façade is considered to be a "primary façade" when it is the primary entrance façade of a primary building (not accessory buildings) or when any façade of a primary building is facing a public right-of-way, private right-of-way, or public way.
- b. **Facing.** A façade is considered facing a public right-of-way, private right-of-way, or public way when an imaginary plane could be extended unobstructed by a wall or structure in the building plot from at least 25% of the façade into the public right-of-way, private right-of-way, or public way adjacent to the building plot, as illustrated below.
- c. **Visible.** The term visible is used in application of this Section. A side or rear façade of a building shall not be considered visible from a public right-of-way or public way if it is located more than four-hundred (400) feet away.



2. **Required Screening.**

For all properties zoned SC Suburban Commercial and WC Wellborn Commercial, the following screening requirements apply:

- a. All mechanical equipment shall be screened from view or located so as not to be visible from any public right-of-way, public way, or residential district when viewed within one hundred fifty (150) feet of the perimeter boundary of the subject lot or tract, measured from a height five (5) feet above grade. Such screening shall be coordinated with the building architecture, materials, colors and scale to maintain a unified appearance. Acceptable methods of screening are: encasement, parapet walls, partition screens, brick/stone/masonry walls or fences. Electrical panel boxes attached to the side of a building that are painted to match the building color do not require additional screening.

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- b. Roof-mounted mechanical equipment shall be screened from any right-of-way, public way, or adjacent property by either the roof itself (including within a cut-out) or by a false roof element (i.e. chimney, cupola). Components of a mechanical equipment system, such as vents or exhaust pipes, protruding from the roof that are no larger than twelve (12) inches in diameter nor exceeding the height of the roof line are not required to be screened, but must be painted to match the roof color.
3. **Building Mass and Design.**
- a. **Horizontal Façade Articulation.**
    - 1. Façade articulation (wall plane projections or recessions) is required on the first two (2) stories of any primary façade that exceeds two-hundred (200) feet in horizontal length. No more than thirty-three (33) percent of any primary façade shall be on the same continuous geometric plane. Wall plane projections or recessions shall have a minimum depth of four (4) feet.
    - 2. For all properties zoned SC Suburban Commercial: For buildings over eight thousand (8,000) square feet, primary façades shall have articulation of minimum four-foot (4) depth within each fifty-foot (50) section of façade.
    - 3. For all properties zoned MU Mixed-Use: The vertical wall plane of any façade visible from public right-of-way, street, or public way shall project and/or recess by a minimum of two (2) feet so that no more than sixty-six (66) percent of the façade is on the same plane.
  - b. **Building Entry Design.**
    - 1. In order to provide a sense of arrival and shelter, public building entrances are to feature a protected entry through the use of an awning, canopy, porte-cochere, recessed entry or other similar architectural element.
    - 2. Buildings that have multiple ground floor tenants or multiple primary building entrances shall have all entrances treated architecturally.
    - 3. For all properties zoned WC Wellborn Commercial, the following additional standards shall apply:
      - a. All buildings shall be required to provide a covered front porch along the full length of the public entry façade, projecting a minimum four (4) feet from the face of the building.
      - b. All buildings that have frontage on Wellborn Road and/or Live Oak Street, shall have a public entry facing both rights-of-way.
      - c. In cases where more than two (2) facades require a public entrance, the administrator may determine which two (2) facades require entrances.
  - c. **Architectural Relief.**
    - 1. In order to provide visual interest, the first two (2) stories of any primary façade or façade visible from a public right-of-way or public way shall use at least one (1) architectural relief element for every twenty-five (25) horizontal feet, or part thereof, of façade length.
    - 2. Façades requiring architectural relief shall provide a minimum of two (2) different types of relief elements per façade.
    - 3. To avoid monotony, no more than one-half ( $\frac{1}{2}$ ) of the required minimum number of elements on a façade may consist of the same type of relief element.

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4. The design elements may be grouped or spaced as needed along the façade, though in no case shall more than seventy-five (75) feet of continuous horizontal length be void of a relief element.
  5. Design elements used to meet architectural relief must have a functional architectural purpose such as awnings may not be located over faux windows or a wall area that does not have an opening.
  6. A relief element counted to meet the requirement of one (1) façade may not also be counted toward another façade.
  7. Architectural relief is not required for façades, or parts of a façade, that are within fifteen (15) feet of another building that screens the façade.
  8. Accessory buildings to a primary use, where each façade is equal to or less than twenty-five (25) horizontal feet in length or the perimeter of all façades is less than one hundred (100) horizontal feet in length, and where each façade incorporates the same building materials and colors as the primary structure, are not required to provide architectural relief elements.
  9. Architectural relief elements may be added to a non-conforming façade of an existing building subject to the following limitation: if more than fifty (50) percent of the required number of elements on a façade are added, removed, or altered, including on a cumulative basis, the façade must be brought into compliance for architectural relief.
  10. Qualifying Architectural Relief Elements:
    - a. For all applicable properties other than those located in SC Suburban Commercial, WC Wellborn Commercial, and MU Mixed-Use districts, the following types of architectural relief may be utilized to meet the requirements of this Section:
      - 1) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches;
      - 2) Wall plane projections or recessions with a minimum of four-foot depth;
      - 3) Pilasters that project from a wall at least four (4) inches or columns;
      - 4) Roofline articulation as described below may count as one (1) element for a façade if it is used on a façade where the articulation is not already required;
      - 5) A well-defined cornice or other architectural termination to visually cap the building along a parapet may count as one (1) element for a façade if it is used on a façade where this feature is not already required;
      - 6) Recessed entries, stoops, porches, or arcades;
      - 7) Balconies that extend from the building;
      - 8) Boxed or bay windows;
      - 9) Decorative stormwater management initiatives physically integrated with the building, as approved by the Administrator; or
      - 10) Other architectural relief elements that provide a visual interest to the affected façade and are of a physical scale to possess architectural significance may be approved by the Administrator.

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- b. For all properties zoned SC Suburban Commercial and WC Wellborn Commercial, the following types of architectural relief may be utilized to meet the requirements of this section:
- 1) Decorative or functional window shutters;
  - 2) Covered front porch extending along at least fifty (50) percent of building façade and projecting a minimum of four (4) feet from the face of the building, if used on a façade where this feature is not already required;
  - 3) Eaves in excess of eighteen (18) inches, if used on a façade that does not have a covered front porch;
  - 4) Window planter boxes;
  - 5) Window canopy;
  - 6) Dormers;
  - 7) Transom windows;
  - 8) Decorative façade lighting;
  - 9) Chimneys or cupolas;
  - 10) Cross gables;
  - 11) Entry Portico;
  - 12) Horizontal articulation with a minimum depth of four (4) feet for WC Wellborn Commercial only;
  - 13) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches for SC Suburban Commercial zoning only;
  - 14) Pitched roof or peaked parapet roof if it gives the appearance of a pitched roof from all sides and has a minimum roof slope of 4:12 for SC Suburban Commercial zoning only; or
  - 15) Other architectural relief elements that provide a visual interest to the affected façade and are of a physical scale to possess architectural significance as may be approved by the Administrator.
- c. For all properties zoned MU Mixed-Use, the following types of architectural relief may be utilized to meet the requirements of this Section:
- 1) Canopies or permanent decorative awnings;
  - 2) Wall plane projections or recessions with a minimum of four-foot depth;
  - 3) Pilasters that project from a wall at least four (4) inches or columns;
  - 4) Recessed entries, stoops, porches, or arcades;
  - 5) Balconies that extend from the building;
  - 6) Boxed or bay/oriel windows;
  - 7) Hood/drip molding over windows;
  - 8) Cornices, corbelling, quoining, or stringcourses;
  - 9) Decorative or functional window shutters;
  - 10) Window planter boxes;



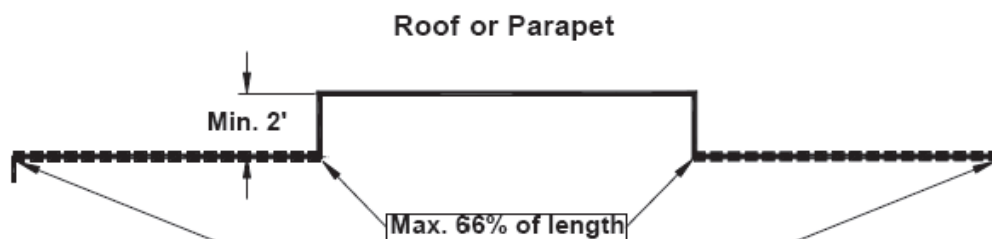
- 11) Transom windows;
- 12) Decorative façade lighting;
- 13) Chimneys or cupolas; or
- 14) Other architectural relief elements that provide a visual interest to the affected façade and are of a physical scale to possess architectural significance may be approved by the Administrator.

d. **Other Mass and Design Requirements:**

1. For all properties zoned SC Suburban Commercial: Gross Floor Area of a single structure shall not exceed fifteen thousand (15,000) square feet in area.
2. For all properties zoned WC Wellborn Commercial: Gross Floor Area of a single structure shall not exceed ten thousand (10,000) square feet in area.
3. For all properties zoned MU Mixed-Use:
  - a. The ground-floor shall have a minimum floor-to-ceiling height of twelve (12) feet.
  - b. The commercial portions of any façade facing a public right-of-way, street, or public way shall be at least thirty (30) percent transparent between zero (0) feet and eight (8) feet above ground level.
  - c. Public entry is required on all façades facing a public right-of-way, street, or public way. In the event that more than two (2) façades require a public entrance, the Administrator may determine which two (2) façades require entrances. The Administrator may also forward the question to the Design Review Board for any reason.
  - d. Loading docks, overhead doors and service entries shall not be located on a façade facing a public right-of-way, street, or public way. In the case that more than two (2) façades face a public right-of-way, street, or public way, the Administrator shall determine the most appropriate façade for such activities.

e. **Roof and Roofline Design.**

1. On buildings three (3) stories or less, the horizontal line of a flat roof or parapet along a primary entrance façade, along any façade facing a public right-of-way of a street classified as a minor arterial or greater on the Thoroughfare Plan, and on all façades visible from a public right-of-way for properties that are zoned MU Mixed Use, shall vary by a minimum of two (2) feet up or down so that no more than sixty-six (66) percent of the roofline is on the same elevation, as represented below.



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2. For all rooflines that are required to articulate as described above, the parapet roof line shall feature a well-defined cornice or other architectural termination to visually cap the building along the roofline.
  3. For all properties zoned WC Wellborn Commercial: Roofs shall be similar to residential roof types. Flat roofs are not permitted. Shed roofs are only permitted as part of a peaked roof network. A peaked parapet is permitted if it gives the appearance of a pitched roof from all sides. Roof slope must be a maximum of 8:12 and a minimum of 4:12.
  4. Building Materials.
    - a. The following minimum amount of fired brick, natural stone, marble, granite, or any concrete product so long as it has an integrated color and is textured or patterned (not aggregate material) to simulate brick, stone, marble, or granite shall be provided:
      1. A minimum of ten (10) percent on any façade visible from a public right-of-way or public way;
      2. A minimum of twenty (20) percent on primary entrance façades (single or multiple tenant building) that exceed two-hundred (200) feet in horizontal length;
      3. A minimum of twenty (20) percent on any façade facing a public right-of-way of a street classified as a major collector on the Thoroughfare Plan; and
      4. A minimum of thirty (30) percent on any façade facing a public right-of-way of a street classified as a minor arterial or greater on the Thoroughfare Plan.
    - b. Building materials used to meet the minimum material requirements as provided above may not be painted.
    - c. The following building materials are allowed on all façades subject to the following limitations:
      1. Stucco, EIFS, high build textured paint on concrete to simulate the appearance of stucco, split-face concrete masonry that does not simulate brick or stone, fiber cement siding, reflective glass, or any material equivalent in appearance and quality as determined by the Design Review Board, shall not cover more than seventy-five (75) percent of any façade.
      2. Wood or cedar siding, stainless steel, chrome, standing seam metal, premium grade architectural metal, or architecturally finished metal panels (not corrugated metal) shall not cover more than thirty (30) percent of any façade.
      3. Tile or smooth face, tinted concrete blocks shall only be used as an accent and shall not cover more than ten (10) percent of any façade.
      4. Painted metal panel siding is allowed without limitation on a rear façade of a building when the façade is not visible from a right-of-way, parkland, greenway, or any residential area.
      5. Galvanized steel and painted steel are allowed on doors, including roll-up doors.

6. Metal, standing seam metal, architectural metal or steel may be used as a roof and or canopy/awnings with no limitation on percentage.
  7. In WC Wellborn Commercial wood or cedar siding shall be allowed but not cover more than seventy-five (75) percent of any façade and reflective glass shall not cover more than thirty (30) percent of any façade.
- d. When determining the area of a façade, doors, windows, and other openings are included and roof area is not included.
  - e. Existing buildings may continue to utilize materials other than those listed provided that any material replacement is for maintenance purposes only and the existing material is continued. Any material change or replacement of more than fifty (50) percent of the total area of a façade, including on a cumulative basis, shall require that all building materials be brought into compliance on that façade.
  - f. All architectural submittals shall provide elevation drawings for each façade and a material legend (see sample below) for each façade.

| SAMPLE LEGEND                                   |                            |                   |
|-------------------------------------------------|----------------------------|-------------------|
| USE OF MATERIALS ON FAÇADE 'A'                  |                            |                   |
| Total Square Footage of Façade 'A': 10,000 s.f. |                            |                   |
| Materials                                       | Façade Area in Square Feet | Percent of Façade |
| Stucco                                          | 2,000 s.f.                 | 20%               |
| Brick                                           | 5,000 s.f.                 | 50%               |
| Doors and Windows                               | 3,000 s.f.                 | 30%               |

**D. Alternative Compliance Permitted.**

The Design Review Board (DRB) may authorize variation to the overall requirements of the Non-Residential Architectural Standards through application from a licensed architect for an alternative compliance approval that would allow innovative or visually interesting design or to address unique circumstances not otherwise permitted through strict adherence to this section. Such requests must show reasonable evidence that the purposes of the requirements as set forth in this section were maintained and the additional design flexibility afforded does not provide a means to permit design of lesser quality.

**E. Waivers and Appeals.**

The Design Review Board (DRB) shall review requests for deviations from the Non-Residential Architectural Standards. The DRB shall approve waivers or appeals found meeting the intent and general purposes of the standards as it is recognized that unique and unforeseen design circumstances exist in application of the standards. Financial hardship may not be considered in the review or determination of a waiver proposal.

DRB may review and grant approval of the following:

1. Substitutions of building materials if the applicant shows that:
  - a. The building material is a new or innovative material manufactured that has not been previously available to the market or the material is not listed as an allowed or prohibited material herein;
  - b. The material is similar and comparable in quality and appearance to the materials allowed in this Section 7.10; or
  - c. The material is an integral part of a themed building (example 50's diner in chrome).

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2. Alternate materials on each façade if the applicant shows that:
    - a. The applicant is a franchised and/or chain commercial use to be developed as a single detached building (not integrated into a multi-tenant building);
    - b. The proposed materials are part of its corporate branding; and
    - c. The applicant provides all of the alternative materials schemes the chain or franchise has used.
  3. Alternative materials on façade work that does not involve an expansion of an existing building as defined in Article 9 of the UDO or constitute redevelopment if the applicant shows that:
    - a. The materials allowed in this Section cannot be utilized without a structural alteration(s) to the existing building;
    - b. A licensed professional engineer or architect verifies in writing that a structural alteration is required to apply the permitted façade materials to the building; and
    - c. The DRB may grant a variance of up to one hundred (100) percent from the façade articulation or roofline standards herein if the applicant shows that it is not financially or structurally feasible.
  4. Alternatives to the options for required screening of mechanical equipment.
  5. Alternatives to the design elements available to provide architectural relief.
  6. Relief from the building orientation and access for buildings in MU Mixed-Use districts when physical characteristics limit the site or provide unique orientation and access opportunities.
  7. Reduction in the percentage of required building transparency for the rehabilitation or expansion of existing buildings in MU Mixed-Use districts if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the transparency requirement.

**F. Submittal Requirements.**

When the non-residential architectural standards are applicable, submitted building elevations shall include the following:

1. Scaled building elevations for each façade, depicting the following:
  - a. Required architectural relief and other design elements; and
  - b. Location of building materials.
2. Accurate building footprint(s) and general orientation of the building façades in relation to adjacent rights-of-way, public ways, and properties;
3. Sample building material details as required by the Administrator; and
4. Table of vertical square footage and percentage of building materials for each façade.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2014-3624 , Pt. 1(Exh. O), 12-18-2014; Ord. No. 2015-3663 , Pt. 1(Exh. H), 5-28-2015; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2018-3970 , Pt. 1(Exh. C), 1-11-2018; Ord. No. 2018-3991 , Pt. 1(Exhs. G—J), 2-22-2018; Ord. No. 2018-3999 , Pt. 1(Exhs. H, I), 4-12-2018; Ord. No. 2018-4034 , Pt. 1(Exh. A), 8-23-2018)

**Sec. 7.11. Outdoor Lighting Standards.**

It is recognized that no design can eliminate all ambient light from being reflected or otherwise being visible from any given development; however, the following requirements shall be followed to the fullest extent possible in order to limit nuisances associated with lighting and resulting glare.

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A. **Applicability.**

All lighting within developments shall meet the requirements of this Section, except that single-family residential, duplexes, townhouses, Primary & Secondary Educational Facilities containing a building with a Group "E" occupancy as defined in the International Building Code, athletic fields, and lighting not visible from the perimeter of a development are exempted.

B. **Site Lighting Design Requirements.**

1. **Fixture (luminaire).**

The light source shall not project below an opaque housing. No fixture shall directly project light horizontally.

2. **Light Source (lamp).**

Only incandescent, florescent, metal halide, mercury vapor, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one (1) site throughout any master-planned development.

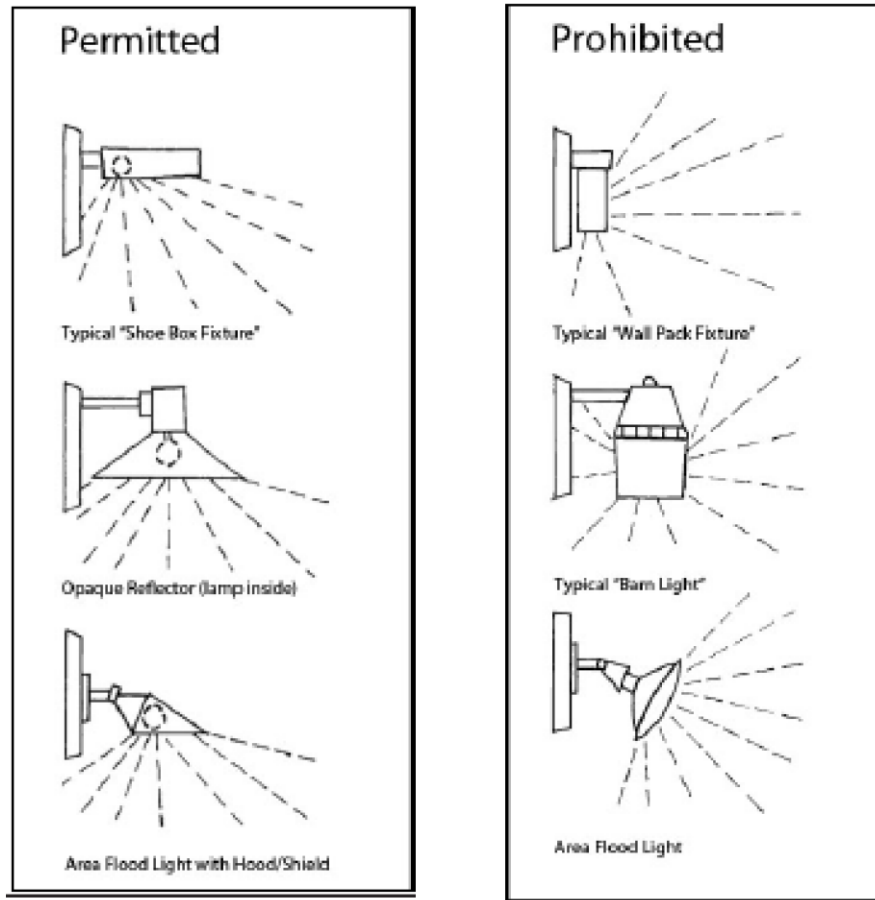
3. **Mounting.**

Fixtures shall be mounted in such a manner that the projected cone of light does not cross any property line.

C. **Specific Lighting Requirements.**

The following specific lighting requirements apply:

1. Façade and flagpole lighting must be directed only toward the façade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use;
2. All lighting fixtures incorporated into non-enclosed structures (i.e., gas pump canopies, car washes, etc.) shall be fully recessed into the underside of such structures;
3. For properties zoned SC Suburban Commercial, site and building lighting may not be located within required buffer areas or within required building setbacks adjacent to single-family use or zoning district, except when pedestrian walkways or trails are provided.
4. For properties zoned SC Suburban Commercial and WC Wellborn Commercial, site and parking lot lighting fixtures may not exceed the eave height of the building to which they principally relate, with a maximum height limit of twenty (20) feet; and
5. For properties zoned BP Business Park, site and parking lot lighting fixtures may not exceed the height of the building to which they principally relate, with a maximum height limit of twenty (20) feet.



Per Ordinance No. 3280 (September 9, 2010)

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2018-3999 , Pt. 1(Exh. J), 4-12-2018)

## Sec. 7.12. Outdoor Storage and Display.

### A. General.

Outdoor storage and display is allowed in nonresidential districts in accordance with this Section. Any merchandise, material, or equipment situated outdoors and visible from the public right-of-way or adjacent properties shall be subject to the requirements of this Section. No outdoor storage or display shall be allowed to occur in required parking areas. For the purpose of this Section, outdoor storage, display, and sales shall be broken down into four (4) types, as follows.

### B. Categories of Outdoor Storage and Display.

#### 1. Outdoor Display.

Outdoor display is display of items actively for sale or rent. Outdoor display shall be allowed adjacent to a principle building wall and extending to a distance no greater than five (5) feet from the wall. In lieu of this requirement, a business may obtain site plan approval for outdoor display areas adjacent to the principal building's public entry façade. Such areas shall not exceed ten (10) percent of the total



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gross floor area of the principal structure or two thousand five hundred (2,500) square feet, whichever is less. Such storage shall not be permitted to block windows, entrances, or exits, and shall not restrict pedestrian or vehicular circulation, access, or parking.

**2. Permanent Outdoor Sales Areas.**

Merchandise may be stored or displayed on site for sale to customers. Permanent outdoor sales areas shall be enclosed by a minimum six-foot screen or wall. Such areas shall not exceed two thousand five hundred (2,500) square feet or ten (10) percent of the total site area, whichever is less. Permanent outdoor sales areas must comply with district setback requirements. Such areas may not interfere with parking or parking lot requirements. Permanent areas open to the public for the display and/or sale of merchandise shall be shown on a site plan and will be included in parking requirement calculations.

**3. Temporary Outdoor Sales and Storage.**

Temporary Outdoor Sales Areas, including sales tents, may be displayed for a two-week period in a calendar year. Such areas shall be clearly defined and shall not interfere with parking lot requirements. Christmas trees may be displayed for sale from November 15 to December 31.

**4. General Outdoor Storage.**

Outdoor storage consists of all remaining forms of outdoor storage not classified above. Outdoor storage visible to the public right-of-way or adjacent properties is allowed so long as it is completely screened from view outside the site by a solid wall or fence at least six (6) feet in height. Except for developments in the M-2 district, outdoor storage shall not exceed the height of required screening. Outdoor storage shall not be allowed within a required front setback.

**C. Exceptions.**

1. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material, or equipment subject to the restrictions of this Section. Such vehicles shall be located and displayed on a paved area that meets parking lot pavement standards and shall be screened under the same requirements for a parking lot.
2. Waste generated on-site and deposited in ordinary refuse containers shall not be considered outdoor display or storage.

**D. Location of Outdoor Storage and Display.**

Unless specifically authorized elsewhere in the City's Code of Ordinances, all outdoor storage, display, and sales shall be located outside the public right-of-way and must adhere to the required district setbacks.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2017-3857 , Exh. C, 1-26-2017)

**Sec. 7.13. Traffic Impact Analyses.**

This section establishes requirements and procedures pertaining to traffic impact analysis ("TIAs"). This Article is intended to inform the applicant of the City's expectations to ensure safe and adequate access to development properties; adequate traffic flow on existing and proposed/planned roadways; and sufficient connectivity of the existing and proposed/planned roadway system attributable to their proposal. In addition this Article is intended to expedite the City's review of TIA reports, provide standard criteria for evaluating proposals, and identify some potential mitigation measures.

The TIA is intended to form the basis for design of any proposed access/roadway system to ensure coordination of the proposed land use with the transportation needs resulting there from. The City of College Station and the developer share responsibility to identify and solve transportation issues arising from land development.

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College Station requires that TIAs accompany certain zoning applications, certain site plan applications, and certain preliminary plan applications. It is intended that any TIA required for any type of land development proposal will complement the overall goal of ensuring that adequate transportation facilities are in place to serve land uses by the time those uses are occupied and generating traffic. These purposes are further amplified below.

**A. Purpose.**

**1. Zoning TIA.**

The goal of a TIA submitted in conjunction with a zoning request is to determine the effect that uses allowed within various proposed zones will have on existing and/or any proposed/planned roadway systems, and to ensure there is a balance between future land uses and future transportation systems. Zoning applications that are required to have a TIA are evaluated using both current and long-term traffic and roadway scenarios.

The TIA will determine whether acceptable levels of service will be maintained for traffic flow within the proposed project and in its study area. Where service levels fall below acceptable standards, mitigation solutions will be analyzed for their effectiveness. A TIA for a zoning request should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the Unified Development Ordinance or the City's Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission and the City Council shall consider the findings of the TIA in approving or disapproving zoning changes to the extent allowed by law.

**2. Preliminary Plan TIA.**

The goal of a TIA submitted in conjunction with a preliminary plan is twofold: to assess the adequacy and safety of proposed access to adjacent existing or planned roadways (or designs proposed for such access or roadways); and to determine effects the proposed project may have on current and future land development and roadway systems in its study area. Generally, the TIA uses current and anticipated near-term traffic volumes and roadway configurations for the analysis. The process should ensure that the roadway system is, or will be, adequate to accommodate the proposed use and that safe and adequate access will be provided for travel between the site and the public roadway system.

Where the TIA shows levels of service falling below acceptable minimums on roadway systems in its study area the TIA will recommend appropriate mitigation measures and demonstrate their effectiveness. Example mitigation techniques may include adding/lengthening deceleration/turn lanes, improving driveway access, providing connectivity, and modifying traffic control devices. Combinations of these techniques and other techniques can be considered. A TIA for a preliminary plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the Unified Development Ordinance or the City's Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the TIA in approving or disapproving preliminary plans to the extent allowed by law.

**3. Site Plan TIA.**

The goal of a TIA submitted in conjunction with a site plan is twofold: to assess the adequacy and safety of proposed access to adjacent existing or planned roadways (or designs proposed for such access or roadways); and to determine effects the site project may have on current and future land development and roadway systems in its study area. Generally, the TIA uses current and anticipated near-term traffic volumes and roadway configurations for the analysis. The process should ensure that the roadway system is, or will be, adequate to accommodate the proposed use and that safe and adequate access will be provided for travel between the site and the public roadway system.

Where the TIA shows levels of service falling below acceptable minimums on roadway systems in its study area the TIA will recommend appropriate mitigation measures and demonstrate their effectiveness. Example mitigation techniques may include adding/lengthening deceleration/turn lanes, improving driveway access, providing connectivity, and modifying traffic control devices. Combinations of these techniques and other techniques can be considered. A TIA for a site plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the Unified Development Ordinance or the City's Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the TIA in approving or disapproving site plans to the extent allowed by law.

**B. Definitions.**

**1. Trip Generation Rates.**

Trip Generation Rates are used to estimate the amount of vehicular traffic generated by proposed rezoning or a proposed site plan. For Zoning and Preliminary Plan TIAs, these rates are shown by zoning district in the table below. Preliminary Plan trip generation rates should be based on the underlying zoning district. Site plan TIAs shall use rates set forth in the latest edition of the Trip Generation Report published by the Institute of Transportation Engineers (ITE), unless said Report does not adequately address the type or intensity of the proposed land use. In this event the applicant or his agent shall submit projected vehicle trips to the Administrator. For land uses adequately represented in said Report, alternate trip generation rates shall not be accepted.

**Table 1**  
**Trip Generation: Residential Land Uses**

| Zoning Classification | Maximum Units/Acre          | ITE Land Use Code | Trip Rate / Unit | Trip Rate / Acre |
|-----------------------|-----------------------------|-------------------|------------------|------------------|
| R                     | 0.33                        | 210               | 1.00             | 0.33             |
| WE                    | 0.5                         | 210               | 1.00             | 0.5              |
| E                     | 1                           | 210               | 1.00             | 1                |
| WRS                   | 2                           | 210               | 1.00             | 2                |
| RS                    | 4                           | 210               | 1.00             | 4                |
| GS                    | 8                           | 210               | 1.00             | 8                |
| D                     | 12                          | 230               | 0.52             | 6.24             |
| T                     | 14                          | 230               | 0.52             | 7.28             |
| <u>MH</u>             | <u>24</u>                   | <u>230</u>        | <u>0.52</u>      | <u>12.48</u>     |
| MF                    | 30                          | 220               | 0.62             | 18.6             |
| MU                    | Determined by Administrator |                   |                  |                  |
| MHP                   | Determined by Administrator |                   |                  |                  |
| P-MUD                 | Determined by Administrator |                   |                  |                  |

**Table 2**  
**Trip Generation: Non-Residential Land Uses**

| Zoning Classification | Maximum Units/Acre*         | ITE Land Use Code | Trip Rate / KSF | Trip Rate / Acre |
|-----------------------|-----------------------------|-------------------|-----------------|------------------|
| O                     | 16,000 sf                   | 710               | 1.55            | 25               |
| SC                    | 11,000 sf                   | 820               | 3.75            | 40               |
| WC                    | 11,000 sf                   | 820               | 3.75            | 40               |
| GC                    | 13,500 sf                   | 820               | 3.75            | 50               |
| CI                    | 16,000 sf                   | 710               | 1.55            | 25               |
| BP                    | N/A                         | 130               | 0.85            | 8.85             |
| BPI                   | N/A                         | 770               | 1.43            | 19               |
| CU                    | Determined by Administrator |                   |                 |                  |
| PDD                   | Determined by Administrator |                   |                 |                  |

\* Density maximum calculated based on existing (2007) developments in the City of College Station.

**Table 3**  
**Trip Generation: Retired Land Uses**

| Zoning Classification | Maximum Units/Acre* | ITE Land Use Code | Trip Rate / KSF | Trip Rate / Acre |
|-----------------------|---------------------|-------------------|-----------------|------------------|
| R-4                   | 20.0                | 220               | 0.62            | 12.4             |
| R-6                   | 30.0                | 220               | 0.62            | 18.6             |
| C-3                   | 11,000 sf           | 820               | 3.75            | 40               |
| R&D                   | N/A                 | 760               | N/A             | 16.8             |
| M-1                   | N/A                 | 110               | N/A             | 7.5              |
| M-2                   | N/A                 | 120               | N/A             | 2.2              |

**2. Design Year.**

The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy, and shall include consideration of nearby development that has been approved and will contribute traffic volume to the proposed project's study area.

**3. Peak Periods.**

Peak periods relate to times of day experiencing the greatest hourly traffic flow rates. Two (2) "peaks" are to be addressed by a TIA: The morning and afternoon peak hours (or projected peak hours) of existing (or planned) roadways serving the proposed land development. Typically roadway peak periods are between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m.

**4. Base Volumes.**

Base volumes shall be based on current traffic counts adjusted to the expected date of project occupancy plus volumes generated by nearby future development (all phases) that has been approved by the City. When available, base data will be supplied by the City Traffic Engineer. In

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all cases where traffic counts are needed and are not available, the developer or his agent shall be required to collect such data according to guidelines approved by the Administrator.

5. **Level of Service (LOS).**

Level of Service is a measure of the extent of congestion experienced on roadways. It is measured through analysis of traffic operating conditions on roadway links and at intersections, using techniques presented in the latest edition of the Transportation Research Board's Highway Capacity Manual.

C. **Applicability.**

1. **Zoning TIA.**

Any zoning request, except for certain "redevelopment" areas as designated on the Comprehensive Plan Future Land Use and Character Map, which is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period requires a TIA. Where the Comprehensive Plan designates a property as "Redevelopment" a TIA is required if the zoning request is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period more than those generated by the currently approved use(s) on the property. A zoning request involving multiple zoning districts is required to have a TIA based on the total traffic generated for all the proposed districts. A TIA may be required for a zoning request that generates less than one hundred fifty (150) trips in the peak hour, where the peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed rezoning request. In cases where a TIA is required, the rezoning application will be considered incomplete until the TIA is submitted

2. **Preliminary Plan TIA.**

Any proposed development requiring preliminary plan approval, which is expected to generate at least one hundred fifty (150) trips in any peak hour period requires a TIA. A TIA may be required for preliminary plans that generate less than one hundred fifty (150) trips in any peak hour period where the peaking characteristics could have a detrimental impact on the area's vehicular transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed project. In cases where a TIA is required, the preliminary plan application must be accompanied by the TIA

3. **Site Plan TIA.**

Any proposed development requiring site plan approval, excluding developments located in the zoning classifications of NG-1, NG-2, or NG-3, which is expected to generate at least one hundred fifty (150) trips in any peak hour period requires a TIA. A TIA may be required for site plans that generate less than one hundred fifty (150) trips in any peak hour period where the peaking characteristics could have a detrimental impact on the area's vehicular transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed site project. In cases where a TIA is required, the site plan application must be accompanied by the TIA.

D. **Methodology.**

1. **Professional Engineer to perform TIA.**

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All required TIAs shall be performed by a professional engineer licensed in the State of Texas qualified to perform such analysis. Qualifications may include, but are not limited to, certification as a Professional Traffic Operations Engineer or Professional Transportation Planner by the Institute of Transportation Engineers or certification by the Texas Department of Transportation to conduct traffic engineering studies.

2. **Pre-Submittal Meeting.**

A pre-submission consultation with the Administrator is required at the time of the Pre-Application Conference to discuss whether a TIA is required and, if so, the relevant aspects thereof. The study area will be defined to include nearby land developments (existing or approved), the street network to be examined (the "study network"), and the minimum extent of analysis. In addition, details of the procedures, assumptions, data collection, and analysis methodology(ies) will be determined at this meeting. Traffic from other nearby developments that have been approved but not yet constructed will be accounted for in the TIA as determined by the Administrator. The Administrator may require other specific assumptions such as the percent of trucks to match local conditions. The City may require analysis of peak fifteen (15) minute intervals for certain types of land uses that generate major traffic surges such as, but not limited to, stadiums, movie theaters, arenas, and schools.

3. **Zoning TIA Content.**

a. **Study Area.**

A map(s) will delineate the TIA study area, including land areas to be considered and all existing/planned streets therein, and the "study network" (those streets and intersections requiring specific analysis). The study area shall be determined based on the geographical area most affected by the proposed zoning request as determined by the Administrator after conferring with the applicant's traffic engineer.

b. **Existing Zoning.**

A description by zoning classification of the existing zoning in the area proposed for rezoning.

c. **Proposed Zoning.**

A description of the proposed zoning including land area by zoning classification.

d. **Roadway Network.**

A description of the existing and proposed/planned roadways of all classifications and traffic volumes on the study network within the study area.

e. **Impact Determination.**

An assessment of projected traffic volumes is to be made for all study network roadways, comparing those with allowable volume limits on roadways classed as collector and local, and providing a description of the volume/capacity (V/C) ratio for all roadways in the study network. In addition delay projections for signalized and unsignalized intersections in the study network will be determined. Where V/C ratios and intersection delay are the measures of effectiveness Level of Service D or better must be maintained. The analysis shall contain the following minimum information:

1. **Proposed Trip Generation.**

Show in tabular form trip generation rates (see Table 1, 2, or 3 as applicable) and the total trips generated based on proposed zoning.



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**2. Existing Trip Generation.**

Show in tabular form trip generation rates (see Table 1, 2, or 3 as applicable) and the total trips generated based on existing zoning.

**3. Net Increased Trip Distribution and Assignment.**

Show proposed trip generation minus existing trips and the calculation of new trips generated. The net increase in trips generated by the zoning request is to be added to the base volumes projected by design year. Twenty-four-hour and peak hour volumes must be calculated. Distribution and assignment calculations must be provided.

**4. Level of Service Analysis.**

Show in tabular form peak hour Level of Service for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Calculate level of service and percentage change (when compared to base volumes) for each link and intersection.

**5. Neighborhood Traffic Analysis.**

If a proposed rezoning is projected to increase the traffic on an existing or proposed/planned minor collector or local residential roadway (street) at least ten (10) percent, a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic on the affected roadways. Where the projected traffic exceeds the limits indicated in the BCS Design Guidelines, street network layout must be adjusted to lower this traffic volume.

**6. Conclusions.**

Summarize points of conflict and congestion, identify all thoroughfare links and intersections not achieving Level of Service D or better, and the percentage change resulting from the proposed zoning change. The results of examining collector and local residential roadways, including the findings of any neighborhood traffic analysis must also be summarized.

**f. Mitigation.**

A description of the mitigation measures proposed for achieving acceptable service thresholds shall be shown. Analysis of the study network as adjusted by the proposed measures must be documented. Traffic produced by the proposed zoning request plus traffic levels projected by the time of project occupancy should result in Level of Service D or better. Locations not meeting Level of Service D where the proposed zoning contributes five (5) percent or more of the peak hour traffic must be mitigated by the applicant. Acceptable methods of mitigating negative traffic impacts include any one (1), or a combination of, the measures listed below but is not limited to those listed.

- 1) Modifying the zoning request so that resulting traffic volumes yield Level of Service D or better throughout the study network.
- 2) Modify any street network proposed as part of the development project in terms of size, layout, connectivity, intersection layouts, or location of termini with thoroughfares, or any combination of such changes.
- 3) Limit development densities/intensities within one (1) or more zoning classifications or land parcels to result in acceptable traffic volumes.

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- 4) Making minor thoroughfare or intersection improvements, such as adding/extending or relocating turn lanes, adding/extending acceleration and/or deceleration lanes, adding non-traversable medians, relocating median openings, using special directional median openings, or using special features to facilitate safe U-turn maneuvers.

Amendments to the City's Thoroughfare Plan shall not be accepted as a means of mitigating negative impacts, unless the proposed amendment(s) can be shown to enhance capacity and safety and will be constructed as part of the proposed land development project.

g. **Planning and Zoning Commission Report.**

The Planning and Zoning Commission shall make a report to the City Council on all TIAs it considers in conjunction with requests for rezoning. The Planning and Zoning Commission may make a recommendation for approval, modification, or denial of the zoning case based on other planning factors in addition to its review of the TIA.

Where the identified impacts of the proposed zoning cannot be adequately mitigated, the Planning and Zoning Commission may recommend to the City Council one (1) or more of the following actions:

1. Denial of the zoning case in total or in part.
2. Other action(s) deemed appropriate by a study made, or endorsed by, a qualified traffic engineer to mitigate negative traffic impacts.

4. **Preliminary Plan TIA Content.**

Submittals of TIAs for preliminary plan projects shall include the following:

a. **Study Area.**

A map(s) delineating the TIA study area, including land areas to be considered and all existing/planned roadways therein, and the "study network" (those roadways and intersections requiring specific analysis). The study area will be determined by identifying the geographical area most affected by the proposed development as determined by the Administrator after conferring with the applicant. In general the study area will cover all intersections through which at least ten (10) percent of the proposed development's site traffic passes, and shall extend to and include at least the first traffic signal in all directions if within one (1) mile of any portion of the site. Existing roadway and intersection capacities shall be shown.

b. **Existing Zoning.**

A description of existing zoning in the area included in the preliminary plan.

c. **Thoroughfare Network.**

A description of existing thoroughfares, signals, signal phasing and traffic volumes within the study area;

d. **Proposed Development.**

A description of the proposed development including land area (gross and net), square footage, density, dwelling units, etc. Also a description of anticipated roadway conditions expected by the date of completion of the proposed development shall be included.

e. **Proposed Roadway Network.**

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Identification of the proposed roadway network for the preliminary plan. This shall include the location of access points, location and number of lanes of proposed roadways or public ways, and proposed traffic controls. It must also include any proposed modifications to adjacent roadways.

f. **Impact Determination.**

A determination of the Level of Service for all roadways and intersections in the study area shall be included, as shall an evaluation of pedestrian, bicycle, and motor vehicle safety conditions within the preliminary plan. The analysis shall contain the following minimum information:

1. **Proposed Trip Generation.**

A calculation of the total trip generation by use within the study area assuming full development and occupancy, including both peak hour and twenty-four-hour information show any reductions attributed to passers-by, mixed use, etc. show trip generation by use in tabular form with land use trip generation rates and trips generated.

2. **Trip Distribution and Assignment.**

A calculation of trips generated by the proposed development as added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions (and the bases therefore) and assignment calculations must be provided.

3. **Level of Service Analysis.**

A depiction shown in tabular form, twenty-four-hour and peak hour volume/capacity ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, existing traffic plus projected traffic.

4. **Neighborhood Traffic Analysis.**

If the TIA calculations show that a proposed preliminary plan increases traffic on a minor collector or local residential roadway (street) by at least ten (10) percent, a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic on the affected roadways. Where the projected traffic exceeds the limits indicated in the BCS Design Guidelines mitigation to lower this traffic may be required.

5. **Conclusions.**

A summary of findings must be reported. It must show all adjacent roadways and intersections noting those that fail to provide Level of Service D or better, and the percent increase in total traffic produced by the proposed project. In addition the report must demonstrate that the proposed roadway network will provide safe and adequate access to the development. It also must identify any safety and operational problems (e.g., driveways, sight distances, median openings, and signalization) within the study area.

g. **Mitigation.**

A description of the mitigation measures proposed for meeting acceptable traffic service thresholds shall be shown. Where the development is contributing five (5) percent or more of the traffic at locations failing to meet Level of Service D or better the total trips should

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be mitigated by the applicant to low enough levels to achieve the required standard (or to pre-development levels, if pre-development level is less than Level of Service D). Acceptable measures for mitigating negative traffic impacts include any one (1), or a combination of, those listed below.

- 1) Modifying the density or intensity of land use, such as a reduction in square footage or the percentage of commercial use to result in traffic levels meeting Level of Service D or better;
- 2) Phasing approval and construction of a project until additional roadway capacity becomes available;
- 3) Modifying the proposed street network in terms of size, layout, connectivity, intersection layouts, or location of termini with thoroughfares or any combination of such changes;
- 4) Making off-site improvements including the construction of additional lanes, increases in storage lane capacities, or modification/installation of signalization, to list some examples.

**h. Costs of Mitigation.**

Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the Thoroughfare Plan may be repaid by the City in accordance with its cost sharing policies.

**5. Site Plan TIA Content.**

Submittals of TIAs for site plan projects shall include the following:

**a. Study Area.**

A map(s) delineating the TIA study area, including land areas to be considered and all existing/planned roadways therein, and the "study network" (those roadways and intersections requiring specific analysis). The study area will be determined by identifying the geographical area most affected by the proposed development as determined by the Administrator after conferring with the applicant. In general the study area will cover all intersections through which at least ten (10) percent of the proposed development's site traffic passes, and shall extend to and include at least the first traffic signal in all directions if within one (1) mile of any portion of the site. Existing roadway and intersection capacities shall be shown.

**b. Existing Zoning and Development.**

A description of existing zoning including land area (gross and net) by zoning classification, square footage, density of hotel rooms, dwelling units, etc. Also, a description of development currently within the proposed site plan, including showing how it will be affected by the new development proposal;

**c. Thoroughfare Network.**

A description of existing thoroughfares, signals, signal phasing and traffic volumes within the study area;

**d. Proposed Development.**

A description of the proposed development including land area (gross and net), square footage, density of hotel rooms, dwelling units, etc. Also a description of anticipated

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roadway conditions expected by the date of occupancy of the proposed development shall be included.

e. **Proposed Access.**

Identification of the proposed access driveways for the site. This shall include the location and number of lanes, proposed traffic controls, and relationship to on-site circulation features for each proposed point of access. It must also include any proposed modifications to adjacent roadways. Once the TIA and an access plan has been approved, the final location and design of all access points shall meet or exceed the current access management and roadway design policies of the entity responsible for the condition of that portion of adjacent roadway.

f. **Impact Determination.**

A determination of the Level of Service for all roadways and intersections in the study area shall be included, as shall an evaluation of pedestrian, bicycle, and motor vehicle safety conditions along all the roadway frontage of the site. The analysis shall contain the following minimum information:

1. **Proposed Trip Generation.**

A calculation of the total trip generation by use within the study area assuming full development and occupancy, including both peak hour and twenty-four-hour information show any reductions attributed to passers-by, mixed use, etc. show trip generation by use in tabular form with land use trip generation rates and trips generated.

2. **Trip Distribution and Assignment.**

A calculation of trips generated by the proposed development as added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions (and the bases therefore) and assignment calculations must be provided.

3. **Level of Service Analysis.**

A depiction shown in tabular form, twenty-four-hour and peak hour volume/capacity ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, existing traffic plus projected traffic. Capacity analyzes must be shown for all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

4. **Neighborhood Traffic Analysis.**

If the TIA calculations show that a proposed site project increases traffic on a minor collector or local residential roadway (street) by at least ten (10) percent, a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic on the affected roadways. Where the projected traffic exceeds the limits indicated in the BCS Design Guidelines mitigation to lower this traffic may be required.

5. **Conclusions.**

A summary of findings must be reported. It must show all adjacent roadways and intersections noting those that fail to provide Level of Service D or better, and the percent increase in total traffic produced by the proposed site project. In addition the report must demonstrate that the proposed access design will provide safe and

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adequate access to the project site. It also must identify any safety and operational problems (e.g., driveways, sight distances, median openings, and signalization) within the study.

**g. Mitigation.**

A description of the mitigation measures proposed for meeting acceptable traffic service thresholds shall be shown. Where the development is contributing five (5) percent or more of the traffic at locations failing to meet Level of Service D or better the total trips should be mitigated by the applicant to low enough levels to achieve the required standard (or to pre-development levels, if pre-development level is less than Level of Service D). Acceptable measures for mitigating negative traffic impacts include any one (1), or a combination of, those listed below.

- 1) Modifying the density or intensity of land use, such as a reduction in square footage or the percentage of commercial use to result in traffic levels meeting Level of Service D or better;
- 2) Phasing approval and construction of a project until additional roadway capacity becomes available;
- 3) Improving the access plan by dealing with features such as overall site arrangement, the placement and design features of access points, provision of additional access points to roadways not immediately adjacent to the property, provision of alternate controls, or adjustments in the site circulation system;
- 4) Making off-site improvements including the construction of additional lanes, increases in storage lane capacities, or modification of signalization, to list some examples.

**h. Costs of Mitigation.**

Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the Thoroughfare Plan may be repaid by the City in accordance with its cost sharing policies.

**E. Criteria for Approval.**

The City shall consider the following standards in determining whether a proposed rezoning or submitted site plan project meets an acceptable Level of Service:

**1. Design Requirement.**

The proposed rezoning or site plan project is consistent with the City's adopted access management and design requirements and is consistent with the design requirements of the Texas Department of Transportation on roadways maintained by such agency.

**2. Level of Service D.**

The desirable minimum Level of Service for the City of College Station is a Level of Service D as that term is described in the Transportation Research Board's Highway Capacity Manual.

**3. Determination of Adequate Mitigation.**

Notwithstanding anything to the contrary herein, the appropriate Administrator and the appropriate reviewing body, where required, shall, based on recommendations by a qualified traffic engineer, determine whether adequate mitigation has occurred to meet an acceptable level of service utilizing the requirements set forth herein.



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(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. L), 9-12-2013; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2016-3796 , PT. 1(Exh. A), 8-11-2016)

## **Sec. 7.14. Drainage and Stormwater Management.**

### **A. General.**

#### **1. Purpose and intent.**

This section establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system and establishes legal authority for the City to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the MS4 permit for industrial and construction activity.

#### **2. Compatibility with other regulations.**

- a. This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- b. Any reference to this section shall also apply to Section 7.13 of this Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

#### **3. Definitions.**

In this section:

**Best management practices (BMP)** means schedules of activities, practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the municipal stormwater drainage system and waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Construction activity or construction activities** include clearing, grading, and excavating that are subject to TPDES General Construction Permits. It does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Additionally, it does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities.

**Construction site** means any construction site required by the Clean Water Act to operate within the limits of a TPDES permit to discharge stormwater associated with construction activity.

**Construction site notice (CSN)** means a written submission to the MS4 operator from an applicant stating that a small construction activity will be commencing and will operate under the provisions of the TCEQ General Permit TXR150000.

**Facility** means any facility, industrial facility or construction site, required by the Clean Water Act to have a permit to discharge stormwater associated with industrial or construction activity.

**Final Stabilization** means that:

- a. All soil disturbing activities at the Site have been completed and either of the two (2) following criteria are met:

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- 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy (70) percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures; or
  - 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- b. When background native vegetation or other appropriate vegetation will cover less than one hundred (100) percent of the ground (e.g., arid areas, beaches), the seventy (70) percent coverage criteria is adjusted as follows: if the native vegetation or other appropriate vegetation covers fifty (50) percent of the ground, seventy (70) percent of fifty (50) percent ( $0.70 \times 0.50 = 0.35$ ) would require thirty-five (35) percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
  - c. For individual lots in residential construction, final stabilization means that either:
    - 1) The homebuilder has completed final stabilization as specified above; or
    - 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
  - d. For construction Projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "Surface Waters of the State," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (a) or (b) or (c) above.

**Industrial facility** means any facility required by the Clean Water Act to have a permit to discharge stormwater associated with industrial activity subject to TPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**Notice of change (NOC)** means the notification of changes to SWP3 that is required by the TPDES Stormwater Permits.

**Notice of intent (NOI)** means the advance notification that is required by the TPDES Stormwater Permits prior to commencement of work.

**Notice of termination (NOT)** means the notification that is required by the TPDES Stormwater Permits upon completion of work.

**Regulated activity** means an activity occurring at an industrial facility or construction site, which qualifies the facility or site to acquire a permit to discharge stormwater under the Clean Water Act.

**Release** means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal stormwater drainage system, the water of the state, the waters of the United States.

**Stormwater discharge associated with industrial activity** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The following categories of facilities are considered to be engaging in "industrial activity":

- a. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR, subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (k) of this definition);

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- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
  - c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations;
  - d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Federal Resource Conservation and Recovery Act (RCRA);
  - e. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
  - f. Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
  - g. Steam electric power generating facilities, including coal handling sites;
  - h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 422125), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance, equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (a)—(g) or (i)—(k) of this definition are associated with industrial activity;
  - i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the Facility, with a design flow of one (1.0) mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act;
  - j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one (1) acre of total land area which are not part of a larger common plan of development or sale;
  - k. Facilities under Standard Industrial Classifications (SIC Code) 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 422125, (and which are not otherwise included within categories (b)—(j) of this definition);

**Stormwater pollution prevention plan (SWP3)** means a plan required by a TPDES permit to discharge stormwater associated with industrial activity or construction activity and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges from industrial facilities and construction sites.

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**Texas Pollutant Discharge Elimination System (TPDES)** means the regulatory program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

**TPDES Permit** means a permit issued by the TCEQ under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

**B. Prohibitions.**

**1. Unpermitted discharges prohibited.**

It is an offense for an operator or responsible party of a facility to:

- a. Discharge, or cause to be discharged, stormwater associated with industrial or construction site activity without first having obtained a TPDES permit from the TCEQ.
- b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the NOI or construction site notice to the City.
- c. Introduce sediment, concrete, asphalt or any other construction debris into the MS4 from a construction activity. The Administrator will provide the operator a reasonable amount of time, to remove any pollutants or debris from the MS4 conveyances.

**C. Facility Inspection for Stormwater Discharges.**

**1. Applicability for industrial and construction activity.**

- a. This section applies to all facilities located within the City limits that have stormwater discharges associated with industrial activity or construction site activity. State regulations require that subject facilities apply for and obtain general permits for industrial facilities (TPDES TXR050000) and construction sites (TXR150000) that have been determined to contribute or have the potential to contribute substantial pollutant loads to the MS4 or waters of the state. The general permits require that the permittee develop, implement, and maintain a stormwater pollution prevention plan (SWP3) and submit a NOI notifying the TCEQ and the MS4 operator (City of College Station).
- b. The MS4 permit issued to the City by the TCEQ mandates the City to "Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions" (Part III (E)(6)) and to implement a program that shall include "Inspection of construction sites and enforcement of control measure requirements" (Part III (A)(9)(b)). To meet these requirements the City must enter onto the premises of industrial and construction sites to inspect, monitor, and conduct surveillance of requirements mandated by the TCEQ. These requirements include, but are not limited to:
  - 1) Review of the facilities' SWP3 with onsite conditions;
  - 2) Evaluation of BMP to effectively prohibit the discharge of nonstormwater to the MS4;
  - 3) Inspection for illicit connections and illicit discharges;
  - 4) Self inspection compliance; and
  - 5) Compliance with the City's MS4 permit and the facilities subject general permit (TXR150000 or TXR050000).

**2. Access to industrial facilities and construction sites.**

- a. The intent of facility inspections shall be to determine compliance with the conditions of the City's TPDES permit, any TPDES general permit the facility is currently obligated to for industrial and construction activities, and this section. Facility owners and operators will allow the

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Administrator ready access to applicable sections of public and private premises for the sole purpose of inspection, surveillance, and monitoring for the presence of illegal discharges to the MS4, illicit connections to the MS4, and assessment of any portions of a regulated facility influenced by stormwater runoff that may adversely affect the MS4 or waters of the United States.

- b. Admittance to the facility shall be requested at a reasonable time during the facilities normal working hours unless it is determined by the Administrator that imminent and substantial danger exists.
  - c. The owner or operator shall make all necessary arrangements to allow access to the Administrator.
  - d. If the owner or operator refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
  - e. The Administrator retains the authority to collect samples and photographs from stormwater outfalls or other components of the MS4 as may be deemed appropriate in the administration and enforcement of this section.
  - f. The Administrator has the authority to establish on subject facilities devices as are necessary in the opinion of the Administrator to conduct monitoring of the facility's stormwater discharge.
  - g. The Administrator or the designated inspector must present appropriate credentials to the facility officials at the time of entry to a facility.
3. **Review and modification of stormwater pollution prevention plans.**
- a. The Administrator has the authority to request to review any documents or plans (stormwater pollution prevention plan, spill prevention control plans, hazardous material plans, waste management documentation, etc.) from a regulated facility that the Administrator deems may affect stormwater discharges to the MS4.
  - b. The Administrator may require an operator of a regulated facility to modify its stormwater pollution prevention plan if the stormwater pollution prevention plan does not comply with the requirements of the facility's TPDES permit to discharge stormwater associated with industrial or construction activity.
  - c. The deficiencies in a facility's stormwater pollution prevention plan will be communicated in writing, and the Administrator will provide the operator a reasonable amount of time to make the necessary changes in the stormwater pollution prevention plan.
4. **Review and modifications of best management practices.**
- a. Any person engaged in activities or operation, or owning facilities or property, which will or may result in pollutants entering the MS4 or waters of the United States, shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a regulated facility shall prove reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the United States. Practices implemented to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
  - b. The City does not maintain a list of required or approved BMPs for regulated facilities. The Administrator may request facilities to demonstrate the effectiveness of implemented BMPs. Suggested BMPs and a list of prohibited BMPs will be maintained in the B/CS Drainage Design Guidelines.

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- c. The Administrator may require an operator of a regulated facility to modify its BMP if the BMPs do not provide effective protection from accidental discharge of prohibited materials or other wastes from entering into the MS4 or waters of the United States.
    - d. The deficiencies in a facility's BMP will be communicated in writing, and the Administrator will provide the operator a reasonable amount of time to make the necessary changes in the BMPs.
  - 5. **Compliance with permit.**
    - a. A facility shall be operated in strict compliance with the requirements of the TPDES permit to discharge stormwater associated with industrial or construction site activity.
    - b. A person commits an offense if the person operates a facility in violation of a requirement of the facility's TPDES permit to discharge stormwater associated with industrial or construction site activity.
- D. **Stormwater Discharges Associated with Industrial Activity.**
- 1. **Applicability.**

This subsection applies to all facilities located within the City limits that have stormwater discharges associated with industrial activity.
  - 2. **Industrial and high risk runoff monitoring.**
    - a. All hazardous waste treatment and storage facilities, active municipal landfills, facilities subject to section 313 of Title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA), and any other industrial discharger the City determines is contributing a substantial pollutant load to the MS4 shall submit self-monitoring data to the City on an annual basis. Submittal date of self-monitoring data is to be determined by the Administrator.
    - b. The City's MS4 permit requires that all industrial facilities listed in (a) be subject to site inspections of no less than once per permit term (five (5) years). However, the Administrator has the authority to inspect these industrial facilities as often as deemed necessary to assure permit compliance and safety of the MS4 and waters of the United States.
    - c. An unreasonable delay or refusal to submit self-monitoring data to the Administrator is a violation of this section. A person who is the operator of an industrial facility with a TPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Administrator reasonable access to a facility's self-monitoring data for the purpose of review required by this section.
    - d. An industrial facility may submit a "no exposure" certification to the City in lieu of self-monitoring; however, any facility operating under a "no exposure" certification is subject to periodic facility inspections (not less than once per permit term—five (5) years) to verify the facility's "no exposure" exemption.
    - e. The City may waive monitoring requirements for industrial facilities determined to be in compliance with the TPDES Multi-Sector General Permit Number TXR050000.
    - f. The Administrator has the authority to conduct inspections on any industrial facility subject to the TCEQ's TPDES Multi-Sector General Permit or has been deemed to be, or has potential to be, contributing a substantial pollutant load to the MS4 to determine compliance and safety of the MS4 and waters of the United States.
- E. **Stormwater Discharges Associated with Construction Activity.**
- 1. **Applicability.**
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This subsection applies to all facilities located within the City limits that have stormwater discharges associated with construction activity.

2. Submission of notice of intent, notice of change, notice of termination or construction site notice to municipal stormwater drainage system operator.
  - a. The operator of a construction site required to have a TPDES permit to discharge stormwater associated with construction activity shall submit a copy of the above notices to the Administrator at the same time the operator submits the original notice to the TCEQ.
  - b. The operator of a construction site which does not require a NOI is required to submit, per TCEQ's TPDES general permit for construction sites, a construction site notice to the Administrator.
  - c. Copies of all notices may be delivered to the Administrator either in person or by mail.

**F. Enforcement.**

Any person found guilty of violating a provision of this section may be punished as provided for in Section 10.6 of this Code of Ordinances.

(Ord. No. 2012-3431 , Pt. 1(Exh. A), 7-12-2012)

## **Sec. 8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.**

### **A. Suitability of Lands.**

The Commission shall approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is suitable for platting and development purposes of the kind proposed.

### **B. Zoning and Other Regulations.**

No plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such zoning and other pertinent regulations.

### **C. Reserved Strips and Tracts Prohibited.**

A plat shall not provide reserved strips or tracts of land. In addition, the effect of phasing of a plat, provision of common area or other land or easement shall not unnecessarily restrict access to land, right-of-way, or easements dedicated or intended to be dedicated to the public by the subject plat or adjacent developments.

### **D. Technical Standards.**

All public infrastructure shall be designed and constructed in accordance with the Bryan/College Station Unified Design Guidelines, Bryan/College Station Unified Technical Specifications, Bryan/College Station Unified Construction Details and all other applicable local, state, and federal requirements. Hereafter, these documents shall be referred to collectively as the "B/CS Unified Design Guidelines." Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall accept for public use only streets, alleys, water, waste water, drainage, and other public infrastructure that comply with these standards for construction.

### **E. Streets.**

#### **1. Streets on the Thoroughfare Plan.**

Where a subdivision encompasses or is adjacent to a thoroughfare, as shown on the Thoroughfare Plan of the City, the thoroughfare shall be constructed and included in the subdivision plat to maintain continuity in the approximate location as shown, and of the type indicated.

#### **2. Relation to Adjoining Street System.**

- a. Where there is an existing street adjacent to or through the area to be subdivided, the necessary street intersections to the existing street shall be constructed.
- b. Existing and planned streets and Public Ways in adjacent or adjoining areas shall be continued in alignment therewith.
- c. When land is subdivided into larger parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

#### **3. Street Projections.**

- a. When a public street is provided internal to the platting property and adjoining areas are not platted, the platting subdivision shall provide street projections to such areas by projecting a

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public street at intervals no fewer than the maximum block length along the perimeter boundary of the subdivision.

- b. Where abutting properties are landlocked, a street connection or street frontage shall be provided through the platting property.
- c. In lieu of a public street, a Public Way may satisfy a required street projection when the Public Way is projected to future non-residential or multi-family development and can be continued through that development to a public street.

**4. Adequate Street Access.**

- a. One (1) external street connection is required for a street serving as roadway access for thirty (30) or fewer lots.
- b. When there are more than thirty (30) lots to be served by external street connections, a minimum of two (2) street connections to external paved public streets shall be required. The Commission may allow a Remote Emergency Access where development phasing or constraints of the land prevent the provision of a second street connection. Notwithstanding the foregoing, two (2) street connections to external paved public streets shall be required when one hundred (100) or more lots are served.
- c. Three (3) street connections to external paved public streets may be required by the Commission when two hundred (200) or more lots are served.
- d. Where more than one (1) external street connection is required, at least one (1) external street connection shall not be located over a potential hazard such as a high-pressure gas line or a creek where the one hundred-year floodplain overtops the street, regardless of its classification.

**5. Intersections.**

In addition to the B/CS Unified Design Guidelines, proposed street and alley intersections shall meet the minimum spacing and requirements of the Access Management and Circulation section in Article 7 General Development Standards of this UDO.

**6. Dead-End Streets.**

Dead-end streets shall be prohibited except short stubs to permit future extension. Temporary turnarounds shall be required for stubs in length of more than one hundred (100) feet or the depth of one (1) lot, whichever is less.

**7. Culs-de-Sac.**

- a. The maximum length of a cul-de-sac is based on the designation on the Thoroughfare Plan Functional Classification and Context Class Map in the adopted Comprehensive Plan in which the cul-de-sac is located. The length of a cul-de-sac is measured along the centerline of the cul-de-sac street from the center of the bulb to the edge of the nearest intersecting through street right-of-way. Culs-de-sac shall not exceed the following lengths:
  - 1) Four hundred fifty (450) feet in General Urban Context Zones;
  - 2) One thousand two hundred (1,200) feet in Suburban Context Zones; and
  - 3) One thousand five hundred (1,500) feet in Rural Context Zones.
- b. Culs-de-sac are not permitted in the Urban Core Context Zones unless the proposed subdivision is surrounded by platted property and where a through street is not possible.
- c. Regardless of length, culs-de-sac shall have no more than thirty (30) lots.

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**8. Geometric Standards, Street Design Criteria.**

- a. Streets and alleys shall be designed and constructed in accordance with the B/CS Unified Design Guidelines.
- b. Rural Residential subdivision streets may be constructed to either rural street standards or urban curb and gutter standards except that thoroughfares that continue beyond the boundary of a Rural Residential subdivision to an urban one shall be constructed to urban curb and gutter standards.

**9. Existing Substandard Street Right-of-Way.**

- a. Whenever an existing right-of-way is within or adjacent to a proposed subdivision and such right-of-way width is substandard, the additional width for the street shall be dedicated. For development occurring on only one (1) side of such a roadway, the amount dedicated shall generally equal one-half ( $\frac{1}{2}$ ) of the deficiency in width based on the classification and type of street, as measured from the existing centerline of the right-of-way. If the parcel(s) on the opposite side of the right-of-way previously dedicated a portion, the proposed plat shall dedicate the remaining width. If the opposite side of the right-of-way has a permanent constraint such as a railroad right-of-way or conservation easement, the full width of the deficiency may be required.
- b. The Administrator may reduce, increase, or eliminate the amount of right-of-way dedication based on design considerations, existing land uses, existing development on adjacent properties, and dimensions of the proposed subdivision or plat.
- c. Notwithstanding the foregoing, additional right-of-way dedication is not required for Amending Plats.

**10. Street Names and Addresses.**

- a. Proposed streets that are extensions of existing streets shall bear the name of the existing street, unless otherwise recommended by the Administrator.
- b. New streets shall be named to prevent conflict or confusion with identical or similar names in the City, Brazos County 911 district, or the City's Extraterritorial Jurisdiction (ETJ).
- c. Streets shall not be named after any living person.
- d. A proposed street name may be disapproved if it too closely approximates phonetically the name of an existing street, is too difficult to pronounce, or carries undesirable meanings or connotations.
- e. Street addresses shall be assigned by the Administrator.

**F. Alleys.**

- 1. Alleys may be required at the rear of all lots intended to be used for business purposes and residential lots fronting a thoroughfare.
- 2. Alleys shall generally be parallel to the street that the lot it serves fronts.
- 3. Where two (2) alleys intersect, or where an alley turns, additional width may be required to allow turning of vehicles or guying of utility poles.
- 4. Dead-end alleys shall not be permitted, except where the alley is one hundred (100) feet or less in length or the width of one (1) lot, whichever is less.
- 5. Residential lots served by an alley shall only have driveway access via the alley.

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6. Public alleys are prohibited in Rural Residential subdivisions.
  7. Private alleys shall be constructed to public alley standards except that it shall be located within a common area or private access easement. The City reserves the right to not provide sanitation and fire service along private alleys.

**G. Blocks.**

1. Blocks for single-family, duplex, ~~and~~ townhouse, and Multiplex lots shall be platted to provide two (2) tiers of lots with a utility easement or alley between them. A single tier of lots may be used if the lots back up to a thoroughfare, railroad, or floodplain. Courtyard House developments may provide more tiers of lots if an alley connection is provided through both sides of the block.
2. In order to provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation to areas intended for similar land use contexts, block length shall not exceed the following dimensions based on the designation on the Thoroughfare Plan Functional Classification and Context Class Map in the adopted Comprehensive Plan along which the block is located:
  - a. Six hundred sixty (660) feet in Urban Core Context Zones;
  - b. Nine hundred (900) feet in General Urban Context Zones;
  - c. One thousand two hundred (1,200) feet in Suburban Context Zones; and
  - d. One thousand five hundred (1,500) feet in Rural Context Zones.
3. If a plat is not bounded by a public through street or other qualifying break to block length then the block length measurement shall continue to extend each way beyond the plat along the public through street until the nearest intersecting through street or qualifying break to the block is reached.
4. Reserved.
5. In lieu of a public street, non-residential and multi-family developments may opt to construct a Public Way to satisfy block length requirements when the Public Way connects two (2) public streets. The plat shall dedicate a public access easement that covers the entire width of the private drive and sidewalks for the Public Way. The private drive and sidewalks may be constructed with the development of the property. A Public Way shall not substitute for a thoroughfare identified on the City's Thoroughfare Plan.
6. Block length shall not require a new street, Public Way, or Access Way to enter the face of a block when:
  - a. The surrounding area of the block is subdivided so that a through movement is not possible or a new block cannot be created.
  - b. The development is zoned for single family uses and is being platted through a Development Plat or Minor Plat.

**H. Lots.**

1. **General Requirements.**
  - a. Lots shall be identified in numerical order within a block.
  - b. Lot size and setback lines shall be in accordance with the applicable zoning requirements.
  - c. Lots established for special purposes such as common area, open space, parkland, floodplain, drainage, utilities, or other similar facilities shall be uniquely named and are not required to meet the minimum dimensional standards for the applicable zoning district.

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- d. Side lot lines shall be substantially right angle to straight right-of-way or radial to the curved right-of-way.
  - e. Land located within the FEMA designated floodway shall not be included within a lot intended for residential occupancy.
  - f. Lots shall be laid out so as not to cross municipal, county, school district, or utility service area boundaries.
  - g. A subdivision shall not cause an existing structure to encroach into the setback of a proposed lot line.
  - h. Single-family, duplex, ~~and~~ townhouse, and Multiplex lots shall have frontage on a public street or a private street constructed to public standard. Lots intended for other uses that do not have frontage on a public street shall provide access via a Public Way or a private access easement containing a drive that meets City fire lane standards. The construction of the private drive may be delayed until the time of site development. Courtyard House lots may be exempted from this requirement as long as fire protection is maintained.
  - i. No single-family dwelling, townhouse, or duplex lot shall have direct access to an arterial or collector thoroughfare; however, these lots may face toward a thoroughfare if driveway access is provided via a public alley. Notwithstanding the foregoing, single-family detached lots that are at least one hundred (100) feet in width may have direct access with the recommendation of the Administrator and approval of the Commission. Access restrictions and determinations shall be noted on the plat.

**2. Platting and Replatting within Older Residential Subdivisions.**

- a. This section applies to a subdivision in which any portion of the proposed subdivision meets all of the following criteria:
  - 1) Such portion of the subdivision is currently zoned or developed for single-family detached residential uses as of January 1, 2002 with the exception of NG-1, NG-2, NG-3, NPO, and NCO zoning districts;
  - 2) Such portion of the subdivision is part of a lot or building plot that was located within the City limits when it was created on or prior to July 15, 1970. This also includes lots that may have been vacated or replatted after July 15, 1970 but where the original plat predates July 15, 1970; and,
  - 3) Such portion of the subdivision is designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
- b. In addition to the other provisions of this UDO, no plat or replat intended to provide for the resubdivision of an existing lot or lots in a residential subdivision which meets the above criteria may be approved unless:
  - 1) The plat does not create an additional lot or building plot; or
  - 2) For a proposed plat which does create an additional lot or lots, the lot(s) must meet or exceed the average width of the lots along the street frontage for all of the lots in the block, including the subject lot(s) and contain at least eight thousand five hundred (8,500) square feet of space for each dwelling unit.

For the purpose of determining the average lot width, a lot shall be defined to include the lot, lots and/or portions of lots that have been combined and used as a residential plot or building plot, as of July 15, 1970. The Administrator may include the lots on the opposing blockface when calculating the average lot width if the lots are similar in character and the



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Administrator may exclude lots to the rear when said lots are part of another subdivision or dissimilar in character.

- c. It is the applicant's responsibility to provide documentation during the application process regarding the original plat in which the lot was created and/or the configuration and ownership documentation of the properties since July 15, 1970.

3. **Zero Lot Line Development.**

The following requirements apply to all proposed subdivisions with single-family residential lot line construction.

a. **Description.**

Zero lot line developments require planning for all house locations to be done at the same time. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the plats of the applicable lots.

b. **Setbacks.**

The side building setback shall be zero on one (1) side of the house. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line portion of the plat. The minimum distance between all buildings within the lot line development must be fifteen (15) feet.

c. **Eaves.**

Eaves may project a maximum of eighteen (18) inches, excluding non-combustible gutters, over the adjacent property line.

d. **Maintenance Easement.**

A maintenance easement shall be dedicated between the two (2) property owners to allow for maintenance or repair of the house built on the lot line. The easement shall be unobstructed, located on the adjacent property abutting the side wall and must be a minimum of seven and one-half (7.5) feet in width. Required maintenance easements shall be shown on the recorded plat.

e. **Privacy.**

Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. All materials within three (3) feet of the property line shall be fire-rated to meet building code requirements.

4. **Cluster Development.**

a. **General Purpose.**

A cluster development is intended to provide open space, preserve unique environmental features, or protect the character of rural areas. It is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density of all the lots collectively do not exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the zoning district, though the individual lots within the development can be smaller than required in a conventional subdivision. The average lot size in a cluster development must be less than the minimum lot size of the base zoning district. Smaller lot sizes

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within a cluster development are required to be offset by the provision of open space as set forth below.

b. **Conflict with Other Regulations.**

If there is a conflict between the cluster development standards of this Section and any other requirement of this UDO, the standards of this Section control. Where no conflict exists, a cluster development is subject to all other applicable requirements of this UDO.

c. **Where Allowed.**

Cluster developments are allowed in residential WE Wellborn Estate, E Estate, RS Restricted Suburban, WRS Wellborn Restricted Suburban, and GS General Suburban zoning districts.

d. **Approval Procedure.**

Cluster Developments are subject to the subdivision procedures set forth in this UDO. A note shall be provided on the plat that states the subdivision is a cluster development with additional descriptions as necessary.

e. **Specific District Standards.**

1. **Wellborn Estate -**

- a. **Lot Size.** The minimum lot size is one (1) acre as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development, except as noted below. Subdivisions with all lots over one acre and lot widths of one hundred (100) feet may use rural character roads.
- b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

2. **Estate -**

- a. **Lot Size.** The minimum average lot size is twenty thousand (20,000) square feet with an absolute minimum lot size of ten thousand (10,000) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development, except as noted below. Subdivisions with all lots over twenty thousand (20,000) square feet and lot widths of one hundred (100) feet may use rural character roads. Subdivisions containing any lots below twenty thousand (20,000) square feet must use urban street standards.
- b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
- c. In the Wellborn Community Plan area, the cluster option may be used only in the area designated Wellborn Preserve-Open on the Comprehensive Plan Land Use and Character Map.

3. **Wellborn Restricted Suburban**

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- a. **Lot Size.** The minimum average lot size is eight thousand (8,000) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
    - b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
  - 4. **Restricted Suburban -**
    - a. **Lot Size.** The minimum average lot size is eight thousand (8,000) square feet with an absolute minimum lot size of six thousand five hundred (6,500) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
    - b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
  - 5. **General Suburban -**
    - a. **Lot Size.** The minimum lot size is three thousand seven hundred fifty (3,750) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
    - b. **Setbacks and Building Separations.**

The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
    - c. In the Wellborn Community Plan area as designated on the Comprehensive Plan Future Land Use and Character Map, the cluster option is not permitted.
  - f. **Open Space.**
    - 1. **Description of Open Space.**

Any parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of all residents of a proposed project. Open space may include amenities such as private outdoor recreation facilities, natural areas, trails, agricultural lands, or stormwater management facilities designed as a neighborhood amenity. Areas encumbered by right-of-way, easements, or utilized as parking may not be counted towards the Open space requirements. Open spaces must be privately owned and maintained by a Home Owners Association (HOA).

Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Commission may require that up to fifty (50) percent of required common open space be useable recreational space, if deemed necessary by the Commission to ensure adequate recreational amenities for residents of the development.

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2. **Common Open Space Required for Cluster Developments.**

a. **Minimum Requirement.**

1. Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district.
2. Common open space must be provided in an amount of at least ten (10) percent of the gross area of the development, or fifteen (15) percent of the gross area if the development is located in a Growth Area.
3. All proposed lots shall have direct access to the common open space, via access easement, sidewalk, or street. Common open space may be located at the rear of lots only when the space is designed for active recreation or a design concept is submitted to staff for approval. Examples of active recreation areas may include amenities such as sports fields, hike or bike trails, parks, amenity centers, and golf courses.
4. All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. The required common open space must be arranged to provide at least thirty (30) percent of the space in at least one (1) contiguous area. The minimum dimensions of such space must be twenty-five (25) feet by twenty-five (25) feet. The remaining required common usable open space may be distributed throughout the building site and need not be in one (1) such area; provided, however, no area containing less than one thousand (1,000) square feet will be considered common usable open space.
5. The minimum common open space area must be at least equal to the difference between:
  - a. The actual, average lot area per dwelling unit within the cluster development; and
  - b. The required lot area per dwelling unit for conventional development within the underlying base zoning district.
6. The common open space requirement shall not be credited toward the parkland dedication requirements specified in the City subdivision ordinance.

I. **Easements.**

1. **Drainage Easements and Rights-of-Way.**

- a. Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, a drainage easement or right-of-way may be required in accordance with the B/CS Unified Design Guidelines.
- b. No construction, including fences, shall impede, constrict, or block the flow of water.
- c. A drainage easement or right-of-way shall not be considered a part of the lot area for purposes of minimum lot size requirements of this UDO.
- d. When feasible, utilities may be located within drainage easements and rights-of-way. Likewise, enclosed storm drains may be contained in utility easements. In such instances, the utility easement width must be adequate to provide space for storm drains, utilities, and maintenance access.

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## **2. Utility Easements.**

- a. Except as expressly provided for otherwise in this UDO, each block that does not contain an alley shall have a utility easement at the rear of all lots. The rear utility easements shall be twenty (20) feet in width, taken ten (10) feet from each lot where the rear of the lots abut each other, and shall be continuous for the entire length of a block. These easements shall be parallel as closely as possible to the street line frontage of the block. Where the proposed subdivision adjoins an unplatted area or future phase of the subdivision, the City Engineer may require a twenty-foot wide easement along the rear of lots.
- b. Notwithstanding provisions to the contrary elsewhere in this UDO, the City Engineer has the discretion to approve alternate easement locations for any subdivision based on the proposed lot configuration, proposed location of utilities, or the depth of existing, proposed or anticipated utilities. The City Engineer may also require additional utility easements or additional easement width for any subdivision based on the location, number, size, configuration or depth of existing, proposed or anticipated utilities.
- c. Buildings, signs, masonry walls, and other vertical structures that require a building permit are not permitted within utility easements. Landowners may place a fence in utility easements if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement.

## **3. Access Easements.**

- a. A private access easement shall be required to provide access to property that does not have direct frontage to a public right-of-way or a Public Way. Private access easements may also be required when shared driveway access is necessary to meet driveway spacing requirements along a public street or Public Way. Driveways in required private access easements shall be constructed to City fire lane standards and their installation may be delayed until the time of site development. When private access easements are provided, construction and maintenance responsibilities shall be assigned and noted on the plat or the recorded volume and page of the access instrument shall be referenced on the plat.
- b. A public access easement shall be provided for a Public Way, for public sidewalks on private property, and when serving as an Access Way. Fences, gates, parking, or other obstructions that restrict or block access are prohibited.

## **4. Off-Site Easements.**

All easements outside the boundaries of a plat that are necessary for the installation of public infrastructure to serve the subdivision or development plat shall be acquired by the applicant and conveyed by an instrument approved by the City Attorney.

## **5. Non-Public Easements.**

Except as set forth herein, dedication of rights-of-way, easements, and public infrastructure shall not be encumbered by private easements that have pre-existing rights. Minor crossings are allowed.

## **J. Access Ways.**

1. Existing and planned Access Ways in adjacent or adjoining areas shall be continued in alignment therewith.
2. In Blockfaces over nine hundred (900) feet in length, an Access Way shall extend across the width of the block near the center of the block.

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3. To provide additional pedestrian and bicycle circulation, an Access Way shall be required on a cul-de-sac street to connect to existing or planned facilities in the vicinity such as schools, parks, transit stops, and multi-use paths.
  4. An Access Way may be required to provide additional pedestrian and bicycle circulation within a subdivision, between subdivisions, between culs-de-sac, or to provide access to schools, parks, shopping centers, multi-use paths, transportation, and other community facilities in the vicinity.
  5. If an Access Way is greater than three hundred (300) feet in length then an additional access point to the Access Way shall be provided.

**K. Sidewalks.**

**1. Policy.**

Sidewalks should be located and constructed so as to provide a safe and effective means of transportation for non-vehicular traffic.

**2. Required Sidewalks.**

- a. Sidewalks shall be required on both sides of all streets except as follows or as provided elsewhere in this UDO.
- b. Where a multi-use path is shown along a street on the Bicycle, Pedestrian, and Greenways Master Plan, the sidewalk may be incorporated as part of the multi-use path.

**3. Sidewalk Exceptions.**

Sidewalks are not required:

- a. Around the bulb of a cul-de-sac unless an access way is provided through the cul-de-sac;
- b. Along a street classified on the thoroughfare plan as a freeway/expressway;
- c. Along streets identified on the thoroughfare plan with an estate/rural context;
- d. Along new or existing streets within a Rural Residential subdivision constructed to the rural section; or
- e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan or in the applicable neighborhood, district, or corridor plan.

**4. Standards.**

Sidewalks shall be constructed in accordance with the following criteria:

- a. The *B/CS Unified Design Guidelines* and all applicable state and federal requirements;
- b. Consistent with the minimum standards necessary to meet the projected non-vehicular traffic demand in the area;
- c. Sidewalks shall maintain a minimum clear width as set forth in the *B/CS Unified Design Guidelines* ; and
- d. All sidewalks shall terminate into streets or driveways with ambulatory ramps.

**5. Timing of Construction.**

Except as set forth below, all required sidewalks must be constructed concurrently with the street, or if the street is already constructed prior to acceptance of all public improvements.

**a. Residential Subdivisions.**



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At the time of final plat application, the subdivider may opt to defer the construction of sidewalks on residential streets along single-family, duplex, or townhouse lots for up to one (1) year from approval of the final plat when the subdivider provides a bond or surety in accordance with Section 8.7 Construction, Guarantee of Performance, and Acceptance of Public Infrastructure. The subdivider shall provide a sidewalk plan with the final plat construction documents and installation of the sidewalks shall comply with this plan. Notwithstanding the foregoing, this provision does not allow the deferment of the construction of sidewalks along thoroughfares, sidewalk ramps at all street intersections, and sidewalks along residential streets that are not adjacent to a residential lot such as along a common area, creek crossing, or park. Other pedestrian facilities such as access ways and multi-use paths shall be constructed at the same time as the public infrastructure of the plat.

**b. Fee in Lieu of Construction.**

**1) Fee in Lieu.**

Except for development located within the Northgate zoning districts, a developer may request to pay a fee in lieu of constructing the required sidewalk(s) or multi-use path upon approval by the Administrator as set forth below.

**2) Amount of Fee.**

The amount of fee in lieu of sidewalk construction shall be a unit cost determined by the City Engineer based upon current estimated costs. The unit cost fee shall be kept on file in the Office of Planning and Development Services and made available to the public upon request. The unit cost fee calculation shall be reviewed at least annually by the City Engineer and adjusted as necessary.

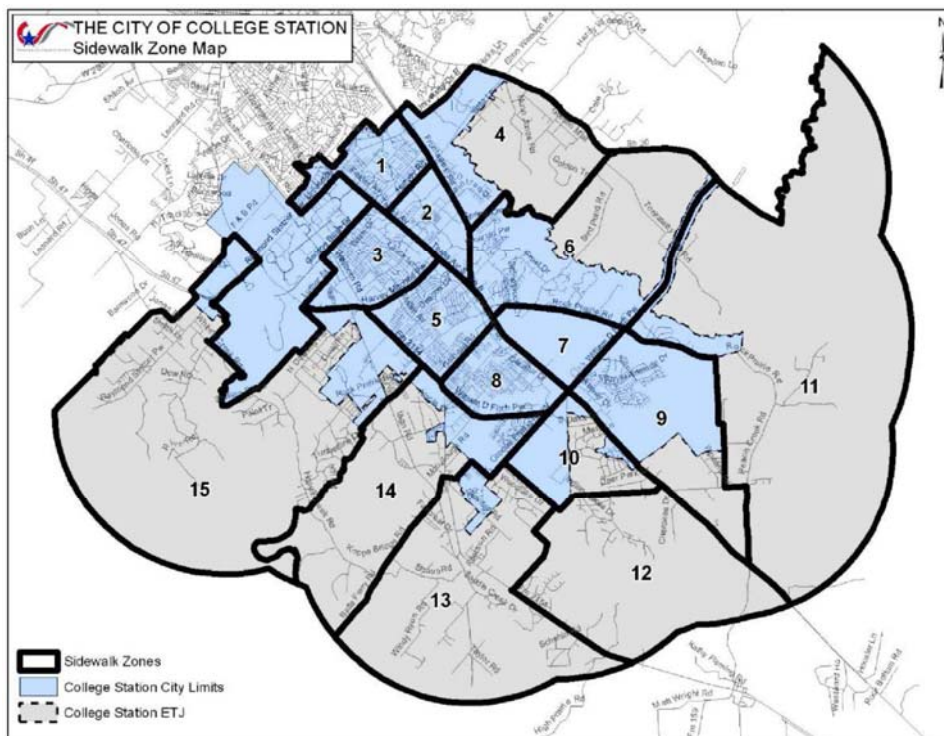
**3) Criteria to Allow Fee in Lieu.**

The Administrator may authorize a fee in lieu of sidewalk or multi-use path construction when it is determined that one (1) or more of the following conditions exists:

- (a) An alternative pedestrian way or multi-use path has been or will be provided;
- (b) The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements contained herein is not physically feasible or is not in keeping with the purposes and goals of this UDO or the City's Comprehensive Plan;
- (c) A capital improvement project is imminent that will include construction of the required sidewalk. Imminent shall mean the project is funded or projected to commence within twelve (12) months;
- (d) Existing streets constructed to rural section that are not identified on the Thoroughfare Plan with an Estate/Rural context;
- (e) When a sidewalk is required along a street where a multi-use path is shown on the Bicycle, Pedestrian, Greenways Master Plan;
- (f) The proposed development is within an older residential subdivision meeting the criteria in Section 8.3.H.2 Platting and Replatting within Older Residential Subdivisions of this UDO; or
- (g) The proposed development contains frontage on a freeway/expressway as designated by Map 6.6, Thoroughfare Plan-Functional Classification, in the City's Comprehensive Plan.

4) **Use of Fee.**

The City Council hereby establishes sidewalk zones as show in the map attached as Figure 1 of this section and which map shall be kept in the Office of Planning and Development Services and made available to the public upon request. Fees collected in lieu of sidewalk or multi-use path construction shall be expended in the sidewalk zone within which the proposed development is located. Fees collected in lieu of sidewalk construction shall be used only for construction, reconstruction, or land acquisition costs associated with sidewalks, multi-use paths, and other non-vehicular ways.



**Figure 1 - Sidewalk Zone Map**

5) **Reimbursement.**

The City may, from time-to-time, acquire land for sidewalks or make sidewalk improvements related to actual or potential development. If this occurs, the City may require subsequent sidewalk obligations to be a fee rather than construction in order to reimburse the City for the cost associated with acquisitions or construction.

6) **Fee Due.**

Fees paid pursuant to this section shall be remitted to the City when the guarantee of construction of public improvements for the proposed development is due or upon commencement of construction, whichever occurs first.

7) **Special Fund; Right to Refund.**

All fees received by the City in lieu of sidewalk or multi-use path construction shall be deposited in a fund referenced to the sidewalk zone to which it relates. The City shall account for all fees in lieu of sidewalk construction paid under this section with reference

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to the individual development involved. Any fee paid for such purposes must be expended by the City within seven (7) years from the date received by the City. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum. The owners of such property must request a refund within one (1) year of entitlement, in writing, or such refund will be barred.

L. **Bicycle Facilities.**

1. **General.**

Bicycle facilities are planned and located to provide connectivity to the existing street network, parks, schools, greenways, neighborhoods, and other key destinations; increase safety; and promote health and wellness.

2. **Timing.**

Bicycle facilities shall be required in accordance with the Bicycle, Pedestrian and Greenways Master Plan and the B/CS Unified Design Guidelines and constructed along with other public infrastructure required pursuant to this UDO.

3. **Types of Bicycle Facilities.**

There are at least three (3) types of bicycle facilities that may be required. These types include the following:

- a. **Multi-Use Path:** a facility completely separated from auto traffic and within an independent right-of-way or within the right-of-way of another public facility;
- b. **Bike Lane:** a facility where part of the roadway or shoulder is striped, signed, and marked for exclusive or preferential bicycle use and where vehicular parking is not permitted, unless otherwise specified; and
- c. **Bike Route:** a facility designated by signing and sometimes pavement markings to help make motorists aware of the presence of bicycles which share the same area with motor vehicles.

4. **Geometric Design Criteria.**

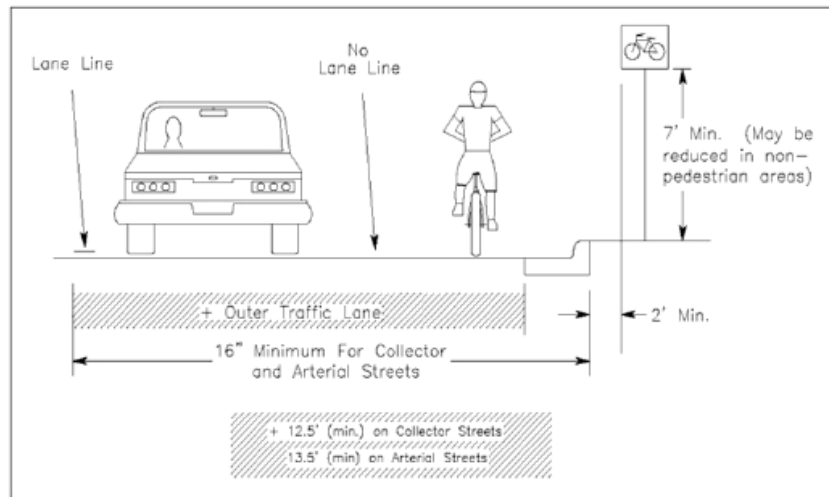
All facilities shall be designed to meet or exceed standards set forth in the "Guide for Development of Bicycle Facilities" published by the American Association of State Highway and Transportation Officials (AASHTO) and the B/CS Unified Design Guidelines. Signing and pavement markings for such facilities shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Geometric design criteria for each type of bikeway facility are as follows:

a. **Bike Routes.**

Bike routes shall be indicated as follows:

- 1) The placement of bike route signing and shared lane pavement markings identifies bicycle-compatible streets that will serve as bike routes;
- 2) A minimum of sixteen-foot of the outer lane of streets measured from the outer lane line to the back of curb shall be required for bike routes. A typical bicycle route street is shown in Figure 1; and
- 3) Bike route signing should not end at a barrier. Information directing the bicyclist around the barrier should be provided.

**Figure 1: Bike Route/Bicycle Compatible Street**



**b. Bike Lanes.**

Bike lanes shall be as follows:

- 1) The bike lane is located within the vehicular roadway in the outside lane and is intended for the exclusive use of bicycles. Bike lanes in the City of College Station must be developed as one-way facilities and carry traffic in the same direction as adjacent motor vehicle traffic; and
- 2) In general, parking in bike lanes is prohibited. However, parking may be permitted in a bike lane in specific areas during specified times. Where parking in a bike lane is permitted, signs shall be installed to provide notice to bicyclists of when parking is allowed. Parking in a bike lane shall be limited primarily to spillover parking for public uses or events, but parking for non-public uses may also be considered.

**c. Multi-Use Paths.**

The criteria for multi-use paths is as follows:

- 1) Multi-use paths should be located primarily in greenways, parks, or occasionally within street rights-of-way. If a multi-use path is to be located in the right-of-way of a street, there should be a minimum of five (5) feet separating the multi-use path from the roadway;
- 2) The standard width for a two-way multi-use path shall be ten (10) feet. In areas with projected high volumes of use, multi-use paths shall be twelve (12) feet wide;
- 3) The minimum width of a one-directional bicycle path is five (5) feet. It should be recognized, however, that one-way bicycle paths often will be used as two-way facilities unless effective measures are taken to assure one-way operation. Without such enforcement, it should be assumed that bicycle paths will be used as two-way facilities and designed accordingly;
- 4) A minimum of three-foot width graded area shall be maintained adjacent to both sides of the multi-use path to provide clearance from trees, poles, walls, fences, guard rails, or other lateral obstructions; and

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- 5) Multi-use paths shall be located in a public access easement of a minimum twenty (20) feet in width.

**M. Water Facilities.**

1. All subdivisions shall have access to water supply and distribution systems for adequate fire protection and domestic use. All water mains, distribution and service lines shall be provided to each lot and constructed in accordance with the B/CS Unified Design Guidelines and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall accept for public use only water mains, distribution and service lines that comply with these standards for construction.
2. Water mains within the City of College Station Certificate of Convenience and Necessity (CCN) areas shall be extended in accordance with Chapter 40, Utilities, of the College Station Code of Ordinances.
3. Where a subdivision contains a water line as shown on the Comprehensive Plan of the City, such water line shall be designed and installed to maintain continuity in the approximate location as shown, and of the size indicated.
4. Water distribution lines shall be extended from the nearest City approved point of connection to the furthest boundary line of the platted subdivision.
5. For water systems that are not part of the City of College Station's water utility, the subdivider shall provide a letter with the construction documents from the non-City utility that the non-City utility is able to properly serve the proposed subdivision. Construction of all water facilities within a subdivision must comply with the B/CS Unified Design Guidelines. Plans for such systems will be subject to City review and inspection. City involvement with such water system ends at the sanitization of the line.

**N. Waste Water Facilities.**

1. All subdivisions shall have access to waste water facilities. All collection mains and service lines shall be provided to each lot and constructed in accordance with B/CS Unified Design Guidelines and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall accept for public use only waste water facilities that comply with these standards for construction.
2. Waste water mains within the City of College Station Certificate of Convenience and Necessity (CCN) areas shall be extended in accordance with Chapter 40, Utilities, of the College Station Code of Ordinances.
3. Where a subdivision contains a waste water line as shown on the Comprehensive Plan of the City, such waste water line shall be designed and installed to maintain continuity in the approximate location as shown, and of the size indicated.
4. For waste water systems that are not part of the City of College Station's waste water utility, the subdivider shall provide a letter with the construction documents from the non-City utility that the non-City utility is able to properly serve the proposed subdivision. Construction of all waste water facilities within a subdivision must comply with the B/CS Unified Design Guidelines. Plans for such systems will be subject to City review and inspection. Waste water lines for these systems that are outside the subdivision are not required to meet City standards.
5. **Alternate Waste Water Facilities.**
  - a. If waste water main extension is exempted as per Chapter 40, Utilities, of the College Station Code of Ordinances or if the subdivision is located outside of the City of College Station CCN or otherwise not served by the City, the subdivider may provide temporary alternative waste water

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disposal as follows and as may be conditioned by Chapter 40, Utilities, of the College Station Code of Ordinances or otherwise:

1) **Organized Waste Water Collection and Treatment System.**

A subdivider may have a proposed subdivision served by a non-City organized waste water collection and treatment system. Such system must be permitted to dispose of wastes by the Texas Commission on Environmental Quality (TCEQ) in accordance with 30 TAC Chapter 305 and obtain approval of engineering, planning and materials for such systems under 30 TAC Chapter 317 from the TCEQ prior to approval of the final plat by the Planning and Zoning Commission.

2) **On-Site Sewage Facilities.**

A subdivider may have a proposed subdivision served by on-site sewage facilities as set forth below:

- (a) On-site facilities which serve single-family or multi-family residential dwellings with anticipated waste water generation of no greater than five thousand (5,000) gallons per day must comply with 30 TAC Chapter 285 and other applicable law;
- (b) Proposals for sewerage facilities for the disposal of sewage in the amount of five thousand (5,000) gallons per day or greater must comply with 30 TAC Chapter 317 and other applicable law;
- (c) The Brazos County Health Department shall review proposals for on-site sewage disposal systems and make inspection of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rule in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5, and 285.30—285.39 and any other applicable rules or regulations within the purview of such department; and
- (d) In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

b. **Sanitary Sewer Master Plan.**

A Gravity Sanitary Sewer Master Plan shall be designed for subdivisions that contain lots that are two (2) acres and smaller and that utilize alternative waste water disposal methods. This Master Plan is required to assure that all lots, at some future date, can be connected by gravity service line to the future sewer collection system. Adequately sized sewer lines shall be provided within the subdivision's sewer master plan such that they conform to the City's Utility Master Plan. All lines designed within this Master Plan shall meet the B/CS Unified Design Guidelines and all applicable state and federal regulations. This Master Plan shall consist of: verbiage explaining all design assumptions, plan and profile layouts of all future gravity lines to be constructed within the subdivision, and a minimum finished floor elevation established for each lot to assure a connection to the future gravity sewer collection system. All minimum finished floors established by this master plan shall be placed on the respective lots on the final plat.

O. **Special Flood Hazard Areas.**

All development encroaching into a FEMA special flood hazard area shall be in accordance with the B/CS Unified Design Guidelines, Chapter 105 Flood Hazard Protection Ordinance, and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as



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determined by the City Engineer. The City shall only accept improvements for public use that comply with these standards for construction.

**P. Drainage.**

1. All drainage shall be in accordance with the B/CS Unified Design Guidelines, Chapter 105 Flood Hazard Protection Ordinance, and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall only accept improvements for public use that comply with these standards for construction.
2. Rapid conveyance, the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements as means of mitigation, as provided in the B/CS Unified Design Guidelines and as may be required and approved by the City.
3. No construction shall impede, constrict, or block, the flow of water in any drainage pathway.
4. **Lot Grading.**
  - a. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed so as to avoid the concentration of storm drainage water from each lot to adjacent developable lots. A subdivision grading plan shall be provided with the construction documents. A general drainage pattern that meets all applicable rules and regulations shall be provided for each proposed block and lot. Subsequent permits for each lot shall comply with the approved grading plan.
  - b. All single-family residential lots must be graded to meet the elevation of adjoining property with positive drainage. Multi-family and non-residential lots shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls.

**Q. Gas or Oil Lines.**

**1. Identification.**

High pressure flammable gas or fuel lines are defined as those which are operated or may be expected in the future to operate at a pressure of over sixty (60) pounds per square inch. High pressure flammable gas or fuel lines, installed on public property, shall be buried with a minimum cover of thirty (30) inches, and shall be marked by an all-weather typed sign, installed at each crossing and at intervals of not more than three hundred (300) feet. The signs shall be installed by the utility company, state that the line is high pressure, identify the utility company name, provide an emergency phone number, and state the type of product or products transported therein.

**2. Notification to Utility Company.**

The subdivider shall provide written notification to the utility company regarding any proposed construction over an existing facility or within a utility's easement and provide proof of such notification to the City Engineer.

**R. Street Lights.**

**1. General Standards.**

- a. Street lights shall be designed and installed according to the utility standards in effect at the time of subdivision construction or addition thereto.
- b. The quantity, size, and type of street light pole and fixture shall be selected by the subdivider from the approved City of College Station street light standards.

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- c. The subdivider shall furnish public utility easements for the installation of street lights, with said easements to normally be five (5) feet in width.
  - d. Where underground electric service is provided, all street lighting and site lighting equipment shall be placed underground except for the poles on which the lights are to be affixed. Where overhead electric service is provided, street lighting and site lighting equipment may be placed overhead or underground.

**2. Street Light Locations.**

- a. Street lights shall normally be required at all street intersections and Access Ways, in culs-de-sac, and at approximately three hundred-foot intervals along tangent streets.
- b. In Rural Residential subdivisions, street lights are only required at street intersections and at the end of culs-de-sac greater than three hundred (300) feet in length. The subdivider may request additional street lights at other locations within the subdivision, provided the frequency does not exceed the general subdivision location standards recited above.

**3. Installation and Maintenance.**

- a. The subdivider or his authorized construction representative shall be responsible for furnishing and installing all street light facilities in accordance with the electric utility's design and specifications and this UDO. All conduit installations shall be inspected prior to acceptance for conformance with the utility specifications.
- b. Street lights shall be owned and maintained by electric utility provider with Certificate of Convenience and Necessity (CCN) for that area.
- c. The electric utility provider shall not be responsible for the installation or maintenance of street lights on alleys, private streets or drives.

**S. Electric Facilities.**

- 1. All subdividers shall ascertain which electric utility is certificated to serve the proposed subdivision. The electric utility design and facilities must meet all applicable City ordinances.
- 2. The electric utility will design the electrical system to all lots within a subdivision.
- 3. All electric utility service shall be installed underground in all subdivisions. All lateral electric lines and service lines supplying electric utility service shall be placed underground except Rural Residential subdivisions may have lateral electric lines and service lines supplying electric utility service placed overhead.
- 4. Overhead feeder lines may be placed in the following locations:
  - a. Along the perimeter of a platted subdivision;
  - b. Adjacent to or within the right-of-way of thoroughfares identified on the current Thoroughfare Plan of the City of College Station and approved for the location of overhead utilities; and
  - c. Within alleys or dedicated easements identified for the location of aerial utility feeder lines on the approved subdivision plat.
- 5. The subdivider shall dedicate public utility easements upon forms approved by City for the installation of electric utilities. All liens and other ownership interests shall be subordinated to the easement use.
- 6. Where electric service is placed underground, all auxiliary equipment for such service, including but not limited to transformers, junction enclosures and switching devices, shall be pad-mounted on grade or shall be placed underground.

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7. Where the electric service is placed underground, all street lighting and site lighting equipment shall be placed underground except for the poles on which the lights are to be affixed. The City or the electric utility shall not be responsible for the installation or maintenance of street lights on alleys, private streets or drives.
  8. The subdivider shall be responsible for the costs and installation of all conduit needed for underground feeder, lateral, and service lines utilized to provide electric utility service to the subdivision. The developer of a platted lot shall be responsible for the costs and installation for the service conduit for such platted lot. The specifications for the conduit shall be provided by the electric utility prior to installation. All conduit installations shall be inspected prior to acceptance for conformance to utility specifications.
  9. Temporary utility service may be provided via overhead line extension.
  10. The subdivider shall contact the appropriate electric utility provider to determine any additional requirements.

**T. Monuments and Corner Markers.**

1. All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half-inch steel rod, two (2) feet in length, set in the center of a concrete monument six (6) inches in diameter and thirty (30) inches deep, with the top flush with the finished ground surface.
2. Where, due to topographic conditions, permanent structures or other conditions, the view is obstructed between any two (2) adjacent monuments, intermediate monuments shall be set as to assure a clear view between adjacent monuments.
3. Corner markers, consisting of a one-half-inch steel rod or three-fourths-inch pipe, two (2) feet in length, shall be driven flush with the ground surface to mark the corners of all lots.

**U. Owners Associations for Common Areas and Facilities.**

1. A Homeowners Association or Property Owners Association ("Owners Association") shall be established with direct responsibility to, and controlled by, the property owners involved to provide for operation, repair and maintenance of all common areas, fences, walls, gate equipment, landscaping, and all other common facilities, including private streets and sidewalks, which are part of the subdivision (the "Common Facilities").
2. The Owners Association shall prepare and file for record a legal instrument establishing a plan for the use and permanent repair and maintenance of the Common Facilities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purpose and shall provide that the Owners Association hereby unconditionally and irrevocably agrees to indemnify, defend and hold the City and the City's officials, agents, employees and contractors harmless, from and against any loss, liability, demand damage, judgment, suite, claim deficiency, interests, fee, charge, cost or expense (including, without limitation, interest, court cost and penalties, attorney's fees and disbursement and amounts paid in settlement, or liabilities resulting from any charge in federal, state or local law or regulation or interpretation hereof) of whatever nature, even when caused in whole or in part by the City's negligence or the joint or concurring negligence of the City and any other person or entity, which may result or to which the City and/or any of the City's officials, agents, employees and contractors may sustain, suffer, incur or become subject to in connection with or arising in any way whatsoever out of the maintenance, repair use or occupation of the Common Facilities, or any other activity of whatever nature in connection therewith, or arising out of or by reason of any investigation, litigation or other proceedings brought or threatened, arising out of or based upon the operation, management, maintenance, repair and use of the Common Facilities, or any other activity in the subdivision.

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3. The budget for the Owners Association shall include a fund reserved for the repair and maintenance of Common Facilities in the amount approved by the City staff.

**V. Private Streets and Gating of Roadways.**

**1. General Requirements.**

The following applies to platting of roadways:

- a. Gating of a public roadway is prohibited.
- b. Streets required to meet block length or street projection requirements shall not be private or gated.
- c. Private driveways are considered public roadways for the purpose of gating requirements herein.
- d. Vehicular access shall be provided on all private and public roadways at all times for police, fire, City inspection, mail delivery, garbage pickup, dial-a-rides, utility, school buses, and other health and safety related vehicles. Access must not require drivers to exit their vehicle.
- e. A private street may not cross an existing or proposed public thoroughfare as shown on the City's Thoroughfare Plan. A private street may not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian and Greenways Master Plan.
- f. The gate design and implementation shall be such that it does not pose a threat to public health, safety and welfare as determined by the City.
- g. Private streets must meet the requirements listed in Single-Family Residential Parking Requirements for Platting.

**2. Owners Association Requirements.**

- a. All property owners within an existing residential area that is proposed to be gated or have private streets shall agree to become members of an operative Owners Association.
- b. The legal instrument establishing the Owners Association must provide for a street maintenance agreement and reserve fund as well as written permission for the City's access to the subdivision all of which must be submitted for approval by the City Attorney prior to the submission of the final plat.
- c. The City must have access to private roadways at any time without liability when on official business. This includes permission to remove obstructions including any gate and guard (house) upon non-compliance by the Owners Association of any terms of this ordinance or as necessary for the emergency vehicle access. In the event the City must remove obstructions to access the development, the Owners Association will be assessed all costs substantially associated therewith.
- d. In the event the City deems that substantial repairs to private street(s) within a gated community are necessary in order to ensure safe access and passage for emergency service vehicles, the City will notify the Owners Association and a public hearing before the City Council will be set for input on the projected repairs. Should the Owners Association fail to provide the satisfactory repairs deemed necessary in a time frame set by the City at the public hearing, then the City will make the necessary repairs and assess the Owners Association all costs borne by the City in repair of the private street(s). Should the Owners Association fail to reimburse the City within ninety (90) days, the Owners Association shall be subject to lien and possibly foreclosure of all assets including but not limited to the maintenance reserve fund.

**3. Geometric Design Guidelines.**

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The following applies to the design of private roadways:

- a. Private streets shall be constructed to public street standards but located within a common area, private right-of-way, or private access easement.
- b. The gate(s) may not be placed on a public right-of-way or easement.
- c. All gate mechanical or manual operating functions shall meet Fire Department requirements and provide passage with unobstructed vertical clearance.
- d. The throat depth for a gated entry way shall meet the following requirements (Ref. Figures 1 & 2):
  - 1) A minimum of twenty (20) feet for one (1) residential single-family lot.
  - 2) A minimum of sixty (60) feet for up to twenty-five (25) single-family lots.
  - 3) A minimum of one hundred (100) feet for twenty-six (26) single-family lots or greater.
- e. Gated entry ways shall provide adequate access for pedestrians and bicycles.
- f. Gated entry ways to subdivisions shall provide adequate turnaround areas for vehicles that are denied access in order to prevent backing into a public street. (Ref. Figures 1 & 2)
- g. The gated entry way driveway pavement widths to subdivisions, for both egress and ingress, shall be a minimum of twenty (20) feet per driveway and are required to provide a minimum four (4) feet center median. (Ref. Figures 1 & 2)
- h. The gated area shall provide a minimum unobstructed vertical clearance of fourteen (14) feet and six (6) inches from finished roadway surface over the entire width of the entry roadway.
- i. Public safety elements and signing shall be included in the gate entry way design.

**4. Converting Private Streets to Public Streets.**

The following is required when converting private streets to public streets:

- a. Upon a written request signed by duly authorized Owners Association officers and submitted to the City Council of the City of College Station, dedication of private streets to the public may be accomplished providing the private streets are brought up to City standards for public streets and the City Council has agreed to accept the streets.
- b. The written request by the Owners Association officers will be accompanied by a petition containing the signatures of the owners of one hundred (100) percent of the existing lots in the subdivision, except when in the public interest.
- c. All repairs or reconstruction of private streets to City standards must be accepted by the City prior to conversion. All conversion dedication costs will be paid by the Owners Association.

**5. Existing Gates.**

Any gate as defined by this Section existing at the time of adoption of these provisions (Ordinance #2280) which has received an approval from either the City or the County is deemed exempt from the requirements of this Section except when the City must remove such gates in order to ensure the access for the immediate health, safety, and welfare of the public. The Owners Association responsible for such gate assumes all costs associated therewith.

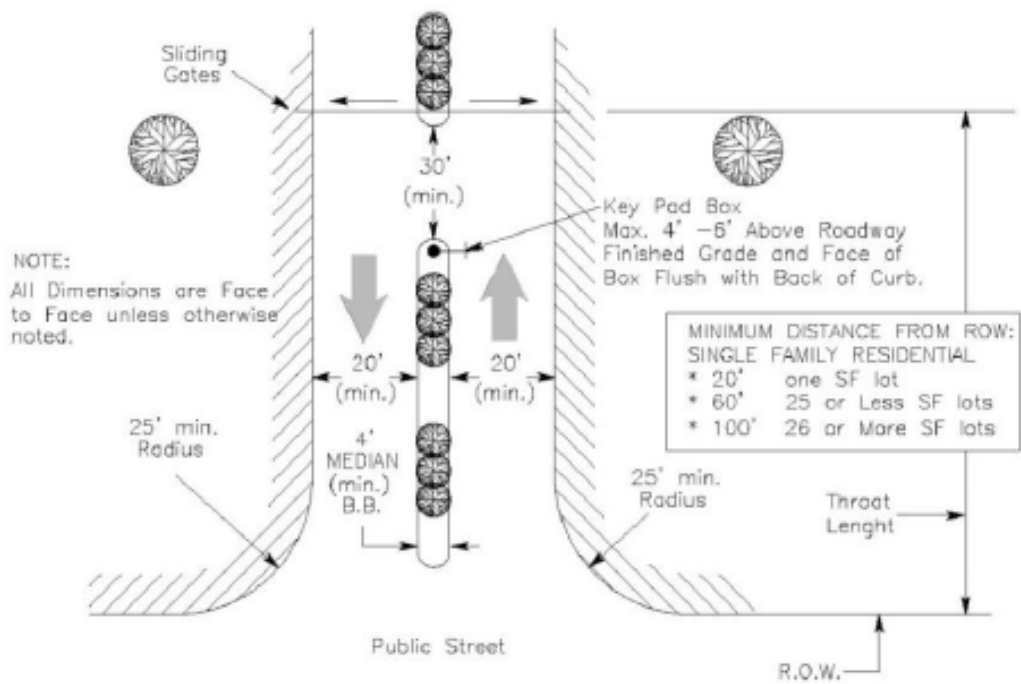
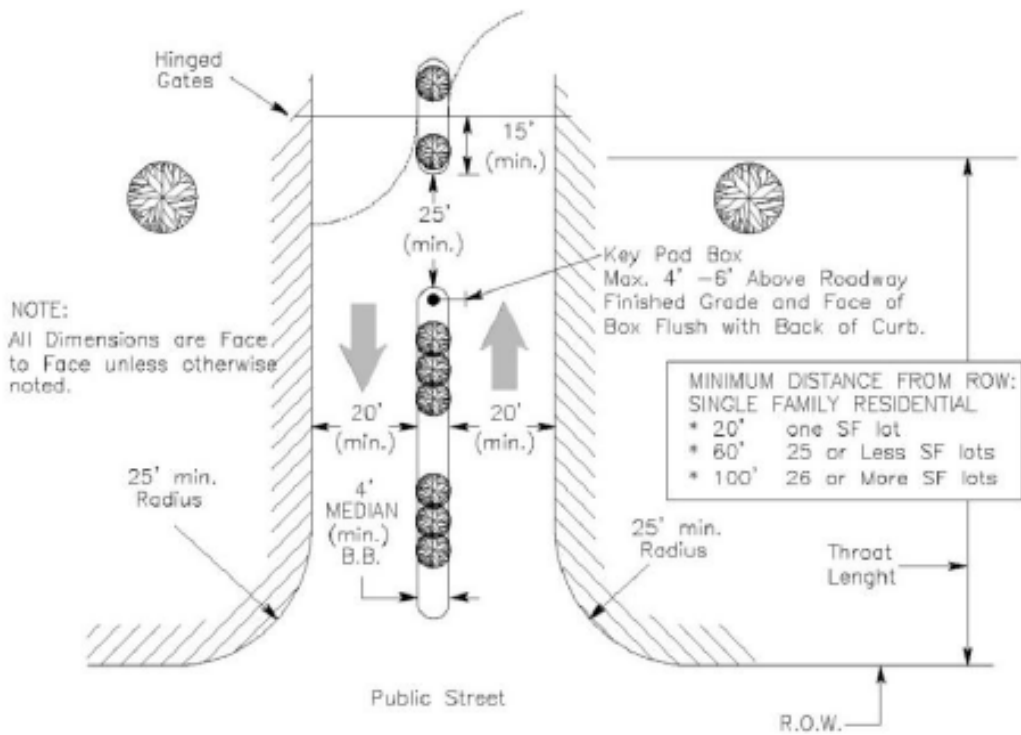


Figure 1





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**Figure 2**

**W. Single-Family Residential Parking Requirements for Platting.**

**1. Purpose.**

The purpose of this Section is to establish requirements for new single-family and townhouse parking to aid in reducing neighborhood parking problems and maintain certainty of access for emergency vehicles on local streets.

**2. General Requirements.**

This Section applies to all new single-family and townhouse subdivisions.

- a. Each phase of a multi-phase project shall comply with this Section.
- b. Subdivisions may utilize multiple Residential Parking Options so long as each phase meets requirements and all options are listed on the plat.
- c. Replats, Amending Plats, Vacating Plats, and Development Plats are exempt from this section unless new streets are proposed with the subdivision.
- d. All "No Parking" areas shall be depicted on the Preliminary Plan.
- e. All "No Parking" signs shall be placed along the street to ensure adequate emergency access. The developer shall provide and install, at no cost to the City, all "No Parking" signs and associated poles and hardware to the City's specifications.
- f. Parking only may be removed on one or both sides of a street upon the City Council approving an ordinance removing parking from the street.
- g. Where on-street or alley parking is utilized in a townhouse, driveways shall be designed to allow a minimum of one (1) on-street or alley parking space per four (4) dwelling units. Driveway layouts shall be provided with the final plat.

**3. Residential Parking Options.**

In order to provide adequate access for emergency vehicles, new single-family and townhouse subdivisions shall provide one option from the following:

**a. Wide Streets**

- 1) Pavement width shall be a minimum of thirty-two (32) feet, up to a maximum of thirty-eight (38) feet.
- 2) In addition to the right-of-way specified for the Residential Street Section in the B/CS Unified Design Guidelines, additional right-of-width shall be dedicated equivalent to the increase in pavement width over twenty-seven (27) feet.
- 3) In order to minimize adverse traffic impacts on residential neighborhoods, bulb-outs shall be provided at intersections of local streets. Bulb-outs shall not be required where a local street intersects a street classified as a collector or greater.
- 4) As determined by the Development Engineer, engineering judgment shall override the requirement for bulb-outs set forth in this section if warranted by specific traffic conditions.

**b. Narrow Streets**

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- 1) Pavement width shall be a minimum of twenty-two (22) feet, up to a maximum of twenty-four (24) feet.
  - 2) No parking is allowed on Narrow Streets, so as to ensure emergency vehicle access. Narrow Streets must meet fire service standards as described in the City of College Station Site Design Standards.
  - 3) To provide adequate parking in residential neighborhoods, subdivisions choosing to incorporate narrow streets shall incorporate additional parking spaces through either the provisions of visitor alley-fed parking areas or visitor parking areas. (See additional requirements for visitor alley-fed off-street parking and visitor parking areas below).

**c. Standard Streets**

- 1) Standard Streets shall be designed in accordance with the Residential Street Section in the B/CS Unified Design Guidelines.
- 2) Parking shall be removed from one (1) or both sides of Standard Streets.
- 3) To provide adequate parking in residential neighborhoods, subdivisions choosing to remove parking from both sides of a Standard Street shall incorporate additional parking spaces through the provisions of Visitor Alley-Fed Off-Street parking or Visitor Parking Areas. Visitor Alley-Fed Off-Street Parking and Visitor Parking Areas have additional requirements, as specified below.

**d. Wide Lot Frontages**

- 1) All lot widths shall be a minimum of seventy (70) feet, as measured at the front setback.

**e. Visitor Alley-Fed Off-Street Parking**

- 1) Visitor Alley-Fed Off-Street Parking spaces shall be provided at a rate of one (1) parking space per four (4) dwelling units. Visitor Alley-Fed Off-Street Parking is in addition to minimum off-street parking requirements. The Off-Street Parking Standards Section of this UDO lists additional requirements.
- 2) Off-street parking spaces shall be located in an access easement or private common area.

**f. Visitor Parking Areas**

- 1) Visitor parking shall:
  - a) be provided at a rate of one (1) parking space per four (4) dwelling units,
  - b) meet requirements of Off-Street Parking Standards and Access Management and Circulation sections, except requirements of Alternative Parking Plans, and except as specifically exempted below;
  - c) be developed at the same time as public infrastructure,
  - d) be located no farther than five hundred (500) feet from the lot it is meant to serve. This distance shall be measured by a walkable route,
  - e) be located in a common area and maintained by a Homeowners Association,

- 
- f) be designed to prohibit backing maneuvers onto public streets, with the exception that two (2) or fewer parking spaces constructed to single-family driveway and parking standards are permitted backing maneuvers when accessing a local street.
    - g) not be counted towards common open space requirements for Cluster Developments.
  - 2) Visitor parking areas adjacent to a right-of-way shall be screened from the right-of-way. Screening is required along one hundred (100) percent of the street frontage (such as ten (10) shrubs for every thirty (30) linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation. Walls and planting strips shall be located at least two (2) feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty (50) percent of all shrubs used for screening shall be evergreen. Two (2) or fewer parking spaces constructed to single-family driveway and parking standards are not required to be screened from the adjacent right-of-way.
  - 3) Visitor parking areas may be constructed of permeable surfaces as allowed in the Off-Street Parking Standards.
4. Private parking constructed for the use of subdivision amenities, such as a community pool, may be counted toward Visitor Parking, if it meets all other requirements listed above and does not use permeable materials for private parking area surfaces.

Per Ordinance No. 2011-3308 (January 13, 2011)

(Ord. No. 2012-3435 , Pt. 1(Exh. A), 8-9-2012; Ord. No. 2012-3449 , Pt. 1(Exh. K), 9-27-2012; Ord. No. 2012-3458 , Pt. 1(Exh. C), 11-8-2012; Ord. No. 2013-3518 , Pt 1(Exh. A), 9-12-2013; Ord. No. 2013-3521 , Pt. 1(Exh. M), 9-12-2013; Ord. No. 2013-3522 , Pt. 1(Exh. E), 9-12-2013; Ord. No. 2016-3792 , Pt. 1(Exh. F), 7-28-2016; Ord. No. 2015-3699 , Pt. 1(Exh. A), 9-21-2015; Ord. No. 2017-3886 , Pt. 1(Exh. A), 5-11-2017; Ord. No. 2017-3930 , Pt. 1(Exh. A), 9-11-2017; Ord. No. 2018-4034 , Pt. 1(Exh. A), 8-23-2018; Ord. No. 2019-4078 , Pt. 1(Exh. A), 3-14-2019; Ord. No. 2019-4086 , Pt. 1(Exh. A, Exh. B, Exh. C), 3-28-2019; Ord. No. 2020-4161 , § 1(Exh. E), 3-9-2020; Ord. No. 2020-4187, Pt. 1(Exh. A), 6-11-2020 )

## **Sec. 8.8. Requirements for Park Land Dedication.**

### **A. Purpose.**

It is hereby declared by the College Station City Council that public park, conservation, and greenway areas are valuable assets that advance the public's health, safety, and welfare. This Section is adopted to provide active and passive recreational areas in the form of park facilities as a function of subdivision and site development in the City of College Station and its Extraterritorial Jurisdiction (ETJ). This Section is enacted in accordance with the home rule powers of the City of College Station granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

This Section recognizes that parkland dedication is a fair, reasonable, and uniform method of financing these assets that does not impose an unfair burden on new or existing development. The intent is to require new development to pay its proportionate costs that are associated with providing new, expanded, and renovated parks, so they are borne by the new residents who are responsible for creating the additional demand. This is done by integrating such requirements into the procedure for planning and developing property or subdivisions in the City and its ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of multi-family dwellings that results in an increase in the number of bedrooms on existing residential property.

The intent of these assets is to provide a variety of outdoor recreational opportunities for new residents within reasonable proximity of their homes. The primary cost of purchasing, developing, or improving parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. To ensure this nexus, park zones have been established by the College Station City Council. They are shown on the Park Zones Map and they shall be *prima facie* proof that any park area located therein is within a convenient distance from any residence located therein.

Parkland dedication is consistent with, and furthers the objectives and policies of, the City's Comprehensive Plan and the Recreation, Park, & Open Space Master Plan to protect the health, safety, and general welfare of the public. It is coordinated with other city policies, ordinances, and resolutions by which the City seeks to ensure the provision of adequate park facilities in conjunction with the development of land.

### **B. Applicability.**

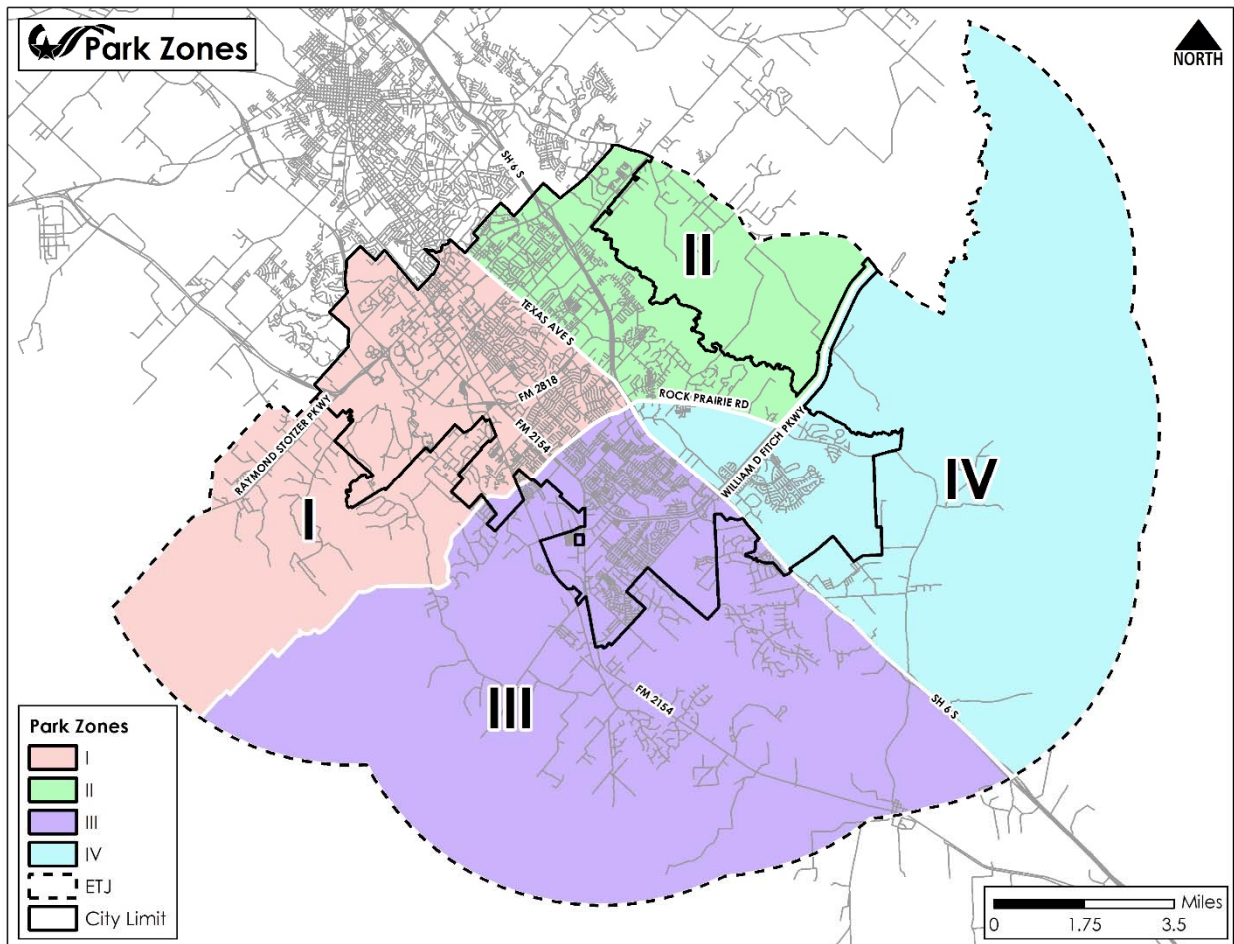
1. This Section applies to a landowner who develops land for residential use located within the City or within its ETJ.
2. The Parkland dedication and park development fees required by this Section are waived for any unit that qualifies as new, affordable, housing to be sold to low-and

moderate income households, as defined by the current U.S. Department of Housing and Urban Development Income Limits.

**C. Park Zones.**

The City is hereby divided into park zones, as shown on the official Park Zones Map, located below, together with all explanatory matter thereon.

Zone boundaries typically follow key topographic features such as major thoroughfares, streams, City limit, and ETJ boundary lines. New park zones may be created or existing zones amended pursuant to procedures for amending the UDO.



**D. Requirements.**

**1. General.**

The City Manager or his/her designee shall administer this Section with certain review, recommendation, and approval authorities being assigned to the Planning and Zoning Commission, the Parks and Recreation Advisory Board, and various City departments as specified herein.

Generally, the developer of residential property must address the following requirements pursuant to this Section: dedication of land for park use or payment of a fee in lieu thereof, and payment of a development fee for park improvements necessary to transform the land into a useable park. Requirements herein are based on actual dwelling units or bedrooms for an entire development. Increases or decreases in final unit or bedroom count may require an adjustment in fees paid or land dedicated. If the actual number of dwelling units or bedrooms exceeds the original estimate, additional park land and additional park development fees may be required in accordance with the requirements in this Section.

The schedule of fees and required land dedications are identified in Section K “Park Land Dedication and Development Fees”. The delineation of park zones is identified in Section C “Park Zones”.

## **2. Land Dedication.**

- a. The amount of land to be dedicated for park purposes shall be as set forth in Section K “Park Land Dedication and Development Fees”.

The total amount of land dedicated for the development shall be dedicated to the City in fee simple:

- 1) Prior to the issuance of any building permits for multi-family and Multiplex development,
- 2) Concurrently with the final plat for each phase of the development, or
- 3) In accordance with the terms of a valid Development Agreement associated with the property.

If land dedication is to occur in future phases of a multiple-phase development, the developer may provide the City with financial security against the current dedication requirements by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres park land required and, in a form acceptable to the City. The amount of the financial guarantee shall be the amount of fee in lieu of land dedication and improvements as set forth in Section K “Park Land Dedication and Development Fees”. The financial guarantee will be released to the developer, without interest, upon the filing of the final plat for the subsequent phase that dedicates the required park land and payment of the fee for the required improvements.

- b. Since residents living in the ETJ are likely to use the City’s park facilities, they should contribute to the cost of providing them. As a result of the difficulty faced by the City in maintaining property outside its corporate limits, the City will generally require a fee in lieu rather than the dedication of land. Alternatively, the dedication requirements of this Section may be met through the creation of

private parkland in the same amount required as set forth in Section K “Park Land Dedication and Development Fees” provided the developer enters into a written agreement that all such private parkland be dedicated to the City at the time of full purpose annexation into the City and provided that any plat related to such development is inscribed with a notation regarding same. If the private parkland option is chosen, a provision for private upkeep of the facilities as described in Section H “Credit for Private Park Amenities” shall be made.

**3. Fee in Lieu of Land.**

In lieu of dedicating land for parks, a developer may request to meet some or all of the land dedication requirements through payment of a fee in lieu thereof in the amounts set forth in Section K “Park Land Dedication and Development Fees”. Such fees shall be due at the same time as fees are due for final platting or for issuance of a building permit, based on the type of residential development.

**4. City Final Approval.**

The City shall have the final authority in determining what proportion of land or fee may be accepted in lieu of required land dedication. The City may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Section K “Park Land Dedication and Development Fees” for the park land dedication. Likewise, the City may, from time to time, require that land be dedicated in amounts as set forth in Section K and that no fee in lieu of land will be accepted.

**5. Approval Process for Park Land Dedication.**

a. For land dedication of five (5) acres or more to be accepted by the City, the landowner must:

- 1) Obtain a recommendation from the Parks and Recreation Advisory Board, and
- 2) Obtain approval from the Planning and Zoning Commission pursuant to the Plat Review in Article 3 of this UDO.

The Planning and Zoning Commission shall consider the recommendation from the Parks and Recreation Advisory Board but may make a decision contrary to its recommendation by majority vote.

b. The City of College Station will generally not accept dedications of land for parks that are less than five (5) acres, as maintaining small parks is inefficient and too costly for the City to sustain over the long-term. However, the City Manager or his/her designee is authorized to accept and approve land dedications of less than five (5) acres if the following criteria are met:



- 1) The proposed dedication provides a sufficient amount of park land in the park zone of the proposed development for required park land dedication, or such land provides a valuable link to the greater park system;
- 2) The proposed dedication has especially attractive park features, as determined by the City Manager or his/her designee;
- 3) Where the proposed dedication is insufficient for a park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in Section K "Park Land Dedication and Development Fees"; and
- 4) The proposed development of the park is consistent with College Station's Recreation, Park, & Open Space Master Plan, as may be amended from time to time.

In making his/her decision, the City Manager or his/her designee may choose to submit such application to the Parks and Recreation Advisory Board for its recommendation. In such event, the City Manager or his/her designee shall consider such recommendation but may make a decision contrary in accordance with the criteria set forth herein.

**6. Park Development Fee.**

In addition to the land dedication requirements for parks, there are also park development fees established herein sufficient to develop parks in ways that meet the City Park Facility and Equipment Standards. The amount of development fees assessed to a developer subject to this Section for parks is as shown in Section K "Park Land Dedication and Development Fees". The process for the approval and collection of development fees shall be the same as for the park land dedication requirements to which the development relates, and shall be processed simultaneously with the park land dedication requirements.

**7. Construction of Park Improvements in Lieu of Development Fee.**

A developer may elect to construct park improvements in lieu of paying the associated development fees as set forth herein. In such event:

- a. A park site plan, developed in cooperation with the Parks and Recreation Department staff, must be submitted and approved by the Director of Parks and Recreation Department or his/her designee and the Parks and Recreation Advisory Board upon submission of final plat or upon application for a site plan and/or building permit, whichever is applicable.
- b. Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats, site plans, and for building permits issuance, whichever is applicable.

- c. All plans and specifications shall meet or exceed the City Park Facility and Equipment Standards in effect at the time of the submission.
- d. If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer must post payment and performance bonds equal to park development fees to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws.
- e. The construction of all improvements must be completed in accordance with the requirements relating to the construction of public improvements for final plats, site plans, and issuance of building permits, whichever is applicable. This includes the guaranteeing of performance in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements should be completed within two (2) years from the date of the approval.

f. **Completion and Acceptance.**

Park development will be considered complete and a Certificate of Completion will be issued after the following requirements are met:

- 1) Improvements have been constructed in accordance with the approved plans,
  - 2) All park land upon which the improvements have been constructed has been dedicated as required under this Section; and
  - 3) All manufacturers' warranties have been provided for any equipment installed in the park as part of these improvements.
- g. Upon issuance of a Certificate of Completion, the developer warrants the improvements for a period of one (1) year as set forth in the requirements in the City Park Facility and Equipment Standards.
- h. The developer shall be liable for any costs required to complete park development if:
- 1) Developer fails to complete the improvements in accordance with the approved plans; or
  - 2) Developer fails to complete any warranty work.

8. **Submitting Fee.**

Any fees required to be paid pursuant to this Section shall be remitted:

- a. Prior to the issuance of any building permits for multi-family development; or

- b. Upon the submission of each final plat for single-family, duplex, or townhouse development.

**9. Use of Fees.**

Fees may be used only for the acquisition, development, and/or improvement of park facilities to which they relate; fees shall not be used for maintenance purposes. Fees in lieu of land dedication may only be used for purchase, development and/or improvement of parks located within the same zone as the development, or in an adjacent zone in a scenario where the development occurs close to a zone border.

**10. Reimbursement for City Acquired Park Land.**

The City may from time to time acquire land for parks in advance of actual or potential development. If the City does take such action, then it may require subsequent dedications to be in fee in lieu of land only. The fees will serve to reimburse the City for the cost(s) of acquisition.

**11. Appeals.**

The property owner or applicant for new development may appeal the following decisions to the Director of Planning and Development Services, or his or her designee:

- a. The applicability of the land dedication, fee in lieu, or development fee;
- b. The amount of the land dedication or fee due;
- c. The determination of credit for private property amenities; and/or
- d. The amount of the refund due, if any.

All appeals shall be taken within 30 days of notice of the action from which the appeal is taken.

The burden of proof shall be on the appellant to demonstrate that the amount of the dedication, fee, refund, or credit was not calculated according to the requirements of this ordinance.

The appellant may appeal the decision of the Director of Planning and Development Services to the City Council. A notice of appeal to the Council must be filed by the applicant with the City Secretary within 30 days following the Director's decision. The filing of an appeal shall not stay the collection of the fee due. If the notice of appeal is accompanied by a payment in an amount equal to the fee due as calculated by the City, the plat or building permit application shall be processed.

**E. Prior Dedication or Absence of Prior Dedication.**

If a dedication requirement arose prior to enactment or amendment of this Section, subsequent development for the subject tract to which the dedication requirements applies may be subject to vesting as set forth in Chapter 245 Texas Local Government Code.

Depending on the circumstances, additional dedication may be required for the increase in dwelling units or bedrooms from what was originally proposed.

**F. Comprehensive Plan Considerations.**

The City's Recreation, Park, & Open Space Master Plan is intended to provide the Parks and Recreation Advisory Board with a guide upon which to base its recommendations. Because of the need to consider specific characteristics in the site selection process and future development, the park locations indicated on the Plan are general. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the City, including by donations.

**G. Special Fund; Right to Refund.**

The City shall account for all fees in lieu of land and all development fees paid under this Section with reference to the individual plat(s) involved. Any fees paid for such purposes must be encumbered or expended by the City within 10 years from the date received by the City for acquisition, development, and/or improvement of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If the funds are not so encumbered by contract of purchase order or expended, then the owners of the property on the last day of the 10-year period will be entitled to a refund of the unexpended sum upon request. The owners of the property as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10-year period. The request must be made in writing to the Director of Parks and Recreation.

**H. Credit for Private Park Amenities.**

1. Up to 25% of the total fee in lieu and park development fee required by this Section to be paid by a developer may be eligible for reimbursement if the developer provides private park land and/or amenities on the site. The remaining percentage is retained for deposit in the City's parkland dedication fund for the purpose of defraying the financial burden that new residential units impose on the existing public park system in the City, beyond the immediate development in which the dwelling is located.
2. Private facilities eligible for credit are those outdoor amenities typically found in city public parks, which will substitute for the improvements otherwise funded by a dedication fee to meet the outdoor recreation needs of residents.
3. The amount of credit shall be based on actual out-of-pocket dollar costs that the developer incurred in providing the outdoor recreation amenities:
  - a. The improvements must be constructed in accordance with the City Park Facility and Equipment Standards.
  - b. The developer is required to submit to the City all invoices paid toward the construction of the private amenities.

- c. In order to receive the credit, the improvement must be inspected and approved by all appropriate City staff.
4. Yards, court areas, setbacks, and other open areas required to be maintained under the City's UDO, and other regulations, shall not be included in the credit computation.
5. Private recreation improvements shall be owned by an incorporated nonprofit homeowners' association comprised of all property owners in the subdivision. The organization should operate under recorded land agreements through which each property unit owner in the subdivision is automatically a member, and each unit is subject to a charge for a proportionate share of expenses for maintaining the facilities.
6. Should the homeowners' association fail to maintain the developer-provided private park facilities in compliance with City standards, each property owner agrees that the City may access the facilities to operate, maintain, and repair them. The costs of such maintenance, operations, and repairs shall be charged to the homeowners' association. Such requirement shall be by recorded covenant, which runs with the land in favor of future owners of the property, and which cannot be defeated or eliminated without the written consent of the City.
7. Use of the private park shall be restricted for park and recreation purposes by recorded covenant, which runs with the land in favor of future owners of the property, and which cannot be defeated or eliminated without the written consent of the City.
8. Facilities must be similar or comparable to what would be required to meet public park standards and recreational needs as set forth in Section I "Park Land Guidelines and Requirements".
9. The design of private park amenities must be reviewed and approved by the City prior to final plat approval.
10. All private park amenities shall be constructed in accordance with Section D (7) "Construction of Park Improvements in Lieu of Development Fee".

**I. Park Land Guidelines and Requirements.**

Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses. The following guidelines and requirements shall be used in designing parks and adjacent development.

1. Any land dedicated to the City under this Section must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager or his/her designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The property owner shall pay all taxes or

assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the Brazos County Tax Assessor shall be submitted with the dedication or plat.

2. Consideration will be given to land that is in the floodplain or may be considered "floodable" even though not in a federally regulated floodplain as long as, due to its elevation, it is suitable for park improvements. Sites should not be severely sloping or have unusual topography which would render the land unusable for recreational activities, as set forth in the City Park Facility and Equipment Standards.
3. At the discretion of the City, land in floodplains will be considered on a three (3) for one (1) basis. Three (3) acres of floodplain will be equal to one (1) acre of park land.
4. Where feasible, park sites should be located adjacent to greenways and/or schools in order to encourage shared facilities and joint development of new sites.
5. Unless intended to serve a larger area, park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them. Furthermore, park sites should not be encumbered by overhead utility lines or easements which may limit the opportunity for park development.
6. Where appropriate, sites with existing trees or other scenic elements are preferred.
7. Detention/retention areas will not be considered to meet dedication requirements, but may be accepted as a donation in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet specific parks specifications in the City Park Facility and Equipment Standards.
8. Where park sites are adjacent to greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to parks.
9. It is desirable that 50% of the perimeter of a park should abut a public street.

**J. Warranty Required.**

1. All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager or his/her designee and all work shall be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
2. All work by the developer or landowner not conforming to these requirements, including but not limited to unapproved substitutions, may be considered defective.
3. This warranty is in addition to any rights or warranties expressed or implied by law.

4. Where more than a one (1) year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
5. This warranty obligation may be covered by any performance or payment bonds tendered in compliance with this Section.
6. If any of the work performed by the developer or landowner is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this Section, the designs, plans, drawings or specifications within one (1) year after the date of the issuance of a Certificate of Final Completion of the work or a designated portion thereof, whichever is longer, or within one (1) year after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, developer shall promptly correct the defective work at no cost to the City.
7. During the applicable warranty period and after receipt of written notice from the City to begin corrective work, developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
8. If within twenty (20) calendar days after the City has notified developer of a defect, failure, or abnormality in the work, developer has not started to make the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by developer.
9. The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by developer, its contractors, or subcontractors or by the surety.
10. The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be one (1) year after the installation or completion. The one (1) year warranty shall cover all work, equipment, and materials that are part of the improvements made under this Section of the ordinance.

**K. Park Land Dedication and Development Fees.**

Park land dedication and development fees for developments located within the City limits and ETJ are indicated below. The City shall review the fees established and the amount of park land dedication required in this ordinance at least every five (5) years. Failure to review by the City shall not invalidate this ordinance. The amount indicated in the Collection Rate column shall be the amount required for each unit or bedroom proposed.



## Total dedication and fee amounts

| <b><i>Land dedication</i></b>                        | <b>Proportionate<br/>Rate</b> | <b>Collection<br/>Rate as of<br/>7/3/2022</b> | <b>Collection<br/>Rate as of<br/>10/1/2022<br/>2</b> | <b>Collection<br/>Rate as of<br/>10/1/2023</b> | <b>Collection<br/>Rate as of<br/>10/1/2022<br/>4</b> |
|------------------------------------------------------|-------------------------------|-----------------------------------------------|------------------------------------------------------|------------------------------------------------|------------------------------------------------------|
| Single-family: One acre per number of dwelling units | 48                            | 61                                            | 53                                                   | 51                                             | 48                                                   |
| Multi-family: One acre per number of bedrooms        | 83                            | 145                                           | 108                                                  | 95                                             | 83                                                   |

## ***Fee in lieu of land dedication***

|                                 |         |       |       |       |         |
|---------------------------------|---------|-------|-------|-------|---------|
| Single-family per dwelling unit | \$1,106 | \$524 | \$664 | \$885 | \$1,106 |
| Multi-family per bedroom        | \$395   | \$220 | \$237 | \$316 | \$395   |

## ***Park development fee***

|                                 |         |       |         |         |         |
|---------------------------------|---------|-------|---------|---------|---------|
| Single-family per dwelling unit | \$4,150 | \$737 | \$2,490 | \$3,320 | \$4,150 |
| Multi-family per bedroom        | \$1,486 | \$467 | \$892   | \$1,189 | \$1,486 |

## ***Total dedication and development fees***

|                                 |         |         |         |         |         |
|---------------------------------|---------|---------|---------|---------|---------|
| Single-family per dwelling unit | \$5,256 | \$1,261 | \$3,154 | \$4,205 | \$5,256 |
| Multi-family per bedroom        | \$1,881 | \$687   | \$1,129 | \$1,505 | \$1,881 |

The following calculations were used to determine the Proportionate Rate for the dedication and fee amounts:

#### Input Data

|                                                                                                 |        |
|-------------------------------------------------------------------------------------------------|--------|
| Neighborhood park acres                                                                         | 567    |
| Community park acres (ex. Lick Creek and Veterans)                                              | 354    |
| Passive park acres                                                                              | 198    |
| Total park acres                                                                                | 1,119  |
| Single-family dwelling units                                                                    | 27,343 |
| Multi-family dwelling units                                                                     | 19,010 |
| Total number of dwelling units                                                                  | 47,796 |
| Persons per household (PPH) - Overall                                                           | 2.58   |
| PPH - Single-family structures                                                                  | 2.89   |
| PPH - Multi-family structures                                                                   | 2.20   |
| Ratio of MFU/SFU PPH<br><i>(PPH - multi-family structures / PPH - single-family structures)</i> | 0.76   |
| Dwelling units per acres of parks<br><i>(total number of dwelling units / total park acres)</i> | 42.71  |
| Adjustment ratio MFU/SFU<br><i>((1 - ratio of MFU/SFU PPH)/2)</i>                               | 0.12   |

#### Land dedication

|                                                                                                                                                                        |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Single-family dwelling units per acre of park land<br><i>(dwelling units per acres of parks (1 + adjustment ratio MFU/SFU))</i>                                        | 48 |
| Multi-family-family bedroom units per acre of park land<br><i>((dwelling units per acres of parks (1 - adjustment ratio MFU/SFU) * PPH - multi-family structures))</i> | 83 |

## Fee in lieu of land dedication

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|                                                 |          |
|-------------------------------------------------|----------|
| Average cost per acre of neighborhood park land | \$50,000 |
| Average cost per acre of community park land    | \$44,250 |
| Average cost per acre of passive park land      | \$16,250 |

|                                                                                                                                            |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Fair market value of existing neighborhood park land<br><i>(average cost per acre of neighborhood park land * neighborhood park acres)</i> | \$28,374,335        |
| Fair market value of existing community park land<br><i>(average cost per acre of community park land * community park acres)</i>          | \$15,655,778        |
| Fair market value of existing passive park land<br><i>(average cost per acre of passive park land * passive park acres)</i>                | \$3,213,481         |
| <b>Total fair market value of existing park land</b>                                                                                       | <b>\$47,243,595</b> |

|                                                                                                                           |          |
|---------------------------------------------------------------------------------------------------------------------------|----------|
| Average fair market value of an acre of land<br><i>(total fair market value of existing park land / total park acres)</i> | \$42,218 |
|---------------------------------------------------------------------------------------------------------------------------|----------|

|                                                                                                                  |       |
|------------------------------------------------------------------------------------------------------------------|-------|
| Average fee-in-lieu<br><i>(average fair market value of an acre of land / dwelling units per acres of parks)</i> | \$988 |
|------------------------------------------------------------------------------------------------------------------|-------|

|                                                                                                                                                 |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Fee in-lieu of land per single-family unit<br><i>(average fee-in-lieu * (1 + adjustment ratio MFU/SFU))</i>                                     | \$1,106 |
| Fee in-lieu of land per multi-family bedroom<br><i>((average fee-in-lieu * (1 - adjustment ratio MFU/SFU)) / PPH - multi-family structures)</i> | \$395   |

## Park development fee

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|                                                                                                                                                                           |               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Reatta Meadows                                                                                                                                                            |               |
| Cost (December 2017, adjusted for inflation to March 2022)                                                                                                                | \$513,141.76  |
| Acres                                                                                                                                                                     | 3.00          |
| Cost per acre<br>( <i>cost/acres</i> )                                                                                                                                    | \$171,047     |
| Northgate                                                                                                                                                                 |               |
| Cost (April 2019, adjusted for inflation to March 2022)                                                                                                                   | \$470,270.45  |
| Acres                                                                                                                                                                     | 1.87          |
| Cost per acre<br>( <i>cost/acres</i> )                                                                                                                                    | \$251,482     |
| Average developed park cost per acre<br>( <i>average park cost/acres</i> )                                                                                                | \$211,264     |
| Average passive park cost per acre (15% of developed)<br>( <i>(neighborhood parks value + community parks value) / (neighborhood park acres + community park acres)</i> ) | \$27,974      |
| Neighborhood parks value                                                                                                                                                  | \$97,067,042  |
| Community parks value                                                                                                                                                     | \$74,745,953  |
| Passive parks value                                                                                                                                                       | \$5,531,890   |
| Total parks value                                                                                                                                                         | \$177,344,885 |
| Average development cost per acre<br>( <i>total parks value / total park acres</i> )                                                                                      | \$158,479     |
| Average development cost per dwelling unit<br>( <i>average development cost per acre / dwelling units per acres of parks</i> )                                            | \$3,710       |
| Development cost per single-family unit<br>( <i>development cost per dwelling unit * (1 + adjustment ratio MFU/SFU)</i> )                                                 | \$4,150       |
| Development cost per multi-family bedroom<br>( <i>((development cost per dwelling unit * (1 - adjustment ratio MFU/SFU)) / PPH - multi-family structures)</i> )           | \$1,486       |

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## Sec. 11.2. Defined Terms.

### **Accessory Use or Structure, or Building:**

- (1) A building, structure, or use which is subordinate to and serves a primary use or principal structure;
- (2) A building, structure, or use which is subordinate in area, extent, or purpose to the primary use served;
- (3) A building, structure, or use which contributes to the comfort, convenience, or necessity of occupants of the primary use served;
- (4) A building, structure, or use which is located within the same zoning district as the primary use; and
- (5) A building, structure, or use which in residential districts is not used for commercial purposes other than legitimate home occupations.

Examples of accessory buildings, structures, or uses include, but are not limited to, private garages, greenhouses, living quarters, tool sheds, radio or television antennae, or bathhouses.

**Access Way:** An Access Way consists of a minimum fifteen-foot wide public access easement or public right-of-way. A minimum five-foot sidewalk shall be constructed in the center of the Access Way, except where the Access Way provides connection to a multi-use path, a minimum eight-foot sidewalk shall be provided.

Per Ordinance No. 2011-3308 (January 13, 2011)

**Administrator:** The Development Services Director, or his designee, shall serve as the Administrator.

**Adult Arcade:** Any business enterprise that offers or maintains one (1) or more adult video viewing booths.

**Adult Cabaret:** Any business enterprise which regularly features or offers to the public, customers, or members, performances by persons who appear nude or semi-nude, or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

**Adult Motel:** A hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas;" or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent room for a period of time that is less than ten (10) hours.

**Adult Movie Theater:** Any business enterprise which regularly features or offers to the public the presentation of motion picture films, movies, or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are presented to a common audience of more than five (5) persons in an enclosed common area or are presented in a common area of more than one hundred fifty (150) square feet.

**Adult Retail Store:** A business enterprise which meets any of the following tests:

- (1) Offers for sale or rental items from any two (2) of the following categories:
  - (a) Sexually-oriented materials;
  - (b) Lingerie; or

- 
- (c) Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
  - (2) Offers for sale sexually-oriented toys and novelties, except a business enterprise which devotes less than ten (10) percent of its stock in trade and sales and display area to sexually-oriented materials, with all sexually-oriented toys and novelties separated from other sales and display areas by an opaque wall at least eight (8) feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area;
  - (3) Devotes more than ten (10) percent of its stock in trade or sales and display area to sexually-oriented materials without having all sexually-oriented materials separated from other sales and display areas by an opaque wall at least eight (8) feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area;
  - (4) Devotes more than forty (40) percent of its stock in trade or sales and display area to sexually-oriented materials; or
  - (5) Advertises or holds itself out in signage visible from the public right-of-way as "X...," "adult," "sex," or otherwise as a sexually-oriented business.

**Adult Retail Store, Limited:** Any business enterprise which offers for sale or rental sexually-oriented materials, and which devotes at least ten (10) percent and not more than forty (40) percent of its stock in trade or sales and display area to sexually-oriented materials, provided that:

- (1) The following items are not also offered for sale:
  - (a) Lingerie; or
  - (b) Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
- (2) All sexually-oriented materials are separated from other sales and display areas by an opaque wall at least eight (8) feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area; and
- (3) The business enterprise does not advertise or hold itself out in signage visible from the public right-of-way as "X...," "adult," "sex" or otherwise as a sexually-oriented business.

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**Adult Video Viewing Booth:** Coin or slug-operated, or electronically or mechanically controlled, still or motion-picture machines, projectors or other image-producing devices which present to five (5) or fewer persons per machine at any one (1) time visual or audio material of any kind which is characterized by its emphasis on the description or depiction of specified anatomical areas or specified sexual activities. No part of this definition shall be construed to permit more than one (1) person to occupy an adult video viewing booth at any time.

**Alley:** A minor public way which provides a secondary means of vehicular access to the abutting property otherwise served from a public street.

**Alternative Mounting Structure:** Any building or structure, other than a tower, which can be used for the location of telecommunication antennas and facilities. Antennas located on these structures may include Attached WFTs or Stealth Antenna.

**Animal Care Facilities:** A place where animals are boarded and/or bred, including, but not limited to, stables and kennels.

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**Antenna:** Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio frequency signals.

- (1) **Omni-Directional Antenna ("Whip" Antenna):** transmits and receives radio frequency signals in a three hundred sixty-degree radial pattern.
- (2) **The Directional Antenna ("Panel" Antenna):** transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty (360) degrees.
- (3) **The Parabolic Antenna ("Dish" Antenna):** is a bowl-shaped device for the reception and/or transmission of radio frequency signals in a specific directional pattern.

**Apartment Building:** See "Multi-family Dwelling".

**Appeal:** An appeal is a request for a review of the Administrator, or other administrative official's interpretation, of any provisions of this UDO or a request for a variance.

**Applicant:** An individual seeking an action, a permit, or other approval under the provisions of this UDO.

**Area of Special Flood Hazard:** The land adjacent to a clearly defined channel within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, A1—99, VO, V1—30, VE, or V.

**Art Studio or Gallery:** Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpturing, and other similar skills) as the primary use of the structure.

**Arterial, Major/Minor:** See "Street, Arterial."

**Assisted Living/Residential Care Facility:** A building used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are in need of assistance with activities of daily living and/or health care and/or personal care in a homelike setting and duly licensed by the State of Texas for such purpose.

**Attached Wireless Telecommunication Facility:** A wireless telecommunication facility that is affixed on an existing structure that is not primarily used for the support or attachment of a wireless telecommunication facility and is not a normal component of such a facility.

**Automobile Repair and Service:** See "Vehicle Repair and Service Shop."

**Automobile Sales and Rental:** See "Vehicle Sales and Rental."

**Barricade Area For Existing Trees:** An area extending in a radius of one (1) foot per caliper inch of tree diameter from the protected tree that prevents intrusion by construction equipment, vehicles, and people, but allows only hand clearing of underbrush.

**Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year ("The 100-Year Flood").

**Bed and Breakfast Inn:** A residential structure where two (2) or fewer rooms are rented to transient paying guests on an overnight basis with no more than one (1) meal served daily, where no cooking facilities are provided in the rooms and where the total number of permanent and transient occupants does not exceed four (4) at any one (1) time.

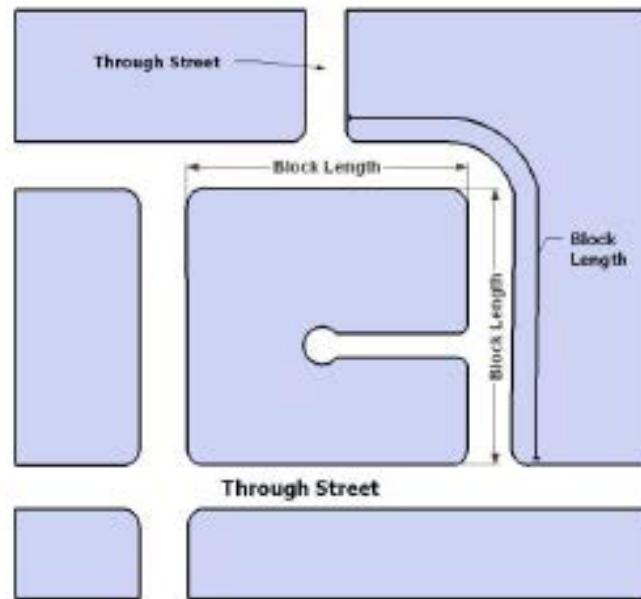
**Block:** A tract or parcel of designated as such on a duly recorded plat. Blocks are surrounded by streets or a combination of streets and other physical obstructions such as a railroad or 100-year floodplain.

Per Ordinance No. 2011-3308 (January 13, 2011)



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**Block Length:** A measurement of the linear distance of land along a Blockface that is bounded on both ends by public through streets or by a combination of a public through street, Public Way, railroad, or one hundred-year floodplain. As such, gated streets, private streets, culs-de-sac, alleys, private driveways, or Access Ways do not divide land into separate Blockfaces.



Per Ordinance No. 2011-3308 (January 13, 2011)

**Blockface:** That portion of a block or tract of land facing the same side of a single street and lying between the closest intersection streets.

**Board of Adjustment:** The Zoning Board of Adjustment of the City of College Station.

**Boarding House:** See "Rooming/Boarding House."

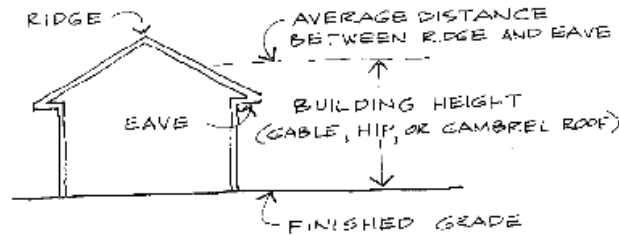
**Body Rub Parlor:** Any business enterprise where body rub services are provided in order to induce relaxation or for other purposes.

**Building:** A "building" is any structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, chattel or movable property of any kind and which is affixed to the land.

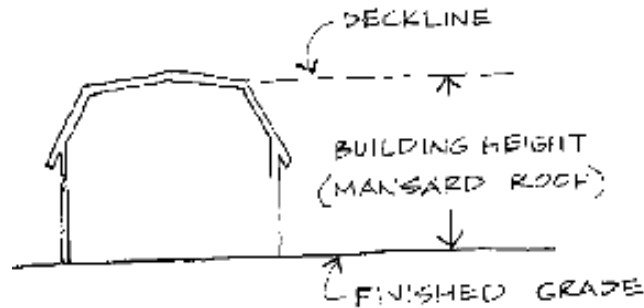
**Building Coverage:** Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies, and the first two (2) feet of a roof overhang.

**Building Height:** Building height refers to the vertical distance measured from the finished grade and the height of the roof as described below. For buildings with multiple roof levels, the highest of the various roof levels must be used to determine the building height. The average height of multiple roof levels is not to be used to determine building height.

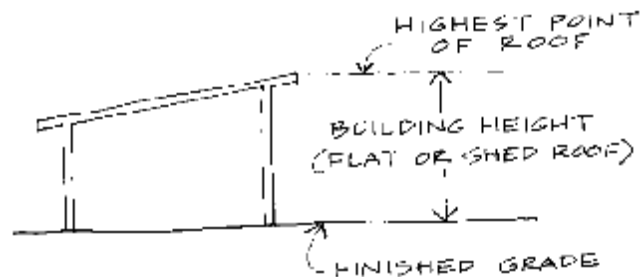
- 1) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;



- 2) The deck line of a mansard roof;



- 3) The highest point of the coping of a flat or shed roof;



- 4) The highest point of equipment located on top of a structure such as satellite dishes, heating and air conditioning units.

**Building Official:** The designated "Building Official" of the City of College Station, or his designated representative.

**Building Plot or Premises:** All of the land within a project, whether one (1) or more lots, developed according to a common plan or design for similar or compatible uses, that may have shared access or parking, and that singularly or in phases is treated as such for site plan review purposes. The determination of the boundaries of a building plot shall be made as the first step in the site plan or project review, unless such determination has previously been made at the time of plat approval. For development not subject to site plan review, the building plot or premises shall be the exterior boundary of any included lots, in the event that the structure sits astride two (2) or more lots. In the event that two (2) or more lots are under single ownership and the structure does not meet the required side yard setback, both lots shall be considered the building plot or premises. Demolished sites located in larger parking lots that may not have previously been considered part of a larger building plot, will be considered part of the plot if access is shared with the site.

**Bulb Out:** Extension of the curb line to physically narrow a street. Allows for delineation of on-street parking and reduces distance of pedestrian crossing.

**Bulk Storage Tank:** A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent resale to distributors or retail dealers or outlets.

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**Business Development Corporation:** Shall mean the College Station Business Development Corporation, Inc. This corporation is the non-profit corporation created by the City to promote, assist, and enhance economic development in the City of College Station.

**Caliper:** This shall mean the width of the trunk of a tree and shall be measured at twelve (12) inches above grade.

**Canopy Tree:** See "Tree, Canopy."

**Carport:** A structure which has enclosing walls for less than fifty (50) percent of its perimeter covered with a roof and constructed specifically for the storage of one (1) or more motor vehicles.

**Car Wash:** A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

**Certificate of Compliance:** A letter signed by the Development Engineer indicating compliance with all plans and specifications applicable to the subject project and completion of all stormwater management and soil erosion protection measures.

**Chief of Police:** The Chief of Police of the City of College Station.

**Church or Place of Religious Worship:** A building in which persons regularly assemble to worship, intended primarily for purposes connected with faith or for propagating a particular form of religious belief.

**City:** The City of College Station, Texas.

**City Attorney:** The "City Attorney" of the City of College Station.

**City Council:** The duly and constitutionally-elected governing body of the City of College Station, Texas.

**City Engineer:** The person employed as City Engineer of the City of College Station, Texas, or his designee.

**City Manager:** The "City Manager" of the City of College Station.

**Classification Amendment:** An amending zoning ordinance which pertains to the rezoning of a particular parcel or parcels of land, as distinguished from a change in the provisions of the ordinance relevant and pertaining to the entire City.

**Clinic:** A facility operated by one (1) or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

**Cold Storage Plant:** A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

**Collocation:** When more than one (1) wireless telecommunications provider shares a wireless telecommunications support structure.

**Commercial Garden:** The retail or wholesale handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products.

**Commercial Greenhouse:** A structure or location where plants, vegetable, flowers, and similar materials are grown for sale.

**Commercial Amusements:** Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Commercial amusements include zoos, carnivals, expositions, miniature golf courses, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows, bowling alleys, indoor shooting ranges, and similar enterprises. Sexually-oriented Businesses and Nightclubs are excluded from this definition.

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**Commission:** The Planning and Zoning Commission of the City of College Station, Texas.

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of residents of a proposed project.

**Common Property:** A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are legally shared by the owners and occupants of the individual building sites in a Planned Unit.

**Community Services:** See "Public Uses."

**Comprehensive Plan:** The City of College Station's Comprehensive Plan supplemented by any other land use, thoroughfare or master plans as approved by City Council as adopted or amended from time-to-time.

**Concept Plan:** A written and graphic plan submitted for consideration of a Planned Development District or a Planned Mixed-Use District that indicates in a conceptual form, the proposed land uses and their overall impact on the subject land and surrounding lands.

**Conditional Use:** A use which may be permitted or denied in a district, on a case-by-case basis, subject to meeting certain conditions or procedures set forth in, or imposed under, this UDO.

**Conservation Study:** Study of existing conditions used for a Neighborhood Conservation Overlay. The items evaluated in a Conservation Study are chosen by the Neighborhood Stakeholder Committee and reflect the individual concern of the neighborhood for additional regulation.

**Construction Plans:** The construction documents required to accompany the final plat according to this UDO of the City of College Station, or the building and site plans required for the issuance of a Building Permit by the City of College Station.

**Co-op Housing:** A building under joint occupancy that provides group sleeping accommodations for more than four (4) persons per household, where each unit may be equipped for food preparation and where some common facilities (e.g., living areas, bathrooms, dining areas) serve all units within that building.

**Corner Lot:** A lot abutting upon two (2) or more streets at their intersections.

**Country Club:** Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.

**Courtyard House:** One of a group of small detached single-family dwelling units arranged around a shared open courtyard accessible to the units. Dwelling units shall be individually platted and oriented so that the front entrances are accessed from the shared courtyard. The courtyard shall be jointly owned and managed by a HOA and preserved as open green space. Vehicular access and garages shall be via an alley or private drive.

**Cross Gable:** Two (2) perpendicular gable roofs.

**Cul-de-Sac:** A street having but one (1) outlet to another street and terminating on the other end in a vehicular turnaround.

**Cupola:** A small dome and the shaft that supports it; sits on top of a building. (Example shown)



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**Day Care - Commercial:** Any facility or premises where a total of seven (7) or more children under sixteen (16) years of age, and/or elderly adults, regularly attend for purposes of custody, care, or instruction; and which children or elderly adults are not members of the immediate nuclear family of any natural person actually operating the facility or premises.

**Day Care - In-Home:** Any private residence where a total of six (6) or fewer persons regularly attend for purposes of custody, care, or instruction; and which persons are not members of the immediate nuclear family living in the residence. Nothing in this definition shall conflict with the provisions of Chapter 123 of the Texas Human Resources Code.

**Density:** The number of dwelling units per gross acre.

**Detention:** The temporary storage and controlled release of stormwater flows.

**Development:** Any manmade change to improved or unimproved real estate that requires a permit or approval from any agency of the City or County, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, clearing, drilling operations, storage of materials, or the subdivision of property. Routine repair and maintenance activities are exempted.

**Development Engineer:** The Senior Assistant City Engineer assigned to the City's Planning and Development Services Department and designated as the Development Engineer.

**Direct-To-Home Services:** The distribution, broadcasting, or programming of services by satellite directly to the subscriber's premises without use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite; examples are direct broadcast satellites (DBS), multi-channel multipoint distribution (MMDS), and television broadcast stations (TVBS).

**Dormer:** Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides, and a window set vertically in the front.

**Dormitory (dorm):** A residential structure designed for the exclusive purpose of housing students of a university, college, school, church, or non-profit organization, excepting resident staff, but which does not include complete, independent living facilities, including cooking, in each dwelling unit. Common kitchen facilities and / or gathering rooms for social purposes may also be provided.

**Drainage Area:** That area, measured in a horizontal plane, which contributes stormwater flows by gravity flow along natural or man-made pathways to a single designated point along a pathway.

**Drainage Easement:** An interest in land granted to others for maintenance of a drainage facility, on which certain uses are prohibited; and providing for the entry and operation of machinery and vehicles for maintenance.

**Drainage Facility:** Any element necessary to convey stormwater flows from its initial contact with earth to its disposition in an existing watercourse; said drainage facilities shall consist of both public and private storm sewers (closed conduits), streets, improved channels constructed in conformity with the adopted Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details, unimproved drainageways left in their natural condition, areas covered by drainage easements for the purpose of providing concentrated or overland sheet flow, and all appurtenances to the foregoing, including inlets, manholes, junction boxes, headwalls, energy dissipaters, culverts, etc.

**Drainage System, Primary:** The system of natural watercourses, improved or channelized watercourses; and all closed conduits, culverts, bridges, detention facilities, and retention facilities associated with the watercourses; all of which are shown or indicated in the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details.

**Drainage System, Secondary:** The system of conveyance of rainfall from the point that it becomes concentrated flow to the point where it reaches the primary drainage system. This system includes all swales, ditches, minor

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channels, streets, gutters, inlets, culverts, detention or retention facilities, or other means of conveyance of stormwater flows.

**Drip Molding:** A horizontal molding placed over an exterior door or window frame to divert rainwater.



**Drive-thru:** A building opening, including windows, doors, or mechanical devices, designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

**Duplex Dwelling:** A residential structure providing complete, independent living facilities for two (2) separate families, including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit.

**Dwelling Unit (DU):** A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating, and sanitation.

**Earth Change:** A manmade change in the natural cover or topography of land, including cutting or filling activities, which may result in or contribute to soil erosion or sedimentation.

**Easement:** A grant of reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

**Easement, Maintenance:** A private easement that is dedicated by plat specifically for zero lot line construction in a single-family residential development. Maintenance easements shall be a minimum of seven and one-half (7.5) feet in width.

**Educational Facility, Instruction Indoor:** Any facility or premises regularly attended by one (1) or more persons for the purpose of instruction. All instruction and activity must be fully contained within the building. Such types of instruction include classes in acting, art, dance, music, photography, and martial arts.

**Educational Facility, Instruction Outdoor:** Any facility or premises regularly attended by one (1) or more persons for the purpose of instruction. Activities are allowed outside of a building.

**Educational Facility, Primary and Secondary:** Any public or private school licensed by the State which is designed, constructed, or used for education or instruction of students below the age of twenty (20). Auxiliary uses to these schools are included herein.

Per Ordinance No. 3280 (September 9, 2010)

**Educational Facility, Tutoring:** Any facility or premises regularly attended by one (1) or more persons for the purpose of instruction. All instruction and activity must be fully contained within a building.

**Educational Facility, Vocational/Trade:** Any public or private secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. All instruction and activity must be fully contained within the building.

**Educational Facility, College/University:** A college or university authorized by the State to award degrees.

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**Elevation:** The vertical distance from a datum, usually the NGVD, to a point or object. If the elevation of point A is eight hundred two and forty-six hundredths (802.46) feet, the point is eight hundred two and forty-six hundredths (802.46) feet, above some datum.

**Encroachment:** An intrusion, obstruction, or other infringement on an area reserved for a specific purpose such as an easement or floodway.

**Engineer:** A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, to practice the profession of engineering.

**Enhanced Paving:** Earth toned (not gray) decorative pavers, stamped concrete, or dyed concrete.

**Entry Portico:** Covered ambulatory consisting of a series of columns placed at regular intervals supporting a roof, normally attached as a colonnaded; porch to a building. (Example shown)



**Erosion:** The process whereby the surface of the earth is broken up and carried away by the action of wind, water, gravity, ice, or a combination thereof.

**Escort:** A person who, for consideration as part of a business enterprise, agrees, offers to, or models lingerie, performs a striptease, or performs nude or semi-nude for another person at a location other than a sexually-oriented business.

**Escort Agency:** A person or business enterprise that furnishes, offers to furnish, or advertises to furnish, for consideration, escorts who perform any escort services in the City. An escort agency that advertises or holds itself out in signage visible from the public right-of-way as "X...", "adult", or "sex" shall be considered an "Adult Retail Store."

**Excavation:** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated purposely by man and shall be taken to include the conditions resulting therefrom.

**Existing Construction:** Structures for which the "start of construction" commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures."

**Existing Development:** Any development as defined above which existed or was permitted prior to the date on which this UDO became effective.

**Existing Tree:** Any self supporting woody plant, with one (1) or more well-defined trunks, two (2) inches in diameter or greater at one (1) foot above the ground.

**Extended Care Facility, Convalescent Home, or Nursing Home:** A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

**Exterior Side Yard:** A yard that faces and is parallel to a side street.

**Extraterritorial Jurisdiction:** Within the terms of the Texas Municipal Annexation Act, the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of College Station, the outer boundaries of which are measured from the extremities of the corporate limits of the City, outward for such



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distances as may be stipulated in the Texas Municipal Annexation Act, in which area, within the terms of the act, the City may enjoin the violation of its subdivision control provisions.

**Façade:** The exterior face of a building.

**Façade Work:** The removal, or replacement, substitution or change of any material or architectural element on the exterior face of a building, which includes, but is not limited to, painting, material change, awning or canopy replacement, signage, or other permanent visible façade treatment.

**Family:** A family is any number of persons occupying a single dwelling unit, provided that no such family shall contain more than four (4) persons, unless all members are related by blood, adoption, guardianship, or marriage, are an authorized caretaker, or are part of a group home for disabled persons. When counting the number of unrelated persons in a single dwelling unit, a maximum of one group of persons related by blood, adoption, guardianship, marriage, an authorized caretaker, or members of a group home for disabled persons shall be permitted, provided that all other persons shall each count as one unrelated person. Guardianship shall include foster children, exchange students, or those in the process of securing legal custody of a person under age 18. Any asserted common law marriage must be subject to an affidavit of record under the family code, or a judicial determination. The term "family" shall not be construed to mean a club, a lodge, or a fraternity/sorority house.

**Federal Emergency Management Agency (FEMA):** An agency of the Federal Insurance Administration which administers the National Flood Insurance Program.

**Feeder Line:** Any line, wire, or cable and appurtenances which distributes, transmits, or delivers a utility service from a source to a general area or to multiple developments, and not to a specific end user.

**Field Size:** That portion of a driving range property measured from the tee boxes to the end of the driving range area of the site.

**Filed:** The point at which an application has been determined to be complete and all required fees have been paid.

**Flood or Flooding:** A temporary rise in the level of water that results in inundation of areas not ordinarily covered by water from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

**Floodplain or Flood-Prone Area:** Any land susceptible to being inundated by water from any source (see definition of flooding).

**Flood Protection System:** Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to "special flood hazard" and the extent of the depths of associated flooding. Such systems typically include hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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**Floodway, Zero-Rise:** The channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the one hundred-year floodplain are considered the boundaries of the zero-rise floodway unless otherwise delineated by a sensitive area special study.

**Floodway Fringe:** That part of the base floodplain outside the floodway.

**Floor Area Ratio: Floor Area Ratio (FAR)** is a non-residential land use intensity measure analogous to density. It is the sum of the areas of several floors of a building compared to the total area of the site.

**Fraternity or Sorority:** An organization of university students formed chiefly to promote friendship and welfare among the members.

**Fraternal Lodge:** A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

**Garage, Commercial:** Any premises or structure with enclosed work area for servicing and repair of four (4) or more standard size automobiles or light (standard size) trucks, or for one (1) or more vehicles of larger size, or where any number of vehicles are kept for remuneration, hire or sale, and where motor vehicle fuels and supplies may be sold as a secondary use.

**Gated Community:** A residential area requiring mandatory membership in a Homeowners Association (HOA) and having its primary means of access controlled by an electric or manual gate administered by the HOA.

**Government Facilities:** A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

**Grading:** Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

**Greenway:** A linear open space that follows natural features like the floodplains of creeks and rivers or human-made features such as utility, road, or rail corridors.

**Greenway - Rural:** The least developed Greenway typically located on the periphery of the developed community. This Greenway exists mostly in a natural state with the primary functions being flood control, wildlife protection, and aesthetic value. This Greenway is defined by the entire width of the floodplain.

**Greenway - Suburban:** These are the greenways located in the developing portions of the community. The primary functions served by this Greenway are flood control, recreation, transportation, and economic and aesthetic purposes.

**Greenway - Urban:** The most highly developed Greenway located in fully developed areas of the community. The primary functions served by this greenway are flood control, recreation, transportation, and economic and aesthetic purposes.

**Greenways Manager:** The "Greenways Manager" of the City of College Station.

**Groundcover:** A spreading plant including sods and grasses less than eighteen (18) inches in height.

**Group Home:** A home serving six (6) or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four-hour basis and is approved or licensed by the State for that purpose. A group home shall be considered a single-family home and is defined pursuant to Chapter 123 of the Human Resources Code.

**Health Care Facility:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of disease, pain, injury, or deformity of physical conditions. This definition does not include a medical clinic or hospital as defined herein.

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**Health Club/Sports Facility:** A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

**Historic Preservation Easement:** An easement that protects a significant historic, archaeological, or cultural resource. It provides assurance that a property's intrinsic values will be preserved through future ownership. A building, portion of a building (such as the façade), or a bridge, dam, or any other kind of structure may qualify. A Historic Preservation Easement may also protect a historic landscape, battlefield, traditional cultural place, or archaeological site.

**Historic Preservation Overlay District definitions (applicable only in reference to Historic Preservation Overlay district):**

**Association:** Link of a property that contributes to a Historic Preservation Overlay District with a historic event, activity, or person. Also, the quality of integrity through which a property is linked to a particular past time and place.

**Contributing Resource:** A building, site, structure or object in a Historic Preservation Overlay District that supports the District's historical significance through Location, Design, Setting, Materials, Workmanship, Feeling, or Association.

**Design:** Quality of integrity applying to the elements that create the physical form, plan, space, structure, and style of a property.

**Feeling:** Quality of integrity through which a property that contributes to a Historic Preservation Overlay District evokes the aesthetic or historic sense of past time and place.

**Integrity:** Authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

**Location:** Quality of integrity retained by a property that contributes to a Historic Preservation Overlay District historic property existing in the same place as it did during the period of significance.

**Materials:** Quality of integrity applying to the physical elements that were combined or deposited in a particular pattern or configuration to form a property that contributes to a Historic Preservation Overlay District.

**Non-Contributing Resource:** A building, site, structure, or object in a Historic Preservation Overlay District that does not support the District's historical significance through Location, Design, Setting, Materials, Workmanship, Feeling, or Association.

**Setting:** Quality of integrity applying to the physical environment of a property that contributes to a Historic Preservation Overlay District.

**Workmanship:** Quality of integrity applying to the physical evidence of the crafts of a particular culture, people, or artisan.

**Home Occupation:** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Home Tour Event:** Real estate events such as open houses and Parade of Homes, as well as the touring of occupied residences for the entertainment of a targeted audience such as the Women's Club Home and Garden Tour.

**Hospital or Sanitarium:** A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not

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include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

**Hotel/Motel/Extended Stay Facility:** A building, or group of buildings, used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a café, drugstore, clothes pressing shop, barber shop, or other service facilities for the guests for compensation. A transient guest is any visitor or person who owns, rents, or uses a lodging or dwelling unit, or a portion thereof, for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

**Impervious Cover:** Impervious cover is the percentage of a lot's area that is covered, or proposed to be covered, by impervious surfaces.

**Impervious Surface:** Impervious surface is considered any portion of a site occupied by materials or construction that limits the absorption of water by covering the natural land surface; this shall include, but is not limited to, buildings, sidewalks, drives, all-weather surfaces, parking, rooftops, patios, decking, masonry, stone, and other alternative pavements. Alternative materials used for landscaping purposes in non-load bearing areas, and the water surface area within the walls of pools are not considered impervious surfaces. An area of gapped decking shall be calculated as fifty percent (50%) of the proposed decked area for the purpose of impervious cover.

**Industrial, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Industrial, Heavy:** A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industrial, Municipal:** A municipal use or structure that serves a public need and is primarily engaged in the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, electricity, information, and telecommunication, including structures associated with private utilities; research and laboratory activities; warehousing and distribution; bulk storage facilities operation; storage and maintenance of service vehicles; cleaning of equipment; solid waste management; municipal recycling; public works yards, container storage; or similar activity. Ordinarily these areas have low parking turn-over, few pedestrians, but a large amount of truck traffic.

Per Ordinance No. 3236 (February 25, 2010)

**Irrigation System:** A permanent, artificial watering system designed to transport and distribute water to plants.

**Land Use:** A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, logging operations, agricultural practices, oil and gas exploration, exploitation, extraction and mining.

**Lateral Line:** Any line, wire, or cable and appurtenances used to distribute, transmit, or deliver service from a feeder line to two (2) or more sites or end users of the utility service within a specific development.

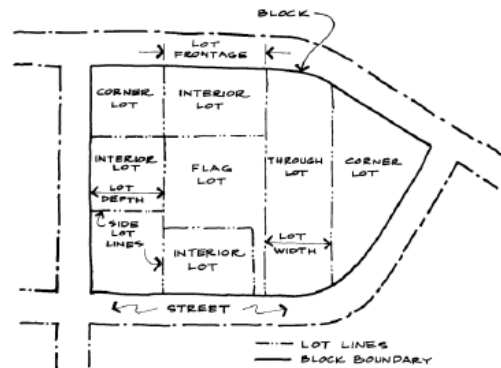
**Levee:** A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practice.

**Live-Work Unit:** ~~A mixed-use structure with a ground level workspace or commercial space and one upper-level dwelling unit occupied by the proprietor. A dwelling unit in which a significant portion of the space includes a non-residential use that is operated by the tenant.~~

**Location:** Quality of integrity retained by a property that contributes to a Historic Preservation Overlay District historic property existing in the same place as it did during the period of significance.

**Lot:** The physical and undivided tract or parcel of land as shown on a duly recorded plat. The following represent the various platted lot types:



- (1) **Corner Lot:** A lot located at the intersection of and abutting upon two (2) or more streets.
- (2) **Double Frontage or Through Lot:** A lot, other than a corner lot, which has frontage on more than one (1) street.
- (3) **Flag Lot:** A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
- (4) **Interior Lot:** A lot other than a corner lot.

**Lot Area:** The horizontal land area within lot lines, excluding any wetlands and/or drainage easements.

**Lot Coverage:** A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes but is not limited to all areas covered by buildings, parked structures, driveways - gravel or paved, roads, and sidewalks.

**Lot Line Construction:** A development where houses on a common street frontage are shifted to one (1) side of their lot to maximize side yard area on the opposite side of the lot. Planning for all house locations are done at the same time to ensure proper building separations.

**Lot of Record:** A part of a recorded subdivision or a parcel of land that exists as shown or described on a plat or deed in the records of the local registry of deeds.

**Lot Width:** Lot width is measured between side lot lines along a line that is parallel to the front lot line or its chord and that is located the minimum front setback distance from the front lot line.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this UDO.

**Major Recreational Equipment:** For the purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living,

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sleeping, home occupation or household purposes when parked or stored on a residential lot or in any location not approved for such use.

**Manufactured Home:** A structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 Code of Federal Regulations, Section 3282.8(g).

**Manufactured Home Lot:** A parcel of land in a manufactured home park for the placement of a single HUD-code manufactured home and the exclusive use of its occupants.

**Manufactured Home Park:** A parcel of land under single ownership that has been planned and improved for the placement of HUD-code manufactured homes for non-transient use.

**Manufacturing and Production:** See "Industrial, Light and Heavy."

**Massage Establishment:** A business enterprise offering massage conducted by persons engaged in the practice of medicine, nursing, osteopathy, physiotherapy, chiropractic, podiatry, or massage therapy for which they are licensed by the State of Texas, or persons under the direct supervision and control of such licensed persons.

**Maximum Density:** This is a gross density calculation. It is the total number of dwelling units on a site or in a subdivision divided by the total land area (in acres) of the site or subdivision.

**Mean Sea Level:** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Median:** The middle number in a set of numbers where one-half ( $\frac{1}{2}$ ) of the numbers are less than the median number and one-half ( $\frac{1}{2}$ ) of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two (2) middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

**Medical Clinic:** See "Clinic."

**Micro-Industrial:** a use engaged, on a limited scale, in basic processing and/or manufacturing of materials or products or parts, predominantly from extracted raw materials, entirely contained within a building and not deemed to be a public nuisance, as determined by the administrator.

Per Ordinance No. 2011-3312 (January 27, 2011)

**Minimum Lot Width:** Lot Width at the front setback line.

**Mixed-Use Structure:** A structure containing both residential and non-residential land uses.

**Mobile Food Vendor:** Any business operating more than twenty-one (21) days per calendar year which sells edible goods from a non-stationary location within the City of College Station. The term shall include, but shall not be limited to, mobile food trucks, carts, or trailers.

Per Ordinance No. 2011-3322 (February 24, 2011)

**Mobile Home:** A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems.

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**Model Home:** A dwelling unit built by a builder or developer to allow potential purchasers to see what the finished product will look like.

**Multiplex, Medium:** A residential structure that consists of five (5) to twelve (12) dwelling units, either side by side or stacked. Primary entry to the structure is allowed only through a Shared Primary Entrance. The land underneath is a single platted lot and is not divided into separate lots. Condominiums are included in this definition.

**Multiplex, Small:** A residential structure that consists of three (3) to four (4) dwelling units, either side by side or stacked. Primary entry to the structure is allowed only through a Shared Primary Entrance. The land underneath is a single platted lot and is not divided into separate lots. Condominiums are included in this definition.

**Multi-Family Dwelling:** A residential structure providing complete, independent living facilities for three (3) or more families or households living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit. Condominiums are included in this definition.

**National Flood Insurance Program:** The National Flood Insurance Program (NFIP) is a federal program enabling property owners to purchase flood insurance. This program is based on an agreement between local communities and the federal government that if a community will implement programs to reduce future flood damages, the federal government will make flood insurance available within the community as a financial protection against flood losses. The United States Congress established the NFIP with the National Flood Insurance Act of 1968 and later modified and broadened the program. The NFIP is administered by the Federal Emergency Management Agency (FEMA).

**National Geodetic Vertical Datum (NGVD):** The nationwide reference surface for elevations throughout the United States made available to local surveyors by the National Geodetic Survey with the establishment of thousands of benchmarks throughout the continent. It was obtained through a least-squares adjustment in 1929 of all first-order leveling in the United States and Canada. The adjustment included the twenty-six (26) tide stations, and thus referenced the NGVD to mean sea level.

**Natural:** The cover and topography of land before any manmade changes, or in areas where there have already been manmade modifications, the state of the area and topography of land at the date of the adoption of this UDO.

**Neighborhood:** A subarea of the City in which the residents share a common identity focused around a school, park, community business center, or other feature. For the purposes of a Single-Family Overlay District, a neighborhood must contain at least thirty (30) single-family structures in a compact, contiguous area, or be an original subdivision or phase of a subdivision if the subdivision contains fewer than thirty (30) single-family structures. Boundary lines must be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary.

**Neighborhood Character:** The atmosphere or physical environment which is created by the combination of land use and buildings within an area. Neighborhood character is established and influenced by land-use types and intensity, traffic generation, and also by the location, size and design of structures as well as the interrelationship of all these features.

**Neighborhood Stakeholder Committee:** A committee of at least six (6) property owners within a proposed Neighborhood Conservation Overlay District and the Administrator. The committee provides input from the neighborhood and assists City Staff in conducting a Conservation Study and evaluating the options for regulation as listed in Section 5.11.

**New Construction:** For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

**Night Club:** A commercial establishment including, but not limited to, bars, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment is provided and where the serving of



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food is not the principal business. Specifically included in this classification are establishments that derive seventy-five (75) percent or more of their gross revenue from the on-premise sale of alcoholic beverages. Sexually-oriented Businesses/Enterprises are not included in this definition.

**Non-Canopy Tree:** See "Tree, Non-Canopy."

**Non-Combustible Material:** As defined in Chapter Two of the International Residential Code as adopted and amended by the City of College Station City Council.

**Northgate District definitions (applicable only to development in Northgate):**

**Redevelopment:** The revision or replacement of an existing land use or existing site through the acquisition or consolidation, and the clearance and rebuilding of this area according to the Northgate Redevelopment Plan.

**Site Development:** Any excavation, landfill or land disturbance, including new construction, reconstruction, relocation, or change of use. For the purposes of the Northgate Districts only, site development includes installation of walls, accessory structures, and other similar additions.

**Rehabilitation:** The process of returning a structure to a state of utility, through repair or alteration, which make possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural value.

**Façade Work:** The removal, or replacement, substitution or change of any material or architectural element on the exterior face of a building, which includes, but is not limited to, painting, material change, awning or canopy replacement, signage, or other permanent visible façade treatment.

**Minor Site/Building Projects:** The addition, maintenance, and/or replacement of minor building or site elements, including such actions related to storage building(s), screening, fencing, and refuse containers. This also includes requests for changes in service for dumpster and other refuse receptacles.

**Nude:** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state.

**Nude Modeling Studio:** Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

**One (1) Ownership:** Property which although belonging to one (1) or more owners, has not been partitioned or subdivided so as to be owned separately by more than one (1) person, whether or not related or participating in a joint enterprise.

**Outdoor Storage:** The keeping, in an unenclosed area, of any goods, junk, material or merchandise in the same place for more than twenty-four (24) hours and not actively being sold.

**Outdoor Display:** The placement of goods for active sale outside the building.

**Overlay:** A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above those required by the underlying zone.

**Pad Site:** The portion of a building plot that is located on the periphery of the site and has at least seventy-five (75) feet of frontage on a public street classified as a collector or greater on the Thoroughfare Plan. A pad site contains a stand alone, single or multiple tenant structure and meets all site plan requirements within the pad site area. The total area of all pad sites within a defined building plot may not be more than one-third (⅓) of the total area of the building plot.

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**Parking, Interior:** Parking rows which are not located on the periphery of the proposed project site and further, where none of the parking spaces abut any property line associated with the proposed project site.

**Parking, Peripheral:** Parking rows which abut the periphery or property lines associated with the proposed project site.

**Parking, Overflow:** Parking in excess of the minimum required by this ordinance and in excess of what is utilized on a regular basis by the development.

**Parking, Row, Single:** A single row of spaces for the parking of motor vehicles.

**Parking, Row, Double:** Two (2) parallel rows of spaces for the parking of motor vehicles arranged so that when parked, the front end of each motor vehicle faces the front end of another motor vehicle.

**Parking, Side or Rear Yard:** Required parking that is provided, in its entirety, behind a setback line of one-half (½) of the applicable zoning district's minimum lot depth.

**Parking Space:** A space used for the parking of a motor vehicle not on the paved or regularly traveled portion of a public street or within private access easements and which meets the requirements of this UDO as to size, location, and configuration.

**Pasturage:** Land used primarily for the grazing of animal stock.

**Pavement Width:** The portion of the surface of the street available for vehicular traffic; where curbs are used, it is the portion between the back of curbs.

**Permitted Use:** A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

**Person:** Every natural person, firm, partnership, joint venture, association, corporation, or other group which conducts activities regulated hereunder as a single entity, whether same be a legal entity or not, venture, or trust.

**Personal Service Shop:** An establishment which provides services related to grooming, appearance, care, or repair of personal apparel; and which may sell products used or recommended for those same purposes incidental to the services provided.

**Place of Worship:** A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

**Plan, Preliminary:** A conceptual plan of a subdivision intended for planning purposes showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., generally drawn to scale and meeting the requirements of this UDO but not intended for final action in recordable form filed with the applicable county records.

Per Ordinance No. 2011- 3308 (January 13, 2011)

**Planning and Zoning Commission:** The duly appointed Planning and Zoning Commission of the City of College Station, Texas.

**Plat:** A map of a subdivision intended to be filed for record with the applicable county records showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., drawn to scale; includes a final plat, replat, amending plat, minor plat, development plat, and vacating plat meeting the requirements of this UDO.

Per Ordinance No. 2011-3308 (January 13, 2011)

**Plat, Minor:** As defined by Section 212.0065 of the Texas Local Government Code. A subdivision involving four (4) or fewer lots fronting on an existing street and that does not require the creation of any new street or the extension of municipal facilities.

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**Plot Plan:** See "Site Plan."

**Portable Storage:** Any unit, including but not limited to a trailer, box, or other enclosed shipping container, which is used primarily as storage space whether the unit is located at a facility-owned establishment or operated by the owner at another location designated by the tenant.

**Porch:** A roofed open area that projects from the main wall of a building that may be unenclosed or screened and may or may not use columns or other ground supports for structural purposes.

**Premises:** An area of land planned and designed as a single comprehensive project, considered from the time the plan is first submitted to the Development Services Department either at plat stage or site plan stage.

**Project Plan:** Drawings and related information illustrating a proposed project for which a use permit, site plan permit, or parking area/landscape approval is sought.

**Public, Civic and Institutional Structure:** Structures used principally to serve a public need, such as places of worship, hospitals, public or private schools, libraries, museums, post offices, police and fire stations, public utilities, governmental services, and other public services.

**Public Uses/Facilities:** A use or facility belonging to or used by the public for the transaction of public or quasi-public business including, but not limited to, uses such as and similar to libraries and public parks.

**Public Way:** A Public Way provides circulation and through movement similar to a public street but is a privately maintained drive, constructed to certain street standards, and granted unrestricted access via a public access easement. The drive shall be designed to the geometric design, construction standards, and driveway spacing of a Commercial Street according to the Bryan/College Station Unified Design Guidelines with the following modifications. A Public Way shall have a minimum pavement structure constructed to City's fire lane standards, a minimum drive width of twenty-four (24) feet back-to-back when no parking is provided, and a minimum horizontal curve radius of two hundred (200) feet. No head-in parking is permitted but parallel parking is allowed if the drive is widened an additional ten (10) feet for each row of parallel parking provided. Parking on the drive may count toward the minimum off-street parking requirements of this UDO. Five-foot sidewalks shall be provided on each side of the drive and placed a minimum three (3) feet from the back of curb. The public access easement shall be a minimum of forty (40) feet in width or wider to incorporate the entire width of the pavement section and sidewalks on each side.

Per Ordinance No. 2011-3308 (January 13, 2011)

**Quoin:** Units of stone or brick used to accentuate the corners of a building.



**Recyclable Materials:** Those materials specifically listed at a particular site as acceptable. Such materials may include, but are not limited to, aluminum products, clean glass containers, bimetal containers, newspapers, magazines, periodicals, plastic containers, yard waste, paper and cardboard, phone books, and scrap metal.

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**Recycling:** The separation, collection, processing, recovery and sale of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

**Recycling Bin:** A container used to collect recyclable materials, at which no fee is collected from the person depositing the materials.

**Recycling Facility, Large:** A recycling facility located on an independent site, or larger than five hundred (500) square feet, where limited mechanical processing may or may not occur, depending on the zoning district in which the facility is located.

**Recycling Facility, Small:** A facility that occupies no more than five hundred (500) square feet, and provides containers for collection only of source separated recyclables, with no power-driven processing equipment on site. Small collection facilities are normally located on parking lots of the host use. These may include, but are not limited to, bulk reverse vending machines, a grouping of reverse vending machines that exceed fifty (50) square feet, kiosk-type structures that may include permanent structures, and unattended recycling bins placed for the donation of recyclable materials.

**Redevelopment:** The revision or replacement of an existing land use or existing site through the acquisition or consolidation, and the clearance and rebuilding of this area according to a comprehensive plan.

**Registered Professional Engineer:** A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act, to practice the profession of engineering.

**Rehabilitation:** The process of returning a structure to a state of utility, through repair or alteration, which make possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural value.

**Religious Institution:** See "Place of Worship."

**Remote Emergency Access:** An emergency access consists of a semi-permanent all-weather surface according to the City of College Station Site Design Standards. An access is remote when the two (2) access points are placed a distance apart equal to not less than one-half ( $\frac{1}{2}$ ) of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the points.

Per Ordinance No. 2011-3308 (January 13, 2011)

**Repair Shops:** A shop exclusively for the repair of household goods and home equipment, within a building with no outdoor storage of items or equipment, and where no noise, dust, or vibration is discernible beyond the property line.

**Replat:** A replat is required in cases where new lots are formed within an existing subdivision. A replat follows the procedure for a final plat and must conform with applicable zoning.

**Research Laboratory:** An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

**Residential Sales Office:** See "Model Home."

**Restaurant:** An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafés, tea rooms, and outdoor cafés.

**Restaurant, Casual Dining:** A restaurant with a market segment between Fast Food and Fine Dining restaurants usually characterized by table service, a relatively fully-stocked and full-service bar, and a bill per dinner averaging ten dollars (\$10.00) to thirty dollars (\$30.00) for an evening meal and slightly less for lunch and does not provide drive-thru service.

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**Restaurant, Fast Food:** An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer's table and food is generally served in disposable wrapping or containers.

**Restaurant, Fine Dining:** A restaurant serving formal-style dinner, and services where food and drink are prepared and served. Customer turnover rates are typically one (1) hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch. These restaurants usually have a dress code and do not provide drive-thru service.

**Retail Sales:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Retail Sales, Alcohol:** Establishments, except nightclubs and restaurants as defined, engaged in selling beer, wine, or other alcoholic beverages for where more than seventy-five (75) percent of sales is derived from the sale of such beverages for off-premise consumption. Exempt from this definition are temporary retail sales of alcohol associated with special events, or events held on City-owned property.

**Retention:** The storage of stormwater flows in a facility that has a permanent pool of water.

**Retention Facility:** A facility that provides for the storage of stormwater flows by means of a permanent pool of water or permanent pool in conjunction with a temporary storage component.

**Reverse Vending Machine:** An automated mechanical device which accepts at least one (1) or more types of beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and which issues a cash refund or a redeemable credit slip. Sorting and processing occurs entirely within the machine.

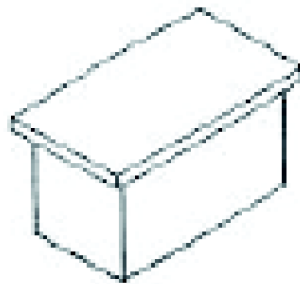
**Reverse Vending Machine, Bulk:** A reverse vending machine that is larger than fifty (50) square feet and is designed to accept more than one (1) container at a time and to pay by weight. For the purpose of these restrictions, bulk reverse vending machines will be considered small collection facilities.

**Reverse Vending Machine, Single Feed:** A reverse vending machine that accepts materials one (1) item at a time.

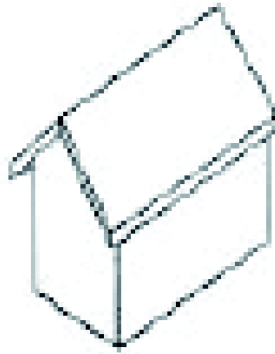
**Rooming/Boarding House:** A group of rooms provided for persons other than members of the occupant family (see definition of family) for compensation either in a converted single-family home or in a structure specifically designed for such purpose where there are no cooking facilities provided in individual living units and where meals may be provided daily.

**Roof Types:**

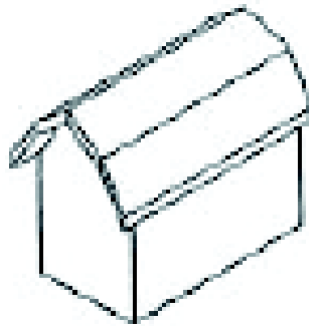
- (1) **Flat Roof:** A roof with only enough pitch to allow drainage.



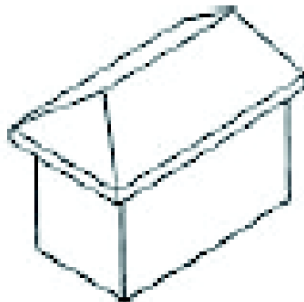
- (2) **Gable Roof:** A ridged roof having one (1) or two (2) gabled ends (gable: the portion of the end of a building that extends from the eaves to the peak or ridge of the roof).



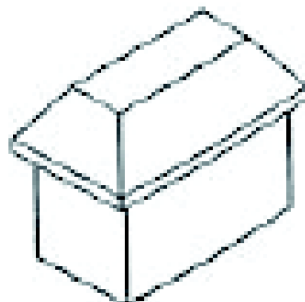
- (3) **Gambrel Roof:** A roof whose slope on each side is interrupted by an obtuse angle that forms two (2) pitches on each side, the lower slope being steeper than the upper.



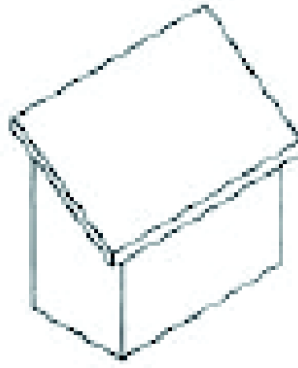
- (4) **Hip Roof:** A roof formed by several adjacent inclining planes, each rising from a different wall of building, and forming hips at their adjacent sloping sides.



- (5) **Mansard Roof:** A roof with a double pitch on all four (4) sides, the lower level having the steeper pitch.



- (6) **Shed Roof:** A roof having a single-sloping plane.



**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment/vehicles, and appliances.

**Satellite Dish:** A broadcast receiver that receives signals directly from a satellite rather than another broadcast system, and amplifies the signal at a focal point in front of the receiving component.

**School:** A building where persons regularly assemble for the purpose of instruction or education, together with playgrounds, dormitories, stadia and other structures or grounds used in conjunction therewith and is limited to public and private schools used for primary, secondary or college education. This includes any facility where tutoring of more than ten (10) students at one (1) time takes place on a regular basis.

**Sediment:** Soils or other surficial materials transported or deposited by the action of wind, ice, or gravity as a product of erosion.

**Service Line:** Any line, wire, or cable and appurtenances used to distribute, transmit, or deliver a utility service from a source of supply, feeder line, or lateral line directly to an end user.

**Service Provider:** Any company, corporation, alliance, individual, or other legal entity that provides a wireless telecommunication service directly to the public for a fee or to such classes of users as to be effectively available directly to the public regardless of the facilities used; services include, but are not limited to, portable phones, car phones, pagers, digital data transmission, or radio or television communications.

**Setback Line:** A line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.

**Sexually-Oriented Books and Videos:** Books, magazines, pamphlets, pictures, drawings, photographs, video tapes, digital video disks, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities.

**Sexually-Oriented Business:** Any business whether in public, semi-public, or private premises which offers the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the unclothed body or the unclothed portion of the body of another person, or to observe, view, or photograph any such activity. Except as provided herein, this definition is not intended to regulate:

- (1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held.
- (2) Any business operated by or employing licensed physicians, licensed practical nurses, or licensed chiropractors engaged in practicing the healing arts.
- (3) Any bookstore, movie theater, or video store, unless that business includes sexually-oriented materials.



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Sexually-oriented businesses include, but are not limited to, adult retail stores, limited adult retail stores, adult arcade, adult cabarets, adult movie theaters, adult theaters, adult motels, body rub parlors, nude modeling studios, sexual encounter centers, and escort agencies.

**Sexually-Oriented Materials:** All sexually-oriented toys and novelties and sexually-oriented books and videos.

**Sexually-Oriented Toys and Novelties:** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs, except medical devices approved by the Food and Drug Administration.

**Shared Primary Entrance:** A common front/primary entry to the interior of a structure through which all occupants enter. Separate dwelling units in the structure take access off a shared internal corridor.

**Shared Housing:** A dwelling unit that is designed or intended to be used for the purpose of housing more than four unrelated persons. Such use may be identified by a combination, but not necessarily all, of the following characteristics:

- A dwelling unit containing more than four bedrooms or able to house more than four people using other rooms such as dens, offices, game rooms, or alike that have the potential to be used for sleeping purposes in accordance with the International Residential Code (IRC) definition of habitable space;
- A dwelling unit containing a similar bedroom to bathroom parity in excess of four;
- A dwelling unit containing a high quantity of bathrooms, usually in excess of four, of which most can only be accessed through a bedroom or other room such as a den, office, or game room;
- A dwelling unit that is in excess of one story;
- The property where the dwelling unit is located does not contain a garage;
- The property where the dwelling unit is located contains a parking area that will allow parking in excess of four vehicles; and/or
- The property where the dwelling unit is located is within two (2) miles of a campus of higher education.

The Administrator shall determine whether the characteristics presented are that of a shared housing or other type of use.

**Shopping Center:** A building plot developed or ultimately to be developed with two (2) or more stores, shops, or commercial enterprises, and which has shared parking facilities or access.

**Shooting Range:** A facility to be utilized for discharging firearms for purpose of testing the firearm or ammunition, developing or enhancing shooter skills for recreation or other need, which is organized and equipped for safety of persons utilizing the facility and the general public.

**Shrub:** A woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

**Single-Family:** A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating and sanitation.

**Sign:** Any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of similar character which is used for the communication of commercial information, or communication of ideas or subjects of political significance, and which:

- (1) **Architectural Element:** An element, design, or motif, that is installed, attached, painted, or applied to the exterior of a building or structure for the purpose of ornamentation or artistic expression, and not relating to a specific sign, logo, or identity of any specific business tenant.
- (2) **Apartment/Condominium/Manufactured Home Park Identification Sign:** An attached sign or a freestanding monument sign with permanent foundation or moorings, designed for identification of a

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multi-family residential project or a manufactured home park project, and where adequate provision is made for permanent maintenance.

- (3) **Area Identification Sign:** A freestanding monument or wall sign with permanent foundation or moorings, designed for identification of subdivisions of ten (10) to fifty (50) acres, or identification of a distinct area within a subdivision, and where adequate provision is made for maintenance.
- (4) **Attached Sign:** A sign attached to, or applied on, and totally supported by a part of a building or mounted to site lighting poles located on private property

Per Ordinance No. 2011-3302 (January 11, 2011)

- (5) **Banner/Flag:** A piece of fabric used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).
- (6) **Campus/Wayfinding:** A sign utilized as a traffic control device in off-street or access areas whose primary purpose is to direct traffic within planned development district (PDD) or unified development, that may include the names of tenants or businesses, but does not contain any commercial logo or graphics.

Per Ordinance No. 2011-3348 (May 26, 2011)

- (7) **Commercial Banner:** A sign made of cloth, canvas, or other flexible material which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.
- (8) **Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.
- (9) **Development Sign:** A sign announcing a proposed subdivision or a proposed building project.
- (10) **Directional Traffic Control Sign:** A sign utilized as a traffic control device in off-street parking or access areas whose primary purpose is not for advertisement.
- (11) **Freestanding Commercial Sign:** A sign supported by one (1) or more columns, poles or bars extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.
- (12) **Fuel Price Sign:** A sign used to advertise the current price of fuel at locations where fuel is sold.
- (13) **Hanging Signs:** A sign suspended from the underside of a canopy or awning and located in front of building entrances, perpendicular to the façade.
- (14) **Home Occupation Sign:** A sign used to identify the name and occupation of a person with a legal home occupation.
- (15) **Low Profile Sign:** A sign with a permanent foundation which is not attached to a building, but is a stand-alone sign and which does not exceed sixty (60) square feet in area and four (4) feet in height.
- (16) **Non-Commercial Sign:** A work of art or message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.
- (17) **Off-Premise Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is displayed.

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- (18) **On-Premise Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon the premises where such sign is displayed.
  - (19) **Political Sign:** Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be considered in the category of non-commercial signs except where there are regulations pertaining to their removal after an election.
  - (20) **Portable Sign:** A sign which is not affixed or attached to real property by poles, stakes, or other members which are placed into the ground, or upon some other type of permanent foundation; trailer signs, any sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground, without subsurface attachment or extension.
  - (21) **Projection Sign:** An attached sign end-mounted or otherwise attached to an exterior wall of a building and extends in whole or part more than 12 (twelve) inches beyond the face of the building.
  - (22) **Real Estate, Finance, and Construction Sign:** An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease, or for advertising the furnishing of interim or permanent financing for a project, or for the furnishing of labor, materials or the practice of crafts on the job site.
  - (23) **Roof Sign:** An outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof, six (6) feet above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.
  - (24) **Special District Identification Sign:** An official, permanent, on-premise sign authorized by the City of College Station, which is used to identify a pedestrian or vehicular entrance to a Design District or Overlay District, as out lined in Article 5.10 Design Districts and 5.11 Overlay Districts. The sign shall be used to display only the name, logo, or identifying information about the district, and no other commercial information.
  - (25) **Subdivision Identification Sign:** A freestanding monument or wall sign with permanent concrete foundation or moorings, designed for permanent identification of a subdivision of greater than fifty (50) acres, and where adequate provision is made for permanent maintenance.
  - (26) **Subdivision Marker:** A subdivision logo of no more than one (1) square foot in area, that is attached to an architectural element such as a column, fence post, wall, mail kiosk, bus stop, or similar community structure, and whose purpose is to provide continuity and identity throughout the subdivision.

**Single-Unit Dwelling:** A detached residential unit, located within a larger development on a common lot, providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating and sanitation.

**Site Development:** Any excavation, landfill or land disturbance, including new construction, reconstruction, relocation, or change of use.

**Site Plan:** A site development plan showing the use of the land including locations of buildings, drives, sidewalks, parking areas, drainage facilities, and other structures to be constructed, and any other details required by the City in Section 3.9, Design District Site Plan Review, of this UDO. Also called a plot plan.

**Sitwall:** A combination or seating with perimeter protection and/or screening in a subtle, attractive, and functional way.

**Specified Anatomical Area:** Any showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the depiction of covered male genitals in a discernibly turgid state.

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**Specified Sexual Activities:** Actual or simulated acts of masturbation, sexual intercourse, oral or anal copulation or sadomasochism; fondling or other erotic touching of or physical contact with one's own or another's genitals, pubic area, buttocks, or female breasts, whether clothed or unclothed; human male or female genitals when in a state of sexual stimulation or arousal; or excretory functions or acts with animals as part of or in conjunction with any of the activities set forth herein. Activities which are commonly referred to by the slang terms "lap dance," "straddle dance," "face dance," or "table dance" shall be included in this definition. For purposes of this definition, "sadomasochism" means infliction of pain, flagellation, or torture, or the condition of being bound, fettered, or otherwise physically restrained.

**Split-Lot Duplex:** Two (2) attached dwelling units where each dwelling unit is located on a separately platted lot.

**Start of Construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a HUD-code manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as a dwelling unit and not part of the main structure.

**State:** The State of Texas.

**Stealth Antenna:** A telecommunication antenna located on an alternative mounting structure that is effectively camouflaged or concealed from view and blends into the surrounding environment. Examples include architecturally screened roof-mounted antennas, building-mounted antennas painted and/or textured to match the existing structure, and antennas integrated into architectural elements.

**Stealth Technology or Facility:** Design technology that blends the wireless telecommunications facility into the surrounding environment; examples of stealth facilities include, but are not limited to, architecturally-screened roof-mounted antennas, building-mounted antennas painted and/or textured to match the existing structure, antennas integrated into architectural elements such as church spires or window wall, and antenna structures designed to resemble light poles or flag poles.

**Stealth Tower:** A manmade tree, clock tower, church steeple, bell tower, utility pole, light standard, identification pylon, flagpole, or similar structure, that is camouflaged to be unrecognizable as a telecommunications facility, designed to support or conceal the presence of telecommunication antennas and blends into the surrounding environment.

**Storage Garage:** A "storage garage" is any premises and structure used exclusively for the storage of more than five (5) automobiles.

**Storage, Outdoor:** See "Outdoor Storage."

**Storage, Self Service:** A structure containing separate, individual, and private storage spaces of varying sizes.

**Stormwater Management:** All ordinances, standards, plans, and studies to insure the timely and effective construction of:

- (1) A system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
- (2) A system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

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**Street:** A way for vehicular traffic to move, whether designated as a highway, arterial street, collector street, or local street.

**Street, Minor Arterial:** A street that collects traffic from the collector system and connects with the major arterial system.

**Street, Major Arterial:** A street that collects traffic from the collector and minor arterial system and connects with the freeway system.

**Street, Collector:** A street that collects traffic from local streets and connects with minor and major arterials. This includes minor and major collectors.

**Street, Local:** A street that provides vehicular access to abutting property.

**Stringcourse:** A narrow, continuous ornamental band set in the face of a building as a design element; also known as a cordon.



**Stripping:** Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

**Structure:** Anything constructed, built, or erected.

**Structure, Principal:** The principal structure which fulfills the purpose for which the building plot is intended.

**Subdivider:** Any person or persons, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for his own personal gain or use.

**Subdivision:** The division of a lot, tract, or parcel of land into two (2) or more parts, lots, or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. This also includes the resubdivision of land or lots which are a part of a previously recorded subdivision. Divisions of land for agricultural purposes, where no building construction is involved, in parcels of five (5) acres or more, shall not be included within this definition, unless such subdivision of five (5) acres or more includes the planning or development of a new street or access easement. An addition is a subdivision as is defined herein.

**Subdivisions, Minor:** A division of land into four (4) or fewer lots on an existing street which does not require the creation of any new street or the extension of municipal facilities.

**Subdivision, Rural Residential:** A subdivision that is predominately single-family lots and where one (1) acre is the minimum lot size of the base zoning district. Included are developments where lots are clustered to smaller than one (1) acre as permitted by the zoning district and/or the cluster development provision.

Per Ordinance No. 2011-3308 (January 13, 2011)

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

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- (1) Before the improvement or repair is started, or
  - (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any projects for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Surveyor:** A person duly authorized and licensed under the Texas Professional Land Surveying Practices Act to practice the profession of land surveying, either as a Registered Professional Land Surveyor or a Licensed State Land Surveyor.

**Taxicab Service:** Any business associated with the storage or dispatch of vehicles for the transportation of passengers for hire.

**Taxicab, Commercial Vehicle:** Any motorized passenger vehicle permitted or should be permitted pursuant to the provisions of Chapter 4 of the City of College Station Code of Ordinances.

Per Ordinance No. 3281 (September 9, 2010)

**Theater:** A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

**Townhouse:** One (1) of a group of no less than three (3), no more than twelve (12), attached dwelling units, each dwelling unit located on a separate lot and thereby distinguished from condominium units.

**Transom:** Horizontal opening or window element framed across a window or door forming part of the frame.

**Tree, Canopy:** An overstory tree that exhibits a layer or multiple layers of branches and foliage at its top or crown and extending a distance outward from its trunk or trunks. This tree's overall appearance is dominated by its tall stature (often over eighty (80) feet), its broad canopy, and the shade that it produces.

**Tree, Non-Canopy:** A tree that may reach canopy tree height, but does not have the same dominance of canopy as the canopy tree, OR an understory tree that does not reach canopy tree height, but does exhibit a similar dominance of canopy size and structure.

**Transmission Tower:** A wireless telecommunications support structure designed primarily for the support and attachment of a wireless telecommunications facility. Transmission towers include:

- (1) **Monopole Tower** - A self-supporting structure composed of a single spire used to support telecommunications antenna and/or related equipment;
- (2) **Lattice Tower** - A self-supporting three- or four-sided, open, steel frame structure used to support telecommunications antenna and/or related equipment; and
- (3) **Guyed Tower** - An open, steel frame structure that requires wires and anchor bolts for support.

**Truck Stop:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews. For the purposes of this definition, a use is classified as a truck stop when more than ten (10) fuel pumps are used.

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**Two-Family Home:** Two (2) dwelling units on a single platted lot, either side-by-side or upstairs and downstairs. Also known as a duplex.

**Two-Unit Dwelling:** A residential structure, located within a larger development on a common lot, providing complete, independent living facilities for two (2) families including permanent provisions for living, sleeping, cooking, eating and sanitation.

**Use:** The actual use(s) of a parcel of ground, whether conducted within or without structures, buildings, or improvements. An unoccupied and unused structure is not a use, irrespective of its design, purpose, or utility.

**Utility Easement:** An interest in land granted to the City, to the public generally, and/or to a private utility company, for installation or maintenance of utilities across, over, or under private land, together with the right to enter thereon with machines and vehicles as necessary for maintenance of such utilities.

**Utility Facility:** Infrastructure services and structures necessary to deliver basic utilities essential to the public health, safety, and welfare. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility. This does not include facilities regulated by Section 6.4.P, Wireless Telecommunication Facilities.

**Variance:** The modification of a specific standard in this UDO.

**Vehicle Repair and Service Shop:** Any premises or structures when used for the servicing and/or repair of motor vehicles, including paint and body work, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived therefrom. Excepted from this definition are residential premises where not more than two (2) motor vehicles belonging to the lawful residents thereof are involved in such activities at any one (1) time, and not in operating condition, or where not more than one (1) motor vehicle, whether or not in operating condition, and not belonging to the lawful residents thereof is involved in such activities for a period of more than one (1) week, and only one (1) motor vehicle may be serviced and/or repaired each month.

**Vehicle Sales and Rental:** Any premises or structures used for the sale and or rental of motor vehicles.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum if specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse:** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto, which is subject to inundation by reason of overflow of flood water.

**Wireless Telecommunication Facility (WTF):** An unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

**Wholesale Sales:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Yard:** Open spaces on the lot or building plot on which a building is situated and which are open and unobstructed to the sky by any structure except as herein provided.

- (1) **Front Yard.** A yard facing and abutting a street and extending across the front of a lot or building plot between the side property lines and having a minimum horizontal depth measured from the front property line to a depth of the setback specified for the district in which the lot is located.



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- (2) **Rear Yard.** A yard extending across the rear of the lot or building plot between the side property lines and having a minimum depth measured from the rear property line as specified for the district in which the building plot is located.
  - (3) **Side Yard.** A yard located on a lot or building plot extending from the required rear yard to the required front yard having a minimum width measured from the side property line as specified for the district in which the building plot is located.

**Zoning:** A method of land use control requiring the categorization of land use of every tract of land within a particular jurisdiction according to a zoning ordinance or code and usually in accordance with a land use plan which is intended to preserve the quality of life and orderly development of that jurisdiction.

(Ord. No. 2012-3450 , Pt. 1(Exh. F), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. O), 9-12-2013; Ord. No. 2014-3624 , Pt. 1(Exh. P), 12-18-2014; Ord. No. 2015-3655 , Pt. 1(Exh. B), 4-23-2015; Ord. No. 2015-3699 , Pt. 1(Exh. B), 9-21-2015; Ord. No. 2018-3999 , Pt. 1(Exh. K), 4-12-2018; Ord. No. 2018-4059 , Pt. 1(Exh. C), 11-19-2018; Ord. No. 2018-4060 , Pt. 1(Exh. B, a., b.), 11-19-2018; Ord. No. 2019-4086 , Pt. 1(Exh. E), 3-28-2019; Ord. No. 2020-4162 , § 1(Exh. D), 3-9-2020; Ord. No. 2020-4228 , Pt. 1(Exhs. A, B), 12-10-2020)



## MEMORANDUM

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**October 6, 2022**

**TO:** Members of the Planning & Zoning Commission

**FROM:** Alyssa Halle-Schramm, AICP, Long Range Planning Administrator

**SUBJECT:** Restricted Occupancy Overlay (ROO) Ordinance Amendment

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**Item:** Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 3, "Development Review Procedures," Section 3.3 "Zoning Map Amendment (Rezoning)," Article 5, "District Purpose Statements and Supplemental Standards," Section 5.11 "Single-Family Overlay Districts," Article 9, "Nonconformities," and Section 9.2 "Nonconforming Uses," of the Code of Ordinances of the City of College Station, Texas, regarding the Restricted Occupancy Overlay. Case# ORDA2022-000008 (Final action on this item is scheduled for the October 27, 2022 City Council Meeting – subject to change).

**Summary:** At their February 10, 2022 meeting, the City Council requested a future agenda item to consider options to amend the Restricted Occupancy Overlay (ROO) ordinance with the intent to streamline the process and application for neighborhoods interested in pursuing a ROO. During a workshop presentation on August 25, 2022, Council directed staff to revise the ordinance to allow multiple contiguous phases of original subdivisions to apply jointly, submit one application, and pay one application fee. The proposed amendments implement these changes.

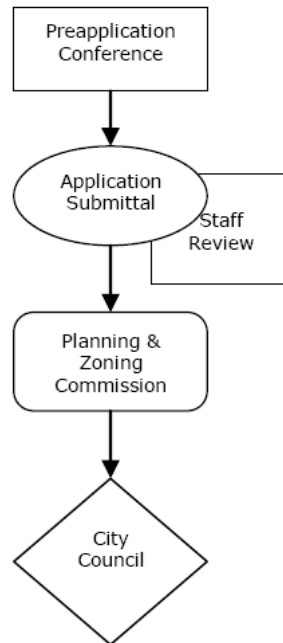
**Supporting Materials:**

1. Section 3.3 Zoning Map Amendment (Rezoning) redlines
2. Section 5.11 Single-Family Overlay Districts redlines

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### Sec. 3.3. Zoning Map Amendment (Rezoning).

#### A. Purpose.



To establish and maintain sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be in accordance with the Comprehensive Plan and may, from time to time, be amended.

#### B. Initiation of Amendments.

An amendment to the Official Zoning Map may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

#### C. Amendment Application.

A complete application for a zoning map amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO and herein. As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analyses Section in Article 7 of this UDO.

1. Application requests for a Planned Development District (PDD) and Planned Mixed-Use District (P-MUD) shall provide the following additional information:
  - a. A written statement of the purpose and intent of the proposed development;
  - b. A list and explanation of the potential land uses permitted; and

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- c. A Concept Plan as described in Concept Plan Review Section in Article 3 of this UDO.
  2. Application requests for a Neighborhood Conservation Overlay District (NCO) shall provide the following additional information in accordance with the Neighborhood Conservation Overlay (NCO) Process Handbook.
    - a. A copy of the original plat of the subdivision, or multiple contiguous phases of original subdivisions that apply jointly;
    - b. A petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision, or multiple contiguous phases of original subdivisions that apply jointly in one application, in support of the overlay. The fifty (50) percent plus one (1) petition signatures must be met for each of the original subdivisions that apply jointly;
    - c. Contact information for property owners of platted single-family development in the original subdivision to serve on the Neighborhood Conservation Overlay Petition Committee;
    - d. Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision;
    - e. Completed neighborhood meeting sign-in sheets; and
    - f. Neighborhood meeting minutes signed by a Petition Committee Member.
  3. Application requests for a Restricted Occupancy Overlay District (ROO) shall provide the following additional information in accordance with the Restricted Occupancy Overlay District (ROO) Process Handbook:
    - a. A copy of the original plat of the subdivision, or multiple contiguous phases of original subdivisions that apply jointly;
    - b. A petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision, or multiple contiguous phases of original subdivisions that apply jointly in one application, in support of the overlay. The fifty (50) percent plus one (1) petition signatures must be met for each of the original subdivisions that apply jointly;
    - c. Contact information for property owners of platted single-family development in the original subdivision to serve on the Restricted Occupancy Overlay Petition Committee;
    - d. Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision;
    - e. Completed neighborhood meeting sign-in sheets; and
    - f. Neighborhood meeting minutes signed by a Petition Committee Member.
  4. Application request for a Historic Preservation Overlay District shall provide the following additional information:
    - a. An inventory and survey of structures to be included in the rezoning, submitted on a form provided by the Historic Preservation Officer;
    - b. A current photograph of each property included in the rezoning, and its improvements;
    - c. Historical photographs, where available; and
    - d. A completed Designation Report. Upon initiation of the historic designation procedure, the Historic Preservation Officer shall coordinate research to compile a written report regarding the

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historical, cultural, and architectural significance of the place or area proposed for historic designation at the request of the applicant, but the rezoning application will not be considered complete until the report has been completed. A Designation Report shall include a statement on each of the following to the extent that they apply:

- 1) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;
- 2) A description of the historical, cultural and architectural significance of the structures and sites;
- 3) Identification of contributing and noncontributing resources to the proposed district; and
- 4) A description of the boundaries of the proposed Historic Preservation Overlay District, including subareas and areas where new construction will be prohibited.

**D. Approval Process.**

**1. Preapplication Conference.**

Prior to the submission of an application for a Zoning Map Amendment, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

If the Administrator determines that the map amendment request is not in conformity with the Comprehensive Plan, he shall not accept the application for the map amendment, and no further processing shall occur until the map amendment is in conformity.

**2. Required Meetings.**

**a. Neighborhood Meeting.**

Prior to the submission of an application for a Zoning Map Amendment for a NCO or ROO Overlay Rezoning, all potential applicants shall request to set up a Neighborhood Meeting with City Staff.

**b. Historic Preservation Officer.**

Prior to the submission of an application for a Zoning Map Amendment for a Historic Preservation Overlay District rezoning, all potential applicants shall request a Neighborhood Meeting with the Historic Preservation Officer. The purpose of the meeting is to present information about the proposed overlay and explain the process of rezoning to the neighborhood.

**3. Review and Report by Administrator.**

With the exception of applications for Historic Preservation Overlay Districts, once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.

**4. Review and Report by Historic Preservation Officer.**

An application for a Historic Preservation Overlay District rezoning shall be reviewed by the Historic Preservation Officer, who shall review the proposed amendment in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and the Historic Preservation Overlay District Section in Article 5, and give a report to the Landmark Commission on the date of the scheduled public hearing.

**5. Referral to Landmark Commission.**

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The Historic Preservation Officer, upon receipt of an application to amend the Official Zoning Map to a Historic Preservation Overlay District, shall refer the same to the Landmark Commission for study, hearing, and report. The Planning and Zoning Commission may not hold a public hearing or make a report to the City Council until it has received a report from the Landmark Commission.

6. **Recommendation by Landmark Commission.**

The Landmark Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO. The Landmark Commission shall hold a public hearing and make a recommendation to the Planning and Zoning Commission.

7. **Referral to Planning and Zoning Commission.**

With the exception of applications for Historic Preservation Overlay Districts, the Administrator, upon receipt of petition to amend the Official Zoning Map, shall refer the same to the Commission for study, hearing, and report. For an application to amend the Official Zoning Map to a Historic Preservation Overlay District, the Historic Preservation Officer shall refer the same to the Planning and Zoning Commission for study, hearing, and report with the report of the Landmark Commission. The City Council may not enact the proposed amendment until the Planning and Zoning Commission makes its report to the City Council.

8. **Recommendation by Planning and Zoning Commission.**

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO. The Commission shall hold a public hearing and recommend to the City Council such action as the Commission deems proper.

9. **City Council Action.**

a. **Notice.**

The City Council shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and hold a public hearing before taking final action on an application to amend the Official Zoning Map.

b. **Public Hearing.**

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Official Zoning Map.

c. **Effect of Protest to Proposed Amendment.**

If a proposed change to this UDO or rezoning is protested in accordance with Chapter 211 of the Texas Local Government Code, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the City Council. The protest must be written and signed by the owners of at least twenty (20) percent of either the area of lots covered by the proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

d. **Review Criteria.**

In determining whether to approve, approve with modifications, or disapprove the proposed Official Zoning Map amendment, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Whether the proposal is consistent with the Comprehensive Plan;
- 2) Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area;

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- 3) Whether the property to be rezoned is physically suitable for the proposed zoning district;
  - 4) Whether there is available water, wastewater, stormwater, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district;
  - 5) The marketability of the property; and
  - 6) In addition, for proposed amendments to Historic Preservation Overlay Districts, the City Council shall consider if the proposed amendment contains property(ies) and an environmental setting which meets two (2) or more of the criteria for designation of a Historic Preservation Overlay District as described in the Historic Preservation Overlay District Section in Article 5 of this UDO.

**e. Effect of Historic Preservation Overlay District Zoning Upon Official Public Records.**

Upon designation of a property with a Historic Preservation Overlay District, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Brazos County, Texas, the tax records of the City of College Station, and the Brazos County Appraisal District, as well as the official zoning map of the City of College Station.

**E. Limitation on Reapplication.**

If an application for rezoning is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be considered within a period of one hundred eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one (1) of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities and intensities); or
4. The final decision on the application was based on a material mistake of fact.

**F. Repeal of a Single-Family Overlay District.**

A repeal of a single-family overlay district is considered a rezoning and is subject to the Zoning Map Amendment requirements herein and may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. By a petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision, or contiguous phases of original subdivisions that applied jointly, in support of repealing the overlay.

(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2018-3984 , Pt. 1(Exh. A), 2-8-2018; Ord. No. 2020-4161 , § 1(Exh. A), 3-9-2020; Ord. No. 2021-4259 , Pt. 1(Exh. B), 4-19-2021)



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## Sec. 5.11. Single-Family Overlay Districts.

### A. Purpose.

Single-Family Overlay Districts create an additional zoning district that is superimposed over the underlying zoning district. Single-Family Overlay Districts are intended to provide additional standards for College Station neighborhoods. These standards promote residential development patterns and are intended to protect and enhance desirable neighborhood characteristics, livability, and harmonious, orderly, and efficient growth and development. The underlying zoning district establishes the permitted uses and standards and shall remain in effect. The requirements of the overlay district are to be applied in addition to the underlying zoning district standards.

### B. Applicability.

The Single-Family Overlay Districts may only be applied to neighborhoods zoned and developed for single-family residences.

### C. General Provisions.

1. The yard, lot, building height, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, building height and open space regulations in the Residential Dimensional Standards and Required Yards sections of this UDO. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.
2. The City Council may approve a Single-Family Overlay District for the boundaries of original subdivisions, or multiple contiguous phases of original subdivisions that apply jointly.
3. An application for a Single-Family Overlay District may be accepted by the City for review once a petition is signed by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision, or multiple contiguous phases of original subdivisions that apply jointly in one application, in support of the overlay. The fifty (50) percent plus one (1) petition signatures must be met for each of the original subdivisions that apply jointly.

### D. Districts.

#### 1. Restricted Occupancy Overlay District (ROO).

##### a. Purpose.

The Restricted Occupancy Overlay District (ROO) is intended to provide subdivision-specific occupancy regulations in single-family neighborhoods. ROO is intended to preserve the single-family character of residential neighborhoods.

##### b. Applicability.

The regulations of the ROO apply to each individual single-family dwelling and accessory living quarter within the district.

##### c. General Provisions.

- 1) The standards set forward in a ROO must be based on findings of the Petition Committee.
- 2) The Petition Committee shall consist of property owners of platted single-family development from the original subdivision. In the circumstance where multiple contiguous phases of original subdivisions are applying jointly, the Petition Committee shall consist of one property owner from each phase included in the application.

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- 3) To be eligible to apply for a ROO, improvements must exist on at least 51 percent of the platted single-family lots in the original subdivision.

d. **Standards.**

Occupancy of either, a detached single-family dwelling or accessory living quarter, shall not exceed two unrelated persons per single-family dwelling or accessory living quarter. Related persons are specified in Section 11.2 "Defined Terms" in the definition of "Family." Accessory living quarter requirements are further specified in Section 6.5 "Accessory Uses" within the standards for "Living Quarters."

e. **Legacy Clause.**

- 1) Occupancy levels in individual single-family dwellings and accessory living quarters within an original subdivision, existing at the time a ROO is adopted, are permitted to continue, not to exceed a maximum of four unrelated persons for single-family dwellings and two unrelated persons for accessory living quarters, and shall be considered a nonconforming use. The provisions of Section 9.2 "Nonconforming Uses" shall apply, with the exception of Section 9.2.A.1. "Expansion."
- 2) The structure containing the nonconforming use may be enlarged or expanded up to a maximum of ten (10) percent of the heated square footage of the structure existing at the time the ROO was adopted.
- 3) Enlargement or expansion of the structure containing the nonconforming use beyond ten (10) percent and up to a maximum of twenty-five (25) percent of the heated square footage of the structure existing at the time the ROO was adopted shall require approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may authorize such an enlargement or expansion based on the following criteria:
  - a) That granting the enlargement or expansion will ensure the same general level of land use compatibility as the otherwise applicable standards;
  - b) That granting the enlargement or expansion will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the nonconforming use; and
  - c) That granting the enlargement or expansion will be generally consistent with the purposes and intent of this UDO.
- 4) The structure containing the nonconforming use may be structurally altered or renovated, up to a maximum of fifty (50) percent of the heated square footage of the structure existing at the time the ROO was adopted, provided that the structural alteration or renovation does not enlarge or expand the structure.
- 5) Structurally altering or renovating the structure containing the nonconforming use beyond fifty (50) percent of the heated square footage of the structure existing at the time the ROO was adopted shall require approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may authorize such structural alterations or renovations based on the following criteria:
  - a) That granting the structural alternation or renovation will ensure the same general level of land use compatibility as the otherwise applicable standards;
  - b) That granting the structural alternation or renovation will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the nonconforming use; and

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- c) That granting the structural alternation or renovation will be generally consistent with the purposes and intent of this UDO.
  - 6) The use shall come into compliance with the ROO standards at such time that any of the following occur:
    - a) The single-family dwelling or accessory living quarter is demolished;
    - b) The subdivision of land occurs creating an additional lot or building plot;
    - c) The nonconforming use changes or occupancy increases. Decreases in the nonconforming use occupancy levels below four unrelated persons shall not be an indication of abandonment as specified in Section 9.2.C. "Abandonment", or cause a loss of the legal nonconforming use status;
    - d) The structure containing the nonconforming use is enlarged, expanded, structurally altered or renovated beyond the standards provided in Section 5.11 D.1.e.2 through 5.11 D.1.e.5.; or
    - e) The termination of registration with the City's Rental Registration program.

## 2. **Neighborhood Conservation Overlay Districts (NCO).**

### a. **Purpose.**

The Neighborhood Conservation Overlay District (NCO) is intended to protect and preserve established single-family neighborhoods through a district that is focused on the specific needs of the neighborhood. The NCO is intended to provide additional standards to demolitions, new construction, additions, and redevelopment to promote development that is compatible with the existing character of the neighborhood. NCO districts are based on in-depth study of the existing neighborhood conditions, and should be used to protect unique assets and qualities of the neighborhood. NCO districts may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect.

### b. **Applicability.**

The regulations of the Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.

### c. **General Provisions.**

- 1) The standards set forward in a Neighborhood Conservation Overlay must be based on findings of the Petition Committee.
- 2) The petition committee may consist of property owners of platted single-family development from the original subdivision, or multiple contiguous phases of original subdivisions that apply jointly.
- 3) Neighborhood Conservation Overlay districts may not apply to neighborhoods originally platted in the last ten (10) years from the date of application submittal.

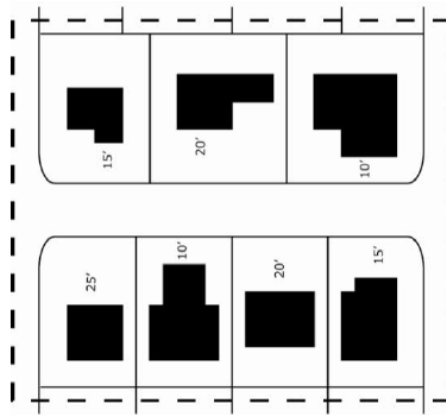
### d. **Options for Inclusion.**

In applying for a Neighborhood Conservation District Overlay, the following items may be included as standards in the overlay. All single-family development within the district shall be subject to the standards set forth in the rezoning ordinance.

- 1) Minimum Front Setback.

If minimum front setback is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining minimum front setback based on research of the subject neighborhood:

- a) Contextual front setbacks as provided for in Required Yards (Setbacks) section of this UDO; or
- b) Contextual front setbacks as provided for in the General Provisions of this Single-Family Overlay Districts section of the UDO; or
- c) Fixed front setback. A fixed front setback may be established, however, it may not be less than the setback of underlying zoning or more than the existing median front yard setback of structures in the district.



2) **Minimum Side Street Setback.**

If minimum side street setback is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining minimum side street setback based on research of the subject neighborhood:

- a) Contextual side street setbacks as provided for in Section 5.2 Residential Dimensional Standards; or
- b) Fixed side street setback. A fixed side street setback may be established, however, it may not be less than the side setback of underlying zoning or more than the existing median side street setback of structures in the district.

3) **Minimum Lot Size (Area, Width, and Depth).**

If minimum lot size is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining the minimum size of new lots based on research of the subject neighborhood:

- a) Lot size (area and width) as provided for in the Platting and Replatting in Older Residential Neighborhoods subsection in Article 8, Subdivision Design and Improvements; or
- b) Contextual lot size as provided for in Section 5.2 Residential Dimensional Standards; or
- c) Fixed lot size. A fixed lot size may be established, however, it may not be less than the lot size required of underlying zoning or more than the existing median size of building plots in the district.

4) **Maximum Building Height.**

If maximum building height is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining maximum building height based on the research of the subject neighborhood:

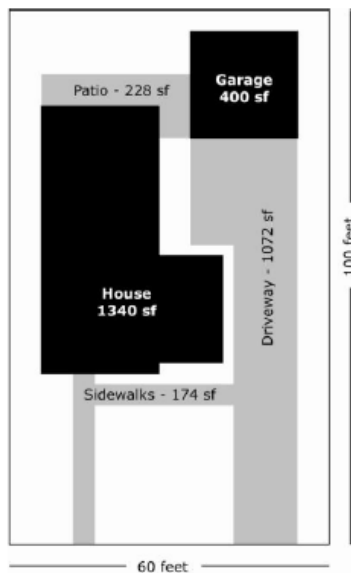
- a) Contextual building height as provided for in Section 5.2 Residential Dimensional Standards; or
- b) Fixed building height. A fixed building height may be established, however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

5) **Tree Preservation.**

If tree preservation is selected for inclusion, the Petition Committee may choose to preserve any existing tree with a minimum of eight-inches in caliper or greater. Preserved trees must be in good form and condition and reasonably free of damage by insects and/or disease, and located outside the buildable area. Any preserved tree(s) must be barricaded and preserved during demolition and/or construction. A barricade detail must be provided on the site plan. Trees must be barricaded with a one (1) foot per caliper inch radius measured from the tree trunk. Barricades must be in place prior to any development activity on the property including, but not limited to, grading and equipment on site. Choosing this option allows the Petition Committee to exclude specific tree species from preservation requirements.

6) **Landscape Maintenance.**

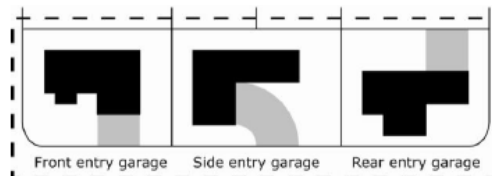
If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.



7) **Maximum Impervious Surface.**

If maximum impervious surface is selected for inclusion, maximum impervious surface may be limited to any number between the calculated neighborhood median and the maximum, as allowed by the UDO.

Impervious surface includes, but is not limited to, buildings, sidewalks, drives, all-weather surfaces, parking, rooftops, patios, decking, masonry, stone, and other alternative pavements. Alternative materials used for landscaping purposes in non-load bearing areas, and the water surface area within the walls of pools are not considered impervious surfaces. An area of gapped decking shall be calculated as fifty percent (50%) of the proposed decked area for the purpose of impervious cover.



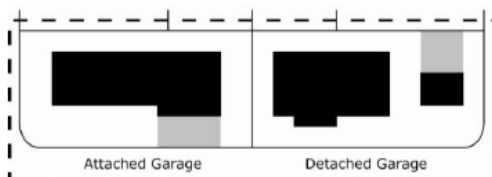
8) **Garage.**

A. **Garage Access.**

If garage access is selected for inclusion, the Petition Committee may choose one (1) of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

- a) Front entry; or
- b) Side entry; or
- c) Rear entry.

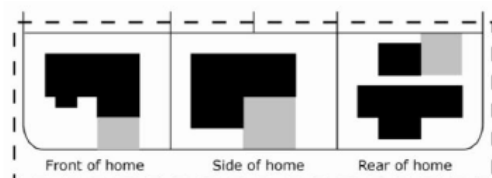
B. **Garage Connection.**



If garage connection is selected for inclusion, the Petition Committee may select one (1) of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

- a) Attached to the single-family structure; or
- b) Detached from the single-family structure.

C. **Garage Location.**



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If garage location is selected for inclusion, the Petition Committee may select one (1) of the following garage locations based on the most frequent location of garages in relation to the primary single-family structure within the subject neighborhood:

- a) In front of the single-family structure; or
- b) To the side of the single-family structure; or
- c) To the rear of the single-family structure.

**D. Garage Size.**

If garage size is selected for inclusion, the Petition Committee may set a minimum garage size of one (1), two (2), or three (3) car garage per residential unit based on the most frequently occurring garage size within the subject neighborhood.

**E. Garage Requirement.**

If garage requirement is selected for inclusion, the Petition Committee may require that a garage be required on properties within the subject neighborhood.

**9) Off-Street Parking.**

If off-street parking is selected for inclusion, the Petition Committee may choose one (1) or more of the following off-street parking options within the subject neighborhood, however, it may only be included if including maximum lot coverage, garage access, connection, or location.

- a) Set a minimum off-street parking standard of three (3) spaces per residential unit;
- b) Set a maximum number of off street parking spaces;
- c) Set a maximum parking area and location per yard;
- d) Set a required driveway width between 12 and 25 feet.

**10) Building Materials.**

If Building Materials is selected for inclusion, the Petition Committee may select required building materials and set a minimum percentage for the use of those materials for façades facing a right-of-way. Required materials may only include types of building materials used in the subject neighborhood. The rezoning petition should include a listing of all types of materials used in the district as well as the median percentage on building façades facing a right-of-way. The percentage of use of a required material may only be placed on façades facing a right-of-way and may not exceed the median existing percentage of the materials on building façades facing a right-of-way.

**11) Fencing.**

If Fencing is selected for inclusion, the Petition Committee may select required materials and maximum height.

(Ord. No. 2012-3449 , Pt. 1(Exh. M), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471 , Pt. 1(Exh. C), 1-10-2013; Ord. No. 2020-4161 , § 1(Exh. C), 3-9-2020; Ord. No. 2021-4259 , Pt. 1(Exh. D), 4-19-2021)





## MEMORANDUM

October 6, 2022

**TO:** Members of the Planning & Zoning Commission

**FROM:** Jason Schubert, AICP  
Transportation Planning Coordinator

**SUBJECT:** UDO amendment regarding sidewalks and sidewalk zones

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**Item:**

Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 8 "Subdivision Design and Improvements," Section 8.3.K "Sidewalks," of the Code of Ordinances of the City of College Station, Texas, to adjust sidewalk zones utilized for fee in lieu of construction and other sidewalk related requirements. Case# ORDA2022-000007. (Final action on this item is scheduled for the October 27, 2022 City Council Meeting - subject to change).

**Summary:**

The main purpose of the proposed amendment is to reduce the number of the sidewalk zones established for fee in lieu of construction in a similar manner as was done with the parkland dedication zones in June 2022. The amendment has been identified on the Planning & Development Services Plan of Work and anticipated to be completed in FY22. The Bicycle, Pedestrian, and Greenways Advisory Board considered this amendment at their September 19, 2022 meeting and unanimously recommended approval.

The option to allow a fee in lieu of sidewalk construction was created within the Subdivision Regulations of the UDO in 2012. The purpose was to allow funds to be contributed in lieu of sidewalk or multi-use path construction otherwise required during platting or replatting of property. Fee in lieu of construction can only be utilized if the circumstance meets one of the qualifying criteria and is approved by City staff. Prior to the creation of the fee in lieu provisions, applicants requested and received waivers to not construct sidewalks. Many of those were circumstances in which constructing a sidewalk at that time and place may have not been desirable though would still have been intended in the long-term. As the number of times a sidewalk is required, meets one of the qualifying criteria, and is not desired to be constructed by the applicant is not frequent, there have been only 18 plat applications over 10 years that fee in lieu has been requested and completed. With 15 zones in effect, this has resulted in smaller amount of funds in the zone accounts, making it more challenging to implement projects. For reference, a table has been attached that provides the fund balance for each of the zones and how much has been contributed and expended.

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The changes proposed by the amendment can be summarized into the following 6 items:

- **Sidewalk Zones** – The number of sidewalk zones is proposed to be reduced from 15 to 4 (see attached maps). The proposed zone boundaries match those of the parkland dedication zones adopted by City Council in June 2022. While public sidewalks are not permitted by Brazos County outside the City limits, the sidewalk zones cover the City's extra-territorial jurisdiction (ETJ) so if annexations occur in the future those areas would already be covered by a zone.
- **Utilization of Fee** – The time allowed for the fee to be utilized by the City before it is eligible for refund is proposed to be increased 7 years to 10 years as done with parkland dedication fees.
- **Appeals** – An appeals section is proposed to allow an applicant to appeal City staff's interpretation of the applicability of the required sidewalks or multi-use path, eligibility and/or approval to utilize fee in lieu of construction, or calculation of the fee in lieu amount.
- **Fee In Lieu Requirement** – Currently an applicant has the discretion to request fee in lieu if meeting one of the criteria, or to construct the required sidewalk. As there are circumstances in which sidewalk construction may not be desired at that time, the amendment allows City staff to require fee in lieu be utilized instead of construction.
- **Rural Areas** – The ordinance currently does not require sidewalks along any street identified within a Rural Context Zone as shown on the Thoroughfare Plan map. The proposed ordinance would require sidewalks on both sides of Major Arterial and Minor Arterial roadways (4 and 6 lane roads) and on one side of Major Collectors and Minor Collectors in these Rural Context areas. This amendment reestablishes the requirement for sidewalks along thoroughfares in all areas of the City.
- **Clarifications** – Several sections of the ordinance language have been revised to simplify and provide more consistency.

#### **Supporting Materials:**

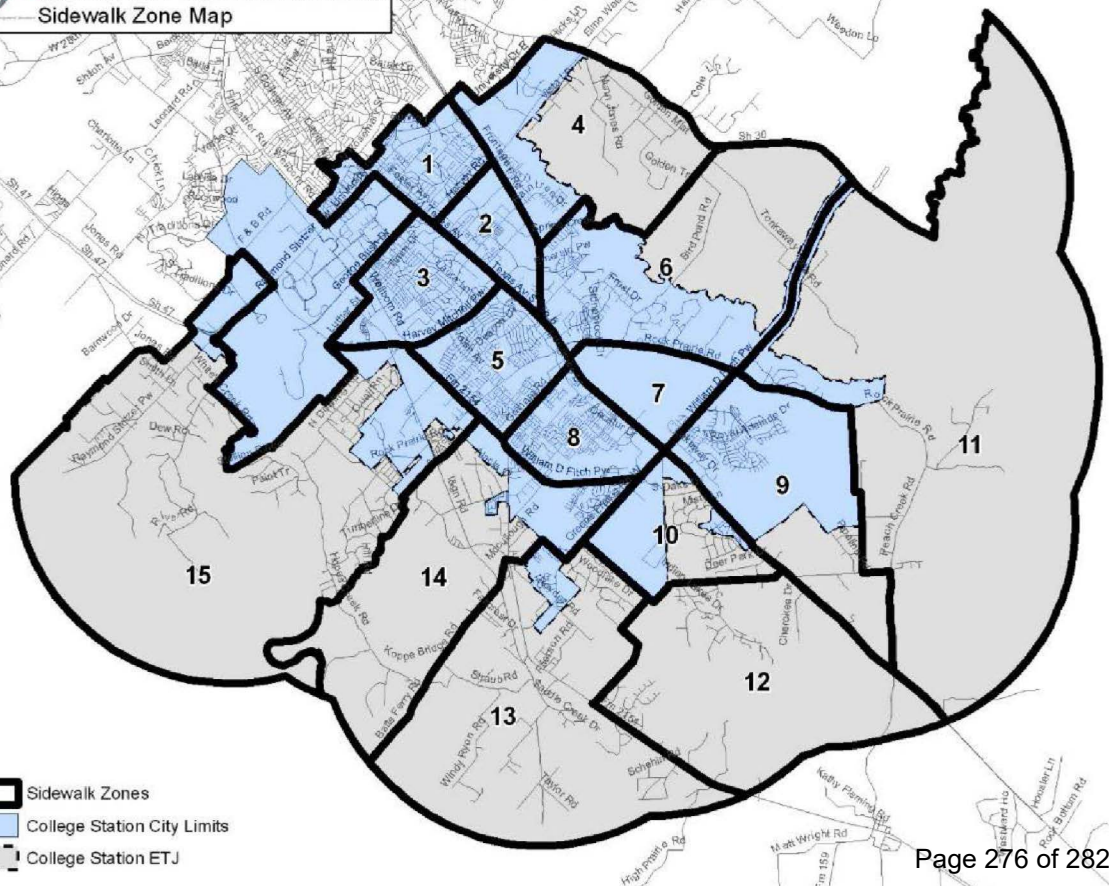
1. Sidewalk Zone Funds Table
2. Existing Sidewalk Zone Map
3. Proposed Sidewalk Zone Map
4. Ordinance redline

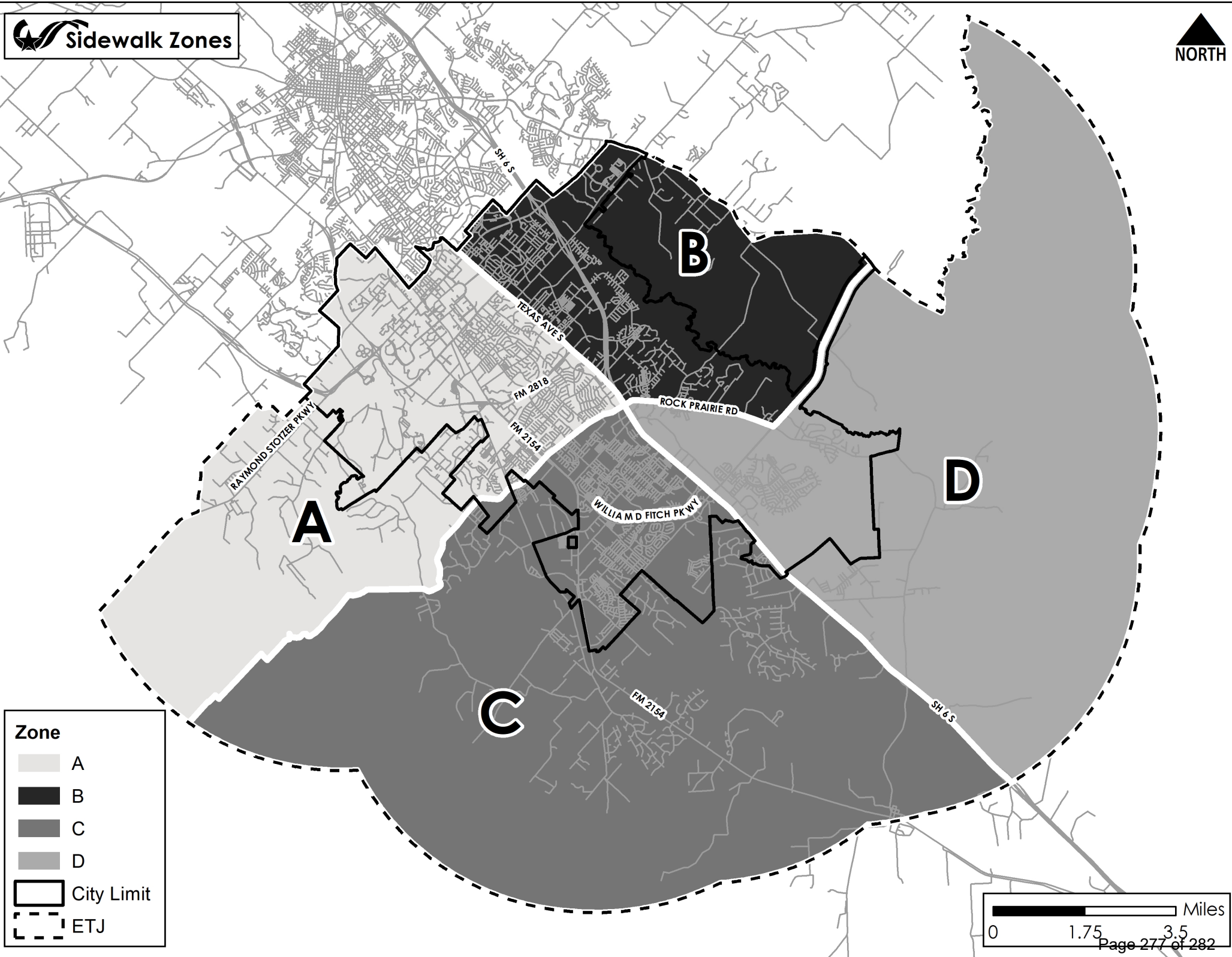
### Summary of Sidewalk Zone Fund Balances\*

| Sidewalk Zone | Total Revenues     | Total Expenditures | Fund Balance       |
|---------------|--------------------|--------------------|--------------------|
| <b>1</b>      | \$10,243.21        | \$10,241.00        | \$2.21             |
| <b>2</b>      | \$7,279.55         | \$570.96           | \$6,708.59         |
| <b>3</b>      | \$12,763.73        | \$12,763.52        | \$0.21             |
| <b>4</b>      | \$0.00             | \$0.00             | \$0.00             |
| <b>5</b>      | \$31,277.00        | \$31,277.00        | \$0.00             |
| <b>6</b>      | \$36,226.17        | \$2,838.96         | \$33,387.21        |
| <b>7</b>      | \$0.00             | \$0.00             | \$0.00             |
| <b>8</b>      | \$7,380.03         | \$7,373.04         | \$6.99             |
| <b>9</b>      | \$20,891.16        | \$1,701.00         | \$19,190.16        |
| <b>10</b>     | \$1,838.81         | \$0.00             | 1,838,81           |
| <b>11</b>     | \$0.00             | \$0.00             | \$0.00             |
| <b>12</b>     | \$0.00             | \$0.00             | \$0.00             |
| <b>13</b>     | \$48,338.56        | \$39,178.00        | \$9,160.56         |
| <b>14</b>     | \$29,645.00        | \$2,324.04         | \$27,320.96        |
| <b>15</b>     | <u>\$86,428.43</u> | <u>\$21,804.00</u> | <u>\$64,624.43</u> |
| <b>Total</b>  | \$292,311.65       | \$130,071.52       | \$162,240.13       |

\*as of 9/6/2022

# THE CITY OF COLLEGE STATION Sidewalk Zone Map





- Zone**
-  A
  -  B
  -  C
  -  D
  -  City Limit
  -  ETJ

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## Sec. 8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

### K. Sidewalks.

#### 1. Policy.

Sidewalks should be located and constructed so as to provide a safe and effective means of transportation for non-vehicular traffic.

#### 2. Required Sidewalks.

- a. Sidewalks shall be required on both sides of all streets except as ~~identified below~~follows or as provided elsewhere in this UDO.
- b. Where a multi-use path is shown along a street on the Bicycle, Pedestrian, and Greenways Master Plan, the sidewalk may be incorporated as part of the multi-use path.

#### 3. Sidewalk Exceptions.

Sidewalks are not required:

- a. Around the bulb of a cul-de-sac unless an ~~a~~Access w~~ay~~ is provided through the cul-de-sac;
- b. Along a street classified on the ~~T~~horoughfare p~~lan~~ as a freeway/expressway, unless a sidewalk or multi-use path has been identified on the Bicycle, Pedestrian, and Greenways Master Plan;
- c. Along one side of streets identified as a Major Collector or Minor Collector on the ~~T~~horoughfare p~~lan~~ with an estate/within a r~~Rural e~~Context Zone;
- d. Along new or existing local/residential streets within an estate lot~~Rural Residential~~ subdivision with the street constructed to ~~the~~a rural section; or
- e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan or in the applicable neighborhood, district, or corridor plan.

#### 4. Standards.

Sidewalks shall be constructed in accordance with ~~the following criteria:~~

- ~~a. The B/CS Unified Design Guidelines and all applicable local, state, and federal requirements;~~
- ~~b. Consistent with the minimum standards necessary to meet the projected non-vehicular traffic demand in the area;~~
- ~~c. Sidewalks shall maintain a minimum clear width as set forth in the B/CS Unified Design Guidelines; and~~
- ~~d. All sidewalks shall terminate into streets or driveways with ambulatory ramps.~~

#### 5. Timing of Construction.

Except as set forth below, all required sidewalks must be constructed concurrently with the street, or if the street is already constructed prior to acceptance of all public improvements.

##### a. Residential Subdivisions.

At the time of final plat application, the subdivider may opt to defer the construction of sidewalks on residential streets along single-family, duplex, or townhouse lots for up to one (1) year from approval of the final plat when the subdivider provides a bond or surety in accordance

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with Section 8.7 Construction, Guarantee of Performance, and Acceptance of Public Infrastructure. The subdivider shall provide a sidewalk plan with the final plat construction documents and installation of the sidewalks shall comply with this plan. Notwithstanding the foregoing, this provision does not allow the deferment of the construction of sidewalks along thoroughfares, sidewalk ramps at all street intersections, and sidewalks along residential streets that are not adjacent to a residential lot, such as along a common area, creek crossing, or park. Other pedestrian facilities such as ~~a~~Access ~~w~~Ways and multi-use paths shall be constructed at the same time as the public infrastructure of the plat.

b. **Fee in Lieu of Construction.**

1) **Fee in Lieu.**

Except for development located within the Northgate zoning districts, a developer may request to pay a fee in lieu of constructing the required sidewalk(s) or multi-use path upon approval by the Administrator as set forth below. The Administrator shall have final authority in determining what proportion of sidewalks or fee may be accepted in lieu of sidewalk construction.

2) **Amount of Fee.**

The amount of fee in lieu of sidewalk construction shall be a unit cost determined by the City Engineer based upon current estimated costs. The unit cost fee shall be kept on file in the Office of Planning and Development Services and made available to the public upon request. The unit cost fee calculation shall be reviewed at least annually by the City Engineer and adjusted as necessary.

3) **Criteria to Allow Fee in Lieu.**

The Administrator may authorize or require a fee in lieu of sidewalk or multi-use path construction when it is determined that one (1) or more of the following conditions exists:

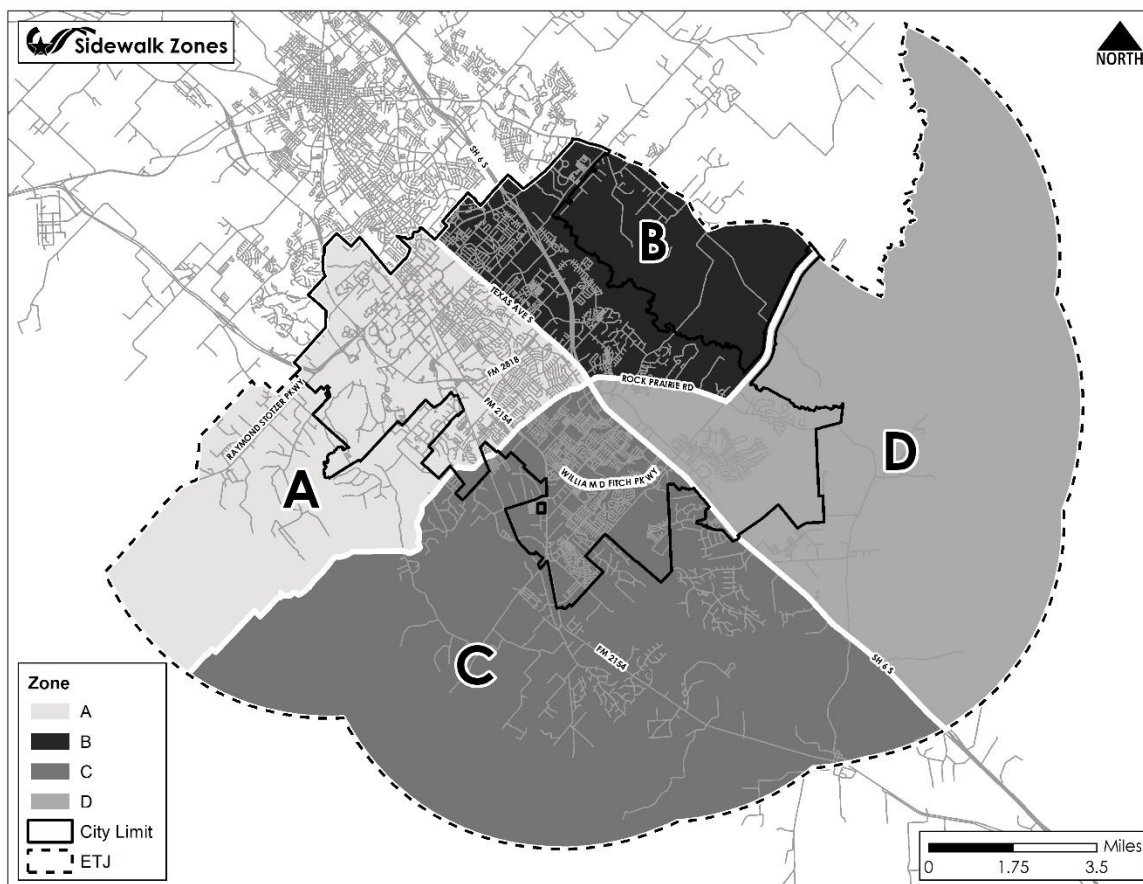
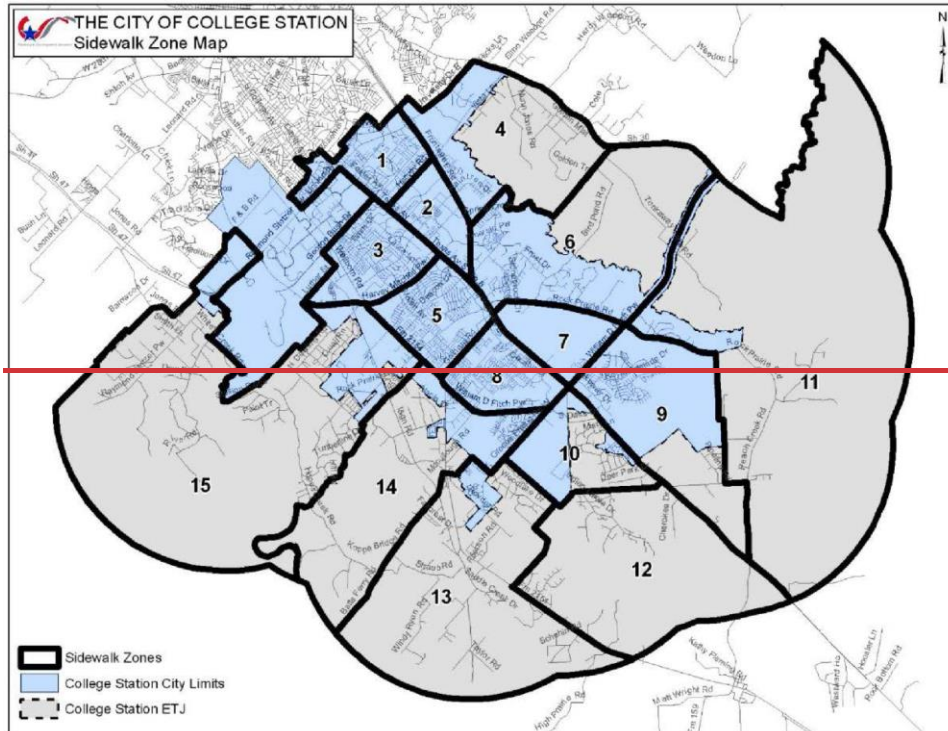
- ~~(a) — An alternative pedestrian way or multi-use path has been or will be provided;~~
- ~~(b)~~ (a) The presence of unique or unusual topographic, vegetative, or other natural conditions exist ~~so that strict adherence to the sidewalk requirements contained herein is not physically feasible or is not in keeping with the purposes and goals of this UDO or the City's Comprehensive Plan;~~
- ~~(e)~~ (b) A capital improvement project is ~~imminent~~funded -and forthcoming that will include construction of the required sidewalk or multi-use path. ~~Imminent shall mean the project is funded or projected to commence within twelve (12) months;~~
- ~~(e)~~ (c) Existing streets constructed to rural section that are not identified on the Thoroughfare Plan ~~with an Estate/within a Rural e~~Context Zone;
- ~~(e) — When a sidewalk is required along a street where a multi-use path is shown on the Bicycle, Pedestrian, Greenways Master Plan;~~
- ~~(f)~~ (d) The proposed development is within an older residential subdivision meeting the criteria in Section 8.3.H.2 Platting and Replatting within Older Residential Subdivisions of this UDO; or
- ~~(g)~~ (e) The proposed development contains frontage on a freeway/expressway as designated by ~~Map 6-6, the~~ Thoroughfare Plan - Functional Classification & Context Class Map- in the City's Comprehensive Plan.

4) **Use of Fee.**



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The City Council hereby establishes sidewalk zones as show on the Sidewalk Zone Map below in the map attached as Figure 1 of this section and which map shall be kept in the Office of Planning and Development Services and made available to the public upon request. Fees collected in lieu of sidewalk or multi-use path construction shall be expended in the sidewalksame zone as the development or in adjacent zone in a scenario where the development occurs in close proximity to a zone boundarywithin which the proposed development is located. Fees collected in lieu of sidewalk construction shall be used only for preliminary design, design, construction, reconstruction, surveying, or land acquisition costs associated with sidewalks, multi-use paths, and other non-vehicular ways.



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**Figure 1 - Sidewalk Zone Map**

**5) Reimbursement.**

The City may, from time-to-time, acquire land for sidewalks or make sidewalk improvements related to actual or potential development. If this occurs, the City may require subsequent sidewalk obligations to be a fee rather than construction in order to reimburse the City for the cost associated with acquisitions or construction.

**6) Fee Due.**

Fees paid pursuant to this section shall be remitted to the City when the guarantee of construction of public improvements for the proposed development is due or upon commencement of construction, whichever occurs first.

**7) Special Fund; Right to Refund.**

All fees received by the City in lieu of sidewalk or multi-use path construction shall be deposited in a fund referenced to the sidewalk zone to which it relates. The City shall account for all fees in lieu of sidewalk construction paid under this section with reference to the individual development involved. Any fee paid for such purposes must be expended by the City within ~~seven-ten~~ (7-10) years from the date received by the City. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum. The owners of such property must request a refund within one (1) year of entitlement, in writing, or such refund will be barred.

**6. Appeals.**

The property owner or applicant for new development may appeal the following decisions to the Administrator:

- (a) The applicability of required sidewalk or multi-use path construction;
- (b) The determination regarding eligibility for Fee in Lieu of Construction or requirement to utilize Fee in Lieu of Construction;
- (c) The amount of sidewalk or multi-use path required or fee in lieu amount due; and/or
- (d) The amount of the refund due, if any.

All appeals shall be taken within 30 days of notice of the action from which the appeal is taken.

The burden of proof shall be on the appellant to demonstrate that the amount of the required construction, fee in lieu, or refund was not calculated according to the requirements of this ordinance.

The appellant may appeal the decision of the Administrator to the Planning & Zoning Commission. A notice of appeal must be filed by the applicant with the Administrator within 30 days following the Administrator's decision. The filing of the appeal shall not stay the requirement for construction or collection of the fee in lieu, as applicable. If the notice of appeal is accompanied by a payment equal to the fee due as calculated by the City, the development application shall be processed.